

Tajikistan

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Capital: Dushanbe
Population: 6.8 million
GNI/capita: US\$1,870

Source: The data above was provided by The World Bank, *World Bank Indicators 2010*.

Nations in Transit Ratings and Averaged Scores

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Electoral Process	5.25	5.25	5.25	5.75	6.00	6.25	6.50	6.50	6.50	6.50
Civil Society	5.00	5.00	5.00	5.00	4.75	5.00	5.00	5.50	5.75	6.00
Independent Media	5.50	5.75	5.75	5.75	6.00	6.25	6.25	6.00	6.00	5.75
Governance*	6.00	6.00	6.00	5.75	n/a	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	6.00	6.25	6.25	6.25	6.25	6.25
Local Democratic Governance	n/a	n/a	n/a	n/a	5.75	5.75	5.75	6.00	6.00	6.00
Judicial Framework and Independence	5.75	5.75	5.75	5.75	5.75	5.75	5.75	6.00	6.25	6.25
Corruption	6.00	6.00	6.00	6.25	6.25	6.25	6.25	6.25	6.25	6.25
Democracy Score	5.58	5.63	5.63	5.71	5.79	5.93	5.96	6.07	6.14	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

Prior to the establishment of the Soviet Union, Tajikistan—in name and boundary—did not exist, and up until 1920 much of its current territory was part of the archaic Bukharan Emirate. At the collapse of the Soviet Union in 1991, a variety of factors made Tajikistan's post-communist transition particularly arduous, including a central power vacuum, ethno-regional rivalries, status as the poorest former Soviet republic, and lack of historical experience in nationhood. These are thought to have contributed to Tajikistan's brutal, post-independence civil war (1992–97) costing an estimated 50,000 lives. Tajikistan's post-communist transition led to a massive dip in the population's buying power, availability of social services, emigration of nearly 1.5 million people (initially the highly skilled and later the unskilled as economic migrants primarily to Russia), and an increasingly widening gap between the rich and the poor fueled by a lopsided and corrupt privatization program (despite macroeconomic progress with the average annual GDP growth exceeding 7 percent from 2004 to 2009). President Emomali Rahmon, in power since 1992, has increasingly appealed to Tajik ethno-nationalist sentiments in a country with a substantial non-Tajik minority population. In spite of its tumultuous transition and current economic and political problems, Tajikistan has managed to arrive at a state of relative peace and stability.

National Democratic Governance. President Emomali Rahmon continued to enjoy control of the three branches of government. The global economic crisis confronted the country in 2009 with significant reductions in aluminum and cotton export earnings and an estimated one-third reduction in remittances (totaling about US\$1.9 billion) generated by Tajikistan's nearly 1.5 million migrant workers in Russia and Kazakhstan. The new Language Law replaced Russian as the “language of intercultural communication” in favor of Tajik. To combat real and perceived threats to stability, the government arrested several hundred alleged Islamic extremists (supposed members of *Hizb ut-Tahrir*, Islamic Movement of Uzbekistan, *Salafiya*, and *Jamoati Tabligh*), many of whom received grossly unfair trials and were sentenced to long prison terms. *Given a tendency toward hyper-nationalism, continued centralization of power, and use of repression toward alleged Islamists, Tajikistan's national democratic governance rating remains at 6.25.*

Electoral Process. In a change from previous elections, the government in 2009 did not pursue harsh strategies in dealing with the legal opposition in the run-up to the 2010 parliamentary elections. Still, though the president vowed to ensure free and fair elections, his administration and the Parliament, despite sufficient time and technical resources, refused to take up any of the electoral law reforms recommended

by political parties, civil society and the Organization for Security and Cooperation in Europe. *Given the lack of progress in electoral law reform, which led to a preelection atmosphere that was not conducive to free and fair elections, Tajikistan's electoral process rating remains at 6.50.*

Civil Society. Aside from increased obstacles in the registration process, the 2007 Law on Public Associations has not significantly restricted civil society activities. The 2009 Religion Law, however, is considered highly restrictive. Among other things, the new law potentially discriminates against non-Sunni Hanafi Muslims, non-Muslims, and new and small religious groups. It can be interpreted to ban proselytizing and conscientious objection, and, similar to the 2007 Law on Public Associations, can be used by government organs to extort funds from groups in exchange for registration. In 2009, the authorities banned the Salafi Islamic movement and reinstated a ban on the *Jamoati Tabligh* Islamic group. The authorities also stepped up the persecution of several non-Muslim groups, including the already banned Jehovah's Witnesses, and banned several Christian faith-based, foreign NGOs. *Given the new Religion Law and the banning of a number of religious organizations and NGOs, Tajikistan's civil society rating worsens from 5.75 to 6.00.*

Independent Media. Concerns for independent media during 2009 included: a new law requiring the payment of fees to government ministries to access public information; a criminal case of libel against an independent paper; and a comment by the president that most information about Tajikistan on the Internet is planted by "evil-wishers of the Tajik nation." On the positive side, the government did not shut down any media outlets and even allowed the registration of several new ones. While freedom of expression in the media was still limited, the number of critical and analytical pieces by local journalists was higher than in previous years and received little backlash from the state. Additionally, a coalition between the state and independent media formulated a code of conduct and established a media council. *Given the general loosening of controls on freedom of expression, issuance of licenses for new media outlets, relatively fewer cases of harassment and obstruction of journalists, and an increase in the level of critical reporting, Tajikistan's independent media rating improves from 6.00 to 5.75.*

Local Democratic Governance. Poverty, mismanagement, corruption, and reliance on external actors have prevented the state from providing sufficient services to the population. Provincial and district leaders are appointed by the president and decision-making on the local level seldom involves democratic participation. The adoption of a new law in 2009, however, allowed for direct election of town and village councils and, if properly implemented, could lead to decentralization of power. Among the key issues facing Tajikistan's rural population, which forms three-quarters of the whole, is the inequitable and corrupt process of land reform. Despite state propaganda labelling cotton as "strategic," households engaged in growing cotton are poorer than others and the industry, as a whole, has lost money

over the past decade. On the positive side, in 2009, the government encouraged intensive agricultural production and gave its tacit approval to increase the area of cultivation under food crops. *Due to the government's inability to sufficiently provide services and means for citizens to participate in decision making at the local level and the continued inequitable access to resources, Tajikistan's local democratic governance rating remains at 6.00.*

Judicial Framework and Independence. Corruption in the Tajik justice system is ubiquitous, taking the form of bribery, extortion, and political influence. However, a few positive developments took place in 2009, including Parliament's approval of a new criminal procedure code and the president's appointment of the first-ever human rights ombudsman, despite some doubts about his independence and, thus, willingness to pursue sensitive cases. A report by the UN special rapporteur on violence against women recommended that the government establish special judicial chambers to take up divorce, alimony, and property rights and to adopt the Bill on Social and Legal Protection Against Domestic Violence. Though a November amnesty decree by the president was thought to herald the release of up to 3,500 prisoners, the government continued to deny the International Committee of the Red Cross independent access to its prisons. *Given the government's lack of progress in curbing corruption in the justice system, setting up fair trial conditions, passing new legislation to further protect women from domestic violence, and continued intransigence in allowing independent access to prisons, Tajikistan's judicial framework and independence rating remains at 6.25.*

Corruption. Aside from its negative influence on everyday life, corruption has infested Tajikistan's two primary export commodities of cotton and aluminum. Details from a 2008 trial in London revealed that most of Tajikistan's aluminum transactions passed through CDH, a murky entity registered in the British Virgin Islands, and a 2009 audit of the National Bank of Tajikistan reported improprieties involving the channeling of cotton loans through Credit-Invest, with US\$220 million unaccounted for. Tajikistan also served as a channel for 15-30 percent of Afghanistan's illicit opium and heroin exports. Though no high-level official was apprehended on corruption charges during the year, Tajikistan's courts and prosecutor's office increased their pace of corruption-related cases. The government also undertook significant legal reforms in favor of businesses, which landed Tajikistan, according to a World Bank survey, among the top 10 reformers of the year. *As the government's anticorruption measures taken during the year are not likely to show significant effects until 2010, Tajikistan's rating for corruption remains at 6.25.*

Outlook for 2010. Should employment opportunities continue to improve for migrants in Russia, Tajikistan can expect a revitalization of its *gastarbeiter* (guest worker) relief mechanism. In this case, nearly 1.5 million Tajik economic migrants working in Russia and Kazakhstan are expected to remit a projected US\$2-3 billion in earned wages back to their families. Reliance on remittances, however,

is not a sustainable and long-term national strategy for stability and economic development. Given the government's lack of political will to introduce electoral law reforms, the population's general apathy, and the lack of serious measures from the West to encourage democratization and respect for human rights, a democratic transformation in Tajikistan in 2010 appears unlikely. Bottom-up demands for change by the population will be miniscule due to general satisfaction with the rule of President Rahmon; insufficient experience in political organizing; preoccupation with subsistence living; lack of access to objective information; government manipulation of ethno-nationalistic sentiments; and the lingering bitter memories of the 1990s civil war.

MAIN REPORT

National Democratic Governance

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
n/a	n/a	n/a	n/a	6.00	6.25	6.25	6.25	6.25	6.25

The constitution of Tajikistan names the president as head of state and government, supreme commander, and head of the Security Council. Consequently, President Emomali Rahmon is, by law and by practice, in near control of all three branches of government. The president is empowered to appoint all key judges, the military prosecutor and the prosecutor general, and enjoys a rubber-stamp approval by Parliament. He appoints the governors of the country’s 56 districts, including the mayor of the capital, Dushanbe. Furthermore, members of the upper house of Parliament are de jour and de facto appointed by the president, while all major draft laws are initiated by the presidential apparatus.

During 2009, the global economic crisis confronted Tajikistan with multiple challenges. A significant reduction was seen in earnings from the dual export commodities of cotton and aluminum, which in the past have comprised over 80 percent of exports. At least 150,000 of the nearly 1.5 million Tajik migrant workers in Russia and Kazakhstan returned. Given the insufficient budgetary allocations by the government for social services (such as pensions, health, and education), remittances have been referred to as a “migrant-funded welfare system” and even the “main guarantee of social stability” for Tajikistan.¹ In 2008, remittances reached US\$2.75 billion, equivalent to 54 percent of GDP, ranking Tajikistan possibly as the highest remittance-dependent country in the world. However, remittances were expected to drop by one-third in 2009.² By World Bank estimates, half (53 percent) of all households in Tajikistan lived below the poverty line in 2007, with one in six categorized as “extremely poor,” consuming only one meal per day.³ Some observers have claimed that falling remittances and rising unemployment also pose the danger of radical Islam becoming increasingly attractive.

To combat Islamic extremism, counter the proselytizing of both Muslim and Christian missionaries, and protect the secular nature of the state, the government approved a restrictive Religion Law in April 2009. Although Tajikistan is still the only post-Soviet state with a legal Islamic party—the Islamic Renaissance Party (IRP), an opposition entity with minimal representation in Parliament—the government stepped up its efforts to declare illegal and detain hundreds of alleged Islamists outlaws in 2009 on grounds of extremism. In February, the Supreme Court outlawed the *Salafiya*, a non-violent, mostly non-political, yet fundamentalist group, in addition to the *Hizb ut-Tahrir* (or Freedom Party), an ideologically radical, though non-violent group that had already been banned. The court also reinstated a previous ban on another Muslim group, *Jamoati Tabligh*

(Proselytizing Community), subsequently imprisoning several of its members. Some have criticized the wisdom of this strategy, asking how an “underfunded, demoralized, and corrupt” prison system can prevent radicalism or rehabilitate individuals.⁴ Furthermore, the president labeled 2009 as the “Year of Imomi Azam,” the founder of the Hanafi branch of Sunni Islam who was supposedly of Tajik or Persian ancestry. The year included an international conference on the topic and a groundbreaking ceremony for what is expected to become the largest mosque in Central Asia when completed by 2014.

The government continued with its nation-building experiment, adding “Flag Day,” set for November 24, to its special days and commemorative events such as the days of Unity and Constitution. In his speeches, President Rahmon repeatedly emphasized both the “Tajik nation” and the Hanafi branch of Islam. In September, the government passed a new Language Law that makes Tajik the state language, no longer listing Russian as the “language of interethnic communication” (a clause that existed in the 1989 law and is still in the constitution). The new religion and language laws have the potential to alienate non-ethnic Tajiks, non-Hanafi Muslims, non-Muslims, and opposition Hanafi Islamists. The government also began promoting the sale of shares of the Roghun hydroelectricity plant to the public; though many citizens purchased shares voluntarily, others were forced by government organs to do so through automatic wage deductions.

In January, as part of the occasional reshuffling of his cabinet, the president fired the Minister of Internal Affairs, Mahmadnazar Solehov, who later allegedly committed suicide when government agents approached him at his residence with an arrest warrant. Another significant figure, Mirzo Ziyoev, the former opposition commander and former emergency situations minister, was killed in July under mysterious circumstances along with a number of his comrades, including five Russian Muslims. The government has since accused Ziyoev and his associates of drug smuggling, membership in the Islamic Movement of Uzbekistan, and planning a coup. Some analysts have labeled this incident as part of a de facto government policy of settling old scores and eliminating potential regime destabilizers. At the same time, President Rahmon promised free and fair parliamentary elections for 2010 and, to counter what has already become a personality cult surrounding him, issued a decree in May for the removal of his portraits from government buildings, an order that has been largely ignored.

Electoral Process

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
5.25	5.25	5.25	5.75	6.00	6.25	6.50	6.50	6.50	6.50

Government practices in the run-up to the 2010 parliamentary elections signaled significant improvements compared to previous polls. In the months prior to the February 2005 parliamentary elections, the authorities commenced a sinister

offensive to detain possible rivals (including the head of the Democratic Party, Mahmadrusi Iskandarov), obstruct and close a number of media outlets (for example, the weekly *Nerui Sukhan* and printing house Jihonkhon), and block the registration of new opposition parties (such as the Taraqqiyot [Progress] Party). The virulent tactics and heavy-handedness on the part of the authorities in 2004—at least when it came to dealing with the legal political opposition—were clearly absent in 2009. These improvements may be explained by three phenomena: a noticeable increase in the consolidation of power by the state, wherein the government now has greater control of the country as a whole; increased political maturity of the authorities, where individual organs show more tolerance toward criticism by the legal opposition; and a tacit understanding among the government and opposition parties that there are stronger forces threatening all, namely Islamic extremism and potential instability as a result of the proximity to Afghanistan.

On the downside, Tajikistan deliberately stalled on necessary electoral reforms in 2009. Amendments to the 1999 Parliamentary Election Law have been undertaken only once, in 2004, and most observers believe that the law remains seriously flawed. Electoral law reform prior to the 2010 elections would have demonstrated political will and increased the chances of free and fair elections. The government has had at its disposal a number of blueprints for electoral reform: the 2005 and 2006 recommendations by the Organization for Security and Cooperation in Europe (OSCE), the 2008 recommendations by the political parties, and the 2009 recommendations by civil society organizations, but decided not to take any action on these proposals. Despite an initiative by a Communist member of Parliament, the Parliament refused to bring to the floor a bill containing some of the overarching proposals related to electoral law reform.

Of the many requests for electoral reform some key demands included: a substantial reduction of the election guarantee fee (as of 2009, it was 200 times the monthly minimum wage, equivalent to US\$1,600); ensuring politically pluralistic local and national election commissions; legalizing the presence of nonpartisan civil society representatives as election observers (currently only international observers and political party representatives are allowed); and providing official election protocol to observers at the precinct level.

One of the few electoral changes in 2009 involved a new administrative code approved by the Parliament, wherein the practice of family voting (*de facto* allowed) can now be penalized. Another point of progress was that by the year's end the composition of the new Central Commission for Elections and Referenda (CCER), as proposed by the president, included at least one member from each registered political party, excluding the very vocal Social Democratic Party. In 2009, the CCER criticized the international community for not spending sufficient sums on preelection trainings. A Western diplomat responded, "Why spend money on an electoral process that is pre-determined? In essence, assisting in preelection efforts now with the close collaboration of the CCER would be tantamount to aligning oneself with the regime."⁵

Civil Society

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
5.00	5.00	5.00	5.00	4.75	5.00	5.00	5.50	5.75	6.00

For over a millennium, the *masjid* (mosque), *choikhona* (teahouse), and *bazaar* (market) have been places of community discussion in Central Asia. Voluntary cooperation, referred to as *hashar* (assembling), has also been a standard norm. Although some informal and formal civil society groups were responsible for inflaming ethnic and ideological rifts before and immediately after independence, civil society also played a constructive role in Tajikistan's transition to peace. For example, the 1996 Public Accord Agreement was signed by many political parties and nongovernmental organizations (NGOs) and encouraged the government to pursue its 1997 Peace Accord to end the civil war.

Observers agree that as a reaction to the “color revolutions”—which led to regime changes in Georgia, Ukraine, and Kyrgyzstan—and the 2005 violence in the Andijan region of Uzbekistan, Tajikistan passed a new Law on Public Associations in 2007, enabling the state to potentially control all organizations. The law, among other things, required existing NGOs to re-register with the Ministry of Justice. By the end of 2009, close to 2,000 NGOs and associations may have been registered, though most exist only on paper. Many agree that the NGO law could be misused to ban undesired or opposition entities and to demand inordinate and arbitrary information from groups possibly as a pretext to extort illegal fees in exchange for registration.

In March, Tajikistan passed the controversial Law on Freedom of Conscience and Religious Associations, replacing a rather liberal 1994 law. The government's reasons appear to have been threefold: to combat Islamic extremism; to disrupt the success of evangelical Christian missionaries in converting Muslims; and to defend what it views as the integrity of the Tajik nation against foreign influences. Despite an emphasis on Tajikistan being a “secular state,” the preamble to the law recognizes the “special role of the Hanafi denomination” of Islam in the “development of national culture and life of the people.” According to the IRP, the law also violates freedom of worship by imposing excessive restrictions on the building of mosques, prohibiting the saying of prayers in unauthorized locations, limiting access to religious education, and requiring government approval of Muslim clerics.

During the year, National Security Committee (NSC, also known as KGB) agents and the police detained several hundred alleged Islamic extremists. The courts accused them of violating Articles 187 and 307 of the criminal code (that is, membership in an illegal organization and attempting to overthrow the constitution) and handed down long prison sentences during trials that were often closed and grossly unfair. Dushanbe courts also accused several faith-based, foreign NGOs of proselytizing and ordered them shut down. These were the Germany-based Alliance Mission and United States-based Adventists Development and Aid Agency, both specializing in grassroots, socioeconomic development. The government also

continued to harass purely religious groups. In June, NSC agents broke up a meeting of Jehovah’s Witnesses (banned by the Culture Ministry in 2007), detaining and interrogating several members and beating one. A large property (with an estimated value of US\$2 million) belonging to the local branch of the Grace Sunmin Church was seized by the Supreme Economic Court after a reversal of the court’s previous ruling, likely due to pressure from the office of the Dushanbe mayor. Critics argue that in nearly all cases, such accusations and convictions are baseless. One local critic called the government’s approach “pseudo-patriotic” and damaging to the image of Tajikistan, with the Ministry of Justice abusing its powers and the judiciary lacking independence.⁶ On a positive note, in April, the Jewish community received a house in Dushanbe, donated by the owner of the Orion Bank, to replace the synagogue that was bulldozed by the government in 2008 to make way for the presidential palace.

Civil society remains relatively weak in Tajikistan. Despite the achievements of some development agencies, especially those emphasizing community-based organizations (such as the Aga Khan Development Network and Oxfam), there is the danger that successes can also lead to the bypassing of state structures and discourage government responsibility in providing public services. At the same time, many local NGOs have become lethargic, and some corrupt, largely due to the inordinate amount of aid money (compared to the relatively small number of capable NGOs) and insufficient monitoring by international donors. The government’s occasional threats to activists have also led to self-censorship and a lack of focus on sensitive topics such as democracy-building, access to justice, and prison reform.

Independent Media

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
5.50	5.75	5.75	5.75	6.00	6.25	6.25	6.00	6.00	5.75

According to the Committee to Protect Journalists, 29 journalists were killed or disappeared in Tajikistan from 1992 to 1999, ranking the country among the deadliest in the world for the profession. Over the past decade, however, not only have such horrific statistics not been repeated, Tajikistan has gradually begun to experience an atmosphere of limited free speech. In its *2009 World Press Freedom Index*, Reporters Without Borders found Tajikistan to have the freest media among the Central Asian states and Russia.⁷ But as a result of the economic downturn associated with the collapse of the USSR and the ensuing civil war, Tajikistan’s post-communist generation is less educated, less well read, and poorer, with most unable to afford or gain access to print media. All of the higher-circulation papers are printed in Dushanbe on a weekly basis (there are no daily papers), with readership limited to a few major urban areas. The majority of the population receives its news primarily from the radio, television, or word of mouth.⁸

In July, broadcasting by what is considered the most objective independent radio in Tajikistan, *Radio Imruz* (Radio Today), was disrupted. The government-run service provider denied that political motives were responsible, but the station manager indicated that officials had objected to *Imruz's* coverage of violent events in the Tavildara region. The National Association of Independent Media of Tajikistan (NANSMIT) agreed that *Imruz's* problems were due to the new station's rapid rise in popularity within its two years of broadcasting.⁹ The station threatened to file a lawsuit against the government and broadcasting resumed toward the end of August.

All four, nationwide television stations are state-owned. The government has only agreed to issue permits for private stations with a limited broadcasting range. There are 18 independent radio and television stations functioning mostly in Dushanbe and the northern Sughd province. Government treatment of private stations was mild in 2009. The relatively informative, Russian television channel *RTR Planeta*, which had broadcast throughout the country since the early 1990s, was taken off the air in March due to a financial row with Tajikistan's state broadcasting company. However, given the increasing popularity of satellite television, the choice of hundreds of channels, including *RTR*, exists for an estimated one-quarter or more of the population, resulting in a loss of audience for government channels.¹⁰ Access to the Internet is slowly climbing, but is still limited due to the high cost, insufficient infrastructure, and irregular provision of electricity. Mobile telephone usage is seeing a geometric rise, with the number of users estimated to have increased by over 40 percent year-on-year for a total of 4.5 million users by the end of 2009.¹¹

During the year, NANSMIT recorded a total of 27 serious cases of governmental officials refusing to provide information, many related to requests for financial data. Articles 135 and 136 of the criminal code concerning libel and insult can carry penalties of two years in jail or a hefty fine, while Article 137 ("On protection of the honor and dignity of the president") can lead to a five-year sentence. Among the few court cases related to libel was that of Tajikstandard, a government office in charge of business promotion, which was awarded US\$68,000 against the independent newspaper *Paykon*. More importantly, the libel law proved lethal in 2009 as Rustam Faiziyev, deputy of the unregistered Taraqqiyot Party, imprisoned since 2005 for libeling President Rahmon, was reported to have died of health problems in one of Tajikistan's dilapidated penitentiaries. Experts agree that the prevalent self-censorship in Tajikistan is also due to the existing libel clauses. During 2009, some journalists requested that the government decriminalize libel. Other progressive steps included the formulation of a code of media ethics in May and the election of a media council in October with the objective of defending the rights of journalists and resolving conflicts through mediation.

In his annual address to Parliament in April, President Rahmon criticized some of the media and claimed that 80 percent of what is published on the Internet about Tajikistan is planted and false, part of an information war, and a "deliberate and ill-intentioned campaign" by "evil-wishers of the Tajik nation."¹² The president's complaint appears to have been aimed primarily at foreign and exiled media.

In February, the president issued Presidential Decree No. 622 on the “Reaction of government officials to critical and analytical pieces in the mass media,” which requires officials to prepare timely responses to stories. Though the amount of information released by the authorities does not appear to have significantly increased since then, there has been a positive side effect of an apparent increase in critical reports and broadcast materials.¹³ In November, however, the government passed new components of the law on access to information that require those seeking public information to pay for the associated costs. Even interviews with government officials could cost the inquirer undetermined sums, which would have to be deposited beforehand in a government account. Some journalists claim this will encourage corruption, while legal experts have argued the new rules contradict Tajikistan’s original law on access to information.

Local Democratic Governance

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
n/a	n/a	n/a	n/a	5.75	5.75	5.75	6.00	6.00	6.00

Since Tajikistan gained independence, the state has not been able or willing to sufficiently provide goods and services for the population. At the same time, local governance with *nohiya* (district) *hukumat* (governing bodies) has varied significantly based on a variety of factors: land distribution (more equitable in non-cotton growing regions); post-conflict legacies (whether the area is dominated by winners or losers of the 1992–97 civil war); presence of external players (international and local NGOs); and the influence of the local elite and former warlords.¹⁴

On paper, each of Tajikistan’s four provinces elects its own Parliament and representatives. By law, the president appoints the provincial and 56 district heads and Dushanbe’s mayor. Although district Parliaments may veto appointments, they never do. Excessive centralization and lack of democratic participation, in turn, have induced cronyism and corruption at the local level. A new 2009 law—apparently passed due to the persistence of a local democratic governance project funded by the United Nations (UN)—theoretically allows for the election of town and village assemblies or representatives, who in turn vote on candidates for mayor or village head. If properly implemented, the law could eventually lead to the decentralization of power.

Three-quarters of Tajikistan’s population is rural and engaged in agriculture, which constitutes two-thirds of the country’s employment¹⁵ and accounts for a quarter of the GDP.¹⁶ Though close to two-thirds of all agricultural land and enterprises have been privatized, in practice many private farms are no different than Soviet *kolkhoz* (collective farm) and *sovkhoz* (state farm) entities, sans the benefits of socialism. As opposed to the Soviet times, farm workers in today’s Tajikistan do not earn a living wage and their families are generally bereft of the proper healthcare, education and social benefits of that era. The economic principle of “comparative advantage” has been a resolute failure in Tajikistan. To the dismay of many in the

government and international financial institutions, studies have revealed that a “higher share of land under cotton cultivation” on the local district level “increases the probability of falling into poverty.”¹⁷ Instead of bringing wealth, cotton production has brought misery and hunger. Many of the large farms function not unlike feudal states: share-owning farmers are not consulted on the type of crops to grow; low wages; and land shares are either creatively stolen or never given out. By mid-2009, cotton yields were at mid-1930s levels, and cotton farms and farmers had accumulated a debt of over US\$600 million to middlemen. Rather than relying on farming as a source of income, many households depend on remittances sent by family members abroad.¹⁸

In 2008, the government embarked on a project to provide direct credit to cotton farmers. Since then, a total of US\$89 million in loans have been doled out. Rather than fixing the debt problem, the government’s scheme—supported by the Asian Development Bank and the World Bank, which continue the assumption that cotton is the “saving grace” of Tajikistan’s economy—has put farmers into further turmoil. Although a bill passed by Parliament in early 2009 temporarily bars banks from confiscating lands that farmers have used as collateral, many cotton-farming households may ultimately lose their land to the banks. On a positive note, the government has begun to acknowledge the role of traditional agriculture. The area for planting cotton was reduced by 27 percent year-on-year to 172,000 hectares, while a record grain production of over one million tons was recorded.¹⁹ In October, the majority of the farm debt (US\$548 million, or what had accumulated by January 2008) was forgiven, and became part of the national debt.

Judicial Framework and Independence

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
5.75	5.75	5.75	5.75	5.75	5.75	5.75	6.00	6.25	6.25

Justice is bought and sold in Tajikistan, and the notion of “guilty until proven innocent” is widely upheld. Corruption in the judiciary in the form of bribery, extortion, and political influence is ubiquitous, while violations of rights affect all aspects of life. Housing evictions, for example, are an ongoing problem resulting from drawn-out and muddled urban renewal plans. Though the number of evictions (several hundred in 2008) appeared to substantially decrease in 2009—possibly due to the economic slump and citizen complaints—those challenging evictions “rarely have access to an effective remedy,” given the “lack of an independent and effective judiciary,” and may even face criminal charges.²⁰

At the year’s end, it was too early to tell whether the work of Tajikistan’s first Human Rights Ombudsman, Zarif Alizoda, a formidable and respected figure appointed by President Rahmon in May, had been productive. Some have expressed doubt about the ombudsman’s independence and expected him to refrain from taking politically sensitive cases. Critics have recommended that the Parliament

grant the ombudsman greater powers, including the right to review court papers and visit privately with detainees. Through a project funded by the Open Society Institute, civil society input in the draft criminal procedure code was incorporated by a government working group with the Parliament approving the new code in October. There exists, however, a deep chasm between the ratification of liberal laws and human rights treaties and their implementation.

Women have borne the brunt of Tajikistan's transition. According to a 2009 Amnesty International study, when incidences of violence come to the attention of the police and judiciary, they often blame the woman or act as a mediator, putting pressure on her to reconcile with her abuser. Domestic violence is grossly underreported, many women remain trapped, and perpetrators enjoy impunity. Poor families often make their unattached daughters available for "polygamous, forced, or unregistered marriages," many of which end in separation. In addition, in virtually all cases of divorce or termination of unregistered marriages, the courts grant the woman little if any protection. The UN special rapporteur on violence against women has urged Tajikistan to: treat violence against women as a criminal offense; establish judicial chambers on family matters to take up divorce, alimony, and property rights; adopt the Bill on Social and Legal Protection against Domestic Violence (including provisions for restraining orders); ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (allowing for appeals to the UN); establish female law enforcement units; review sentences of women detainees charged with murdering partners; increase the age of marriage from 17 to 18; allow religious marriages only with proof of civil marriage; and provide funding for women's shelters.²¹

According to the NGO Human Rights Center, three-quarters of the accused in Tajikistan are held in cages during trials, many handcuffed. Furthermore, one in five defendants in criminal cases tell of police interrogators using torture or psychological abuse, while judges rarely take such claims seriously. Tajikistan's NSC regularly violates the rights of the accused by barring the detained from access to a lawyer, especially prior to signing a confession of guilt, failing to inform the family on a timely basis that the individual is in custody, and prohibiting private contact with the lawyer and family. Some victims have appealed to international bodies. In the case of *Dunaev vs. Tajikistan* in April 2009, the UN Human Rights Committee recommended that Vyacheslav Dunaev, imprisoned since 2002 and repeatedly tortured during arraignment and interrogation, be released, financially compensated, and only then, if necessary, retried. Among other cases of possible unjust imprisonment are two former Guantánamo detainees, Rukhniddin Sharopov and Muqit Vohidov (both sentenced to 17 years in 2007), who may have been victims of human trafficking according to consistent testimony and facts.

In November 2009, President Rahmon initiated a prisoner amnesty, the thirteenth since Tajikistan's independence. Around 3,500 prisoners, barring those convicted of high crimes, were to be freed and thousands others to see their sentences reduced. Aside from refurbishing some wards in a few prisons, however, the government's "Penitentiary Reform Program 2004–2008" has done little of

what it promised. And despite fourteen years of on-and-off negotiations with the International Committee of the Red Cross (ICRC), the government has continued to stubbornly deny independent access to prisons. A stumbling block has been the imperative that the government agrees to ICRC standards of visits, including private conversations with detainees. The government, in turn, has claimed that one-on-one visits are illegal under Tajikistan's laws in addition to being dangerous for the visitor.

Experts concur that the government's denial is in reality due to a lucratively corrupt penitentiary system, embarrassment in revealing Tajikistan's dilapidated prisons to the outside world, fear of prosecution for mistreatment of detainees, decision makers' distrust of the international community, ignorance of the benefits of independent inspections, public apathy, insufficient activism of domestic civil society in favor of prison access, and lack of systematic international political and economic incentives and pressure. Many in the international and local human rights community agree that Tajikistan would do well to sign an agreement with the ICRC, ratify the UN Optional Protocol on the Convention Against Torture (thus allowing for a state- and UN-approved national torture prevention mechanism), and invite the UN special rapporteur on torture to Tajikistan. Given the government's history of intransigence and current stasis on critical human rights-related issues, the chances of any of the above taking shape in 2010 are slim to none.

Corruption

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
6.00	6.00	6.00	6.25	6.25	6.25	6.25	6.25	6.25	6.25

Corruption is pervasive in Tajikistan. For example, purchasing unofficial admission to a local university can cost a minimum of US\$1,000; a military service waiver, US\$800; and a driver's license, US\$300. In its *2009 Corruption Perceptions Index*, Transparency International assigned Tajikistan a score of 2.0 (on a 0 to 10 scale with 10 indicating least corrupt). Despite ranking 158 out of 180 states surveyed, Tajikistan still fared better than most of its neighbors. According to Tajikistan's State Financial Control and Anticorruption Agency, from January to September 2009, a total of 677 corruption-related crimes were detected, one-third of which involved bribery. The agency reported having conducted 892 inspections of state-run entities resulting in 666 officials implicated during the period, with 28 government employees being sacked and 122 charged with bribery, abuse of power, and embezzlement. The agency also reported 69 private companies guilty of tax evasion totaling US\$2.8 million and 59 cases of bank employees embezzling government funds.

Observers claim that corruption also surrounds Tajikistan's production and export of aluminum and cotton. Aluminum sales were estimated to have generated US\$650 million in 2009, accounting for over half of all exports. In 2008, the High Court of London reviewed a case filed by the state-owned Tajik Aluminium

Company, Talco, which had brought a US\$485 million law suit against Talco's former manager and contractor. Though the case was eventually settled out of court, it is estimated that the Tajik government's legal expenses exceeded US\$120 million, ranking it among the most costly in legal history. During the trial, there were allegations that CDH, a murky intermediary company registered in the British Virgin Islands and controlled by several influential Tajik citizens with close ties to the government, had siphoned hundreds of millions of dollars in aluminum earnings into its offshore accounts, which was described as a "looting of the country's cash flows."²²

A 2009 Ernst & Young audit of the National Bank of Tajikistan (NBT) indicated that a significant amount of the US\$850 million borrowed since 1996, some from Swiss sources, was doled out to selected domestic firms through Credit-Invest, an intermediary company created by NBT Director, Murodali Alimardonov. The audit also indicated that US\$220 million of such loans, mostly cotton-related, remains unaccounted for and some key documents were deliberately destroyed.²³ Criticism of improprieties by NBT likely led to the sacking of its director by President Rahmon in January—ironically, Mr. Alimardonov was reappointed as deputy prime minister in charge of agriculture.

In May, the president criticized the country's security agencies and stated that border guards had not been effective enough in drug interceptions. President Rahmon also told of insufficient coordination among the border guards, the Customs Office, and Tajikistan's Drug Control Agency. According to 2009 estimates by the UN Office of Drugs and Crime, Afghanistan produced 6,900 tons of opium with 15–30 percent of illicit drug traffic passing through Tajikistan. The rate of drug seizures in Tajikistan is high, accounting for as much as half of all heroin and opium seizures in Central Asia. According to the United States government, few if any, upper echelon traffickers have been prosecuted due to the lack of a "conspiracy law" related to drug trafficking.

Aside from the increased activity of the Anticorruption Agency in 2009, there were some other positive developments. As a sign of its improved business climate, a 2009 World Bank study on "ease of doing business" ranked Tajikistan among the top 10 reformers worldwide. Legal reforms, *inter alia*, are expected to accelerate business transactions and lower the level of corruption encountered by entrepreneurs. In July, the first NGO in Tajikistan with a focus on corruption, the Anticorruption Training and Promotion Center, was registered. A factor working against corruption prevention is the population's insufficient knowledge of its rights, which has led to the normalization of bribes. Although the arrest and prosecution of those taking bribes have been focused primarily on low- and mid-level officials, the pace of such efforts appears to have intensified. Among cases reported during the year, the Prosecutor General's Office filed charges in April against the former director and deputy of the Nurek hydroelectricity station, accusing them of embezzling US\$380,000 of state funds. Furthermore, in October, Parliament amended the Law on Government, wherein officials are now required to declare their wealth to tax offices.

A 2009 UN-funded study of Tajikistan's Anticorruption Agency, recommended the introduction of a strict code of ethics for the agency and the establishment of a financial intelligence unit (a standard UN- and World Bank-recommended entity) to combat and share information on drug trafficking and money laundering. To further discourage corruption, another report recommends that aid to the government be "delivered in small, verifiable tranches, with strict conditionality" and "immediate sanctions" if benchmarks are not met.²⁴

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