



JANUARY 2009

COUNTRY SUMMARY

Tajikistan

Tajikistan's human rights problems are numerous and chronic, including lack of access to justice, due process violations, and ill-treatment in custody. The government also exercises excessive control over NGOs, religious organizations, political parties, and the media.

Tajikistan is on the United Nations list of 12 countries most adversely affected by the global food crisis. At the start of 2008 severe lack of electricity, due in part to low water levels and government mismanagement, left many without heat during an unusually cold winter. As urban renewal continues in several cities, numerous people have been evicted from their homes without adequate compensation. These problems prompted an unusually high number of popular protests, all small-scale and peaceful.

In March the International Monetary Fund demanded that Tajikistan give back more than US\$47 million in loans, after the Central Bank of Tajikistan intentionally gave false information about the country's financial state. The incident exposed serious flaws in Tajikistan's governance.

Institutional Human Rights Reform

In a positive move, in March 2008 the Constitutional Court's mandate was extended to include, among other things, the right to initiate a review of any law's compliance with the constitution and to consider complaints by legal persons.

On March 20, President Emomali Rahmon signed the Law on the Human Rights Ombudsman, under which the ombudsman is appointed by the president and later confirmed by parliament. At this writing, the ombudsman has not yet been appointed.

Forced Evictions and Property Rights

The authorities in the capital, Dushanbe, continue to forcibly and sometimes violently evict people living in the city center and resettle them on the city outskirts, sometimes in unsafe buildings. The hundreds of victims include people whose homes will be demolished to make way for planned urban renewal, whose ownership title or purchase agreements were declared illegal, and residents of dormitories that were owned, and then privatized, by enterprises. Victims lack adequate information, are not consulted properly about planned evictions, are inadequately compensated for their property, and lack effective legal remedies. In some cases police and marshals intimidate and beat persons resisting eviction.

Attempts by some to impede or challenge the evictions led to conflicts with law enforcement bodies, and in most cases were not successful. In February 2008 a Dushanbe court sentenced Bobodzhon Amirov to six years' imprisonment for obstructing law enforcement officials evicting his family; the sentence was reduced by half on appeal. On April 15, a group of more than 20 women approached the presidential administration building to hold a small protest to express grievances about evictions. Police arrested the demonstrators, beating and insulting some of them. The women were fined and released the same day.

Religious Freedom

At this writing, the government had not yet sent to parliament a controversial draft law on religion that had been sharply criticized in 2007. Under the draft law, all religious groups must reregister and meet such onerous conditions as providing the address of any person who, at any point during the past 10 years, has been a member. The draft also prohibits foreigners from chairing religious organizations.

According to Forum 18, an independent, international religious freedom group, on September 29, 2008, a Dushanbe court reaffirmed the ban on activities of Jehovah's Witnesses imposed in 2007. A large consignment of Jehovah's Witness literature seized by customs in 2007 remains impounded. Two registered Christian groups that were suspended in 2007 could not operate as the government raised objections to their charters.

The Dushanbe synagogue was bulldozed in June, two months after a court ruled that its architecture was inconsistent with that of the presidential palace under construction nearby. The government did not compensate the Jewish community or provide it with an alternate location for worship. At this writing, the Protestant church Grace Sunmin was about to lose its building for worship in Dushanbe, pursuant to a ruling that the church's 1997 purchase of the building was illegal.

Actions in the Name of Countering Terrorism and Extremism

Following a recommendation by the prosecutor general, the Supreme Court of Tajikistan designated Hizb ut-Tahrir, a group that supports the reestablishment of the Caliphate, or Islamic state, by peaceful means, an "extremist" organization. The government continued to arrest alleged Hizb ut-Tahrir members and convict them either of sedition or incitement to racial, ethnic, or religious hatred, often simply for possessing the organization's leaflets.

Civil Society

The government continues to prohibit unregistered NGOs from operating and to use burdensome registration requirements to unduly interfere with the activities of local and international NGOs. More than a year after the new NGO law entered into force, a Ministry of Justice official reported in April that of 3,130 NGOs registered in previous years, only 1,390 had been reregistered, as had 116 of 145 previously registered international organizations. It is not known how many NGO registration applications were denied as opposed to how many NGOs did not have the human or financial resources to apply for reregistration (local NGOs complained that reregistration was a time-consuming and demanding process).

The National Democratic Institute, a US NGO, closed its Dushanbe office in May 2008, after the Justice Ministry denied for the third time in four months the organization's registration application. Also in May, the ministry imposed a three-month ban on Orphans, Refugees and Aid International, a Germany-based nondenominational Christian relief organization, for allegedly proselytizing.

Freedom of Assembly and Expression

While several small, unsanctioned peaceful demonstrations protesting social and economic problems took place in 2008, in April local authorities prohibited the opposition Social Democratic Party from holding a demonstration in Khorog, the capital of the Gorno-Badakhshan autonomous province. The authorities claimed that the issues to be protested—including the transfer of 98 hectares of land to China, the legal status of Gorno Badakhshan, and local police actions—were “beyond the competence of municipal authorities.”

Libel and slander continue to be criminal offenses in Tajikistan, and at least two highly worrisome criminal cases are pending at this writing. In 2007 journalist Tursunali Aliev was charged with libel for publishing an article alleging illegal privatizations in Sugd province. The criminal case against him was closed after the preliminary investigation but reopened in August 2008. In September the prosecutor’s office started a criminal investigation against Dodojon Avotulloev, founder of *Charogi Ruz* (an opposition newspaper published in exile) and leader of the opposition movement Vatandor. Avotulloev, who had been living in exile in Moscow, is facing charges of sedition and libel and slander of the president of Tajikistan. Fearing extradition, Avotulloev left Russia for a third country.

Torture and Deaths in Custody

Tajikistan’s definition of torture does not comply fully with the UN Committee Against Torture’s recommendations to the country in December 2006. In a positive move, in March 2008 the Criminal Procedure Code was amended to make evidence obtained under torture inadmissible in court proceedings.

Experts agree that in most cases there is impunity for rampant torture in Tajikistan. In one of the few cases that reached the courts, two policemen in Khatlon province were convicted in August 2008 for ill-treating minors; one of the two received a four-year prison sentence, and the other a suspended sentence.

NGOs and local media reported at least three deaths in custody in 2008, including the death from cancer of the ex-deputy chair of the Party of Islamic Revival Shamsiddin Shamsiddinov. The party alleged his arrest in 2003 was politically

motivated and claimed that his life could have been saved had he been allowed to undergo surgery.

In an April 1, 2008 decision (Rakhmatov et al. v. Tajikistan) the UN Human Rights Committee found that Tajikistan violated the rights, including freedom from torture, of five applicants, two of them minors when they were arrested. Tajikistan failed to cooperate with the committee's consideration of the complaint. Similar violations were established in an October 30, 2008 decision (Khuseynov and Butaev v. Tajikistan).

Women's Rights

Women and girls in Tajikistan continue to confront gender-based discrimination and violence. Surveys indicate between one-third and one-half of women experience domestic violence, of whom most have little access to redress. The parliament has yet to pass a pending bill on domestic violence first drafted in 2006. The UN special rapporteur on violence against women visited Tajikistan in May 2008. In her statement concluding the visit, she highlighted that women in Tajikistan "are caught within a web of poverty, patriarchy, and a weak protective infrastructure, resulting in increased vulnerability to violence and discrimination inside and outside their homes." She supported Tajikistan's draft domestic violence law and urged "other measures ... to enhance women's access to justice" and effective services to victims.

Key International Actors

On June 3, 2008, the chairman-in-office of the Organization for Security and Co-operation in Europe (OSCE) met with Tajikistan's president and foreign minister in Dushanbe. The three discussed a new "comprehensive mandate" for the OSCE Office in Tajikistan. The chairman-in-office also raised such problems as lack of prison access for the International Committee of the Red Cross, child labor, and government interference with media freedom.