

TAJIKISTAN 2012 HUMAN RIGHTS REPORT

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 multiparty political system, but in practice the government obstructed political pluralism. The 2010 parliamentary elections were marked by widespread fraud to ensure the continued rule of the ruling People's Democratic Party of Tajikistan (PDPT). Security forces reported to civilian authorities.

The most significant human rights problems included torture and abuse of detainees and other persons by security forces, restrictions on freedoms of expression and the free flow of information, including the repetitive blockage of several independent news and social networking Web sites, the erosion of religious freedom; and 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.

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

a. Arbitrary or Unlawful Deprivation of Life

In July and August there were reports from nongovernmental organizations (NGOs) and media that the government or its agents were responsible for killing civilians during security operations in Khorugh, Gorno-Badakhshon Autonomous Oblast (GBO) after the killing of Major General Abdullo Nazarov, the head of the regional branch of the State Committee for National Security (GKNB). According to government and nongovernment sources, the events in Khorugh between government security forces and criminal groups resulted in the deaths of approximately 12 government personnel, 30 criminal group members, and between four and six civilians. Other sources provide varying figures; Human Rights

Watch reported that as of July 28 the violence killed up to 17 government soldiers, 30 gunmen, and from four to 20 civilians.

On July 24, Sabzali Mamadrizoyev, the head of the Islamic Renaissance Party of Tajikistan (IRPT) in the GBAO, was killed during government security operations in Khorugh. Several days before his death, a video posted on YouTube and other sites showed him making antigovernment remarks at a demonstration in front of a government building in Khorugh. On July 30, the IRPT chairman vehemently condemned the killing and called on the government to conduct a full investigation.

In September Hamza Ikromzoda, a 27-year-old resident of Hissor, died at a police detention facility, reportedly as a result of torture while in police custody. In 2010 Ikromov was sentenced to 11 years of imprisonment for robbery. He had complained about police attempts of extortion during his incarceration. The General Prosecutor's Office (GPO) completed an investigation into the case, and according to the results of the investigation Ikromzoda died by suicide.

b. Disappearance

There were no new reports of politically motivated disappearances. However, during the 95th session of the UN Working Group on Enforced or Involuntary Disappearances in 2010, the organization examined information on previously accepted but unresolved cases of disappearance. Based on the high number and credibility of reports it had received, the working group requested a site visit by the UN special rapporteurs on torture and the right to adequate housing. The government did not respond to this request.

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

The constitution prohibits the use of torture. In April the government amended the Criminal Code to create a separate article defining torture in line with international law. In practice security officials reportedly continued to use beatings 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 claims of torture.

In April police in Vakhdat detained and reportedly tortured Tagoibek Sharifbekov for stealing a cell phone. Allegedly police applied electric shocks to his fingers,

and submerged his head repeatedly in water. Later the same day police released Sharifbekov but held his passport and told him to bring 1,700 somoni, or TJS (\$370) to the police station the following day. On April 10, a medical examination on Sharifbekov concluded that his injuries could have been caused by a hard, blunt object and that bruises and abrasions may have been caused by electric shocks. No case was opened to investigate the matter.

In April Sadridin Toshev, former Unified Tajik Opposition member serving a life sentence for fighting against the government during the 1992-97 civil war told his lawyer that he was tortured by the prison administration. The lawyer met with Justice Izatuulo Sharipov, head of the Penitentiary Department at the Ministry of Justice, who promised to establish a committee to investigate the case. No further developments of the case were known.

Urunboy Usmonov, a BBC journalist arrested and detained June 13, claimed in a court hearing August 18 that he was tortured while in custody. The judge refused to acknowledge Usmonov's claims of torture during the trial. A BBC official on a visit to the country reported that Usmonov's treatment was far worse than he alleged in court and included beatings, electrical shocks, and cigarette burns.

Prison and Detention Center Conditions

Physical conditions: The government operated eight prisons, including one for women, and four 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. Men, women, and children were held separately in either segregated parts of the same facility or different facilities.

Administration: Because of a lack of access it was not known if there were any alternatives to imprisonment for nonviolent offenders. There were no known cases of prisoners submitting formal complaints regarding conditions. An Office of the Ombudsman exists and ostensibly visited prisons, but there were no prison ombudsmen. It was not known if prisoners had access to religious observance. There were 48 juvenile male prisoners. All female juvenile prisoners were amnestied in September 2011, and during the year there were no female juvenile prisoners.

Monitoring: The Ministry of Justice continued to deny access to prisons or detention facilities for representatives of the international community and civil society. In August 2011 the International Committee of the Red Cross (ICRC) resumed negotiations on a prison access agreement with the government but no decision was reached by year's end.

d. Arbitrary Arrest or Detention

The criminal procedure code (CPC) does not explicitly prohibit arbitrary arrests, and arbitrary arrests were common. Few citizens were aware of their right to protest an arrest, and there were few checks on the power of police and military officers to detain individuals.

Role of the Police and Security Apparatus

The Ministry of Internal Affairs, Drug Control Agency (DCA), Agency on State Financial Control and Fight Against Corruption (an anticorruption agency), the GKNB, the State Tax Committee, and the Customs Service share civilian law enforcement responsibilities. The Ministry of Internal Affairs 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, but it also investigates cases linked to alleged extremist political or religious activity. 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. Authorities regularly ordered narcotics agencies, for example, to drop investigations of possible ties between high-level officials and drug traffickers.

Official impunity continued to be a serious problem. While authorities took 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 predetention 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 Ombudsman's Office for Human Rights 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 While in Detention

According to the CPC, police may detain an individual up to 12 hours before authorities must file criminal charges. If charges are not filed after 12 hours, the individual must be released. In practice 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 attorneys and family member access. The CPC states that a lawyer is entitled to be present at interrogations at the request of the detainee or lawyer, but in practice in many cases lawyers were not permitted 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, although some detainees claimed that authorities falsified charges or inflated minor incidents to make politically motivated arrests. Amnesty International reported that the system allowed for routine arbitrary detention for indefinite periods of time 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 could extend as long as 15 months.

e. Denial of Fair Public Trial

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

Trial Procedures

Defendants legally are afforded a presumption of innocence, but they did not enjoy it in practice. Nearly all defendants were found guilty. During the year 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 system of trial by jury. Defendants generally were able to 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. In practice 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, civil society members faced difficulties in gaining access to high-profile public cases. During the year the government tried 15 alleged members of the illegal extremist group of Jamoat Ansarruloh behind closed doors. Public observers could not monitor the case.

Political Prisoners and Detainees

Authorities claimed that there were no political prisoners and that they did not make any politically motivated arrests. Opposition parties and local observers

claimed the government selectively prosecuted political opponents. There was no reliable estimate of the number of political prisoners.

In late July government authorities arrested Sherik Karamkhudoyev, head of the IRPT in the city of Khorugh. Authorities later moved him to a GKNB detention facility in Dushanbe. The government claimed Karamkhudoyev took up arms and led a band of criminals against government forces during security operation in the city on July 24. On September 17, Karamkhudoyev was allowed to meet his relatives. After the meeting his mother said she saw signs of torture on her son's body. She contacted the Prosecutor's Office and Ombudsman Office with a complaint letter on torture. No response was known.

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.

Property Restitution

On several occasions the government seized private property with little or no justification, public notice, or debate. By law the government must offer residents compensation equal to the value of their abandoned property, but compensation was often of lesser value.

The Roghun power station's 2009 relocation raised concern among those who resided in the future flood area. They reportedly received inadequate compensation and faced forceful relocation. Many families were relocated, but resettlement was suspended until the results of two studies commissioned by World Bank examining the dam's economic feasibility and social and environmental impacts become available.

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 and 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. In practice 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. In practice 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 in practice 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.

Freedom of Press: 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 certain topics were considered 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. In May unknown persons on a street in Dushanbe beat Daler Sharipov, a journalist at the government television station Safina. Sharipov was a young journalist and leader of an unregistered NGO "Qadam ba qadam" (Step by Step) which aimed at fighting corruption.

On September 6, police arrested several journalists covering the demonstrations spawned by the fire and destruction of the Korvan market, the largest in Dushanbe. Police detained Saimiddin Dsutov, chief editor of the *Najot* and *Tojnews*, and other journalists. Although police later released the journalists, all photographic and video footage was deleted from their cameras. A BBC journalist said police and national security officers attempted to stop her and other journalists from covering the story and that police broke a colleague's camera and deleted all digital files.

According to the law, only a court's decision may force independent media source to provide to government with Internet provider addresses. In April the GPO requested the media company Asia Plus to provide Internet provider addresses for persons leaving comments on Asia Plus' Web site articles. Asia Plus refused to provide the information to the GPO.

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.

Libel Laws/National Security: In July the country repealed a law criminalizing libel and defamation, downgrading the offenses to civil violations, but retained controversial legal provisions that make publicly insulting the president an offense punishable by a fine or up to five years in jail.

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

managed 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. The percentage of Internet penetration was approximately 10 percent and growing.

There were new and continuing government restrictions on access to Internet Web sites. According to the Association of Internet Service Providers of Tajikistan, approximately 20 Web pages were blocked for criticizing the government. Other reports suggest that an estimated 50 Web sites, including independent news outlets and social media Web sites, such as YouTube and Facebook, were blocked during the year. The government's Communication Agency cited technical problems for blocking Web sites. In March the government shut down Facebook and several news Web sites following an online article critical of President Rahmon. It alleged secret government documents were published on a media Web site. The government denied shutting down the sites, citing "technical problems." In November the government blocked domestic access to Facebook a second time, claiming there were public complaints regarding alleged slanderous content about the president, according to a government spokesman. Facebook was unblocked in December.

In July the government's Communication Agency requested Internet providers to block the access to the Web page of the country's most popular media outlet Asia Plus for allegedly posting insulting commentary about the president. Access to Asia Plus was blocked on several occasions throughout the year.

In July authorities also blocked domestic access to Internet and telephone communications, including Asia Plus, during a security operation after the killing of a high-ranking security official in the GBAO. According to the Committee to Protect Journalists, the blockage of Asia Plus was related to the outlet's independent coverage of the clashes. The government extended blockage to the Web sites of the BBC; YouTube; the Russian media Vesti.ru, Ria.ru, and Lenta.ru; and the regional Centrasia.ru, and Ferghananews.org. The BBC was later restored, but all other Web sites remained blocked at year's end.

Academic Freedom and Cultural Events

The Ministry of Education maintained a dress code that bans the hijab in schools. Women wearing a traditional local head covering, a scarf that covered hair but not the neck, were allowed to study in schools and universities. Many parents kept their daughters from school rather than allow them to attend without the hijab.

The Ministry of Education expanded its ban on beards to all teachers despite previously allowing teachers over the age of 50 to maintain beards less than 1.25 inches in length.

The Ministry of Education continued to lead a campaign promoting public discussions of the controversial Law on Parental Responsibility, which bans all students under 18 years of age from attending mosques.

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.

Freedom of Association

The constitution protects freedom of association, but in practice the government restricted this right. On October 24, a regional court announced its decision to “liquidate” the Association of Young Lawyers known as “Amparo.” Human rights organizations deemed the government’s targeting of Amparo as a political motivated case. Amparo’s work to educate youth about their rights as military conscripts ran afoul of the Ministry of Defense. Groups and individual perceived to be critical of the government commonly experienced intimidation. In November Amnesty International reported that two other NGOs in the Sughd region that promoted civic education and electoral rights, Grajdanskoe Obtshestvo (Civil Society) and Aktsent (Accent), faced closure over alleged administrative irregularities.

There was an increase in small-scale demonstrations related to economic problems, land reform, electricity shortages, and corruption of local officials. The violent incidents in Khorugh in July led to public protest in the GBAO demanding that the government withdraw forces from the area.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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. Foreigners except diplomats and international aid workers are prohibited from traveling within a 15-mile zone along the borders with China and Afghanistan unless they obtain permission from the Ministry of Foreign Affairs. Officials did not always enforce the restrictions along the western border with Afghanistan, although the government continued to require travelers (including international workers and diplomats) to obtain special permits to visit the GBAO. Due to the events in Khorugh from July 21 through August 24, authorities strongly encouraged foreigners not to travel to the GBAO; the unofficial restrictions were lifted October 9.

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. However, 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 subject to police raids throughout the year.

The government counted 2,064 registered refugees and an additional 1,878 asylum seekers seeking refugee status, of whom 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 UN High Commissioner for Refugees (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.

Access to Basic Services: Refugees and asylum seekers generally were required 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 and 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 officially allows refugees to apply for citizenship after two and a half years, but very few applicants were granted citizenship in the past.

Several citizenship cases the UNHCR submitted for direct consideration during the year were refused or remained pending. 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 or asylum seeker gaining citizenship.

Stateless Persons

According to the UNHCR, there were 440 stateless persons and 2,300 persons whose citizenship status was undetermined

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. In practice 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: Parliamentary elections occurred in 2010. International monitors from the Organization for Security and Cooperation in Europe (OSCE) reported the election marred by ballot box stuffing and proxy voting. The OSCE indicated that laws might have led to unfairly balanced commissions and a lack of fairness in voter registration, campaigning, and election day procedures. The presidential election was scheduled to take place in November 2013.

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.

Participation of Women and Minorities: There were no female ministers or ministers from minority groups. The deputy prime minister was a woman, and several women held deputy minister positions. In the 63-member lower chamber of the parliament, there were 12 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 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 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.

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. Public officials are not subject to financial disclosure laws. 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.

Public budgets, particularly those involving major state-owned enterprises, lacked transparency. Although parliament has oversight over the state budget, in practice 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 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. 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 for the government in the form of registration irregularities. Amparo was shut down, and during the year a number of other NGOs were under investigation for similar registration problems. The NGOs Civil Society and Accent, both working on civic education and electoral rights in the Sughd region, faced liquidation over alleged 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 civil complaints 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 parliamentary committee on legislation and human

rights examined proposed legislation for compliance with human rights obligations, but according to observers it did not fulfill its primary responsibility to raise human rights concerns in new legislation.

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

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

Women

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 on 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. The Swiss Development Corporation reported in 2011 domestic violence occurred in 62 percent of homes. The report did not cover all regions of the country. No formal report was done during the year, but the corporation estimated the domestic violence rate against women might be as high as 76 percent factoring in all regions. 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.

There is no comprehensive law against domestic violence. 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 few alleged perpetrators were prosecuted. By law police cannot act without a written complaint from the victim, even if there were other witnesses, and police often gave only warnings, short-term detentions, or fines for committing "administrative offenses" in cases of domestic violence.

Physical and psychological abuse 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. Sexual harassment was often perceived as women's fabrication. 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. According to the Ministry of Health, 26.7 percent of women between ages 15 and 49 used modern forms of contraception and 76 percent of births were attended by skilled personnel. The ministry also reported in November that 80.6 percent of women received postpartum care and that the maternal mortality rate was approximately 37 per 100,000 births.

Discrimination: Women were underrepresented in decision-making processes at all levels of political institutions. Female representation in all branches of power was less than 30 percent. The country had no female ministers or 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. According to the World Bank's report, *Women, Business, and the Law*, women and men have equal ownership rights to property, although in practice women owned significantly less property than men. The extensive number of male migrant workers from Tajikistan to

Russia and other parts of Central Asia, many of whom failed to send remittances or return home, exacerbated economic pressures on women, who were left 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 early 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 religious marriages, which were not registered with the government, husbands simply repeated a phrase in front of two witnesses to divorce unregistered wives. Husbands also used these marriages to prevent wives from accessing family assets and other rights in the event of divorce. It was common for some men to divorce their wives by sending text messages announcing they had separated. Religious ceremonies also made polygamy possible, despite being illegal. NGOs estimated that up to 10 percent of men practiced polygamy. Many of these polygamous marriages involved underage brides. Inheritance laws do not discriminate against women, although in practice some inheritances passed disproportionately to sons. Also many men hid their assets with their parents or other family members thus if divorce occurs they could claim no wealth and become exempt from paying child support or other restitution to the former wife.

Children

Birth Registration: Citizenship is derived by birth within the country's territory and from one's parents. The government is required to register all births. Many parents wait to register a birth until a child is 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. 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 2009 UNICEF survey revealed that approximately 20 percent of girls dropped out of compulsory education 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 school 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 subject 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.

Child Marriage: The legal minimum age for marriage of men and women is 18 years. A court may grant a maximum of one-year reduction in the age of marriage in specific cases. The minimum marriageable age in Tajikistan 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, and many parents directed their daughters to quit school after only ninth grade so that they could obtain some professional skills, such as sewing, cooking, and have a source of income in their future life. Daughters also assist their parents with household and agricultural activities. 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 claim 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 in order to conduct the religious ceremony; however, this regulation was not effectively enforced, and religious marriages were conducted 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* at www.state.gov/j/tip.

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 have the resources to provide legal safeguards. 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 tasked with dealing with persons with physical and mental disabilities. The capacity of these institutions probably did not meet demand. Up to 10 percent of families keep children with disabilities at home and provide home education or tutors.

The government's Commission on Fulfillment of International Human Rights, the Society of Invalids, and local and regional governmental structures are charged 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

Generally discrimination 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 relationships are legal in the country, and the age of consent is the same as for heterosexual relationships. Homophobic attitudes and little societal tolerance toward sexual minorities made it rare for individuals to disclose their sexual orientation. Throughout the country there was no officially sanctioned societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons, but there were reports that LGBT individuals faced physical and

psychological abuse, including from the police. There is no law against discrimination that applies to LGBT individuals, who 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 community members 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. Article 74 of the civil code allows for changing of gender in identity papers if an authorized document issued by a medical organization were provided. Because a document of this form does not exist, however, it is impossible for transgender persons to change their legal identity to match their gender. This creates internal problems involving anything requiring government identification and can prevent persons from traveling abroad since they cannot 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 problems 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, 654 new cases (418 men and 236 women) of HIV infection were detected during the year. The total number of officially registered HIV cases in the country was 4,500 individuals--3,370 men and 1,130 women.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right for workers to form and join independent unions but requires all NGOs, including trade unions, to be registered. The law protects union activities from interference except "in cases specified by law," but those cases are not defined. 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 protects workers' right to organize and bargain collectively, but does not specifically prohibit antiunion discrimination.

In practice workers joined unions. 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. Ninety percent of workers were covered by collective bargaining contracts. Foreign, specifically Chinese, workers in some cases received preferable treatment to Tajik workers in labor disputes.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including of children, except in cases defined in the law. The law prohibits both forced sexual exploitation and forced labor and prescribes penalties of five to 15 years' imprisonment, which are 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

The IOM estimated that a significant percentage of the country's approximately one million voluntary labor migrants became victims of forced labor.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for children to work is 16, although children may work at the age of 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, sex trafficking, and forced begging, but these cases were increasingly isolated.

Enforcement of child labor laws is the responsibility of the Prosecutor'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. Few violations were reported, 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 still isolated reports that some children were exploited in agriculture. The overall instances of forced child labor in the cotton harvest decreased dramatically, and the IOM interim report showed most cases were prosecuted by local or national government authorities.

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 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 TJS 538 (approximately \$119), but in many sectors the average wages were far lower. In the agricultural sector, for

example, the average wage was estimated at TJS 185 (\$41.80). The government acknowledged the problem of low wages and provided subsidies for workers and their families who earned the minimum wage of TJS 200 (\$44) 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 \$27 per month. Thus a family of four required a minimum of \$108 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 time-and-a-half and the remainder at double the rate. The regulation was not enforced, and government employees were not paid 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. In practice 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 were paid 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.