



## Tajikistan

### Country Reports on Human Rights Practices - 2000

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Tajikistan is ruled by an authoritarian regime that has established some nominally democratic institutions. President Emomali Rahmonov and an inner circle of fellow natives of the Kulyab region continued to dominate the Government; however, Rahmonov's narrow base of support limited his control of the entire territory of the country. Rahmonov won reelection in a November 1999 election that was flawed seriously and was neither free nor fair. As a result of 1997 peace accords that ended the civil war, some former opposition figures continue to hold seats in the Government. Rahmonov's supporters overwhelmingly won February parliamentary elections that were neither free nor fair, but were notable for the fact that several opposition parties were allowed to participate, and that one opposition party won two seats in Parliament. Although the Constitution was adopted in 1994 and amended in September 1999, political decisionmaking normally takes the form of power plays among the various factions, formerly aligned with the other side during the civil war, that now make up the Government. The legacy of civil war continued to affect the Government, which still faced the problems of demobilizing and reintegrating former opposition troops and maintaining law and order while rival armed factions competed for power. The Constitution provides for an independent judiciary; however, it is not independent in practice.

The Ministries of Interior, Security, and Defense share responsibility for internal security, although the Government actually relies on a handful of commanders who use their forces almost as private armies. Some regions of the country remained effectively outside the Government's control, and government control in other areas existed only by day, or at the sufferance of local former opposition commanders. The soldiers of some of these commanders are involved in crime and corruption. The Russian Army's 201st Motorized Rifle Division, part of a Commonwealth of Independent States (CIS) peacekeeping force established in 1993, remained in the country and continued to have a major influence on political developments; however, the division began to transition into a new status on a permanent military base after the peacekeeping mandate ended in September. Some members of the government security forces and government-aligned militias committed serious human rights abuses.

The economy is a state-controlled system making a difficult transition to a market-based one. Most of the work force is engaged in agriculture, part of which remains collectivized. Government revenue depends highly on state-controlled cotton production. The small industrial sector is dominated by aluminum production (another critical source of government revenue), although most Soviet-era factories operate at a minimal level, if at all. Small-scale privatization is over 80 percent complete, but the level of medium to large scale privatization is much lower (approximately 16 percent) with the heavy industry, wholesale trade, and transport sectors remaining largely under state control. Many, but not all, wages and pensions are paid. The country is poor, with a per capita gross national product of approximately \$290, according to World Bank data. The failure of the Soviet economic system has been accompanied by a rise in narcotics trafficking and other forms of corruption. This development has led to clear disparities of income between the vast majority of the population and a small number of former progovernment and opposition warlords, who control many of the legal and most of the criminal sectors of the economy.

The Government's human rights record remained poor and the Government continued to commit serious abuses. The February parliamentary elections represented an improvement in the citizens' right to change their Government; however, this right remains restricted. Some members of the security forces committed extrajudicial killings. There were a number of disappearances. Security forces frequently tortured, beat, and abused detainees. These forces also were responsible for threats, extortion, looting, and abuse of civilians. Certain battalions of nominally government forces operated quasi-independently under their leaders. Impunity remains a problem, and the Government prosecuted few of the persons who committed these abuses. Prison conditions remained harsh and life threatening. The Government continued to use arbitrary arrest and detention and also arrested persons for political reasons. Lengthy pretrial detention remained a problem. Basic problems of rule of law persist. There are often long delays before trials, and the judiciary is subject to political and paramilitary pressure. The authorities infringed on citizens' right to privacy.

The Government continued to restrict severely freedom of speech and the press and essentially controls the electronic media. The Government severely restricted opposition access to state-run radio and television; however, an opposition newspaper begun in 1998 continued to publish, and a number of small television stations were operated by nongovernmental organizations (NGO's). Journalists practice self-censorship. The Government restricts freedom of assembly and association by exercising strict control over political organizations; it banned three opposition parties and prevented another from being registered. A number of parliamentary candidates were prevented from registering for the elections. There are some restrictions on freedom of religion and on freedom of movement. The Government still has not established a human rights ombudsman position, despite a 1996 pledge to do so. Violence against women is a problem, as is discrimination of the disabled and religious and ethnic minorities. Child labor is a problem. There were some

instances of forced labor, including children. Trafficking in women is a problem.

Some former opposition troops committed serious abuses, including killings and abductions. There were credible reports that paramilitary units threatened, extorted, and abused the civilian population.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

Some members of the security forces committed extrajudicial killings; however, it was difficult to estimate the total number of such killings or to attribute responsibility in many cases. Some killings were committed by competing government factions for both political and economic motives.

Harsh prison conditions and lack of food and adequate medical treatment resulted in a significant number of deaths of prisoners while in custody (see Section 1.c.). There were reports that a member of the banned Hizb ut-Tahrir movement died in police custody after being arrested (see section 2.c.).

A number of local officials, businessmen, and professional figures were killed during the year, for a variety of political, economic, and ethnic reasons. A former Deputy Minister of Security and parliamentary candidate, Shamsullo Tobirov, was killed in an attack apparently aimed at the mayor of Dushanbe in February. Sirojiddin "Sergei" Davlatov, chairman of the Gharm district and a former deputy opposition field commander, was killed in May. The chairman of the State Radio and Television Committee, Saif Rahimov (Rahimzoda) also was killed in May. A correspondent for the Khovar state information agency, Aleksandr Olpatov, was killed in September. In addition, a number of high-ranking figures associated with various competing paramilitary factions were killed. For example, the brother of Mullo Abdullo, a former opposition field commander in the Karategin Valley, reportedly was killed in retaliation for the killing of Davlatov. In most cases, suspects were not identified. The competence of the investigators and their independence from official interference was questioned. A number of apparent murders essentially were concealed, with official news noting only that the individual died.

Both the Government and the opposition used landmines during the civil war. Some unmarked mine fields in the Karategin Valley probably killed innocent civilians. According to press reports, a total of 21 persons were killed during the year by landmines laid along the northern segment of the Uzbekistan-Tajikistan border, which winds throughout populated areas and is not demarcated clearly in most places. The Government of Uzbekistan apparently laid the mines as part of a counterinsurgency campaign. Some killings were committed by former opposition forces and others by independent warlords answering to neither the Government nor the former opposition forces. The Government also has laid numerous minefields along the border with Afghanistan.

A landmine brought on board a public bus on the outskirts of Dushanbe killed at least five passengers in February; the person who carried the mine aboard the bus was among those killed. It was not clear whether the mine detonated inside the bus by plan or by accident, and there were no developments in identifying the individual or group responsible for the incident.

Terrorists bombed a Protestant church in Dushanbe in October, killing seven persons and injuring many more (see Section 1.c. and 5).

There were reports of instances where Tajik border guards were killed on the Afghanistan border. It is unclear whether these cases were politically motivated or the result of narcotics trafficking.

There were no developments in the 1999 murder case of British national Abdullah Mugharebi, a resident of Dushanbe and leader of Tajikistan's Baha'i community, who was widely believed to have been killed by Iranian-sponsored Islamic fundamentalists. There were no developments in the 1997 killings of several Russian servicemen, or in the 1996 murder of the mufti of Tajikistan.

There were no developments in the 1999 killings of Tolib Bobev, an official of the Popular Unity Party, or Jumakhona Khotami, Ministry of Interior press center chief.

#### b. Disappearance

There were a number of disappearances during the year; in at least one case security forces apparently were responsible. The driver and bodyguard of First Deputy Prime Minister Akbar Turajonzoda disappeared briefly in October and appeared in police custody. The taking of hostages for revenge or for bargaining purposes remained a common occurrence.

Political pressures, the central Government's lack of control over violently competitive factions within and outside the Government, and a lack of professional resources hamper police efforts to investigate disappearances.

The sister of Deputy Prime Minister Nigina Sharapovna disappeared in February; she later reappeared after ransom apparently was paid. The ethnic Uzbek mayor of a town in Khatlon District disappeared in September under mysterious circumstances.

There were no developments in the 1996 disappearance of Zafar Rahmonov, the opposition cochairman of the Joint Commission on Cease-fire Observation.

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

The law prohibits torture; however, the Government uses it in practice. Security officials, particularly those in the Ministry of Interior, regularly beat detainees in custody and use systematic beatings to extort confessions. In contrast to the previous year, however, there were no public allegations that security forces mistreated or beat members of opposition parties or their relatives. Impunity remains a serious problem, and the Government has prosecuted few of the persons who committed these abuses.

The Government has acknowledged that the security forces were corrupted by criminal elements, and that most citizens chose to keep silent in the face of official mistreatment rather than risk retaliation by the police. In the southern regions of the country, many border guards are involved in the drug trade, and the local population has made numerous complaints of harassment and human rights abuses committed by them.

Members of Tajikistan's Afghan refugee population, sometimes regardless of social status or official connections, are singled out for mistreatment by law enforcement authorities. For example, a prominent Afghan refugee (a former official of the overthrown Communist regime in Afghanistan) credibly claimed that Ministry of Interior officers apprehended and beat him, apparently in retaliation for previous claims of abuse that were reported publicly abroad (see Section 2.d.).

Journalists regularly risked beatings at the hand of law enforcement authorities (or at least armed individuals dressed as and claiming to be law enforcement authorities) (see Section 2.a.). For example, the Center for Journalism in Extreme Situations reported that militiamen seized a reporter for the state-owned newspaper *Jumhuriyat* in Dushanbe in August, forced him into a car, beat him en route to a militia station, where they beat him so badly that he suffered a concussion and hearing loss in one ear.

There were a number of shootings, bombings, and terrorist attacks that resulted in nonlethal injuries and serious property damage. The February bombing of a Dushanbe city bus left scores of passengers injured (see Section 1.a.). Also in February, the mayor of Dushanbe, Mahmadsaid Ubaidulloyev, along with his driver and bodyguard, was injured seriously in a failed attempt on his life by terrorists; another passenger in the mayor's official vehicle was killed (see Section 1.a.). On February 25, 2 days before parliamentary elections, a bomb explosion in a parliamentary candidate's office in the town of Hissar caused three injuries. Following these events, the central Government cracked down on rogue paramilitary groups. This brought a greater sense of security to the capital city of Dushanbe. However, despite this effort, a Protestant church in Dushanbe was bombed in October, leaving approximately 70 persons injured, almost half of them seriously (see Section 1.a and 2.c.). The official vehicle of Democratic Party leader and presidential cabinet member Mahmadrusi Iskandarov was destroyed by a bomb in October; there were no injuries. An official vehicle of the European Commission Humanitarian Office was destroyed by a bomb in July; there were no injuries.

According to credible counternarcotics law enforcement authorities in the central Government, Tajik and Afghan criminal groups engaged in narcotics smuggling across the Tajikistan-Afghanistan border threatened, harassed, and committed abuses against the border area populations.

Prison conditions remain harsh and lifethreatening. They fail to meet minimum international standards. Prisons generally are overcrowded, unsanitary, and disease-ridden, producing a serious health threat. This problem reflects in part the self-funded status of most prisons, under which before 1992 prisoners grew much of their own food or made goods for sale. The general collapse of governmental programs and of the economy also meant the virtual disappearance of these programs. Some food production has resumed, but is still inadequate. Some prisoners die of hunger. Family members are allowed access to prisoners only after a guilty verdict, in accordance with the law.

There was no official action against government forces responsible for the deaths of 26 prisoners when they retook Khojand prison in 1997 after a prison revolt. Abdulhafiz Abdullojonov, the brother of a political opponent of the President, was arrested in May 1997 on narcotics charges that appear fabricated and was sentenced to death in 1998. Despite appeals for clemency based on a diagnosis of terminal cancer, Abdullojonov remained in prison and claimed to have been denied proper medical treatment. Government sources say that he was executed early in 1999, although other sources maintain that he simply died of cancer in prison.

The Government does permit some prison visits by international human rights monitors, including an OSCE visit during the year, in which the OSCE found the conditions to be very poor. The Government invariably has denied requests by the International Committee of the Red Cross (ICRC) to make prison visits in a manner consistent with the ICRC's standard modalities.

d. Arbitrary Arrest, Detention, or Exile

The Government continued to arrest and detain citizens arbitrarily. The Criminal Code has not been amended significantly since independence, and it therefore retains many of the defects inherited from Soviet times. The Government claims that revision of the Criminal Code is a high priority, but due to the size and complexity of the code, the small parliamentary staff, and limited time in session for the Oliy Majilis (Parliament) progress has been slow. There is no projected completion date, and there has been no indication of progress toward a comprehensive revision of the Criminal Code. Minor modifications to the code in 1999 increased punishment for crimes such as rape, theft, and illegal drug use. The system allows for lengthy pretrial detention and provides few checks on the power of procurators and police to arrest persons. Public order, which broke down during the civil war, has yet to be restored fully, and the

virtual immunity from prosecution of armed militia groups has eroded further the integrity of the legal system.

Police legally may detain persons without a warrant for a period of 72 hours, and the procurator's office may do so for a period of 10 days after which the accused must be officially charged. At that point, the Criminal Code permits pretrial detention for up to 15 months. The first 3 months of detention are at the discretion of the local procurator, the second 3 months must be approved at the regional level, and the Procurator General must sanction the remaining time in detention. The Criminal Code specifies that all investigations must be completed 1 month before the 15-month maximum in order to allow time for the defense to examine government evidence. There is no requirement for judicial approval or for a preliminary judicial hearing on the charge or detention. In criminal cases, detainees may be released and restricted to their place of residence pending trial. Once a case is entered for trial, the law states that it must be brought before a judge within 28 days. However, it is common for cases to be delayed for many months before trial begins. There is no provision for bail, and lengthy pretrial detention is a problem.

The Government made politically motivated arrests, and there are credible allegations of cases of illegal government detention of members of rival political factions. For example, the bodyguard and the former driver of First Deputy Prime Minister Akbar Turajonzoda were detained in October, apparently as part of a campaign of intimidation by other elements of the Government against Turajonzoda. In most cases, the security officers, principally personnel from the Ministry of Internal Affairs or the Ministry of Security, do not obtain arrest warrants and do not bring charges. Those released sometimes claimed that they were mistreated and beaten during detention (also see Section 1.c.).

The number of political detainees was not clear. Since the law precludes visits to persons in pretrial detention, and the Government denies the ICRC or other observers access to these persons, any estimate is uncertain.

Human Rights Watch reported that by December 1999, the Government had granted amnesty to approximately 5,000 United Tajik Opposition (UTO) fighters. There were reports of several UTO fighters in the Gorno-Badakhshan Autonomous Oblast being arrested by local authorities despite this amnesty. The families of these fighters have appealed, and the leader of the Lal-I Badakhshan movement is pursuing their case.

Border Force units routinely take family members of deserters hostage and hold them until the deserters return to duty (see Section 1.e.).

The Constitution states that no one can be exiled without a legal basis; no laws have been passed so far setting out any legal basis for exile. There were no reports of forced exile, although, some opponents of the Government are in self-imposed exile.

#### e. Denial of Fair Public Trial

The 1994 Constitution states that judges are independent and subordinate only to the Constitution and the law and prohibits interference in their activities; however, in practice the political leadership and, in many instances, armed paramilitary groups directly influence judicial officials at all levels. Under the Constitution, the President has the right, with confirmation by the Parliament, both to appoint and to dismiss judges and prosecutors. Judges at the local, regional, and national level are for the most part poorly trained and lack understanding of the concept of an independent judiciary. The Government made some progress in this respect by instituting regular examinations to screen unqualified candidates for judgeships. Bribery of prosecutors and judges appears to be a common practice.

The court system, largely unmodified from the Soviet period, includes city, district, regional, and national levels, with a parallel military court system. Higher courts serve as appellate courts for the lower ones. The Constitution establishes additional courts, including the Constitutional Court, which began to function in 1997.

According to the law, trials are public, except in cases involving national security or the protection of minors. The court appoints an attorney for those who do not have one. Defendants may choose their own attorney but may not necessarily choose among court-appointed defenders. In practice arrested persons often are denied prompt, and in some cases any, access to an attorney.

The procurator's office is responsible for conducting all investigations of alleged criminal conduct. According to the law, both defendant and counsel have the right to review all government evidence, to confront witnesses, and to present evidence and testimony. No groups are barred from testifying, and all testimony theoretically is given equal consideration, regardless of the ethnicity or gender of the witness. Ministry of Justice officials maintain that defendants benefit from the presumption of innocence, despite the unmodified Soviet legal statute that presumes the guilt of all persons brought to trial. In practice, bringing charges tends to suggest guilt.

The obstacles to ensuring fair public trials were evident in the murder trial of Dilfuza Nimonova, a 21-year-old woman accused of murdering the man who raped her. The Organization for Security and Cooperation in Europe (OSCE) mission in Tajikistan, which observed the trial, reported that the evidence presented by prosecutors against the defendant was poor, that the defendant's lawyer was denied access to his client, and that the politically well-connected family of the victim pressured the judges hearing the case. Members of the security forces tortured and beat Nimonova while she was in prison. Authorities also forced her to undergo an abortion while in prison. Nimonova was sentenced to death, although the Government later commuted her sentence to 16 years in prison after President Rahmonov received international appeals to intervene in the matter.

There was no information during the year concerning Bahrom Sodirov, who was charged in the February 1997 kidnaping of the Minister

of Security, 5 United Nations personnel, and 11 others. Sodirov was arrested soon after the hostages were released. His trial, from which observers were barred, was suspended in late 1997 and has not resumed.

In contrast with the previous year, there were no new public allegations that the Government holds political prisoners. The Government and the UTO exchanged multiple lists of prisoners of war and political prisoners for exchange as a result of the 1997 inter-Tajik talks in Moscow. By November 1999, the Government had released all UTO prisoners named on lists submitted by the UTO, with the exception of six individuals, of whom the Government claimed no knowledge. The families of the six individuals continued to seek their whereabouts without success. The Government accepted the UTO's 1998 claim that it released all prisoners of war that it held.

Abdulhafiz Abdullojonov, whose arrest and unfair trial in 1997 were politically motivated, remained a political prisoner until his mysterious death early in 1999 (see Section 1.c.).

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

The Constitution provides for the inviolability of the home and prohibits interference with correspondence, telephone conversations, and postal and communication rights, except "in cases prescribed by law"; however, authorities continued to infringe on citizens' right to privacy. Except for in some special circumstances, by law police may not enter and search a private home without the approval of the procurator. When they do enter and search without prior approval, they then must inform the procurator within 24 hours. However, police frequently ignored these requirements. There is no independent judicial review of police searches conducted without a warrant. Police also are permitted to enter and search homes without permission if they have compelling reason to believe that a delay in obtaining a warrant would impair national security.

Security forces detained relatives of deserters in order to compel deserters to return to duty (see Section 1.d.). According to the OSCE mission in Tajikistan, the family of Dilfuza Nimonova (see Section 1.e.) was harassed at the behest of her alleged murder victim's politically well-connected family after Nimonova's family sought international intervention in her case. There is also strong evidence that Nimonova, a rape victim, was forced to undergo an abortion while in prison ( see Section 1.e.).

Some political parties remain banned. In some cases, the security services apparently created difficulties for persons associated with opposition parties who sought employment. Other persons were pressured to join the ruling party (see Section 2.b.).

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

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government severely restricts this right in practice. Journalists, broadcasters, and individual citizens who disagree with government policies are discouraged from speaking freely or critically. The Government exercises control over the media both overtly through legislation and indirectly through such mechanisms as "friendly advice" to reporters on what news should not be covered. The Government also controls the printing presses and the supply of newsprint and broadcasting facilities and subsidizes virtually all publications and productions. Editors and journalists fearful of reprisals carefully exercise self-censorship.

The number of independent and local newspapers is increasing, but only a handful of them attempt to cover serious news. Several are organs of political parties or blocs. The Government exerted pressure on newspapers critical of it. Najot, the new official paper of the Islamic Renaissance Party, which began weekly publication in October 1999, continued to publish during the year. It experienced indirect government censorship in the early summer, apparently in retaliation for publishing a serialized translation of a foreign human rights report critical of the Government. It temporarily lost its access to state-run printing presses and has been forced to rely on a small, privately owned printing press to publish its editions.

Journalists frequently are subject to harassment, intimidation, and violence. Sometimes the perpetrators are government authorities, as in the case of a reporter for the state-owned newspaper Jumhuriyat, who was beaten severely by militiamen in August (see Section 1.b.), according to the Center for Journalism in Extreme Situations. In other cases, the perpetrators are criminal or terrorist elements who are believed to have narcotics trafficking connections, as in the cases of Ministry of Interior press center chief Jumankhon Hotami, who was shot and killed near Dushanbe in 1999, and Sergei Sitkovskii, a Russian national working for the newspaper Tojikiston, who was killed in a hit-and-run car accident in 1999. Both were investigating narcotics trafficking at the time of their deaths. There were no developments in their cases by year's end.

There is one Government-run television network; its several local stations cover regional and local issues from an official point of view. Opposition politicians have had little access to it, although in January and June it broadcast two political party debates organized by the International Foundation for Electoral Systems. There are 36 nongovernmental television stations, not all of which are operating at any one time and only a handful of which can be considered genuinely independent. The Islamic Renaissance Party was able to begin broadcasting a weekly television program on one such station. Some have independent studio facilities. These stations continued to experience administrative and legal harassment. To obtain licenses, independent television stations must work through two government agencies, the Ministry of Communications, and the State Committee on Radio and Television. At every stage of the bureaucratic process, there are high official and unofficial fees.

The Government continued to prevent independent radio stations from operating by interminably delaying applications for broadcasting licenses. At least two independent radio stations in Dushanbe have had their license applications pending without explanation since the summer of 1998.

Access to the Internet is limited partly by state control. The Government allowed a handful of Internet provider companies to begin operating during the year, but high fees and limited capacity put access to information over the Internet out of reach for most citizens.

Academic expression is limited principally by the complete reliance of scientific institutes upon government funding, and in practical terms by the need to find alternate employment to generate sufficient income, leaving little time for academic writing.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, the Government restricts this right in practice and exercises strict control over organizations and activities of a political nature. Nonpolitical associations, such as trade unions, are allowed to meet. Registered organizations must apply for a permit from the local executive committee in order to organize legally any public assembly or demonstration. Sometimes permits are granted, but the Government subsequently has been known to take reprisals against organizers. Because fear of reprisal is so widespread, public assemblies or demonstrations of a political nature were rare during the year.

The Constitution provides for freedom of association; however, the Government restricts this right in practice by exercising strict control over organizations and activities of a political nature. Although freedom of association is permitted for nonpolitical associations (including trade unions), this right is circumscribed further by the requirement in the Law on Nongovernmental Associations that all organizations first must register with the Ministry of Justice. This process often is slowed by the requirement to submit documents in both Russian and Tajik. The Ministry of Justice's verification of the text inevitably delays the granting of registration. The Minister of Justice made public statements in support of nongovernmental organizations (most of which are involved in social work, rather than political activity), and attempted to address problems that existing NGO's have experienced with registration and taxation. Once registered, an organization may apply for a permit to hold a public assembly or demonstration.

There are five political parties and five "movements" registered with the Government. Three parties are banned officially: The Party of Popular Unity (banned in December 1998), the Agrarian Party (banned in April 1999); and the "Tehran platform" faction of the Democratic Party (banned in December 1999). The Party of Economic and Political Revival of Tajikistan was not allowed to register in March 1999 because of insufficient membership. The Party of Justice and Progress has not been allowed to register since the end of 1999 for unexplained reasons.

In May 1998, the Parliament passed a law prohibiting the creation of political parties with a religious orientation. The opposition UTO, international organizations, and foreign governments strongly criticized the law for violating the spirit and the letter of the 1997 peace agreement. In June 1998, President Rahmonov established a Special Conciliation Commission to resolve the dispute, which proposed compromise language for the law, banning political parties from receiving support from religious institutions. A new version of the law including the compromise language was passed in November 1998. Subsequently, parties of religious character were permitted to register; one such party, the Islamic Renaissance Party, has done so.

The leadership of certain opposition parties reported threats and harassment by the authorities in their workplaces. Many others often were pressured to join the People's Democratic Party of Tajikistan, the ruling party (see Section 1.f.).

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there are some restrictions, and the Government monitors the activities of religious institutions to keep them from becoming overly political. The vast majority of the population is Sunni Islam, although only a small portion is observant: this does not appear to affect the religious freedom of the non-Sunni Muslim minority. President Rahmonov defends secularism aggressively and describes Islamists as a threat to national security. Government policies reflect a pervasive fear of Islamic fundamentalism, a fear shared by much of the general population.

According to the Law on Freedom of Faith, the Committee on Religious Affairs under the Council of Ministers registers religious communities and monitors the activities of the various religious establishments. While the official reason given to justify registration is to ensure that religious groups act in accordance with the law, the practical purpose is to ensure that they do not become overly political. In 1997 the Government subordinated the Council of the Islamic Center (the former Muftiyat) to the Committee on Religious Affairs; however, the observant Muslim community apparently did not object to this step.

Although unregistered, recently organized religious communities, such as Baha'i and Hare Krishna groups, function with no apparent formal restriction. There were no developments in the murder case of a prominent member of the Baha'i community, who was widely believed to have been killed by Iranian-supported Islamic extremists (see Section 1.a.). Members of the Baha'i community were occasionally confronted by the police guard outside Dushanbe's Baha'i Center and asked why they had forsaken Islam. Others were called in by the Ministry of Security and also asked why they had changed religious affiliation.

In May 1998, Parliament passed a law prohibiting the creation of political parties with a religious orientation (see Section 2.b.). The UTO, the largest component of which is the Islamic Renaissance Party (IRP, along with international organizations and foreign governments,

strongly criticized the law for violating the June 1997 peace agreement, which included a government commitment to lift the ban on member parties of the UTO. The post-independence 1992-7 civil war was fought in part over differing views of the role of religion in the country. In early June 1998, President Rahmonov established a Special Conciliation Commission to resolve the dispute. Later that month, the Commission reported that it had devised compromise language for the law, banning parties from receiving support from religious institutions. A new version of the law including the compromise language was passed in the November 1998 parliamentary session. A constitutional amendment passed in a September 1999 referendum states that the State is secular and that citizens can be members of parties formed on a religious basis. Two representatives from the IRP now sit in the lower house of the national Parliament.

Aside from the registration requirement, there are few official constraints on religious practice, but government officials sometimes issue extrajudicial restrictions. For example, the mayor of Dushanbe has prohibited mosques from using microphones for the five daily calls to prayer. There are also reports that some local officials have forbidden members of the IRP from speaking in mosques in their region. However, this restriction is more a reflection of political than religious differences. Government printing houses reportedly are forbidden to publish texts in Arabic and as a rule do not publish religious literature. There are no longer restrictions on private Arabic language schools; however, restrictions on home-based Islamic instruction remain. These restrictions appear to be based on political concerns, but the effect on private religious instruction is also clear.

The Government has banned specifically the activity of one religious faction, the Hizb ut-Tahrir, an Islamist movement with origins in the Middle East, which has developed a significant following among the ethnic Uzbek population of northern Tajikistan. This movement operates underground and apparently calls for a nonviolent overthrow of established authority and the reestablishment of government along the lines of the six "rightly-guided Caliphs" of early Islamic history. According to the Ministry of Security, over 105 members of Hizb ut-Tahrir were arrested during the year, and one reportedly died in police custody (see Section 1.a.). Fifty-seven of these persons were sentenced to between one and two years imprisonment.

During the year there were three church bombings that occurred throughout Dushanbe (see Sections 1.a. and 5).

The Government continued to impose restrictions on the number of pilgrims allowed to go on the Hajj. Individuals were not permitted to travel in a personal vehicle; persons were required to travel by government-owned transportation, primarily buses. There were regional quotas on the number of pilgrims, which led to corruption as places were sold. Missionaries are not restricted legally and proselytize openly; however, the Government's fear of Islamic terrorists prompts it to restrict visas for Muslim missionaries.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government imposes some restrictions on them.

The Government has stipulated that both citizens and foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and Afghanistan without permission from the Ministry of Foreign Affairs. This restriction is not always enforced along the western part of the border with Afghanistan, but a special visa generally is required for travelers, including international workers and diplomats, to Gorno-Badakhshan. Travel to border areas near Uzbekistan in the southwest is not restricted significantly, except occasionally at the border, which was closed intermittently by Uzbekistan.

The Ministry of Security inhibits freedom of travel by requiring citizens who wish to travel abroad to obtain an exit visa. This process sometimes includes lengthy interviews. The Ministry of Security sometimes withholds or delays exit visas when it believes that other ministries or NGO's are infringing upon its jurisdiction and have not adhered to its formalities for foreign travel.

Residents of Dushanbe and those travelers who wish to remain in the city longer than 3 days are supposed to register with central authorities, and regulations require registration at the local Ministry of Interior office upon arrival and departure from a city. However, these regulations largely are ignored in practice. There are no legal restrictions on changing residence or workplace.

There is no law on emigration. Persons who wish to migrate within the former Soviet Union notify the Ministry of Interior of their departure. Persons who wish to emigrate beyond the borders of the former Soviet Union must receive the approval of the relevant country's embassy in order to obtain their passport. Persons who settle abroad are required to inform the Tajikistan embassy or Tajikistan interests section of the nearest Russian embassy or consulate.

Persons who wish to return to Tajikistan after having emigrated may do so freely by submitting their applications to the embassy of Tajikistan or Tajikistan interests section of the nearest Russian embassy or consulate. The Government adjudicates requests on a case-by-case basis. There is no indication that persons other than those who fled the country for political reasons after the civil war, are not permitted to return freely. Some persons currently active with the Tajik opposition, whose travel documents expired, at times have had difficulty obtaining new documents permitting them to return.

A number of persons remained internally displaced as a result of the civil war, but their total number was difficult to estimate. The U.N. High Commissioner for Refugees (UNHCR) no longer has estimates on the number of internally displaced persons (IDP's). These persons live throughout the country and are not concentrated in a single geographic area. The Government provides protection and modest assistance, and it actively cooperates with international organizations to resettle them. Resettlement is voluntary; IDP's are not returned forcibly to dangerous conditions.

The Constitution provides for the granting of asylum to persons who have entered the country seeking protection, in accordance with U.N. refugee criteria. Under the 1994 refugee law, a person granted refugee status is provided with the right to work and to move freely throughout the country. The State Migration Service (formerly the Department of Refugee Affairs) under the Ministry of Labor has responsibility for the registration of refugees.

The State Migration Service handles the registration of Afghan refugees in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and Tajikistan's 1994 Law on Refugees. An unresolved problem stems from the unofficial government policy of denying official status to Afghan spouses of returning Tajik refugees. The UNHCR has aided their admission to the country (avoiding their being jailed as illegal immigrants); however, their legal status remains uncertain. There were no cases during the year. However, members of Tajikistan's Afghan refugee population, sometimes regardless of social status or official connections, are singled out for mistreatment by law enforcement authorities (see Section 1.c.).

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. According to the UNHCR, 176 asylum seekers submitted requests for refugee status to the State Migration Service during the first half of the year, of which 28 were granted by mid-year. However, the UNHCR does not have statistics on the number of refugees remaining in the country after receiving asylum because the majority of such persons use the country as a transit point en route to Western Europe. As in 1999, the Government faced the problematic issue of several hundred dependent family members and camp followers of Islamic Movement of Uzbekistan militants. As in a similar incident in 1999, several hundred of these persons were sent in buses to Afghanistan. The Government did not consider them for refugee status and officially refused to acknowledge even the presence of these persons.

After protests from the UNHCR, the Government cancelled its short-lived "Operation Foreigner," in which numerous Afghan refugees in Dushanbe were detained by security forces and reportedly slated for relocation to refugee camps elsewhere. However, government officials continued to maintain that Dushanbe was still "off limits" for Afghan refugees.

It remained an question whether the Government would provide first asylum to a potential mass influx of refugees fleeing Taliban advances in northern Afghanistan; Government and Russian border officials made contradictory statements on this issue.

Following the signing of the 1997 peace accords, all Tajik refugees from northern Afghanistan who wished to return, as well as thousands from the CIS, returned to the country. There was continued incremental progress during the year in returning occupied houses to their original UTO fighter owners. Problems remain, although they are almost entirely in the Khatlon region.

There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides for the right of citizens to change their Government peacefully and freely through elections of the President and members of Parliament; however, the Government restricted this right in practice. There was some improvement in the February parliamentary elections; however, the 1999 presidential election was seriously flawed. While the country made progress in its transition from a Soviet-model system to a more open and competitive one, the Government remained dominated by President Rahmonov and his inner circle from the Kulyab region.

The 1999 Presidential election was flawed seriously. The Government's handling of preparations for the November presidential election cast doubt on the possibility that there could be a peaceful transfer of power through genuinely free and fair elections. Candidates had to contend with a cumbersome registration process requiring them to obtain large numbers of signatures during a short period of time. Only President Rahmonov, who used his political apparatus throughout the country for this purpose, probably ahead of time, was able to do so by the deadline. Prospective opposition candidates complained that local, progovernment administrators prevented them from gathering signatures. Days before the election, an apparently arbitrary Supreme Court decision allowed one of the three aspiring opposition candidates, Economics and Foreign Economic Relations Minister Davlat Usmon of the Islamic Renaissance Party, to register. Although Davlat announced that he would boycott the election unless the other two opposition figures also were allowed to run, the Central Election Commission included his name on the ballot. Davlat told journalists in Dushanbe on November 7 that he believed that the outcome of the election was rigged and that only 20 to 30 percent of voters had participated. President Rahmonov enjoyed a virtual monopoly over mass media access, and there were obvious irregularities in the operation of polling places, such as multiple voting by pro-Rahmonov supporters. The Government claimed that 98 percent of the electorate voted and that 96 percent of those voting supported Rahmonov; the claim lacked credibility.

A joint mission of the U.N. and the OSCE observed February 27 elections to the lower house of the new bicameral national Parliament. This joint observation mission noted that there were improvements in the process compared to previous elections. Six parties, including two former segments of the disbanded UTO, were allowed to participate in the electoral process. Two seats in the new Parliament are now held by members of an openly Islamic political party. However, the joint observation mission concluded that the elections failed to meet the minimum standards for equal, fair, free, secret, transparent, and accountable elections. There were particular problems with the independence of election commissions and the conduct of the vote count and tabulation of results. State organs, particularly regional and local administration officials, interfered in the preparations for and conduct of the elections in a manner not foreseen by law and in a way that contradicted international standards for democratic elections.

During the course of the February 27 elections, joint U.N.-OSCE observers noted a variety of irregularities in a number of constituencies including proxy voting, unsealed ballot boxes, stuffed ballot boxes, votes added in favor of a particular party, lack of consistency

between the sum of votes counted and the number of ballots issued, discrepancies between votes considered invalid during the count and the final result sheet, and blank copies of protocols signed before the counting of ballots and filled in with pencil during the count. The observers judged the conduct of the vote to have been "very good" (i.e., no irregularities) in only 13 percent of the 294 polling stations observed, while finding it "good" (i.e., hardly any minor irregularities) in 32 percent, "acceptable, but not good" (i.e., several minor irregularities) in another 32 percent, and "unacceptable" (i.e. major irregularities) in 23 percent of the polling stations.

While state television provided free broadcast time to parties competing in the election, it failed to provide balanced news and editorial coverage of the campaign. In general, both publicly and privately funded broadcasts as well as print media failed to provide voters with unbiased information.

At least one prospective independent candidate for the lower house of Parliament was prevented from registering as a candidate in what Human Rights Watch called "a wholly arbitrary candidate registration process." The decision to prevent this individual from registering appeared to have been politically motivated; he earlier had served as chairman of an opposition party that had been deregistered prior to the November 1999 presidential election.

Local district assemblies elected the members of the upper house of the national Parliament in March, in elections that were not held under international observation.

President Rahmonov's highly centralized People's Democratic Party of Tajikistan controls an overwhelming majority of seats in both houses of Parliament. This fact, combined with a lack of democratic culture, results in a legislative branch that is not genuinely independent of the executive branch.

There are no formal barriers to women's participation in the electoral process; however, they are underrepresented in government and politics. Since the removal of Soviet-era quotas, the number of female deputies has declined. In the parliamentary election campaign, only 17 out of the 365 registered candidates were women, and only 5 of the 17 were elected. There are two female ministers in the Government.

While ethnic Uzbeks make up some 25 percent of the total population, they are underrepresented in the political system.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government's record on dealing with international and nongovernmental investigation of alleged human rights abuses was mixed. Fear of harassment and abuse by government or paramilitary elements tended to discourage citizens from forming their own human rights organizations, although the Government did not block the registration of local NGO's dealing with human rights; several such organizations exist. The Government did prevent some citizens, especially government officials, from participating in international and local seminars sponsored by the OSCE, the ICRC, United Nations agencies, NGO's, and foreign governments on such topics as the rule of law, an independent judiciary, and international humanitarian law. Discussion at such seminars, including those held in Tajikistan, was frequently critical of the Government.

The Government first stated the intention of forming a national human rights ombudsman position in 1996, and in 1998 agreed to establish a national human rights institution and ombudsman position with OSCE financial support; however, no institution or ombudsman position had been established by year's end.

Within the Parliament, the Committee on Legislation and Human Rights is charged with monitoring human rights violations; however, like the rest of the Parliament, it is not independent in practice.

The OSCE mission in Dushanbe continues to monitor human rights issues with the help of its five field offices. However, these field offices experienced varying levels of cooperation with local authorities. The Government allowed a joint U.N.-OSCE observation mission to monitor parliamentary elections in February (see Section 3). The mission reported that its team of experts was given every assistance and freedom of access that it requested. The joint mission issued a series of reports that severely criticized the conduct of the elections. The Government's reaction to the reports was mild, minimizing the critical aspects of joint mission statements and presenting the participation of international observers as evidence of a successful democratic exercise.

The International Committee of the Red Cross (ICRC) maintains a delegation in Tajikistan. The Government continued to refuse the ICRC unconditional access to prisons in accordance with standard ICRC modalities, despite letters received in the past from senior government officials that assured that such access would be forthcoming.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for the rights and freedoms of every person regardless of nationality, race, sex, language, religious beliefs, political persuasion, or social status and also explicitly states that men and women have the same rights; however, in practice there is some discrimination as a result of cultural traditions and the lingering hostilities from the 1992-97 civil war.

Women

Violence against women is widespread. Wife beating is a common problem. In both urban and rural areas, many cases of wife beating go unreported and many of those cases reported are not investigated. There is a widespread reluctance to discuss the issue or provide assistance to women in abusive situations, and the Government did not propose legislation on the issue. In addition, abduction of young women, who are raped or forced to marry their abductors, is widely reported.

The Criminal Code prohibits rape; however, it is widely believed that most cases are unreported, and the problem is believed to be growing, particularly in urban areas. The threat of rape often is used to coerce women. There are no special police units for handling these cases. One rape crisis center was established by a local NGO in Dushanbe in 1993; there are now 10 such centers in the country. The situation is exacerbated by a continued lack of public order, so that in many cities, including Dushanbe, women exercise particular care in their movement, especially at night. There are no statistics on the number of rapists prosecuted, convicted, or punished each year. In one widely publicized case, Dilfuza Nimonova, an alleged victim of rape was convicted, in a trial of questionable fairness, of having killed the man who raped her. She was forced to undergo an abortion (see Section 1.e. and 1.f.).

The law prohibits keeping brothels, procuring, making, or selling pornography, infecting another person with a venereal disease, and sexual exploitation of women; however, prostitutes operate openly at night in certain urban areas.

There are credible reports of trafficking in women (see Section 6.f.).

There have been reports of physical harassment of women by conservative Muslims in rural areas for not wearing traditional attire.

According to the law, women have equal rights with men; however discrimination against women remains a problem. Articles in the Criminal Code protect women's rights in marriage and family matters. Girls often are pressured to marry men that they do not choose themselves, and polygyny is increasingly common, although it is illegal.

Traditionally there has been a high level of female participation in the work force and in institutes of higher learning. There is no formal discrimination against women in employment, education, or housing; and in urban areas women can be found employed throughout government, academic institutes, and enterprises. However, women face diminishing opportunities for education and rising poverty. Some women hold the same jobs as men, although not in equal numbers. Women officially receive equal pay for equal work; however this regulation is not always enforced in practice. Divorce rates in urban areas are comparatively high, and women tend to carry the burden of child-rearing and household management, whether married or divorced. In rural areas, women tend to marry younger, have larger families, and receive less university education than women in cities. In rural and traditional areas, women receive less education in general, often leaving school after the eighth year. Due to the prevalence of large families, women in rural areas are also much less likely to work outside the home. Inheritance laws do not discriminate against women; however, in practice, inheritances may pass disproportionately to sons.

#### Children

The Government's lack of financial resources left it unable to fulfill its extensive commitments to children's rights and welfare, and the government social security network for child welfare appeared to have deteriorated. Women are provided 3 years of maternity leave and monthly subsidies for each child; health care is free (but the quality and quantity of medical services available has declined significantly since the Soviet era). Education is compulsory until age 16; however, the law is not enforced. Public education is intended to be free; however, a lack of resources has caused the public school system to deteriorate to the point at which it barely functions. Parents who can afford to do so send their children to private schools (a number of which have been founded since the end of the Soviet period), or join together in groups that hire teachers to give their children lessons for a fee. Public education is intended to be universal; however, a significant number of school-age children -- as many as one in eight, according to World Bank data--work instead of attending school. While most children are enrolled in school up to the completion of the secondary level, actual attendance may be lower because of the need to supplement family income by working in the home or in informal activities. The old Soviet practice, now illegal, of closing high schools at cotton harvest time and putting the students to work in the field continues in some areas.

There is no societal pattern of abuse of children.

#### People with Disabilities

The 1992 Law on Social Protection of Invalids stipulates the right of the disabled to employment and adequate medical care.

However, in practice the Government does not require employers to provide physical access for the disabled. Financial constraints and the absence of basic technology to assist the disabled result, in practice, in high unemployment and widespread discrimination. There is no law mandating accessibility for the disabled. There are facilities for the mentally disabled; however, funding is limited and the facilities are in poor condition. Several international NGO's provide limited assistance to persons with disabilities.

#### Religious Minorities

Baha'i and Hare Krishna groups experience limited prejudice. There were no developments in the 1999 murder of a prominent member of Baha'i community (see Section 1.a.). Police made no arrests, although militant Islamists aligned with Iran are considered the likely perpetrators.

The authorities continued to investigate the October bombing of a Protestant church in Dushanbe (see Section 1.a.). It is believed that the attack was meant to destabilize the political situation in the country. Prosecutors have charged three students from the Dushanbe Islamic Institute with terrorism in connection with the bombing. The students confessed to the bombing and stated their motive was religious. Investigators already have identified the remaining conspirators, and said that the three suspects claimed to be operating on their own and not on the orders of someone else. The Government believes that the act was independent and not associated with the Islamic Movement of Uzbekistan or Hiz ut-Tahir.

On December 31, two churches in Dushanbe were bombed, the Svyato-Nikolskii Russian Orthodox Church and a Seventh Day Adventist Church. There were no injuries at either church, both of which were closed at the time. Government law enforcement and security agencies are investigating the bombings. It is believed that these events were carried out by religious extremists opposed to foreign missionaries in the country.

Some Muslim leaders occasionally have expressed concern that minority religious groups undermine national unity.

#### National/Racial/Ethnic Minorities

Ethnic Uzbeks make up approximately a quarter of the population but are substantially underrepresented in government service. The number of Uzbek language newspapers, television broadcasts, and schools has declined significantly since 1992. With the exception of the trilingual (Tajik/Uzbek/Russian) school structure, the Uzbek language has no official status. Although the Government permits a daily Uzbek radio broadcast, broadcast time is dominated by Tajik and Russian language programs. A weekly television broadcast in Uzbek, which ceased in 1999, resumed in 2000.

In practice Russian is the language of interethnic communication and widely used in government. Ethnic Russians and other Russian speakers, for example, Ukrainians, make up less than 2 percent of the population. While the Government repeatedly has expressed its desire for the ethnic Russian and Slavic populations to remain, economic conditions provide little incentive for them to do so, and some local Russians and other Slavs perceive an increase in negative social attitudes toward them. A Slavic university and a Russian high school operate in Dushanbe with Russian as the language of instruction, but also include ethnic Tajik and Uzbek students. An agreement ratified by the Russian Duma in December 1996 allows for dual Russian and Tajik citizenship.

Tensions persist between ethnic Uzbeks and Tajiks in some areas. Government officials have organized meetings at the local level to resolve conflicts; however, the authorities apparently have not arrested or prosecuted suspects in murders of ethnic Uzbeks in July 1998. Since the signing of the peace treaty in 1997, there have been multiple murders of ethnic Uzbeks in the Panj district. Some of these cases appear to be a matter of retaliation by returned ethnic Tajik refugees for injuries done to them by ethnic Uzbeks during the civil war. As a result of these attacks, some ethnic Uzbek families have moved to other locations in the district where Uzbeks predominate or to neighboring countries formerly part of the Soviet Union.

#### Section 6 Worker Rights

##### a. The Right of Association

Both the Law on Social Organization and the Law on Trade Union Rights and Guarantees provide all citizens with the right of association, including the right to form and join associations without prior authorization, to organize territorially, and to form and join federations. According to official figures, approximately 90 percent of the labor force is organized.

The Federation of Trade Unions, a docile holdover from the Soviet era, remains the dominant labor organization, although it since has shed its subordination to the Communist Party. The Federation consists of 19 professional trade unions and claims 1.5 million members, virtually all nonagricultural workers. The separate, independent Trade Union of Non-State Enterprises has registered unions in over 3,000 small and medium-sized enterprises, totaling about 30,000 employees (according to 1998 figures). Many of the enterprises in which these two organizations nominally are present are not functioning because of the general economic crisis, and the membership of both has declined as a result. The Council of Ministers formally consults both organizations during the drafting of social welfare and worker rights legislation.

The Law on Tariff Agreements and Social Partnerships mandates arbitration before a union legally may call a strike. Depending on the scale of the labor disagreement, arbitration can take place at the company, sector, or governmental level. In the event that arbitration fails, unions have the right to strike, but both labor unions have disavowed publicly the utility of strikes in a period of deepening economic crisis and high unemployment and have espoused compromise between management and workers.

There were no official, union-sanctioned strikes, nor were there any wildcat strikes, the last which occurred in 1996).

The law provides citizens but not unions with the right to affiliate freely with international organizations, including international labor organizations. It does not prohibit unions from affiliating with international organizations; however, there are no unions with international affiliations.

##### b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is codified in the Law on Trade Union Rights and Guarantees, the Law on Social Partnerships and Collective Contracts, and the Law on Labor Protection. Employees, members of the trade union, and management participate in collective bargaining at the company level. Negotiations involving an industrial sector include officials from the relevant ministry and members of the union's steering committee for that particular sector. As the economic situation worsens, it is increasingly difficult for enterprises to engage in effective collective bargaining.

The law prohibits antiunion discrimination, the use of sanctions to dissuade union membership, and the firing of a worker solely for union activity. Any complaints of discrimination against a labor union or labor union activist are considered first by a local labor union committee and, if necessary, raised to the level of the Supreme Court and investigated by the Ministry of Justice. The law compels an employer found guilty of firing an employee based on union activity to reinstate the employee.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor, except in cases defined in the law; however, it persists in some cases. No labor laws have been passed since the adoption of the Constitution in 1994. Neither the Law on Labor Protection nor the Law on Employment, both predating the present Constitution, specifically prohibits forced or compulsory labor. The Soviet practice of compelling students to pick cotton was banned officially in 1989; however, high school students in some regions still are sent to the fields to pick cotton, particularly in the Soghd (formerly Leninabad) area, sometimes with compensation. Residents of state or collective farms still may be required to pick cotton, although wages usually are not paid and these institutions no longer provide the services they once did.

The law does not specifically prohibit forced or bonded labor by children; however, apart from traditional participation by children in family agricultural or home craftsman work, such practices are not known to occur.

#### d. Status of Child Labor Practices and Minimum Age for Employment

According to labor laws, the minimum age for the employment of children is 16, the age at which children also may leave school legally. With the concurrence of the local trade union, employment may begin at the age of 15. By law workers under the age of 18 may work no more than 6 hours a day and 36 hours per week. However, children as young as 7 years of age can perform household-based labor and participate in agricultural work, which is classified as family assistance. Many children under 10 years of age work in the bazaars or sell newspapers or consumables on the street. Trade unions are responsible for reporting any violations in the employment of minors. Cases not resolved between the union and the employer may be brought before the Procurator General, who may investigate and charge the manager of the enterprise with violations of the Labor Code.

The law prohibits forced or bonded labor by children, and such practices generally do not occur, apart from family-based work (see Section 6.c.).

The Government lacks the resources and ability to regulate effectively acceptable working conditions for youths, and there were no governmental or judicial initiatives to strengthen or enforce child labor legislation or regulations during the year. The Government does not have a comprehensive policy for the elimination of the worst forms of child labor.

#### e. Acceptable Conditions of Work

The President, on the advice of the Ministry of Labor and in consultation with trade unions, sets the minimum monthly wage. The nominal minimum daily rate was approximately \$0.03 (100 Tajik rubles). This rate fell far short of providing a decent standard of living for a worker and family. The Government recognizes this problem and has retained certain subsidies for workers and their families at the minimum wage. Although the Government adopted a wage indexation law in 1993 and inflation has been high, the law has not been implemented.

Although slightly improved, the economy remained extremely weak during the year, with a majority of industrial operations standing idle. As factories and enterprises either remained closed or were shut down, workers were laid off or furloughed for extended periods.

Some establishments, both governmental and private, compensated their employees in kind with food commodities or with the products produced by the enterprise. The employee could then sell or barter those products in local private markets.

The legal workweek for adults (over age 18) is 40 hours. Overtime payment is mandated by law, with the first 2 hours of overtime to be paid at 1 1/2 times the normal rate and the rest of the overtime hours at double time.

The Government has established occupational health and safety standards, but these fall far below accepted international norms, and the Government does not enforce them in practice. The enforcement of work standards is the responsibility of the State Technical Supervision Committee under the Council of Ministers. While new statistics were not available, it is virtually certain, given the continuing economic decline, that 1993 statistics, which reported that over one-fifth of the population worked under substandard conditions, greatly underreported the number working under those conditions. Workers can leave their jobs with 2 months' notice, but, given the bleak employment situation, few choose to do so. The Law on Labor Protection provides that workers can remove themselves from hazardous

conditions without risking loss of employment; however, in view of the poor prospects for finding another job, few do so.

f. Trafficking in Persons

The law does not prohibit trafficking in persons, and it is a problem. The criminal code prohibits the recruitment of minors for sexual exploitation. There are credible reports that trafficking is a growing problem with wide ramifications. The most common form of trafficking is in women, for "export" to the Gulf states, Turkey, and Russia. The OSCE has identified several rings of traffickers that recruit young women for prostitution abroad. The International Organization for Migration is leading an initiative to fully research the problem. The Government has taken no significant action against trafficking. There is no evidence of official, institutional government involvement in the trafficking of persons, but it is believed that some individual authorities are involved. It is believed that, due to the large number of female Afghan refugees, Afghan women may be the subjects of trafficking abroad using Tajikistan as the transit country.

[End.]