

Tajikistan

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Capital: Dushanbe
Population: 6.7 million
GNI/capita: US\$1,710

The data above was provided by The World Bank, *World Bank Indicators 2009*.

Nations in Transit Ratings and Averaged Scores

	1999-2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Electoral Process	5.50	5.25	5.25	5.25	5.75	6.00	6.25	6.50	6.50	6.50
Civil Society	5.25	5.00	5.00	5.00	5.00	4.75	5.00	5.00	5.50	5.75
Independent Media	5.75	5.50	5.75	5.75	5.75	6.00	6.25	6.25	6.00	6.00
Governance*	6.25	6.00	6.00	6.00	5.75	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	6.00	6.25	6.25	6.25	6.25
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	5.75	5.75	5.75	6.00	6.00
Judicial Framework and Independence	5.75	5.75	5.75	5.75	5.75	5.75	5.75	5.75	6.00	6.25
Corruption	6.00	6.00	6.00	6.00	6.25	6.25	6.25	6.25	6.25	6.25
Democracy Score	5.75	5.58	5.63	5.63	5.71	5.79	5.93	5.96	6.07	6.14

* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

In 2008, both the government and the population of Tajikistan continued to rely on external sources of support. While the government depended on the global commodities market (particularly cotton and aluminum exports), aid from international financial institutions, humanitarian assistance from Western states, and direct investment in infrastructure (by Russia, China, and Iran), the population relied increasingly on remittances sent home by over a million Tajik migrants working in Russia and Kazakhstan. The drug trade also continued to act as a source of sustenance for many. By the end of 2008, the global economic crisis led to a precipitous fall in the number of migrants working abroad and a corresponding sharp decline in foreign remittances. Tajikistan also experienced the coldest winter in decades, during which the government was unable to provide the majority of the population in outlying areas with heat and sufficient electricity.

President Emomali Rahmon, in power since 1992, remained generally popular but was criticized by some observers for using ethnic (Tajik) and religious (Hanafi Sunni Islam) rhetoric as nation-building tools. The government was also criticized in 2008 for spending over US\$125 million on attorney fees to settle a case involving the state-owned Tajik Aluminum Company (Talco). The next major test for democracy in Tajikistan is the February 2010 parliamentary elections, which opposition political parties, nongovernmental organizations (NGOs), and some international diplomatic missions are viewing as a litmus test for the country's political progress.

Local and international civil society organizations were required to reregister with the Justice Ministry in 2008; some encountered problems or were denied registration, and the work of several well-established international humanitarian NGOs was suspended. Despite ongoing barriers, the media saw some openings, with several new outlets allowed to function. No outlets were closed, and journalists exercised less self-censorship. Progress in local governance remained stalled, while citizens' land and labor rights were routinely violated. Likewise, the justice system saw no progress as executive pressure on the courts and overall corruption appeared to increase despite the presence of the new government-funded Anticorruption Agency.

National Democratic Governance. President Rahmon remained generally popular during 2008 but continued his idiosyncratic form of nation-building using ethnic and religious rhetoric, emphasizing the Tajikness of the nation and dedicating 2009 as the year of Emomi Azam (Great Leader) in reference to the historic figure of Abu Hanifa, who was of supposed Persian/Tajik heritage and founded the Hanafi branch of Sunni Islam. These dual nation-building tools, by purpose or by default,

discriminate against ethnic minorities such as ethnic Uzbeks and non-Hanafis (such as Ismaili Muslims and non-Muslim minorities). The year also saw increased convictions of alleged radical Islamists in what human rights advocates have labeled a flawed judicial process. *Given the president's use of particular ethnic and religious rhetoric as nation-building tools and the government's continued difficulties in providing basic services to the population, the rating for national democratic governance remains unchanged at 6.25.*

Electoral Process. In the lead-up to the next nationwide test of democracy, the February 2010 parliamentary elections, Tajikistan's political parties (assisted by the International Foundation for Election Systems) proposed a series of necessary electoral law reforms in the summer of 2008, including a reduction in the electoral threshold for party list candidates, inclusion of opposition party representatives in election commissions at all levels, and elimination of the exorbitant fees for registering candidates. By the end of the year, however, the Parliament had given no indication that it would consider changes to the existing election laws. *Given the government's reluctance to consider positive changes to its election laws and, in general, to opening up the political spectrum, the rating for electoral process remains unchanged at 6.50.*

Civil Society. Tajik authorities continued to exert control over the activities of civil society, including both NGOs and religious groups. By April 2008, as a result of a 2007 law requiring the reregistration of all civil society groups, the total number of registered local NGOs dropped by 55 percent to 1,390 (though the real figure of active NGOs is likely much smaller); and the number of international organizations fell by 20 percent to 116. In May, the government denied registration to the U.S.-based National Democratic Institute, which subsequently closed its office in Tajikistan. The activities of three other NGOs—U.S.-based Mercy Corps and Care International and the German faith-based development organization Orphans, Refugees, and Aid International—were also suspended, albeit temporarily. The authorities clamped down on religious groups, reaffirming bans on the Jehovah's Witnesses and Hizb ut-Tahrir, and seeking a ban on the Salafi Islamic movement. A strict new draft Law on Freedom of Conscience and Religious Associations was also completed and presented to Parliament for review. *Given the increased measures to control the activities of nongovernmental development and religious organizations throughout 2008, the rating for civil society worsens from 5.50 to 5.75.*

Independent Media. In 2008, the government continued to tolerate independent media, which at times reported critically on government activities with no major or systematic repercussions. Several new print- and Internet-based outlets were given permission to operate, though no new independent radio or television stations were allowed to do so despite a backlog of applications. Reporters Without Borders rated Tajikistan in 2008 as having the freest media among all post-Communist states of Central Asia, ranking it 106 out of 173 countries surveyed worldwide,

an improvement over 2007. *Although a general trend in loosening controls over the media could be observed, no major steps were taken by the government to liberalize the media or encourage reporting on critical matters; thus the rating for independent media remains unchanged at 6.00.*

Local Democratic Governance. In Tajikistan, attempts at democratic practice are confined mostly to the national level, where the president and the Parliament are elected. At regional and local levels (i.e. province, district, town and village), where most officials are virtually appointed, the semblance and reality of democracy are nonexistent. Nearly three-quarters of Tajikistan's population live in rural areas and rely on agriculture-related employment. For years, the country has undergone a problem-riddled and corrupt land reform process, and while nearly all farmland has been privatized, for the average farmer, the process has been on paper only, especially in cotton-growing regions. The central and local governments call the commodity "white gold," but the cotton industry accounts for an accumulating debt of over US\$500 million and has caused much poverty for local communities. Despite declining yields and negative social and economic impacts at the local level, the central government, through local cronies, enforces a de facto rule in favor of cotton cultivation. *Given the lack of democratic rule at the local level, lack of progress in equitable land reform, and continued exploitation of the rural population (especially in cotton-growing areas) by mostly unelected local leaders, the rating for local democratic governance remains unchanged at 6.00.*

Judicial Framework and Independence. According to the Tajik NGO Bureau of Human Rights and Rule of Law, torture and abuse were routinely practiced by Tajikistan's law enforcement agencies during 2008. Another local group, the Human Rights Center, reports that one in five defendants claimed to have been abused by interrogators to confess to crimes they may not have committed. Judges are appointed largely by the president and remain under the direct and indirect influence of the executive. Corruption in the judiciary is widespread and, based on anecdotal evidence, has increased. The penitentiary system has undergone an incomplete reform and has remained closed to independent inspectors, such as the International Committee of the Red Cross. Although the law on establishing a human rights ombudsman was passed in March 2008, no progress was made in its implementation. *Owing to allegations of torture, abuse, and widespread corruption in law enforcement sectors, the heavy influence of the executive branch on the judiciary, and the continued resistance of the government to allow independent inspectors into detention facilities, the rating for judicial framework and independence worsens from 6.00 to 6.25.*

Corruption. Aside from its pervasive nature among most public services, corruption is also part of the main system of goods and commodities transported and exported out of Tajikistan—namely, the trafficking of Afghanistan-originated drugs and

the domestic production and export of cotton and aluminum. Despite the fact that the cotton sector has been losing money and thousands of rural households have become poorer while being forced to grow it, its production is still identified by authorities as “strategic.” Aluminum production by state-owned Talco is also problematic, with some claiming that hundreds of millions of dollars in profits never reach government coffers. *Owing to the continued serious nature of corruption, which affects nearly all aspects of domestic life, as well as the minimal impact of the government’s anticorruption efforts, the rating for corruption remains unchanged at 6.25.*

Outlook for 2008. Tajikistan (both its government and its population) will be forced to radically tighten its belt as sources of regular support continue to at least partially dry up—namely, the plummeting cotton and aluminum markets and significantly decreased remittances from the shrinking numbers of Tajik migrant workers in Russia, estimated at 36 percent of Tajikistan’s gross domestic product in 2008. Furthermore, the population and the media appear to be less timid in expressing its dissatisfaction over the government’s endemic corruption and violations of economic and human rights, including a near lack of justice in the courts, illegal evictions, and a closed and abusive prison system. Much may depend on an external push from the international community and its financial assistance and investment. Though key powers are interested in seeing a secure and strong Tajikistan that would serve as a barrier to the export of drugs and terrorism, much of it emanating from Afghanistan, some experts argue that the best methods for fighting drug trafficking and religious extremism in Tajikistan are increased social, economic, and political freedoms, including respect for the individual and group rights of ethnic and religious minorities, detainees, and the population at large.

MAIN REPORT

National Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	6.00	6.25	6.25	6.25	6.25

President Emomali Rahmon, in power since 1992, has largely maintained the support of the population, who credit him with ending the 1992–1997 civil war, which took nearly 50,000 lives and forced half a million people to flee the country or become internally displaced. President Rahmon has been viewed as capable in providing security and allowing for economic development (the average annual gross domestic product grew by nearly 8 percent during 2004–2008).¹ Despite his seeming popularity, however, Rahmon has not fully tested the democratic process, and his administration has maneuvered to sideline genuine opposition figures, especially prior to and during the 2006 presidential election.

The president has also used his popularity to promote an idiosyncratic nation-building model, blending ethnic overtones with religion. For example, 2006 and 2007 were celebrated as the years of Aryan Civilization, and Tajik Language, while 2009 has been stated as the year of Emomi Azam (Great Leader), referring to Abu Hanifa (A.D. 699–765), who was of supposed Tajik/Persian heritage and known as the founder of the Hanafi branch of Sunni Islam. The president's dual emphasis on the Tajikness of the population (in reality, no more than 70 percent) and the Hanafi religious identity of the majority has risked socially and politically marginalizing non-ethnic Tajiks (including over a million ethnic Uzbeks), non-Hanafi Muslims (including over 200,000 Ismaili Muslims), and non-Muslim minorities. Some, such as the outspoken Social Democratic Party (SDP) leader, Rahmatullo Zoyirov, have criticized the president for violating Tajikistan's concept of secular statehood as guaranteed by the Constitution.

Tajikistan experienced significantly higher episodes of instability in 2008. In January, there were two explosions in the capital, Dushanbe, resulting in property damage. In February, Colonel Oleg Zakharchenko, commander of Tajikistan's special police forces, was shot and killed in the eastern town of Gharm during an encounter with men associated with Colonel Mirzokhoja Ahmadov, the regional chief for combating organized crime. Though the incident remains unresolved, the government initially blamed the killing on Ahmadov and his aids, while some viewed it as a botched operation, part of a larger effort to eliminate former United Tajik Opposition (UTO) guerrilla fighters like Ahmadov, who were assimilated into the government security forces after the civil war.

In June, one of the largest demonstrations in recent Tajik history took place in the capital of the autonomous mountainous Badakhshan province. Demonstrators

protested when the government sent several hundred troops to the region, for the government having granted parts of eastern Badakhshan's territory to China, and for remaking the boundaries of the province's western border by giving away several villages to another province, all without the approval of the supposed "autonomous" region's Parliament. The situation was stabilized with negotiations between the ex-UTO leaders and the minister of the interior. Despite the deal, however, the prosecutor general opened criminal proceedings against four ex-UTO commanders in July.

In 2008, a total of 28 members of Hizb ut-Tahrir (Freedom Party) were convicted, and unknown numbers of Islamic Movement of Uzbekistan (IMU) suspects were sentenced to long prison terms. It has been argued that the government's efforts to combat extremism may be counterproductive; according to a recent U.S. State Department report on terrorism, factors such as poverty and the Tajik government's aggressive policies toward some Islamic religious practices have encouraged recruitment in extremist groups. To date, Tajik jails house several hundred detainees who are convicted Hizb ut-Tahrir and IMU members, but also ex-UTO fighters who refused to lay down their arms after the 1997 peace accord. Many have complained of unfair trials, torture, and harsh prison conditions.

Tajikistan suffered one of the severest winters in decades in 2008. During the entire season, large parts of the country were provided with only a few hours of electricity per day, while alternative sources such as coal and natural gas were rare. The government failed to provide potable water for a large portion of the country as well; given arrears owed to Uzbekistan, it also failed to provide a regular supply of natural gas to urban neighborhoods where gas lines have been in existence since the Soviet era.

Electoral Process

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
5.50	5.25	5.25	5.25	5.75	6.00	6.25	6.50	6.50	6.50

In February 2010, Tajikistan will hold elections for its national, provincial, and district parliaments. If past is prologue, there is little hope the electoral process will comply with democratic values. In 2000, a joint UN and Organization for Security and Cooperation in Europe (OSCE) observation team described that year's election as the "first multiparty election in the history of Tajikistan," as it was Tajikistan's first parliamentary election after the signing of the 1997 peace accord and involved parties that were previously banned. Despite its historic significance, there were numerous shortcomings, including violence resulting in 11 deaths (including one candidate) and overall problems with transparency, accountability, fairness, and secrecy. Not surprisingly, observers from the Commonwealth of Independent States fully endorsed the 2005 parliamentary and 2006 presidential elections. The

OSCE, however, was critical in its assessments, concluding that the 2005 election “failed to meet many key OSCE commitments and other international standards on democratic elections.”² In the 2006 presidential election, the ruling People’s Democratic Party (PDP) exercised unfair and disproportionate advantage over opposition parties. The opposition, in turn, either did not field candidates for the election (such as the Islamic Revival Party [IRP] and Communist Party [CP]) or boycotted it altogether (the Democratic Party and SDP).

Tajikistan has a bicameral Parliament composed of the *Majlisi Namoyandagon* (lower house) and *Majlisi Milli* (upper house). The 63 members of the lower house are elected for five-year terms, 22 via a proportional party list from a countrywide constituency with a 5 percent electoral threshold. The remaining 41 seats are filled via election under a majoritarian system from single-mandate constituencies requiring an absolute majority. A substantial portion of the upper house is either directly or indirectly appointed by the president, thus violating the concept of separation of powers. Tajikistan has a three-tiered system of election commissions, with the Central Election Commission (CEC, appointed by the president and approved by the lower house), 41 district election commissions (with some commissions consisting of more than one district), and close to 3,000 polling station commissions. Opposition parties have often claimed that most election commissions are composed of pro-government appointees.

In the 2005 parliamentary elections, PDP won 75 percent of the votes, consequently controlling 52 seats in the lower house. Only two other parties won: CP with 4 seats and IRP with 2. The remaining 5 seats were filled by independent candidates, most likely closet PDP members. A similar victory occurred in the 2006 presidential election, where incumbent president Emomali Rahmon was reelected for the third time with 79 percent of the votes (his closest rival received just over 6 percent), with a reported voter turnout exceeding 90 percent. Critics claim that the presence of eight political parties in Tajikistan is merely a facade of pluralism, since at least three are de facto pro-government parties.

In the last presidential elections, the 5 percent threshold was criticized as unrealistic for any but the ruling party, and experts questioned the CEC’s claim that each of the five candidates was able to collect the required 160,000 signatures. Furthermore, there was no real campaigning, with Rahmon avoiding the remaining pack of four, who conducted a few symbolic debates. The OSCE, which deployed 135 observers in 2005, claimed that multiple voting (or family voting) was common. Additionally, an anonymous international worker observing an April 2007 bi-election in the southern Khatlon province estimated that multiple voting constituted as much as 25 percent of votes and resulted from pressure by authorities on precinct heads to produce a high and favorable turnout.

During summer 2008, an International Foundation for Election Systems project, funded by the United States, brought together representatives of Tajikistan’s eight political parties and the CEC as a working group, which subsequently produced recommendations for amendments to the electoral laws of the provincial and national parliaments. The recommendations suggested including representatives from political parties in all election commissions, allowing wider access to national

election observers, lifting the prohibition on citizens who have been away from Tajikistan for over five years to run for office, reducing the electoral threshold for party list candidates from 5 to 3 percent, and increasing the size of the lower house from 63 to 100 members. By year's end, however, there was no indication that the working group's recommendations would be considered by the Parliament.

Civil Society

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2008
5.25	5.00	5.00	5.00	5.00	4.75	5.00	5.00	5.50	5.75

Traditional modes of civil society have always been a part of Central Asia, with some components reinforced and others suppressed by Communist rule. Historically, the *masjid* (mosque), *choikhona* (teahouse), and *bazaar* (market) have been places of community discussion. Furthermore, voluntary cooperation has been a part of life in both Muslim and Communist Tajikistan, often referred to as *hashar* (assembling). Prior to Tajikistan's independence, and encouraged by Gorbachev's glasnost, informal modern civil society entities and discussion groups such as *Ru ba Ru* (Face-to-Face) and *Ehyo* (Renewal), with fewer than 100 members each from among the urban intelligentsia, were also formed.

The Tajik political scientist Parviz Mullojonov claims that one reason for the escalation of violence during Tajikistan's civil war was the "anemic state" of the country's civil society and its unpreparedness to take up an "intermediary peace-making role."³ One could also argue that the role of civil society is not necessarily always positive, and in the case of the events leading to Tajikistan's civil war, religious- and ethnic-based informal entities often inflamed, rather than put out, preexisting or newly formed tensions among factions and regions. Still, well into the Tajik civil war and after, civil society eventually played constructive roles in assisting in the peace process. The 1996 Public Accord Agreement was signed by nearly all political parties and many nongovernmental organizations (NGOs), and after the signing of the 1997 Moscow Peace Accord, the government and international entities involved in assisting the repatriation of an estimated 70,000 Tajik refugees from Afghanistan relied on the *mahalla* (neighborhood) councils and their influence in the local community to reduce remaining tensions between repatriated citizens and locals.

The unrest in March 2005 in neighboring Kyrgyzstan, which led to regime change and the bloody incidence in Uzbekistan's Andijon a few months later prompted Tajik authorities to take a serious look at civil society groups, the most active of which are funded by foreign donors. The government attempted to regulate local and international organizations, whose activities were not always found to be in the state's interests. In 2005, the pro-government weekly *Jumhuriyat*, for example, labeled seminars sponsored by the U.S.-funded American Bar Association as "dangerous" for their alleged promotion of Western values.⁴

In February 2007, the government passed a new Law on Civil Society Organizations that gave it relatively free hand in potentially controlling all forms of gatherings and entities and, among other things, required all existing NGOs to reregister with the Ministry of Justice. In 2006, the authorities denied registration to Freedom House, and according to Human Rights Watch, the government is using its “burdensome registration requirements to unduly interfere” with the activities of civil society. As of April 2008, 1,390 NGOs were registered with the Ministry of Justice, although no more than several hundred are active, while registered foreign NGOs numbered 116 (20 percent less than in 2007). The reregistration process has not been trouble-free, and it is suspected that the authorities have asked some local and foreign NGOs for illegal fees in exchange for registration.

In May 2008, the Ministry of Justice suspended the activities of Orphans, Refugees, and Aid (ORA) International, a German-based Christian relief organization active in Tajikistan since 2002. The government based its decision on ORA’s alleged violation of the obscure Article 56 of the Constitution wherein no representative offices and branches of foreign entities are to have legal status. The decision was also based on the government’s allegations that ORA had engaged in proselytizing. Also in May, the government denied registration to the Washington-based National Democratic Institute, active in Tajikistan since 2002 in building the capacity of civil society and political parties. The Ministry of Justice also refused to renew the registration of two other U.S.-based humanitarian NGOs, Care International and Mercy Corps, accusing them of improper reporting of their activities.

In September 2008, a Dushanbe military court continued the ban on activities by the Jehovah’s Witnesses and denied registration to two other Christian missionary groups. Muslim groups were also scrutinized by the authorities. In March, the Supreme Court confirmed an earlier ruling banning Hizb ut-Tahrir as an Islamist extremist organization. In June, the mayor of Khujand expressed concern over the spread of the Salafi Islamic movement (aka Salafiya), which many consider a fundamentalist version of Sunni Islam, while in October, the Khatlon prosecutor general asked for a ban on the Salafiya. The government’s new draft Law on Freedom of Conscience and Religious Associations, expected to become law in 2009, restricts the activities of religious groups, allows for government inspection of religious gatherings and organization records, forbids foreigners from leading religious groups, creates formidable obstacles in registering new religious groups and heavily restricts proselytizing.

Independent Media

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
5.75	5.50	5.75	5.75	5.75	6.00	6.25	6.25	6.00	6.00

According to the Ministry of Culture, as of February 2008 there were 129 newspapers and 49 journals registered with the government, though most do not publish

regularly and no daily newspaper is produced in the country. By all accounts, the post-Communist generation in Tajikistan is less well read yet more technologically dependent, as television, radio, cell phone and the Internet play increasingly more important roles than print media.

There are approximately 30 radio and television stations in Tajikistan, most privately owned. Aside from several state-run radio and television stations, including 2 nationwide channels and the recently established 24-hour news channel, *Jahonnamo* (Worldview), there are 18 independent radio and television stations, mostly in Dushanbe and the northern Sughd province. In the heavily populated southern Khatlon province, there are only 2 independent TV stations: *Mavji Ozod* (Free Wave) and *Independent TV* of Qurghonteppa (aka TV-5). Tajikistan was the last ex-Communist state to link to the Internet. There are currently an estimated 12 Internet service providers in the country, although access to the Internet is more expensive compared with access in Western states.

Tajikistan's media laws generally meet international standards. Article 30 of the Constitution gives individuals and entities the right to seek, receive, and disseminate information. The Law on the Right to Access to Information, passed in April 2008, requires government entities to provide relevant information in response to inquiries within 30 days. Article 27 of the Law on the Media allows journalists to appeal to legal bodies in the instance that authorities refuse to provide information, while Article 162 of the country's criminal code makes it an offense to obstruct the work of journalists. Despite Tajikistan's relatively good laws, implementation is problematic. According to Mukhtor Boqizoda, a prominent journalist, officials often "ignore journalists," and "access to governmental information is limited." Access is more restrictive as one moves out of the capital and into the regions. The leading complaints registered by Tajikistan's National Association of Independent Media (NANSMIT) in the past few years have been the refusal of access to government information, obstruction of the routine activities of journalists, and physical threats.

However, not unlike other former Soviet republics, Tajikistan lists defamation as a criminal offense. Article 135 of the criminal code ("maliciously spreading false information about a person") and Article 136 ("insults that offend personal dignity") carry a punishment of up to two years in jail or a fine of up to US\$17,000. Furthermore, Article 137 ("protection of the honor and dignity of the president") can lead to a five-year jail sentence, while insulting a government official in a public manner can carry a fine of US\$34,000 or two years in jail. Media rights activists claim that the law is too stringent and used by authorities to intimidate journalists and restrict freedom of speech. A campaign to remove libel from Tajikistan's criminal law statutes was launched in 2008, urging that cases be taken by civil rather than criminal courts.

According to NANSMIT, 2008 involved a "greater level of persecution for critical reporting than previous years," but "arrests and attacks" on journalists were also "rare." In one example, a criminal libel case was launched in August against a well-known journalist, Tursunali Aliev, in connection with a magazine article critical of local government officials. NANSMIT called this "deliberate persecution"

intended to intimidate the media. In another case, Dodojon Atovulloyev, editor of the banned online journal *Cheroghi Ruz* (Light of Day) and founder of the opposition *Vatandor* (Patriot) movement-in-exile, was labeled a “criminal and information terrorist” by the authorities. In September, the prosecutor general launched criminal proceedings against Atovulloyev, who lives in Europe, accusing him of insult and slander of the president and calling for the overthrow of the constitutional order.

In Reporters Without Borders’ 2008 Index of Media Freedom, Tajikistan ranked 106 out of 173 states surveyed and holds the seventh best place among the former Soviet republics (after the Baltic States, Ukraine, Moldova, and Armenia). Indeed, Tajikistan has a relatively vibrant (print) media atmosphere. For example, an opinion column published in November 2008 by the editor of the Tajik paper *Facti i Komentariyi* was harshly critical of the government’s conduct and of the population for not demanding its rights. Internet journalism also expanded with the November launch of www.pamir-media.tj by several journalists in the Badakhshan province.

According to Ibrahim Usmonov, a professor at the National University of Tajikistan, the print sources not registered by the authorities in recent years were either short-term journals that were purely grant based or publications expressing critical views by independent thinkers or opposition parties.⁵ Regarding broadcast media, the government’s arguments for refusing registration include the assertion that “commercial radio is an invention of world imperialism”⁶ or that funding came from foreign sources. Ironically, in March, President Rahmon himself had expressed dissatisfaction with the state-run radio and television, claiming correctly that many tune in to news from Russian channels instead. Rahmon ordered that “every event that happens every second and every minute should be broadcast on TV and radio...” The president also said, however, that the media should avoid publishing reports that can cause turmoil.⁷

In April 2008, authorities temporarily shut down the relatively objective *Radio Imruz* (*Today*), which, ironically, is owned by Hasan Sadulloev, the president’s wealthy brother-in-law. *Imruz* had, among other things, reported on a protest in Badakhshan over the central government’s policies, allegations of unfairness in the electoral process, as well as on Tajikistan’s US\$47 million mishap with the International Monetary Fund.

Local Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	5.75	5.75	5.75	6.00	6.00

In Tajikistan, provincial and district governors and city mayors are not elected but appointed. Although some local leaders are highly competent, most are chosen primarily for their loyalty rather than their ability. Many local leaders are incapable

of running an efficient government and make unilateral decisions with little or no input from the population. And though provincial and district assemblies are elected bodies, the process of nominating candidates is highly political, with obstacles put in the way of opposition or non-PDP candidates. Cronyism and corruption at the local level extends to nearly all districts and includes the illegal sale of agricultural lands by local officials for personal profit.

Most of Tajikistan's administrative divisions and key infrastructure reflect the country's Soviet past, as confirmed in the 1994 Constitution. Tajikistan has 22 cities, 47 towns, 354 villages, and 3,570 settlements and is divided into 4 provinces, each subdivided into districts (*nobiyā*) numbering 56 in total. The 4 provinces—Khatlon, Sughd, Badakhshan, and Regions of Republican Subordination, which surround the capital, Dushanbe—uphold their own governments and elect, at least on paper, the majority of their regional parliamentarians. The capital city, Dushanbe, is equivalent to an additional province. The president appoints provincial and district heads, and although district council members may veto appointments, they rarely do.

Nearly 75 percent of Tajikistan's population lives in rural areas. Most engage in agricultural work, which constitutes 60 percent of the country's employment and contributes 30 percent of the gross domestic product.⁸ Many of the difficulties facing the country's rural economy result from mismanaged land and agricultural reform. According to a joint European Commission and UN study, the key role of land reform to "provide a basis for agricultural growth and rural livelihoods" is unfulfilled in Tajikistan. Although close to two-thirds of agricultural land and enterprises have been privatized into *dehqon* (peasant) farms, much of this is merely on paper, with an estimated 30 percent still operating as collective farms. According to experts, many of the new private collective farms, especially in cotton-growing areas, function like feudal states, where members are not consulted on the crops to be grown, suffer low wages, and sometimes find their land shares creatively stolen.

Some experts would claim that the international community has taken a privatization "cure-all" approach to post-Communist transition. The Tajik authorities, in turn, have played along, adopting a purely formalistic line in what has become a corrupt process. At the same time, the Ministry of Agriculture has been left largely out of the reform process and forced to act as the de facto "ministry of cotton farming."⁹ Today, cotton yields in Tajikistan are near mid-1930s levels, and cotton farms and farmers have accumulated an astounding debt to intermediary companies estimated at over US\$500 million, while the export of cotton fiber during 2008 reportedly fell by 23 percent.¹⁰ At the same time, Tajikistan is heavily dependent on food imports, including such staples as grain, meat, and eggs. According to a 2008 World Bank survey, 53 percent of the population lives below the poverty line, with one in six households (17 percent) categorized as "extremely poor," consuming only one meal per day.

Judicial Framework and Independence

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
5.75	5.75	5.75	5.75	5.75	5.75	5.75	5.75	6.00	6.25

In its annual report, Human Rights Watch observed that “lack of access to justice, due process violations, and ill-treatment in custody” were among the “numerous and chronic” human rights issues facing Tajikistan in 2008. Furthermore, the local NGO Bureau of Human Rights and Rule of Law reported abuse and torture by law enforcement officials. Some confessions in detention were reportedly obtained through beatings, electroshock, solitary confinement, and even rape. Many who have been abused are unwilling to file suits against the authorities, as they lack confidence in the objectivity of the courts and also fear repeated abuse. However, in a rare case, in August 2008 two policemen in the Khatlon province were convicted of having ill-treated minors. Corruption in the judicial system in the form of bribery, extortion, and political influence, primarily by the executive branch, is also rampant. During the first nine months of 2008, five judges were reportedly fired from their posts on corruption allegations, with two being charged.

Tajikistan’s criminal procedure code, dating back to the Soviet era, is highly problematic, and the notion of “guilty until proven innocent” is commonly held.¹¹ According to the Human Rights Center, a local legal aid NGO, three-quarters of the accused are held in special cages during trial, many also handcuffed. Furthermore, one in five defendants in criminal cases tells of police interrogators using torture or psychological abuse to extract confessions, but with judges only rarely taking such claims into account.¹² Some victims have appealed to international bodies: In the case of *Rahmatov et al. v. Tajikistan*, the UN Human Rights Committee ruled in April 2008 against Tajikistan for having violated the rights of five individuals, including freedom from torture. There are an estimated 10,000 prisoners in the penal system, with over 10 percent infected by tuberculosis, HIV/AIDS, and other serious maladies. Tajikistan’s prison system has been closed to serious objective third-party monitoring, such as by the International Committee of the Red Cross.

During 2008, authorities continued the arbitrary forced evictions of the poor and middle class from Dushanbe to make way for the capital’s *genplan* of urban renewal. This prompted several protests, all small-scale and mostly peaceful, but with a disproportionate response by the authorities, who beat and arrested some demonstrators. The land confiscations included an ongoing case involving a large and highly valuable property owned by the Grace Sunmin Protestant Church as well as Tajikistan’s only synagogue, which was bulldozed in April to make way for a new government palace.

Constitutional guarantees of the right to representation by an attorney and the right to fair trial are routinely violated, especially in the case of the poor and those deemed to be a danger to the security of the state. According to the criminal procedure code, security organs may arrest and keep an individual in pretrial detention for up to 72 hours, but the prosecutor may extend the detention for 10 days and in some

cases, by order of the prosecutor general, for up to 15 months without trial. As of the end of 2008, the government had proposed a new draft criminal procedure code, which is expected to be reviewed for approval by Parliament in 2009.

There was some progress in Tajikistan's judicial system in 2008, including passage of the Law on Third-Party Arbitration Courts, which allows independent mediation between two parties. In March, the Constitutional Court's mandate was extended to include the right not only to initiate a review of draft laws, but to consider individual complaints. Also in March, to comply with the 2006 recommendations of the UN Committee Against Torture, the government amended the criminal procedure code to make evidence obtained under torture inadmissible in court. Furthermore, the president signed the Law on the Human Rights Ombudsman, which was drafted by a government working group but with little consultation with Tajikistan's human rights NGOs. The NGOs, in turn, gave their own recommendations on the draft law to the Parliament, but the final law did not incorporate any of the recommendations. Despite the passage of the law, an ombudsman had yet to be appointed by the president by year's end.

Corruption

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
6.00	6.00	6.00	6.00	6.25	6.25	6.25	6.25	6.25	6.25

Transparency International gave Tajikistan a score of 2.0 in its 2008 Corruption Perceptions Index (on a scale of 0–10, with 10 indicating “highly clean”). The 2008 ranking, which is slightly worse than the previous year, tied Tajikistan with Belarus and Central African Republic at 151 out of 180 countries surveyed. A 2006 survey by Tajikistan's state-run Strategic Research Center with support from Sweden and the UN found the perception of corruption to be widespread, with the public identifying courts, local administration, and law enforcement bodies as the most corrupt institutions.

Bribes and extortion are common among civil servants, traffic police, courts, tax and passport officials, and even teachers and doctors. One can, *inter alia*, purchase passing university grades, gain admission into medical school (requiring illegal fees of up to US\$4,000), obtain a driver's license (roughly US\$200), and receive a military service waiver (around US\$800). Much of the country's corruption centers around legal and illegal goods, involving the trafficking of narcotics and the production and export of cotton and aluminum, the latter two constituting an estimated 84 percent of export earnings.¹³

Since the fall of the Taliban, drug production in Afghanistan (where 93 percent of the world's opium supply originates) and trafficking through neighboring states like Tajikistan have been on the rise. Still, in 2008, the total amount of opium production in Afghanistan saw a reduction of 6 percent for the year, with an estimated production of 7,700 metric tons.¹⁴ Given its nearly 1,400 kilometers (870

miles) of porous border with Afghanistan, Tajikistan has one of the highest rates of drug trafficking and interception in the world. And given its poor economic status, Tajikistan has been labeled as the only country in the region “most dependent on the illicit drug industry,” with drug trafficking accounting for roughly 30 percent of its economy.¹⁵

In the cotton trade, during 2008 intermediary companies continued to benefit from the government’s insistence on growing this so-called strategic crop (aka “white gold”), providing agronomic inputs to farmers at extremely high interest credit and acting not unlike loan sharks. Yet raw cotton production in 2008 was thought to be on the whole unprofitable and estimated around 380,000 tons, 10 percent lower than in 2007. Experts argue that land reform in Tajikistan is both slow and corrupt, leading to low productivity. Furthermore, local authorities in the country’s irrigated zones prevent the proper implementation of the parliamentary resolution known as “Freedom to Farm”, which promises to give farmers the right to sow their crop of choice. In reality, farmers are often threatened with land confiscation or other penalties if they do not sow cotton.

A lucrative but equally problematic sector of the economy is aluminum (with reportedly 419,000 tons produced in 2008). Although aluminum is produced and exported by the state-owned Tajik Aluminum Company (Talco), the industry also features several nontransparent intermediary companies, including CDH, which is registered in the British Virgin Islands. Since 2004, Talco has been involved in two suits with its former contractor, Russian Aluminum, and Talco’s former management (two Tajik citizens living in exile in the United Kingdom), from whom Talco sought nearly half a billion dollars. In 2008, the case settled out of court and not in Talco’s favor, with legal fees costing the government over US\$125 million. Some claim that at least US\$500 million in aluminum earnings since 2005 are unaccounted for and were likely diverted to CDH’s offshore accounts. Talco management, in turn, argues that the company has doubled the wages of its employees in recent years, invested over US\$100 million in plant upgrades, and was audited by a reputable international company.

In January 2007, the government approved the creation of the State Financial Control and Anticorruption Agency, which consolidated nearly all anticorruption functions previously exercised by the State Tax Committee, the Office of the Prosecutor General, and other law enforcement bodies. The former head of the parliamentary Committee on Constitution, Legislation, and Human Rights, Sherkhon Salimov, was assigned as its head, and by mid-2007, the agency had hired a staff of nearly 500. The agency reported that during 2008, it was able to reveal 815 corruption cases, 281 categorized as “serious.” It implicated 1,145 government employees, sacked 58 officials, and revealed graft of US\$26.5 million in state funds. The agency also claims that the “shadow economy” of nontaxed business transactions is on the rise. As an example, it cited a soft-drink manufacturer that underreported its production by 90 percent to avoid paying taxes. Experts agree that low wages are one cause of the country’s rampant corruption; consequently, the head of the Anticorruption Agency called for a pay raise for himself, his staff, and other state agencies such as the Office of the Prosecutor General and the police.

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- ¹ *Country Report: Tajikistan* (London: The Economist Intelligence Unit (EIU), December 2008).
- ² *Republic of Tajikistan: Parliamentary Elections 27 February and 13 March, 2005—OSCE/ODIHR Election Observation Mission Final Report* (Warsaw: OSCE, May 31, 2005).
- ³ Parviz Mullojonov, “Civil society and its role in the peace-building process in Tajikistan,” In *Materials of the International Conference on the Commemoration of the 10th Anniversary of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, 25–26 June, Dushanbe, Tajikistan*, (Dushanbe: UNTOP, 2007), pp. 78–86.
- ⁴ “U.S. Ambassador: Foreign NGOs Respect Tajik Law,” *Radio Free Europe/Radio Liberty (FE/RL)*, December 2, 2005.
- ⁵ Ibrahim Usmonov, “Tojikiston ruznoma nadorad, vali ...” [Tajikistan doesn’t have newspapers, but ...], *Djurnalist* (1): 2–4, November 2008.
- ⁶ Andrei Richter, *Post-Soviet Perspective on Media and Freedom of Media*, (Moscow: UNESCO, 2007).
- ⁷ “Tajik leader urges measures to ensure information security,” *Tajik Television First Channel*, March 19, 2008.
- ⁸ *The Economic Effects of Land Reform in Tajikistan* (European Commission (EC) and U.N. Food and Agricultural Organization (FAO), July 2008).
- ⁹ Don Van Atta, “The failure of land reform in Tajikistan,” Draft prepared for presentation at the 13th Annual World Convention of the Association for the Study of Nationalities, Columbia University, April 11, 2008.
- ¹⁰ “Poyonravii istiholi paxta” [Lowering cotton production], *Jomea* 22 (67): 12, 27, November–December 2008.
- ¹¹ Roger D. Kangas, “Legal Reform in Central Asia: Battling the influence of History,” in D. L. Burghart and T. Sabonis-Helf, eds., *In the Tracks of Tamerlane: Central Asia’s Path to the 21st Century* (Washington, D.C.: National Defense University, 2004).
- ¹² Tatyana Khatyukhina, Human Rights Centre, “Observance of the right to fair trial,” Presentation at the roundtable: *Tajikistan and the 60th Anniversary of the Universal Declaration of Human Rights* in Dushanbe, December 10, 2008.
- ¹³ *Country Report: Tajikistan* (London: The Economist Intelligence Unit (EIU), December 2008).
- ¹⁴ *Afghanistan Opium Survey 2008*, (Kabul: United Nations Office on Drugs and Crime (UNODC) and Government of Afghanistan, November 2008).
- ¹⁵ Letizia Paoli et al., “Tajikistan: The Rise of a Narco-State,” *Journal of Drug Issues* 37 (4), Fall 2007.

