

# TAJIKISTAN 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Tajikistan is an authoritarian state dominated politically by President Emomali Rahmon and his supporters. The constitution provides for a multiparty political system, but the government has historically obstructed political pluralism and continued to do so during the year. Constitutional amendments approved in a 2016 national referendum outlawed nonsecular political parties and removed any limitation on President Rahmon's terms in office, allowing him to further solidify his rule. The most recent national elections were the 2015 parliamentary elections, which lacked pluralism and genuine choice, according to international observers, many of whom called the process deeply flawed. The most recent presidential election, which took place in 2013, also lacked pluralism and genuine choice, and did not meet international standards.

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

Significant human rights issues included: unlawful or arbitrary killings by prison authorities; forced disappearance by the government in collusion with foreign governments; torture and abuse of detainees by security forces; arbitrary detention; harsh and life-threatening prison conditions; political prisoners; arbitrary or unlawful interference with privacy; significant problems with the independence of the judiciary; censorship, blocking of internet sites, and criminal libel; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive nongovernmental organization (NGO) laws; severe restrictions of religious freedom; significant restrictions on freedom of movement; restrictions on political participation, including through the prevention of genuine, free, or fair

elections; significant acts of corruption and nepotism; violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and forced labor.

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

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

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

While the law prohibits extrajudicial killings by government security forces, there were several reports that the government or its agents committed arbitrary or unlawful killings.

The Ministry of Justice's Penitentiary Department reported on July 7 that 14 inmates died while being transferred from the Khujand region to prisons in Dushanbe, Norak, and Yovon. One of the convicts reportedly distributed loaves of bread to 16 inmates, who, after consuming it, began to feel dizzy and lost consciousness. Relatives reported seeing bruises and other evidence of torture on the bodies of the victims. Relatives and neighbors of the inmates told reporters the inmates were hurriedly buried as local authorities and security officials monitored the funerals and ordered media to stay away. Media reports indicated the majority of the victims had been imprisoned on terrorism and extremism charges. The Prosecutor-General's Office opened an investigation into the circumstances of the deaths of inmates. The investigation continued.

### **b. Disappearance**

The government invited the UN Working Group on Enforced or Involuntary Disappearances to visit the country from July 1 to July 5. In a statement, the Working Group noted "little interest" on the part of the government to address violations including enforced disappearance which occurred during the 1992-97 civil war. In its preliminary findings the Working Group also noted reports of some political opponents whose whereabouts were still unknown after being forcibly returned to the country.

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

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

The Coalition against Torture, a group of local NGOs, documented 20 new cases of mistreatment with a number of victims alleging severe physical abuse. Of these complaints, 17 were against the Interior Ministry, one against the Prosecutor General's Office, one against the Ministry of Justice's Penitentiary Department, and one against the government psychiatric facility.

In March media reported that prison officials beat Mahmadali Hayit, the 62-year-old former deputy leader of the banned Islamic Renaissance Party of Tajikistan (IRPT), for refusing to cooperate in the filming of video messages denouncing his exiled party members. Hayit's wife, Savrinisso Jurabekova, reportedly visited her husband in prison on March 9 and told media she feared Hayit may die in prison unless he receives proper medical care. Jurabekova also said her husband was being kept in a "tiny, dirty cell" and that prison guards beat him regularly. Hayit named one of his torturers as Nuriddin Rahmon, who until June 2018 was the deputy head of the Ministry of Justice's Department of Corrections. In July Hayit's wife filed a complaint about her husband's alleged torture to the Office of the Human Rights Ombudsman, which reportedly forwarded the appeal to the Prosecutor's General's office. A response had not been received at year's end.

### **Prison and Detention Center Conditions**

ISIS claimed responsibility for a deadly prison riot in Khujand in November 2018 that resulted in the death of two wardens and 21 prisoners. Following the prison riot the government dismissed the long-serving head of the Ministry of Justice's Department of Corrections Izattullo Sharifzoda, and appointed former deputy head of the GKNB, Mansurjon Umarov, in his place. Subsequently, the government replaced the heads of several prisons throughout the country, and Umarov announced plans for extensive prison reform. Civil society organizations reported,

however, that there have been no significant changes in the prison system or improvements in prisoner living conditions. A second significant prison riot occurred in Vakhdat in May leaving three guards and 29 inmates dead. The findings from the investigations of these riots remained pending.

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

Penal Reform International, an organization conducting prison reform work with regional representation out of Kazakhstan, described the conditions in the women's prison as frigid in the winter, with only intermittent electricity and heat, and a lack of food provisions for inmates and staff alike. Disease and hunger were serious problems. UN agencies reported that infection rates of tuberculosis and HIV in prisons were significant. Authorities often held juvenile boys with adult men.

Administration: A government Office of the Ombudsman exists, and its ombudsman visited prisons but resolved fewer than 2 percent of filed complaints. NGOs reported mistrust of the ombudsman due to the office's loyalty to the president and frequent dismissal of human rights concerns. A special monitoring group with ombudsmen and NGO representatives conducted announced visits of prison conditions. No known complaints were filed regarding specific prison conditions.

Independent Monitoring: The Ministry of Justice continued to restrict access to prisons or detention facilities for representatives of the international community. Throughout the year the Coalition against Torture and the human rights ombudsman conducted visits of closed institutions, although officials denied Coalition against Torture monitors private interviews with detainees or access to internal correctional institution documents. Media reported that Penal Reform International was able to visit Kirpichniy Prison during the year under an agreement signed in September 2018. The International Committee of the Red Cross continued to lack access due to the absence of an agreement with the government, a situation existing since 2004.

#### **d. Arbitrary Arrest or Detention**

The law does not explicitly prohibit arbitrary arrests, which were common. The law states that police must prepare a detention report and inform the Prosecutor's

Office of an arrest within 12 hours and file charges within 10 days. The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but use of this provision was limited. Few citizens were aware of their right to appeal an arrest, and there were few checks on the power of police and military officers to detain individuals. Although military commissars throughout the country were dismissed in 2016 from their positions on the accusation of using force (*oblava*) to recruit young men into the army, human rights activists still report incidents of forced military conscription, including for those who should have been exempted from service.

### **Arrest Procedures and Treatment of Detainees**

By law police may detain an individual for up to 12 hours before authorities must decide on whether to open a criminal case against the defendant. If authorities do not file charges after 12 hours, the individual must be released, but police often did not inform detainees of the arrest charges. If police file criminal charges, they may detain an individual 72 hours before they must present their charges to a judge for an indictment hearing. The judge is empowered to order detention, house arrest, or bail pending trial.

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

Arbitrary Arrest: The government generally provided a rationale for arrests, but detainees and civil society groups frequently reported that authorities falsified charges or inflated minor incidents to make politically motivated arrests.

The Ministry of Internal Affairs announced that on February 15, Sharodiddin Gadoev, the 33-year-old leader of the banned opposition movement Group 24 who has been living in self-imposed exile in the Netherlands, arrived in Dushanbe via Moscow. The ministry claimed he returned “voluntarily” and that he stated he was “sorry for his deeds,” in reference to charges against him for smuggling and forgery. Videos allegedly released by the ministry later circulated online showed Gadoev reporting to the ministry, confessing, and meeting with his mother and sister. At the time, opposition activists had written on social media that Gadoev

had traveled to Russia for personal reasons and was abducted there and taken to Tajikistan. On February 19, while Gadoev was in custody, a prerecorded video surfaced in which Gadoev himself expressed fear he would be forcibly repatriated and urged viewers to be skeptical of any videos showing him voluntarily returning to Tajikistan.

On March 2, authorities released Gadoev, and he travelled to Europe. From there he released a videotaped statement claiming he had been abducted by Russian police and handed over to Tajik authorities at the Moscow airport. Gadoev also said that when he tried to call for help at a Moscow airport, Tajik security officers severely beat him and taped his mouth. He reported further that he was forced to appear in government propaganda videos while in Tajikistan. Gadoev claimed the security services gave him the choice of execution, imprisonment for 25 years, or cooperation with the authorities.

On June 26, police in Rasht District reportedly detained and arrested Mavjigul Garibova, who had earlier requested a meeting with President Rahmon during his visit to Rasht to complain to Rahmon that her son, rights activist Junaidullo Khudoyorov, was unfairly sentenced to five years in prison in August 2018 for alleged links to the banned Salafiya movement. According to Garibova, police forcibly dragged her to the police station with several others. She was released six hours later with no official explanation.

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 prosecutors often held suspects for lengthy periods and registered the initial arrest only when the suspect was ready to confess. In most cases pretrial detention lasted from one to three months, but it could extend as long as 15 months.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained, regardless of charge, are entitled to challenge in court the legal basis or arbitrary nature of their detention. Despite such rights to challenge detention, the decrease in the number of lawyers licensed to take on criminal cases and the general apprehension with which lawyers take on sensitive cases limited the use of this entitlement for those arrested on cases suspected to be politically motivated.

### **e. Denial of Fair Public Trial**

Although the law provides for an independent judiciary, the executive branch exerted pressure on prosecutors, defense lawyers, and judges. Corruption and inefficiency were significant problems. During a research mission on the independence of the judiciary in May, the International Commission of Jurists noted, “judicial decisions are generally not available to members of the public unless they are participants in the proceedings.”

### **Trial Procedures**

Defendants legally are afforded a presumption of innocence, but the presumption did not exist in practice. The courts found nearly all defendants guilty. The International Commission of Jurists noted acquittals are extremely rare.

Although the law requires that defendants be informed of the criminal charges against them within 10 days, in practice they were not always promptly informed or granted a trial without undue delay. Courts generally allowed defendants to be present at their trial and to consult with an attorney in a timely manner during trials but often denied defendants the right to an attorney during the pretrial and investigatory periods, particularly in politically sensitive cases. Authorities continued to level politically motivated criminal charges against some defense lawyers to obstruct detained political opposition figures’ access to legal counsel and dissuade other lawyers from taking the cases.

The government provided attorneys at public expense when requested, but defendants and civil society complained the government sometimes appointed attorneys as a means to deny defendants’ access to the legal counsel of their choice. Defendants and private attorneys said government-appointed attorneys often provided a poor and counterproductive defense. Moreover, the government abolished a grandfather clause allowing experienced lawyers to continue to practice after a 2016 law required all lawyers to retake the bar exam to renew their licenses. As a result, the number of lawyers accepting criminal defense cases in the country shrank significantly. International observers of court cases stated there were criminal cases in which defendants did not have legal representation. Although criminal defendants enjoy the right to adequate time to prepare a defense, they were often not granted adequate facilities to do so.

Defendants may present witnesses and evidence at trial with the consent of the judge. Defendants and attorneys have the right to confront and question witnesses

and to present evidence and testimony. An interpreter is provided for defendants who do not speak Tajik, the official language used for court hearings. No groups are barred from testifying and, in principle, all testimony receives equal consideration. Courts, however, generally give prosecutorial testimony far greater consideration than defense testimony. Local legislation allows criminal defendants not to be compelled to testify or confess guilt. Defendants also enjoy the right to appeal.

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

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

### **Political Prisoners and Detainees**

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

According to media reports, Dangara district security forces detained and interrogated approximately 20 residents of Sebiston village on February 8-9 for allegedly collaborating with the banned IRPT. Most of the detainees were former members of the party, as well as friends and relatives of Junatullo Komil, who heads the IRPT office in Germany, according to media reports. Although the majority of the detainees were released after interrogation, police kept five of them in detention. Security officials did not provide any public commentary on the detention.

### **Politically Motivated Reprisal Against Individuals Located Outside the Country**

There were credible reports during the year of attempted misuse of international law enforcement tools, such as law enforcement systems (for example, INTERPOL Red Notices), for politically motivated reprisals against specific individuals located outside the country. The government used INTERPOL Notices in an effort to

locate and repatriate Tajik dissidents, who were then subject to detention and imprisonment, at times due to politically motivated charges of violent extremism. In September media reported that Belarusian authorities detained opposition activist, Farhod Odinaev, at a border checkpoint at Tajikistan's request.

### **Civil Judicial Procedures and Remedies**

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

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

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

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

According to a report by Forum 18, police detained and interrogated approximately 14 Jehovah's Witnesses followers during a worship service in the towns of Khujand and Konibodom in February. Police interrogations of the detainees lasted from 20 minutes to 14 hours, with law enforcement officers allegedly torturing

some detainees. The report also claimed police confiscated laptops, mobile phones, and passports during these raids.

According to the Law on Parental Responsibility, government authorities can punish family members for offenses allegedly committed by their relatives, such as if an underage child commits an offense. There were continuing reports Tajikistan-based relatives of perceived government critics in exile were harassed or targeted by local authorities.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

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

Freedom of Expression: The authorities continued to curb freedom of speech through detentions, prosecutions, the threat of heavy fines, the passage of strict and overreaching slander legislation, and the forced closure of media outlets. By law a person may be imprisoned for as long as five years for insulting the president.

In 2016 the Parliament amended Article 137 of the Criminal Code, originally passed in 2007 which provides for criminal responsibility for public insult or slander, including on the internet, against the president. The amendment, Article 137(1), also criminalizes such speech against the “leader of the nation.” Such an offense in both instances can carry an imprisonment term of up to five years.

In December 2018 authorities established a recommended list of 70 topics that state-run television stations were encouraged to analyze and criticize. The recommendations followed President Rahmon’s call in October 2018 for journalists to write more articles about problems facing society. According to media reports, the recommended topics for discussion included construction, education, water problems, garbage collection, factory malfunctioning, bad roads, obesity, extremism and radicalism in society, and land disputes, among others.

Press and Media, Including Online Media: Independent media faced significant and repeated government threats on media outlets. Although some print media published political commentary and investigatory material critical of the government, journalists observed that authorities considered certain topics off

limits, including, among other matters, questions regarding financial improprieties of those close to the president or content regarding the banned IRPT.

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

On June 26, the Foreign Ministry denied video journalist Barotali Nazarov’s press accreditation during a meeting in Dushanbe between the Foreign Ministry and Nazarov’s employer, Radio Free Europe/Radio Liberty’s Tajik service (Radio Ozodi). According to a statement from the news outlet, security services ordered the journalist’s credential temporarily revoked after Nazarov published stories mentioning the banned opposition party IRPT. In addition six employees of Radio Ozodi have been unable to renew their accreditation through the Ministry of Foreign Affairs during the year, a factor that effectively barred these individuals from working as journalists in the country. Three other accreditations for newly hired Ozodi journalists were pending, and the credentials of two other journalists expired on November 1, leaving Radio Ozodi with insufficient staff to continue functioning at its current level. In a July 3 press statement, the Foreign Ministry stated its analysis of Radio Ozodi content showed that instead of reporting important news, the broadcaster was instead engaging in the publication of “sensational and inaccurate information.” The statement also accused Radio Ozodi of acting as a “propaganda wing” for banned opposition groups such as the IRPT and the banned opposition movement Group 24. As of November 21, the Foreign Ministry had partially renewed accreditation for seven Radio Ozodi journalists, leaving 11 unaccredited.

Violence and Harassment: Journalists continued to face harassment and intimidation by government officials. Although the government decriminalized libel in 2012, state officials regularly filed defamation complaints against news outlets in retaliation for publishing stories critical of the government.

On January 11, the Khujand city court sentenced in absentia independent journalist Khayrullo Mirsaidov, who resides outside of the country, to eight months in prison for “nonexecution of a previous court ruling” and unauthorized travel, after Mirsaidov left his place of residence without notifying the court. Mirsaidov told media he was forced to leave the country because he could not find a job to pay the

finances and court-ordered restitution fees. Mirsaidov was sentenced in June 2018 to 12 years in a high-security penal colony, after the Khujand city court found him guilty of “embezzlement of public funds,” “forgery of documents,” and “dissemination of false information.” Following an appeal, the court in August 2018 released Mirsaidov and reduced the charges after he spent more than eight months incarcerated.

In June, Humayro Bakhtiyor, a prominent local journalist in self-imposed exile in Europe, wrote on social media that authorities were pressuring her to return to the country. She claimed that if she did not return, her 57-year-old father, Bakhtiyor Muminov, would be arrested. According to Bakhtiyor, police summoned Muminov on June 12 and told him that he had to convince his daughter to return to the country or he would lose his job as a schoolteacher. According to Bakhtiyor, police told her father that “he had no moral right to teach children if he was unable to raise his own daughter properly.” The Organization for Security and Cooperation in Europe called upon the authorities to investigate reports of Muminov’s harassment.

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

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

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

judgments were common, particularly against newspapers critical of the government.

### **Internet Freedom**

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

There were sporadic government restrictions on access to internet websites, such as Facebook, YouTube, Google, Google services, Radio Free Europe/Radio Liberty, and Asia-Plus although some of the restrictions were lifted during the year. Independent and opposition news agencies and websites located outside the country have been blocked by the government for several years. The State Communications Service, the official communications regulator, routinely denied involvement in blocking these sites, but the government admitted to periodically implementing a law that allows interruption of internet content and telecommunications “in the interest of national security.” The government continued to implement a 2015 law enabling the GKNB to shut off internet and telecommunications during security operations.

In 2017 the Majlisi Milli, the upper house of parliament, passed a law giving law enforcement bodies the right to track citizens using the internet. According to the new law, the security agencies can monitor internet traffic and have access to information about which internet sites citizens visit and the type of information they seek. In June 2018 the Majlisi Namoyandagon, the lower house of the parliament adopted amendments to the Criminal Code, making those who use the “like” or “share” function on social media regarding “terrorism” and “extremism-related” topics subject to up to 15 years in jail. Members of Parliament amended Article 179 that provides, “Public calls for the commission of terrorist crimes and (or) publicly justifying terrorist activities,” adding “via the internet” to the second part of this article.

### **Academic Freedom and Cultural Events**

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

Government authorities increased the urgency of their effort to dissuade citizens from wearing “foreign clothing,” primarily focused on the hijab, which covers the hair, ears, and neck. According to media reports, the government’s Committee on Women and Family Affairs, in cooperation with the Ministry of Internal Affairs, conducted informational campaigns, or “raids,” in public areas against women wearing the hijab, threatening those who refused to remove their hijab with a large fine and six months imprisonment. In addressing these media reports, the ministry denied that such measures existed and claimed the government was conducting a public campaign to promote national culture and clothing. In February librarian Malika Sanginova sued the Medical University of Tajikistan for dismissing her for wearing a headscarf. The university alleged she was fired for being rude to students and other issues.

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

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

The Ministry of Education reportedly issued a regulation in 2018 requiring students and academic staff to request government permission before any

education-related travel abroad. The ministry issued an amendment to the regulation this year which requires students who wish to travel abroad for educational purposes to provide detailed personal information about close relatives but does not specify consequences for noncompliance. Civil Society organizations requested the ministry to exclude the data requirement as it allegedly violates the provisions of Articles 8, 10, 16 and 21 of the Law of Tajikistan “On Personal Data,” but the ministry has not yet responded.

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

### **b. Freedoms of Peaceful Assembly and Association**

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

#### **Freedom of Peaceful Assembly**

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

On April 22, according to media reports, police forcibly confiscated signed petitions from more than 200 opponents of a proposed price hike for mobile internet usage.

#### **Freedom of Association**

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

The government continued to enforce the ban on activities held under the banner of the IRPT. As a result of a 2016 constitutional referendum, nonsecular political parties became illegal.

### **c. Freedom of Religion**

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

### **d. Freedom of Movement**

The law provides for freedom of foreign travel, emigration, and repatriation, but the government imposed some restrictions. According to Article 14 of the constitution, restrictions on the rights and freedoms of a person and a citizen are allowed only for ensuring the rights and freedoms of others, public order, protecting the foundations of the constitutional order, state security, national defense, public morality, public health, and the territorial integrity of the republic.

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

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

Foreign Travel: Individuals in some cases do not have the right to leave the country without arbitrary restrictions. Civil society organizations asserted that a new regulation requiring the Ministry of Education's approval for all students wishing to study abroad is a restriction of citizens' rights to freedom of movement inside and outside the country and is a violation of the country's international obligations under the International Covenant on Civil and Political Rights. In response, the ministry stated that the decree is necessary to better regulate

international education programs, safeguard students, and better maintain education statistics.

### **e. Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

Refoulement: The government in some cases forced asylum seekers or refugees to return to countries where they may face persecution or torture. There were eight refugee families (32 persons total) whose status the government revoked and who continued to be at risk of penalty and subsequent deportation for alleged violation of Resolution 325, a law that prohibits refugees from living in major urban areas, including Dushanbe. The cases of revoked status exhausted all available local judicial remedies and were under appeal in regional court with the support of UNHCR. In July media reported that authorities transferred to Kabul 80 Afghanistan citizens who were serving their sentences in local prisons. These were mainly drug smugglers and violators of the state border of the country. Among those transferred to Kabul was a UNHCR “mandate refugee” who was serving his sentence after being convicted of theft.

Access to Asylum: The law provides for the access to asylum and granting of refugee status, and the government has established a system for providing protection to refugees. Nevertheless, the process for making refugee status determinations lacked transparency, and administrative and judicial procedures did not comply with international standards. Although not required by law, government officials required refugees and asylum seekers to obtain a visa and a valid travel document before entering the country. Government officials without due process detained and deported individuals not in possession of a visa.

The government processed asylum applications through the National Refugee Status Determination Commission and granted applicants documents to regularize their stay and prevent deportation. Government-recognized refugees enjoy socioeconomic rights on par with local nationals and can legally reside in the country. Formal notifications of administrative and legal decisions provided little insight into the rationale for adjudications. In some instances, when denying claimants asylum status, officials cited, in broad terms, a lack of evidence of persecution 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 big cities, including Dushanbe.

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

During the year the government brought an increased number of administrative cases against refugees and asylum seekers due to a regulation that prohibits refugees from living in major urban areas, including Dushanbe. In many cases prosecutions to enforce this regulation--codified in Government Resolution 325--were carried out retroactively and due to the city of Dushanbe's annexation of land that had previously fallen outside the definition for a major urban area.

Local law grants refugee status for as long as three years. Since 2009 the Department of Citizenship and Works with Refugees, under the Passport Registration Services within the Ministry of Internal Affairs, has had responsibility for refugee issues. Refugees must check-in annually with authorities to verify their address, but this is not a reregistration of their status. According to government statistics, there was a significant increase in the number of newly arrived asylum seekers in the first half of the year. The country has 2,130 registered refugees, 99 percent of whom were Afghan.

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

Access to Basic Services: Refugees and asylum seekers are legally entitled to education and health services alongside local citizens. The Ministry of Education allowed Afghan parents to send their children to local schools without paying fees. UNHCR partners provided books, school uniforms, and some language classes to these children. The law provides registered refugees with equal access to law enforcement, health care, and the judicial system, although in practice refugees did not always have equal access. Vulnerable refugee families received assistance with medical expenses. When refugees and asylum seekers face legal issues, UNHCR's legal assistance partner assisted clients in obtaining judicial redress while providing training and awareness-raising sessions to local authorities to strengthen their understanding of refugee rights.

Durable Solutions: Following the amended Constitutional Law on Nationality adopted in 2015, the government removed provisions for expedited naturalization, leaving refugees on equal standing with nonrefugee foreigners when applying for citizenship.

### **g. Stateless Persons**

The total population of stateless persons and persons with undetermined nationality identified and registered by UNHCR and its partners is 39,031 persons (11,622 men and 27,409 women). The government, UNHCR, and NGO partners continued to implement a project to identify and find solutions for stateless persons and persons with undetermined nationality--such as former USSR citizens--in three pilot provinces of the country (Khatlon, Soghd, and Districts of Republican Subordination). UNHCR, NGOs, and local authorities worked together to find solutions--including confirming nationalities and issuing citizenship and identification documents--for 33,062 persons, both adults and children. Some registered individuals, however, struggled to achieve a durable solution because they lived in remote areas and lacked the financial means to pay for transportation and fees associated with confirming their citizenship. As a result, UNHCR assisted a total of 6,841 individuals residing in remote districts in the three separate pilot areas in covering their legal fees and the administrative costs associated with nationality confirmation.

## **Section 3. Freedom to Participate in the Political Process**

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

### **Elections and Political Participation**

Recent Elections: The most recent national elections were the 2015 parliamentary elections, which lacked pluralism and genuine choice, according to international observers, many of whom called the process deeply flawed and noted significant

shortcomings such as multiple voting and ballot box stuffing. The most recent presidential election, which took place in 2013, also lacked pluralism and genuine choice, and did not meet international standards.

Of 41 amendments approved by referendum in 2016, three were significant changes to the constitution: one institutionalized the title of “Leader of the Nation” upon President Rahmon, removed his term limits, and gave him lifelong immunity from judicial and criminal prosecution. A second amendment lowered the eligible age to run for president from 35 to 30 years, and the third amendment banned all nonsecular political parties.

Political Parties and Political Participation: There were seven legal major political parties, including the PDPT. Opposition political parties had moderate popular support and faced high levels of scrutiny from the government. All senior members of President Rahmon’s government were PDPT members. Most members of the country’s 97-seat parliament were members of the PDPT, progovernment parties, or PDPT affiliates.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Women were underrepresented in decision-making processes at all levels of political institutions. Female representation in all branches of government was less than 30 percent. There was one female minister but no ministers from minority groups. Cultural practices discouraged participation by women in politics, although the government and political parties made efforts to promote their involvement, such as the 1999 presidential decree that mandated every ministry or government institution have at least one 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. There were numerous reports of corruption, nepotism, and regional hiring bias at all levels of government throughout the year.

Corruption: Amendments adopted in 2017 give the state Anticorruption Agency the authority to inspect the financial activities of political parties, international organizations, and local public associations. Previously, the agency had the authority only to check and audit governmental bodies. According to the new

requirements, political parties must submit corruption risk assessment reports to the Anticorruption Agency annually. Political parties and in-country political experts raised concerns that empowering the Anticorruption Agency to investigate the activities and budget of political parties would tighten control over their activities.

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

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

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

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

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

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

The United Nations or Other International Bodies: The government facilitated visits to prison facilities by high-ranking officials from the United Nations, the

Organization for Security and Cooperation in Europe, and other international organizations but continued to deny access to the International Committee of the Red Cross.

Government Human Rights Bodies: The Office of the Human Rights Ombudsman made little effort to respond to complaints from the public. The ombudsman's office met with NGOs to discuss specific human rights cases and general human rights problems in the country, but no government action resulted.

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

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

### **Women**

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

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

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

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

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

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

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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

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

## **Children**

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

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

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

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

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

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography. In January the government amended its criminal code to conform with international law; Article 167 now prohibits the buying and selling of children and outlines a provision that requires an exploitation act to qualify as human trafficking. The minimum age of consensual sex is 16 years. According to an NGO working with victims of domestic violence, sexual exploitation, and sex trafficking, there were several cases in which family members or third parties forced children into prostitution in nightclubs and in private homes.

Displaced Children: On April 30, 84 children whose mothers are imprisoned in Iraq for belonging to ISIS were returned to the country, according to the Ministry of Foreign Affairs. Media and civil society contacts reported the children were not

reintegrated with family members willing to foster them. Instead, government authorities assigned these children, depending on their age and other factors, to government-run boarding schools, orphanages, or sanitariums. Civil society organizations reported that the children had limited or no access to psychologists, psychotherapists, social workers, nutritionists, or medical professionals since their return. According to the Ombudsman for Children, not all children will be handed over to relatives at the end of rehabilitation, and the government will study on a case-by-case basis whether the families are capable of taking in the children.

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

### **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/trafficking-in-persons-report/](http://www.state.gov/trafficking-in-persons-report/).

### **Persons with Disabilities**

The law on social protection of persons with disabilities applies to individuals having physical or mental disabilities, including sensory and developmental disabilities. The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and provision of other state services, but public and private institutions generally did not commit resources to implement the law. The law requires government buildings, schools, hospitals, and transportation, including air travel, to be accessible to persons with disabilities, but the government did not enforce these provisions.

Many children with disabilities were not able to attend school because doctors did not deem them “medically fit.” Children deemed “medically unfit” were segregated into special state-run schools specifically for persons with physical and

mental disabilities. Doctors decided which subjects students were capable of studying, and directors of state-run schools could change the requirements for students to pass to the next grade at their discretion.

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

### **National/Racial/Ethnic Minorities**

There were occasional reports that some law enforcement officials harassed those of Afghan nationality and Uzbeks.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

While same-sex sexual conduct is legal in the country, and the age of consent is the same as for heterosexual relationships, the law does not provide legal protection against discrimination. Throughout the country there were reports LGBTI individuals faced physical and psychological abuse, harassment, extortion, and exploitation for revealing their LGBTI status to their families. On January 31, the then Ombudsman for Human Rights Zarif Alizoda, announced the country would not implement the recommendations of international organizations on LGBTI rights, because they conflict with local moral values. Earlier, the chief psychiatrist Khurshed Qunghurotov said in a media interview that bisexuality, lesbianism, and homosexuality are all “pathologies of character” and that the LGBTI community is “mentally ill.”

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

In some cases LGBTI persons were subjected to sex trafficking. Hate crimes against members of the LGBTI community reportedly went unaddressed. LGBTI representatives claimed health-care providers discriminated against and harassed LGBTI persons. LGBTI advocacy and health groups reported harassment from

government officials and clergy, to include violent threats, as well as obstruction of their activities by the Ministry of Health.

Government authorities reportedly compiled a registry of hundreds of persons in the LGBTI community as part of a purported drive to promote moral behavior and protect vulnerable groups in society. In 2017 the Interior Ministry and General Prosecutor's Office drew up the list, which included 319 men and 48 women.

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

### **HIV and AIDS Social Stigma**

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

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

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

As of June 30, the Ministry of Health officially registered 8,308 HIV-infected individuals, including 3,365 women and 4,943 men. During the first six months of the year, the ministry registered 694 new HIV-positive individuals, including 283 women and 411 men.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right to form and join independent unions but requires registration for all NGOs, including trade unions. The law also provides that union activities, such as collective bargaining, be free from interference except “in cases specified by law,” but the law does not define such cases. Workers have the right to strike, but the law requires that meetings and other mass actions have prior official authorization, limiting trade unions’ ability to organize meetings or demonstrations. The law provides for the right to organize and bargain collectively, but it does not specifically prohibit antiunion discrimination. Penalties are insufficient to deter violations, and the government did not effectively enforce the law.

Workers joined unions, but the government used informal means to exercise considerable influence over organized labor, including influencing the selection of labor union leaders. The government-controlled umbrella Federation of Trade Unions of Tajikistan did not effectively represent worker interests. There were reports the government compelled some citizens to join state-endorsed trade unions and impeded formation of independent unions. According to International Labor Organization figures, 1.3 million persons belonged to unions. There were no reports of antiunion discrimination during the year.

Anecdotal reports from multiple in-country sources stated that citizens were reluctant to strike due to fear of government retaliation. Police reportedly arrested 15 agricultural workers, charging them with organizing an illegal event, after an April 29 protest outside the Dushanbe headquarters of Faroz, a company belonging to President Rahmon’s family. Dozens of workers had gathered around the gates of the company to object to proposed lower wages for harvesting the medicinal plant ferula. Police did not comment on the arrests.

On May 9, the Shahrituz District Court imprisoned Karomatullo Shekhov, a local trader, for six days of “administrative arrest” for protesting against tax inspectors. An acquaintance of Shekhov told media that the court found him guilty of “disturbing public order.” On May 7, a group of traders, including Shekhov, protested against an additional tax imposed on them by local tax authorities. The protesters filmed their conversation with tax officers and posted the video on social media. Following the protest, three other unnamed protesters were accused of disturbing public order and disobedience to tax inspectors.

Collective bargaining contracts covered 90 percent of workers in the formal sector.

The government fully controlled trade unions. There were no reports of threats or violence by government entities toward trade unions; however, unions made only limited demands regarding workers' rights repeatedly because they feared the government reaction. Most workers' grievances were resolved with union mediation between employee and employer.

Labor NGOs not designated as labor organizations played a minimal role in worker rights, as they were restricted from operating fully and freely.

### **b. Prohibition of Forced or Compulsory Labor**

The January criminal code provisions are consistent with international law regarding the prohibition of all forms of forced or compulsory labor, including that of children, except in cases defined in law. The government did not effectively enforce the law to prohibit compulsory labor, and resources, inspections, and remediation were inadequate to address concerns over forced labor. While penalties to discourage the practice of forced labor were stringent and commensurate with other serious crimes, such as rape, the government investigated, prosecuted, and convicted fewer individuals suspected of trafficking persons for forced labor than in prior years. Two cases involving nine individuals were dismissed by presidential amnesty. The Prosecutor General's Office continued to investigate three Dushanbe-based employment agencies that sent several citizens to Saudi Arabia where they were forced to work in homes of Saudi citizens.

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

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

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law outlaws all of the worst forms of child labor. The minimum age for children to work is 16 years, although children may work at age 15 with permission from the local trade union. By law children younger than age 18 may work no more than six hours a day and 36 hours per week. Children as young as

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

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

The government enforced child labor laws and worked with the International Organization for Migration (IOM) to prevent the use of forced child labor. IOM and local NGOs noted that penalties were sufficient to deter violations. Nevertheless, there were isolated reports some children were exploited in agriculture. The U.S. Department of Labor's 2019 *List of Goods Produced by Child Labor or Forced Labor* reported cotton harvest as a good produced by child labor. The overall instances of forced child labor in the cotton harvest decreased dramatically after 2013; the 2015 IOM annual assessment showed local or national government authorities responded to most cases. During the 2015 harvest, the government levied two fines against employers using child labor and collected a total of 1,800 somoni (\$190) from violators.

The Interministerial Commission to Combat Trafficking in Persons disseminated a directive to local officials reiterating prohibitions and ordered the Labor Inspector's Office to conduct a monitoring mission of the cotton-picking season. According to the IOM, however, no independent monitoring of the cotton harvest was conducted during the year.

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

#### **d. Discrimination with Respect to Employment and Occupation**

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

In June 2017 parliament approved amendments to the Law on Police, which bans persons with dual citizenship, foreign nationals, and stateless persons from serving in the police force. In March 2017 the Council of Majlisi Namoyandagon, the lower house of parliament, approved amendments to the Law on Public Service prohibiting dual citizenship for any persons in public service. In 2016 lawmakers approved amendments to the law banning individuals with dual citizenship from serving in the country's security services and requiring knowledge of the Tajik (state) language.

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

The law provides that women receive equal pay for equal work, but cultural barriers continued to restrict the professional opportunities available to women.

The government did not effectively enforce discrimination laws, and penalties were not adequate to deter violations.

#### **e. Acceptable Conditions of Work**

World Bank data reveals that almost one-third of the country's population lives below the poverty line of 18 somoni (\$1.90) per person per day. The monthly minimum wage of 400 somoni (\$42) is below the poverty line. The State Inspectorate for Supervision of Labor, Migration, and Employment under the Ministry of Labor, Migration, and Employment is responsible for the overall supervision of enforcing labor law in the country. The Ministry of Finance enforces financial aspects of the labor law, and the Agency of Financial Control of the presidential administration oversees other aspects of the law. There is no legal prohibition on excessive compulsory overtime. The law mandates overtime payment, with the first two hours paid at a time-and-a-half rate and the remainder at double the rate. Resources, inspections, and remediation to enforce the law were inadequate. The State Inspectorate conducts inspections once every two years.

Penalties for violations are adequate to deter violations, but the regulation was not enforced, and the government did not pay its employees for overtime work. Overtime payment was inconsistent in all sectors of the labor force.

The State Inspectorate for Supervision of Labor, Migration, and Employment is also responsible for enforcing occupational health and safety standards. The government did not fully comply with these standards, partly because of corruption and the low salaries paid to inspectors. The law provides workers the right to remove themselves from hazardous working conditions without fear of loss of employment, but workers seldom exercised this right.

Farmers and agricultural workers, accounting for more than 60 percent of employment in the country, continued to work under difficult circumstances. There was no system to monitor or regulate working conditions in the agricultural and informal sectors. Wages in the agricultural sector were the lowest among all sectors, and many workers received payment in kind. The government's failure to ensure and protect land tenure rights continued to limit its ability to protect agricultural workers' rights.