

Retreating Rights: Examining the pressure on human rights in Tajikistan



Executive Summary

After almost 30 years of independence, Tajikistan finds itself in a very difficult place, combining extreme poverty with a system that brooks no dissent. Tajikistan's descent into authoritarianism has taken place gradually but inexorably since the end of the Civil War in 1997 as the President has consolidated power into his own hands and those of his family and close associates, repressing dissent, no matter how minor, with often overwhelming force.

Tajikistan now finds itself close to the bottom of the global freedom rankings for political competition, civic space, media and religious freedom as the regime has effectively deployed its multi-track 'suppress, acquiesce and incorporate' approach to neutralise alternative voices with a widespread culture of self-censorship. There are real challenges deciding whether, when and how to engage with the country, which come with difficult trade-offs for those involved, where development and human rights imperatives do not always align in the short-term.

Western international actors have limited opportunities to influence the situation in a positive direction but it is important that they seek to use what leverage they have to resist further backsliding and put pressure on the regime to curb its excesses. Though diplomatic pressure can sometimes make a difference at the margins, money remains the most important tool available to those seeking to make a difference on the ground. This is both looking at what more can be done to condition or review international aid, investment and lending, as well as taking action where corrupt financial flows from the Tajik elite penetrate the international financial and economic system. Beyond the country there is a lot more to do to protect activists in exile from harassment and extradition by a regime that does not see national borders as a barrier to repression.

Key Recommendations

The Government of Tajikistan should:

- End the harassment of regime critics at home and abroad, and end the use of torture;
- Remove laws that prohibit the 'insult' of the President and public officials;
- Limit the application of anti-extremism legislation to prevent its use against political rivals;
- Address widespread corruption at the heart of the state;
- Create genuinely independent oversight mechanisms to investigate abuse;
- End mandatory medical examinations for every citizen seeking to get married and HIV tests as a *de facto* requirement for many jobs and education institutions;
- Cease the blocking of websites of independent news outlets;
- End the *propiska* system of internal movement registration and restrictions;
- Make the General Plans of cities more accessible and involve citizens in their development;
- Reform and expand the listing process for properties of architectural and heritage value; and
- Develop measures to promote women's participation in employment and public office, tackle domestic violence, sexual harassment and abuse by law enforcement.

Western countries and international organisations should:

- Review investments by International Financial Institutions and aid schemes that provide budget support to the Government of Tajikistan;
- Implement Magnitsky sanctions and other anti-corruption measures against abusers;
- Urge social media companies to improve complaint handling and Tajik content moderation;
- Pause EU efforts to add Tajikistan to the GSP + scheme and create a new Enhanced PCA;
- Add Tajikistan to the UK's list of Human Rights Priority Countries; and
- Improve access to asylum and temporary refuge for Tajiks at risk, including measures to assist family reunification where the relatives of activists have been targeted for abuse.

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1. Introduction: How rights have retreated in Tajikistan

By Adam Hug¹

This publication, the second in the Foreign Policy Centre's Retreating Rights series, seeks to provide a detailed overview of the situation in Tajikistan finds itself in, a country facing significant human rights and governance problems, as well as real development challenges. However, before moving to the present day to examine what now can be done, it is worth briefly setting out how the country got here.

A brief history of Tajikistan

Tajikistan is situated between Kyrgyzstan to the north, Uzbekistan to the west, Afghanistan to the south and China to the east, comprising parts of the Fergana Valley in the north and the Pamir mountain range. While many cultures had settled the area throughout history the modern Tajik people trace their ancestry back to the Samanid Empire (875-999 AD), who ruled the area from nearby Samarkand and Bukhara, with post-Independence Tajikistan naming its currency, the somoni, after Samanid leader Ismail Samani.² Unlike the rest of Central Asia, the Tajik language, given the link back to the Samanids, is closely related to Persian (Farsi) rather than being Turkic in origin.

The land that comprises Tajikistan today was gradually taken by the Russian Empire from the Emirate of Bukhara and Khanate of Kokand in the period between 1864 and 1885. During the First World War,

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² Kamoludin Abdullaev and Catherine Barnes, Politics of compromise: The Tajikistani peace process, Conciliation Resources, April 2001, <https://www.c-r.org/accord/tajikistan/tajik-civil-war-causes-and-dynamics>; Francisco Olmos, State-building myths in Central Asia, FPC, October 2019, <https://fpc.org.uk/state-building-myths-in-central-asia/>

opposition to forced conscription helped spark a revolt by the Basmachi movement that would wage both conventional and guerrilla war against both Imperial Russian and then Soviet forces into the early 1920s with the goal of Muslim independence from Russian control in Central Asia. As Soviet control strengthened, the Tajik Autonomous Soviet Socialist Republic (SSR) was created in 1924 (as part of the Uzbek SSR) and it would ultimately become a full constituent Republic (the Tajik SSR) in 1929 though the then predominantly ethnic Tajik cities of Samarkand and Bukhara would remain part of the Uzbek SSR.

In 1985, Communist First Secretary Rahmon Nabiyev was ousted in a corruption scandal and replaced by Qahhor Mahkamov. Mahkamov would become the first President of the Tajik SSR on November 30th 1990 (while it was still within the Soviet Union), but would be forced from office the following August after his support for the attempted coup against Soviet President Gorbachev. His ouster was part of a period of local instability that would set the ground for the coming civil war, amid a swirl of debates around Tajik national identity (leading to the departure of a number of ethnic Russians, Germans and Jews), the role of Islam and evolving local power dynamics.³

As Tajikistan declared independence on September 9th 1991 (becoming the Republic of Tajikistan) amid a power vacuum Rahmon Nabiyev would soon return to power as Tajikistan's first elected President in November 1991 representing the Communist party. However, unrest would spiral as different factions looked to take control of the state and its resources leading to the outbreak of Civil War in May 1992 when the President distributed arms to his supporters to encourage them to suppress opposition protests taking place in Dushanbe. The myriad factions and local forces would ultimately coalesce into two broad coalitions. The Government faction comprised the Communist party elite, with political strength in the north of the country (Leninabad - now known as Khujand), was able to combine its support with armed groups based in the south-western city (and surrounding area) of Kulob (part of Khatlon region) who dominated the Sitodi Milli (Popular Front of Tajikistan [PFT]). Their opponents, comprised a mix of ethnic Tajik nationalists, democrats (including the Democratic Party which contested the 1991 election against Nabiyev), Islamists (led by the Islamic Renaissance Party of Tajikistan - IRPT), and ethnic groups from the middle of the country ('Gharmis' based in the Rasht Valley) and the Gorno-Badakhshan Autonomous Region ('Pamiris'), the region to the east of the country dominated by the Pamir Mountain range.⁴

President Nabiyev was forced to resign following an ambush by opposition forces in September 1992.⁵ By the end of the year a representative of the Kulob grouping, Imomali Rakhmonov (later known as Emomali Rahmon), became Chairman of the Supreme Soviet and *de facto* head of Government (with the post of President being temporarily abolished), which marked the passing of control from the Leninabadi Communist elites that had still dominated the earlier 'Government of National Reconciliation' to the Kulobi armed groups and the 'Popular Front'.

The pro-Government forces were soon able to gain a decisive military advantage, retaking Dushanbe in November-December 1992 from notional opposition control that had been in place since Nabiyev's ousting in September. The aggressive campaign of violence against opposition supporting regions saw 55,000 houses burned or otherwise destroyed with tens of thousands forced to flee amid bloody battles, including many opposition leaders who fled into exile.⁶ The a number of opposition factions that remained would formally coalesce into the United Tajik Opposition (UTO -

³ Kamoludin Abdullaev and Catherine Barnes, Politics of compromise: The Tajikistani peace process, Conciliation Resources, April 2001, <https://www.c-r.org/accord/tajikistan/tajik-civil-war-causes-and-dynamics>

⁴ Ibid.

⁵ Steven Erlanger, After Week of Turmoil, Tajik President Is Forced Out, The New York Times, September 1992, <https://www.nytimes.com/1992/09/08/world/after-week-of-turmoil-tajik-president-is-forced-out.html>

⁶ John Heathershaw and Parviz Mullojonov, Elite Bargains and Political Deals Project: Tajikistan Case Study, Stabilisation Unit, UK Government, February 2018, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766056/Tajikistan_case_study.pdf

led by the IRPT's Said Abdullo Nuri) and continued to fight on, notably from bases in Afghanistan under patronage of the pre-Taliban Government under ethnic Tajik leaders President Burhanuddin Rabbani and General Ahmad Shah Massoud. Uzbekistan, and eventually Russia, played a significant role in bolstering the Government and its forces.

The Presidency was revived in November 1994 and during a ceasefire in the Civil War Rakhmonov was elected, beating former Prime Minister Abdumalik Abdullajanov, albeit in a contest where members of the UTO were not able to stand and campaign, and where administrative resources were used to assist the *de facto* incumbent. The war was brought to a formal close in June 1997 with the 'General Agreement of Peace and National Reconciliation in Tajikistan', with the terms of the settlement having been negotiated for the best part of the previous two years.⁷ The settlement included the continued and expanded deployment of the UN Mission of Observers in Tajikistan (UNMOT), which had originally been created in 1994 to monitor the earlier ceasefire; an end to the ban of the UTO's member political parties; a requirement for 30 per cent UTO representation in the executive branch of government (ministries, departments, local government, judicial, and law enforcement bodies); the integration of the UTO's military units into Tajikistan's armed forces; provisions for the return of refugees and IDPs; and an act of 'mutual forgiveness' and an 'amnesty act' that was to release all prisoners of war and pardon all crimes related to the conflict.⁸

According to the International Crisis Group over the course of the Civil War between '60,000 and 100,000 people were killed, some 600,000 – a tenth of the population – were internally displaced and another 80,000 fled the country'.⁹ For several years after the war the Government was not able to fully control certain areas of the country, such as Gharm and the Rasht Valley where local commanders did not accept the peace settlement, leaving banditry to flourish.

1997-2014

Although peace had brought the IRPT and other political rivals into the system, Rakhmonov would inexorably consolidate his power over the coming years. He won re-election in 1999 with 97.6 per cent of the vote in an election the main opposition had looked to boycott until shortly before polling began. The People's Democratic Party of Tajikistan, headed by Rakhmonov since 1998, had displaced the Communists as the political vehicle of the ruling elite, winning 15 seats in the 2000 Parliamentary elections to five for the Communists and only two for the IRPT.¹⁰ Rakhmonov's government ultimately failed to deliver on its pledges to award 30 per cent of Government posts at all levels to former members of the UTO, though at the top the UTO's Mirzo Ziyoev was appointed to head the Ministry of Emergency Situations and Haji Akbar Turajanzade became the first Vice Prime Minister. The formal amnesty process was also more limited in practice than had been envisaged in the peace accords.¹¹ However, the authoritarian consolidation had successfully delivered, in the words of John Heathershaw and Parviz Mullojonov, an 'illiberal peace' based on an 'elite bargain' that shared out the (meagre) resources under state control with those willing to support the regime. Yet, this was a bargain that involved a significant level of risk as the state consolidated and the regime trimmed its

⁷ United Nations Peacemaker, General Agreement on the Establishment of Peace and National Accord in Tajikistan, June 1997, [https://peacemaker.un.org/tajikistan-general-agreement97#:~:text=Document%20Retrieval-,General%20Agreement%20on%20the%20Establishment%20of%20Peace%20and%20National%20Accord,Summary%3A&text=Agreement%20between%20the%20President%20of,National%20Reconciliation%20\(23%20December%201996\)](https://peacemaker.un.org/tajikistan-general-agreement97#:~:text=Document%20Retrieval-,General%20Agreement%20on%20the%20Establishment%20of%20Peace%20and%20National%20Accord,Summary%3A&text=Agreement%20between%20the%20President%20of,National%20Reconciliation%20(23%20December%201996))

⁸ Kamoludin Abdullaev and Catherine Barnes, Politics of compromise: The Tajikistani peace process, Conciliation Resources, April 2001, <https://www.c-r.org/accord/tajikistan/key-elements-tajikistan-peace-agreement>

⁹ International Crisis Group, Tajikistan: An Uncertain Peace, December 2001, <https://www.crisisgroup.org/europe-central-asia/central-asia/tajikistan/tajikistan-uncertain-peace>

¹⁰ OSCE ODIHR, Republic of Tajikistan-Elections to the Parliament 27 February 2000, May 2000, <https://www.osce.org/files/f/documents/5/e/15984.pdf>

¹¹ John Heathershaw and Parviz Mullojonov, Elite Bargains and Political Deals Project: Tajikistan Case Study, Stabilisation Unit, UK Government, February 2018, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766056/Tajikistan_case_study.pdf

size.¹² They note that over time both pro-Government and pro-Opposition warlords of the civil war-era have been frozen out of power and in many cases jailed (including former Democratic Party Leader turned TajikGaz CEO Mahmadrusi Iskandarov) or killed (including Ziyoev in 2009) as power flowed inexorably to the President's family and those around them.¹³

The country remained impoverished, reliant on a mix of remittances, informal cross-border shuttle trading between regional bazaars, international aid and the drugs trade.¹⁴ The latter was a by-product of being positioned to the north of Afghanistan, making it the transit route for about 30 per cent of Afghan opiates for much of this period. In 2001, the drugs trade was equivalent to between 30-50 per cent of Tajikistan's national income and by 2011 it was generating \$2.7 billion a year in illicit revenues, more than other legitimate sources based inside the country (.¹⁵ This provide opportunities for corruption amongst both customs officers and other state officials willing to turn a blind-eye to or actively facilitate the trade, while sucking in international aid and training for the security services to tackle the narcotics trade and improve post-war security, which in turn strengthened the Government's control over society.¹⁶

The President would win re-election in 2006 and 2013 in elections with no genuine opposition, with the IRPT boycotting the 2006 election and the opposition coalition being unable to obtain the 210,000 supporter signatures required to run in 2013 as the regime transitioned towards full authoritarianism.¹⁷ In his attempts to build a new post-Soviet Tajik identity in 2007, the President amended his surname to Rahmon, removing the Russian framing of his name (including the 'ov') and encouraged his fellow countrymen to follow suit, as many officials dutifully did over the years that followed.¹⁸ Over the subsequent years the newly styled President Emomali Rahmon would undertake multiple efforts at derussification of the country's landmarks and street names and in April 2020, as the world struggled with COVID-19, Tajikistan passed a law banning the use of Russian naming conventions by ethnic Tajiks in new identification documents and for newborn children.¹⁹ As part of efforts to promote the new Tajikistan, from 2011-2014 Dushanbe was recognised as home to the world's tallest flag pole following its erection in the Presidential Palace (the Palace of Nations) gardens.

In 2014, the already restricted political and civic space contracted sharply as Rahmon took urgent action against potential political rivals and other sources of potential challenge in civil society. The political crackdown came at a time when, due to a Russian economic slowdown in 2014-15, remittances dropped dramatically (to \$696 million in the first half of 2015, compared with \$1.7 billion in the same period in 2014) and thousands of former migrants had returned home.²⁰

¹² Ibid.

¹³ Ibid; RFE/RL's Tajik Service, Tajik Politician Sent To Remote Jail After Interview, RFE/RL, August 2015, <https://www.rferl.org/a/tajik-politician-sent-remote-jail-after-rferl-interview/27196543.html>; Saodat Mahbatsho, Tajikistan: Mysterious Death Raises Concerns About Militant Returns, Eurasianet, July 2009, <https://eurasianet.org/tajikistan-mysterious-death-raises-concerns-about-militant-returns>

¹⁴ Bartlomiej Kaminski and Saumya Mitra, Borderless Bazaars and Regional Integration in Central Asia, The World Bank, May 2012, <http://documents1.worldbank.org/curated/en/108461468016850647/pdf/693110PUB0publ067926B09780821394717.pdf>

¹⁵ Bardia Rahmani, How the War on Drugs Is Making Tajikistan More Authoritarian, The Diplomat, July 2018, <https://thediplomat.com/2018/07/how-the-war-on-drugs-is-making-tajikistan-more-authoritarian/>; Though by this stage remittances had replaced them as the most significant contributor to overall GDP – 52 per cent by 2013 according to the World Bank; David Trilling, Tajikistan: Migrant Remittances Now Exceed Half of GDP, Eurasianet, April 2014, <https://eurasianet.org/tajikistan-migrant-remittances-now-exceed-half-of-gdp>

¹⁶ Foreign Assistance, Tajikistan: Foreign Assistance, April 2021, <https://www.foreignassistance.gov/explore/country/Tajikistan>

¹⁷ OSCE, Elections in Tajikistan, <https://www.osce.org/odihr/elections/tajikistan?page=1>

¹⁸ Lenta.ru, The President of Tajikistan cut off the Russian ending from his last name, March 2007, <https://lenta.ru/news/2007/03/21/name>

¹⁹ RFE/RL's Tajik Service, Tajik Lawmakers Approve Bill Banning Russified Surnames, RFE/RL, April 2020, <https://www.rferl.org/a/tajik-lawmakers-approve-bill-banning-russified-surnames/30583762.html>

²⁰ Khiradmand Sheraliev, A Critical Lesson for Tajikistan: The State of Migrant Workers in 2020, The Diplomat, January 2021, <https://thediplomat.com/2021/01/a-critical-lesson-for-tajikistan-the-plight-of-migrant-workers-in-2020/>; Eurasianet, What's Behind Tajikistan's Web Woes, September 2015, <https://eurasianet.org/whats-behind-tajikistans-web-woes>

In early October of that year, exiled business man Umarali Quvatov, who had spent time in Moscow, Istanbul and Dubai fending off Tajik extradition attempts, made a public call for a protest rally against the Rahmon Government to be held on October 10th 2014. In what, given the small size of Quvatov's following, seemed like a panicked reaction on October 5th Facebook, YouTube and hundreds of websites were blocked.²¹ Group 24, a political movement (and unregistered party) founded by Quvatov, was then banned by the Supreme Court on October 9th 2014, on grounds of extremism. Unsurprisingly no one attended the putative rally on October 10th, but the authorities decided to stop all SMS text messaging services that day for good measure.

2015 to now

Quvatov was assassinated in Istanbul on March 5th 2015. He, his wife and two sons had been invited to dinner at the home of another Tajik citizen and they became unwell during the dinner (subsequently shown to be poisoning). Quvatov was killed after being shot in the head while waiting in the street for an ambulance to arrive, though his family would recover in hospital.²² Shortly after Quvatov's murder, three Group 24 activists in Tajikistan were sentenced to between 16.5 and 17.5 years in prison, while two more were sentenced to between three and three and half years in prison.²³

Emboldened by the success in squashing Group 24, Rahmon's attention turned to finally banning the old enemy, the IRPT, in a move that abrogated the 1999 peace settlement and which has over the last six years unleashed a new wave of repression focused on IRPT members and alleged supporters both in Tajikistan and abroad. The IRPT had already lost its two seats in the March 2015 Parliamentary Elections and seen its leader, Muhiddin Kabiri, go into self-imposed exile in June 2015 amid rising tensions.²⁴ The IRPT was told in late August by the Ministry of Justice that it would be deregistered as a political party and that its local branches must close on the pretext that its removal from Parliament meant it was no longer a 'republican-level' party, and therefore it should not hold its planned party Congress.²⁵

On September 4th 2015, violence broke out in Dushanbe with an attack on a military weapons depot, killing 26 people including nine police officers, in what was claimed by the Government to be an attempted coup by Deputy Defense Minister Abdulhalim Nazarzoda, who had been an opposition figure in the civil war.²⁶ Nazarzoda's antics, which some observers saw as more likely to be an attempt to avoid an imminent arrest as part of the process of 'regime trimming' rather than a genuine coup attempt, ended in a violent death for him and his followers.²⁷ However, the violence

²¹ RFE/RL's Tajik Service, SMS Services Down In Tajikistan After Protest Calls, RFE/RL, October 2014, <https://www.rferl.org/a/tajikistan-sms-internet-group-24-quvatov-phone-message-blockage-dushanbe/26630390.html>

²² RFE/RL's Tajik Service, Three Arrested As Tajik Opposition Tycoon Buried In Istanbul, RFE/RL, March 2015, <https://www.rferl.org/a/slain-tajik-opposition-tycoon-to-be-buried-in-istanbul/26889471.html>

²³ RFE/RL's Tajik Service, Tajik Activists Jailed For Ties To Banned Opposition Group, RFE/RL, April 2015, <https://www.rferl.org/a/tajikistan-jails-two-activists-group-24-quvatov/26946831.html>

²⁴ Farangis Najibullah, Tajikistan's Islamic Renaissance Party On Life Support, RFE/RL, March 2015, <https://www.rferl.org/a/tajikistan-islamic-renaissance-party-on-the-ropes/26880001.html>; David Trilling, Tajikistan Drives Top Opposition Leader Into Exile, Eurasianet, June 2015, <https://eurasianet.org/tajikistan-drives-top-opposition-leader-into-exile>

²⁵ The electricity supply to the Sheraton hotel mysteriously was cut just before the Congress was due to take place leading it to be abandoned; Columbia University, Global Freedom of Expression, The Case of the Islamic Renaissance Party of Tajikistan, <https://globalfreedomofexpression.columbia.edu/cases/case-islamic-renaissance-party-tajikistan/>; Akbar Borisov, Tajikistan's Islamic opposition party faces ban amid crackdown, Yahoo News, August 2015, https://news.yahoo.com/tajikistans-islamic-opposition-party-faces-ban-amid-crackdown-183932617.html?guccounter=1&guce_referrer=aHR0cHM6Ly9lbi53aWtpcGVkaWEub3JnLw&guce_referrer_sig=AQAAAMMaYF4kth41fEZu5EyiP57kLAnm0WWSURoBe0X2MKE0V0e9zXRmGrUrwk_vpYYErfFF8A6K5TfjltMIQ359PJddE1qhSkD6U54Bg1E9YHfNjzU8HlPwYYwsfXk564iMdueORTKH0MkeyyVlm-FAmJ2lv9fTcaeS7HtDsm_DE30A

²⁶ RFE/RL's Tajik Service, More Detained in Tajikistan As Manhunt Continues For Ousted Defense Official, RFE/RL, September 2015, <https://www.rferl.org/a/tajikistan-renegade-nazarzoda-hunt/27230296.html>

²⁷ RFE/RL's Tajik Service, Tajikistan Confirms Death of Mutinous Former Deputy Defense Minister, RFE/RL, September 2015, <https://www.rferl.org/a/tajikistan-renegade-general-killed/27251919.html>; Eurasianet at the time noted a number of inconsistencies in the official accounts of what was going on – Eurasianet, Tajikistan: Digging for Answers About Armed Clashes, September 2015, <https://eurasianet.org/tajikistan-digging-for-answers-about-armed-clashes>

acted as a pretext for the Government to ban the IPRT on grounds of extremism, with officials claiming that the IRPT leadership was behind the alleged uprising. 13 leading figures in the IRPT, including Deputy Party Chairmen Mahmatali Hayit and Saidumar Khusaini were detained on September 16th and ultimately sentenced to long prison terms.²⁸ The UN Working Group on Arbitrary Detention would subsequently find Hayit, who was sentenced for life, to be unlawfully imprisoned and called for his release, though he still remains imprisoned and subject to credible claims of torture.²⁹ By September 29th 2015, the Supreme Court approved the ban making all materials relating to the party (including its website and party newspaper) illegal (and illegal to be accessed) on the grounds of extremism.³⁰ After this eventful period, with all domestic rivals eliminated, at the end of 2015 Rahmon was bestowed with a new formal title 'The Founder of Peace and National Unity — Leader of the Nation'.³¹

The lawyer defending Hayit and other IRPT defendants, Buzurgmehr Yorov, would subsequently be imprisoned for 23 years as part of a crackdown on anyone seeking to assist or show support for the parties.³² By summer 2018, over 100 people had been arrested in connection with the IRPT with around 27 receiving prison sentences of between three to 25 years. They included a person - Alijon Sharipov - not previously known as a member who was sentenced to nine and half years for simply liking and sharing party materials on social media.³³ The Government of Tajikistan even attempted to pin the blame for the killing of four Western Cyclists, by a group of self-declared supporters of Islamic State (IS), on the IRPT to considerable international scepticism.³⁴ For its part in September 2018, the IRPT, along with three other groupings (the Forum of Tajik Freethinkers, the Association of Central Asian Migrants and the People's Movement 'Reforms and Development' in Tajikistan) formed an umbrella opposition movement called the National Alliance of Tajikistan.³⁵

Such repression has not been restricted to the borders of Tajikistan with opposition activists targeted for harassment, intimidation, and violence well beyond the country's borders, whilst enormous pressure can be placed on relatives back home to further silence dissidents in exile and urge activists to return home. The Central Asian Exiles database, compiled by the University of Exeter has identified 68 cases where citizens of Tajikistan have been targeted whilst abroad.³⁶ This is the second highest figure for Central Asia, making it by far the most egregious offender by proportion of population. The topic has been an area of previous research for this author in the 2017 report '*Closing the Door: the challenge facing activists from the former Soviet Union seeking asylum or refuge*', the 2016 publication '*No shelter: the harassment of activists abroad by intelligence services from the former Soviet Union*', and 2014's '*Shelter from the Storm*'.³⁷ The close security service

²⁸ HRW, Tajikistan: Opposition Activists Detained, September 2015, <https://www.hrw.org/news/2015/09/18/tajikistan-opposition-activists-detained>

²⁹ Freedom now, Mahmatali Hayit, <https://www.freedom-now.org/cases/mahmadali-hayit/>; Eurasianet, Tajikistan: Rights groups demand release of tortured political prisoner, March 2019, <https://eurasianet.org/tajikistan-rights-groups-demand-release-of-tortured-political-prisoner>

³⁰ Columbia University, Global Freedom of Expression, The Case of the Islamic Renaissance Party of Tajikistan, <https://globalfreedomofexpression.columbia.edu/cases/case-islamic-renaissance-party-tajikistan/>

³¹ Eurasianet, Tajikistan: State Media Forced to Always Call President By Unwieldy Title, April 2017, <https://eurasianet.org/tajikistan-state-media-forced-always-call-president-unwieldy-title>

³² <https://lawyersforlawyers.org/en/lawyers/buzurgmehr-yorov/> See also the EU's call for his release following the determination of the UN Working Group on Arbitrary Detention https://eeas.europa.eu/regions/europe-and-central-asia/88547/12th-eu-tajikistan-human-rights-dialogue_en

³³ Farangis Najibullah, Tajikistan's Banned Islamic Party Claims Former Members Hit By 'Wave Of Arrests', RFE/RL, June 2018, <https://www.rferl.org/a/tajikistan-s-banned-islamic-irpt-party-members-hit-by-wave-arrests/29283941.html>

³⁴ Singeli Agnew (Producer/Director), The Weekly: When ISIS Killed Cyclists on Their Journey Around the World, The New York Times, June 2019, <https://www.nytimes.com/2019/06/21/the-weekly/isis-bike-attack-tajikistan.html>

³⁵ Eurasianet, Tajikistan's exiled opposition adrift as strongman rule hardens at home, January 2020, <https://eurasianet.org/tajikistans-exiled-opposition-adrift-as-strongman-rule-hardens-at-home>; Malgosia Krakowska, Tajik opposition movement, moderndiplomacy, August 2020, <https://moderndiplomacy.eu/2020/08/03/tajik-opposition-movement/>

³⁶ Exeter University Central Asian Studies Network, Central Asian Political Exiles (CAPE) database, <https://excas.net/projects/political-exiles/>

³⁷ Adam Hug (ed.), Closing the Door: the challenge facing activists from the former Soviet Union seeking asylum or refuge, FPC, December 2017, <https://fpc.org.uk/publications/closing-the-door/>; Adam Hug (ed.), No shelter: the harassment of activists abroad by intelligence

cooperation and the narrative frame of combatting Islamic terrorism (conflating genuine issues with radicalisation in the diaspora, including support for groups much more radical than the IRPT, with the ongoing efforts to eliminate the political opposition) have enabled multiple cases of extradition from Russia, Turkey and elsewhere in Central Asia, breaching interim measures against extradition passed by the European Court of Human Rights in a number of cases.³⁸ Those targeted include supporters of both the IRPT and Group 24, with former Group 24 Deputy Leader Sharoffidin Gadoev abducted from a street in Moscow in 2019 by Russian police working with the Tajik security services before being bundled onto a plane back to Dushanbe and apparently being told to call for other activists to return home before he was released and taken back to the Netherlands where he had obtained asylum under intense international pressure.³⁹

COVID-19

As with so many countries around the world COVID-19 exposed some of the central truths about how Tajikistan is governed. The response from the Government of Tajikistan was marked by denial from the top down and a further crackdown on voices who dared to challenge the official narrative.⁴⁰

As Kazakhstan, Uzbekistan and Kyrgyzstan went into lockdown in mid-March, Rahmon and his officials closed the country's external borders, but unlike those neighbours the regime took little to no further action in the initial phase of the crisis. Undaunted by the growing global panic Rahmon pressed ahead with mass public gatherings to celebrate Nowruz (March 20th-24th 2020), with rallies and parades taking place without social distancing. The message from the President was that Tajikistan could see off the risk of the virus through the domestic prowess of its citizens who were tasked to keep their homes clean.⁴¹ It was not until April 16th that mass gatherings planned for Capital Day were cancelled and the suspension of Friday prayers in local mosques only started on April 18th.⁴² It took until April 30th, shortly before the arrival of a WHO inspection team, for the country to officially record its first cases of COVID-19.

COVID denialism was central to the regime's response, as noted in the essays by Sebastien Peyrouse, Anne Sunder-Plassmann and Rachel Gasowski, as accepting the reality might force a reckoning with the decrepit state of the healthcare system, undermined by mismanagement and corruption, and with the Government's overall capacity to cope with the crisis. In July 2020, the President signed new legislation prohibiting 'false', 'inaccurate' and 'untruthful' information about the spread of COVID-19, with fines and administrative detention of up to 15 days introduced for violating said legislation.⁴³ These measures were widely seen as an attempt to chill public discussion about the Government's handling of the crisis rather than simply to target those creating a potential risk to public health through intentional disinformation.

At the time of writing in May 2021, the total number of recorded cases in Tajikistan was 13,308 with only 90 total deaths and no cases recorded in 2021.⁴⁴ Rahmon declared the country COVID free at a

services from the former Soviet Union, FPC, November 2016, <https://fpc.org.uk/publications/noshelter/>; Adam Hug (ed.), Shelter from the storm? The asylum, refuge and extradition situation facing activists from the former Soviet Union, FPC April 2014, <https://fpc.org.uk/publications/shelter-from-the-storm/>

³⁸ EDAL, Communicated cases against Russia and Poland, January 2019, <https://www.asylumlawdatabase.eu/en/content/communicated-cases-against-russia-and-poland>

³⁹ RFE/RL's Tajik Service, Tajik Activist Gadoev Says He Was Abducted, Tortured, Given Ultimatum, RFE/RL, March 2019, <https://www.rferl.org/a/tajik-activist-gadoev-says-he-was-abducted-tortured-taken-to-dushanbe/29807051.html>

⁴⁰ IPHR, Tajikistan and the COVID pandemic: denial, cover-up and downplay, September 2020, <https://www.iphronline.org/tajikistan-and-the-covid-pandemic-denial-cover-up-and-downplay.html>

⁴¹ Eurasianet, Tajikistan: Feast in the time of coronavirus, March 2020, <https://eurasianet.org/tajikistan-feast-in-the-time-of-coronavirus>

⁴² IPHR, Tajikistan and the COVID pandemic: denial, cover-up and downplay, September 2020, <https://www.iphronline.org/tajikistan-and-the-covid-pandemic-denial-cover-up-and-downplay.html>

⁴³ IPHR, Tajikistan: Cover-up and downplay of Covid-19; massive restrictions on expression, October 2020, <https://www.iphronline.org/tajikistan-cover-up-and-downplay-of-covid-19-massive-restrictions-on-expression.html>

⁴⁴ Johns Hopkins University, Covid-19 Dashboard, <https://www.arcgis.com/apps/opsdashboard/index.html#/bda7594740fd40299423467b48e9ecf6>

speech packed with masked officials on January 26th 2021.⁴⁵ On paper this would place Tajikistan as one of the world's top performing countries during the pandemic. However, the reality is understood to be dramatically different.

While COVID-19 was officially absent in March and April 2020, there was coincidentally a spike in cases of pneumonia, something the Deputy Minister of Health blamed on exceptionally rainy weather.⁴⁶ Officials admitted that in the first half of 2020 the death rate had increased by 11 per cent over the previous year's period, but insisted that this was due to a coincidental increase in pneumonia, influenza and other respiratory diseases with symptoms not entirely dissimilar from COVID-19.⁴⁷ As Peyrouse points out in his essay, the analysis of the data shows that there were 8,650 'excess deaths' in 2020 compared to the year before. He notes that hospitals refused to return the bodies of people who supposedly died of pneumonia to their families, potentially to prevent the families disputing the cause of death.

The priority for the Government during the pandemic seemed to be keeping the economy open, given the fragility of the nation's finances and, as set out in Perouse's essay, the need for tax revenues to support sectors with links to the ruling elite. Despite the low levels of official COVID cases, Tajikistan has taken emergency funding made available by the international community, with \$190 million in new funding provided by the International Monetary Fund (IMF), as well as \$53 million in additional funding from the European Union (EU) amongst other support.⁴⁸

The regional impact of the pandemic has had a further destabilising effect, crystallising a long held fear of the regime around what to do if former migrant workers returned to the country in large numbers and the level of remittances suddenly dropped. Immediately prior to the pandemic (in late 2019) remittance payments from Russia alone accounted for around 30 per cent of Tajikistan's GDP (with the number of Tajik migrants in the country believed to be up to one million and who had made \$15 billion in formal transfers through the banking system in the period 2013-2018).⁴⁹ Russia only reopened its borders to Tajik migrants in late March 2021, but getting plane tickets has been a huge challenge with supply controlled by the Government of Tajikistan. Radio Free Europe/Radio Liberty (RFE/RL) reported that people had to queue for up to a week to get a ticket and that actual prices can be vastly more than quoted through official sources.⁵⁰

The World Bank reports that, due to reduced income and sharp rises in inflation for key items at local markets, hunger increased dramatically with a third of survey respondents reporting having to skip meals.⁵¹ As a result of the pandemic the economy contracted by 4.57 per cent in 2020, leaving GDP per capita at \$834 (\$3,560 at purchasing power parity), the lowest in Central Asia.⁵²

⁴⁵ Catherine Putz, *If Only It Were That Easy: Tajikistan Declares Itself COVID-19 Free*, The Diplomat, January 2021, <https://thediplomat.com/2021/01/if-only-it-were-that-easy-tajikistan-declares-itself-covid-19-free/>

⁴⁶ IPHR, *Tajikistan and the COVID pandemic: denial, cover-up and downplay*, September 2020, <https://www.iphronline.org/tajikistan-and-the-covid-pandemic-denial-cover-up-and-downplay.html>

⁴⁷ Iskandar Firuz and Barot Yusufi, *Agency of Statistics: in Tajikistan, mortality increased by 11%, but this is not related to COVID-19*, Radio Ozodi, July 2020, <https://rus.ozodi.org/a/30757379.html>

⁴⁸ RFE/RL's Tajik Service, *In Tajikistan, COVID-19 Patients, Families Scoff At Pledge Of 'Free Treatment'*, RFE/RL, February 2021, <https://www.rferl.org/a/tajikistan-covid-19-coronavirus-free-treatment-scam-big-bills/31112946.html>

⁴⁹ Khiradmand Sheraliev, *A Critical Lesson for Tajikistan: The State of Migrant Workers in 2020*, The Diplomat, January 2021, <https://thediplomat.com/2021/01/a-critical-lesson-for-tajikistan-the-plight-of-migrant-workers-in-2020/>

⁵⁰ Farangis Najibullah, *Russia Finally Opens Its Borders To Tajik Migrants, But Exorbitant Airfares Keeping Laborers Out*, RFE/RL, April 2021, <https://www.rferl.org/a/russia-tajikistan-migrants-remittances-borders-pandemic/31193152.html>

⁵¹ Farangis Najibullah, *Many Tajiks Forced To Skip Meals As Poverty Deepens, Survey Shows*, RFE/RL, January 2021, <https://www.rferl.org/a/tajikistan-covid-poverty-economy-survey/31031706.html>

⁵² World Data Atlas, *Tajikistan - Gross domestic product per capita in current prices*, <https://knoema.com/atlas/Tajikistan/GDP-per-capita>

The situation today: Corruption and control

In today's Tajikistan, the Rahmon family and close associates dominate the political life of the country having consolidated power steadily for almost 30 years, brutally pushing aside both opponents and former allies alike. This gives them almost total control of patronage networks and systems of institutionalised corruption, something Peyrouse describes as the 'neo-patrimonial nature of its political regime'. The Rahmon regime deploys a threefold strategy of repression, self-censorship and co-option. This is an approach that Edward Lemon, Oleg Antonov and Parviz Mullojonov describe in the field of academia that is equally true across the rest of society, which they characterise as a strategy to *suppress* dissent, force people to *acquiesce* to keeping silent and to *incorporate* others into the regime's system of power and control. Power has been consolidated to such an extent that any opposition, no matter how insignificant, is perceived as an existential threat to the regime. Threats that could not only put these well-developed rent seeking networks at risk but, given the brutal way the regime has managed to claw its way out of the chaos of civil war and maintain itself in power, would risk the freedom and safety of current regime members were someone else to come to power (whether today's elite remained in Tajikistan or not).

Rahmon has been in control of Tajikistan for almost three decades and was re-elected only in October 2020 but speculation around his future has been rife for some time, with mutterings about his state of health.⁵³ Many of the President's actions are now being viewed through the prism of what it means for a potential dynastic succession to the President's 33 year old son Rustam Emomali. Emomali has served as Mayor of Dushanbe since 2017, having previously been served as the Head of Customs from 2014-17, as well as being Head of the Anti-Corruption Agency and the Head of the Tajik Football Federation. In 2020, he also became Chairman of Tajikistan's Upper House of Parliament, the Majlisi milli (National Assembly), which comprises representatives of local authorities and other appointed figures. This role formally makes him next in the line of Presidential succession. However, he is not the only family member with factional influence within the regime.⁵⁴ For example, the President's 43 year old daughter Ozoda Rahmon has been serving as Presidential Chief of Staff since 2016 and her husband Jamoliddin Nuraliev is the First Deputy Head of the National Bank of Tajikistan (the country's central bank).

President Rahmon's son-in-laws and brother-in-laws are believed to have done well out of the regime. Hasan Asadullozoda, the President's brother-in-law, is Head of Orienbank, Tajikistan's largest commercial bank (with his niece, the President's daughter, Zarina Rahmon serving as his deputy) and was described in the 2008 US Cables disclosed by Wikileaks as the third most powerful man in Tajikistan, though other family members have gained in strength since then.⁵⁵ He is believed to have commercial interests in aviation, cotton and telecoms, as well as banking.⁵⁶

Perhaps the most important asset widely believed to be under Asadullozoda's control is the Tajikistan Aluminium Corporation (TALCO), the notionally state owned company and the largest legitimate source of income inside the country (equating to 48 per cent of official export revenues in 2008 and using about half the country's electricity supply at the time).⁵⁷ Alexander Cooley and John Heathershaw's seminal work examining Central Asian kleptocracy, *Dictators Without Borders*,

⁵³ In March 2021 Rahmon disappeared from view for several weeks BNE - Intellinews, Mystery as Tajik president Rahmon disappears from public view, March 2021, <https://www.intellinews.com/mystery-as-tajik-president-rahmon-disappears-from-public-view-205910/>; Radio Ozodi, The delay in Rahmon's visit to Bactria sparked reports of "his health condition", March 2021, <https://www.ozodi.org/a/31163696.html>

⁵⁴ Tamiris Esfandiari, Tajikistan: President's Family Expands Grip with Key Positions, Eurasianet, May 2014, <https://eurasianet.org/tajikistan-presidents-family-expands-grip-with-key-positions>

⁵⁵ Catherine Putz, Hired: Tajik President's Daughter Lands Deputy Post at a Major Bank, July 2017, <https://thediplomat.com/2017/07/hired-tajik-presidents-daughter-lands-deputy-post-at-a-major-bank/>

⁵⁶ Eurasianet, Tajikistan's ruling family extends control over telecoms, April 2018, <https://eurasianet.org/tajikistans-ruling-family-extends-control-over-telecoms>

⁵⁷ Alexander Cooley and John Heathershaw, *Dictators Without Borders Power and Money in Central Asia*, Yale University Press, 2017. A summary of the book can be found here: <https://www.opendemocracy.net/en/odr/dictators-without-borders/>

documents the complicated history of the way in which the regime took control of the company in 2004, something that was the subject of a hugely expensive case in the London courts.⁵⁸ The takeover process also involved the Russian firm Rusal, run by Oleg Deripaska, (as well as the Norwegian Firm Hydro). However, the Rusal relationship would turn sour leading to a number of successful international arbitration cases against TALCO, which made information relating to the nature of the regime's control, including companies registered in the British Virgin Islands, open to the public through court filings.⁵⁹ After years of dealing with international entanglements with Russian and Western partners, the Tajik Government is now seeking to use Chinese investment to help modernise and diversify TALCO's operations.⁶⁰

The President's son-in-law Shamsullo Sohibov, husband of Rukhshona Rahmonova who is an official in the Ministry of Foreign Affairs, ran the Faroz conglomerate for many years amongst other related businesses ventures before rumours of its closure in 2019.⁶¹ As it so happens, Faroz was the company founded by assassinated Group 24 leader Umarali Quvatov before Sohibov took control, with the Organized Crime and Corruption Reporting Project (OCCRP) reporting claims that Sohibov forced Quvatov to leave the company.⁶² Extensive reporting by RFE/RL suggests that the conglomerate's constituent businesses have continued to operate despite the notional liquidation of the holding company.⁶³

The Regime's modus operandi seem clear that businesses close to the family are given privileged access to key businesses sectors and government contracts with the police, judiciary and security services used to help clear the field, when independent companies become too big or compete with the wrong people.⁶⁴ Additionally, as Peyrouse notes in his essay 'the pharmaceutical sector is largely under the control of presidential family members. Two of the companies which dominate Tajikistan's pharmaceutical market, Sifat Pharm and Orion-Pharm, are owned respectively by the President's daughter, Parvina, and his son, Rustam Emomali.'⁶⁵ Other interlocutors this author spoke with suggested that the family was rumoured locally to have interests in the licence plate, driving license, taxi hire, medical labs, construction, cement and payroll services sector. As noted above the sole ticket office open in spring 2021 selling flights to Russia for migrant workers just so happened to be owned by a daughter of the President.⁶⁶

Some in the President's wider orbit have been able to retain lucrative positions, though they are believed to be coming under ever increasing competition from the family. Former Tajikistan railways boss Amonullo Hukumatullo was forced into retirement when one of his sons killed three people

⁵⁸ Ibid

⁵⁹ David Trilling, Russian Aluminum Giant Pries Open Books at Tajikistan's Largest Factory, June 2014, <https://eurasianet.org/russian-aluminum-giant-pries-open-books-at-tajikistans-largest-factory>

⁶⁰ Eurasianet, Report: Tajikistan to yield share in aluminium plant to China, December 2019, <https://eurasianet.org/report-tajikistan-to-yield-share-in-aluminum-plant-to-china>; Niva Yau, China business briefing: Whose Belt and Road is it anyway?, Eurasianet, September 2020, <https://eurasianet.org/china-business-briefing-whose-belt-and-road-is-it-anyway>

⁶¹ RFE/RL's Tajik Service, A Tajik Business Empire Tied To The President Keeps on Running, Despite Being Shut Down, RFE/RL, December 2019, <https://www.rferl.org/a/family-ties-tajik-style-presidential-son-in-law-s-business-empire-still-active-despite-shut-down-claim/30342381.html>; RFE/RL's Tajik Service, Firm Linked To Tajik President's Son-In-Law Awarded \$13 Million Government Contract, RFE/RL, October 2020, <https://www.rferl.org/a/firm-linked-to-tajik-president-s-son-in-law-awarded-13-million-government-contract/30909107.html>

⁶² Vlad Lavrov, Ilya Lozovsky and Bermet Talant, A Murder in Istanbul, OCCRP, June 2018, <https://www.occrp.org/en/moneybymarriage/a-murder-in-istanbul>

⁶³ Radio Ozodi, Investigation by Radio Ozodi: Most Faroz Companies Continue To Work, December 2019, <https://rus.ozodi.org/a/radio-ozodi-investigation/30328126.html>

⁶⁴ Paolo Sorbello, Tajikistan's Presidential Family Ousts Competitor in the Fuel Market, The Diplomat, November 2017, <https://thediplomat.com/2017/11/tajikistans-presidential-family-ousts-competitor-in-the-fuel-market/>

⁶⁵ Elena Korotkova, Emomali Rahmona obvinjajut v nazhivie na epidemii koronavirusa v Tadzshikistane, News Asia, June 2020, <http://www.news-asia.ru/view/13889>; Eurasianet, Tajikistan: Coronavirus panic puts sufferers of other illnesses in grave danger, May 2020, <https://eurasianet.org/tajikistan-coronavirus-panic-puts-sufferers-of-other-illnesses-in-grave-danger>

⁶⁶ Eurasianet, Tajikistan: As Russia cracks open gate, rush for air tickets ensues, April 2021, https://eurasianet.org/tajikistan-as-russia-cracks-open-gate-rush-for-air-tickets-ensues?utm_source=divr.it&utm_medium=twitter

with his car whilst involved in a street race (a pastime which children of the ruling elite seem fond of) that risked sparking public unrest. However, he has been able to retain his wealth with the OCCRP reporting that he was able to spend \$10.6 million in 2018 on luxury properties in the Czech Republic, perhaps due to ties to the first family.⁶⁷ Xeniya Mironova's essay notes the role of the family of Beg Sabur, the head of the Communication Service, one of whose sons is married to Rahmon's daughter Zarina, in the construction sector.⁶⁸ Some, such as former Dushanbe Mayor and National Assembly Chair Mahmadsaid Ubaydulloyev, have been gradually put out to pasture as Rustam Emonmail has taken over his roles. Others, as noted above, have suffered more dramatic falls from grace.

At a grassroots level reports have surfaced of increasing police inspections being used to drive low-level corruption while the tax collection system is a longstanding source of contention. The US State Department notes 'pressure on the Tax Committee to enforce or reinterpret tax regulations arbitrarily in order to meet ever-increasing revenue targets' based on overly optimistic annual growth targets, leading to local tax officials having to find ways to boost returns to hit nationally set projections.⁶⁹ The OCCRP suggest that the size of the unregulated shadow economy is around 20 per cent of size of the economy as a whole, with a desire to avoid tax pressure being listed as a key reason not to declare earnings and around 30 per cent of businesses admitting to paying bribes to tax collectors to avoid paying the full amount to the treasury.⁷⁰

Tajikistan ranks 149th in the world (out of 180) in the 2020 Transparency Corruptions Perceptions Index, the second worst performer in Central Asia after Turkmenistan, and 116th out of 137 in the Bertelsmann Transformation Index Governance Index.⁷¹

Political and human rights situation

As should be clear from the information provided above, the political environment has transitioned over the last 20 years from a semi-authoritarian system in which rival political movements were allowed to exist but not truly challenge the structures of power to a fully authoritarian one where everything is subordinate to the regime. Freedom House currently ranks the country 198th out of 210 in its Freedom in the World index, with a score of 0 for political rights.⁷²

The October 2020 Election was ultimately contested between five pro-Government candidates, with Rahmon winning 92 per cent of the vote.⁷³ It is worth underscoring that while the four other candidates were able to meet the onerous registration requirements, ostensibly obtaining the requisite 245,000 signatures (five per cent of the eligible electorate - meaning that the equivalent figure for a country like the UK would be 2.38 million) between August 6th and September 10th, none

⁶⁷ RFE/RL's Tajik Service, Tajik Official's Son Questioned Over Deadly Accident, RFE/RL, October 2013, <https://www.rferl.org/a/tajikistan-road-death-rahmon-relative/25144985.html>; RFE/RL's Tajik Service, Tajik President Sacks Railways Chief Amid Crash Controversy, RFE/RL, February 2014, <https://www.rferl.org/a/tajikistan-railways-official-son-tragedy/25252762.html>; Pavla Holcova, Vlad Lavrov and OCCRP Tajikistan, Ex-Tajik Railways Chief's Czech Bonanza, OCCRP, January 2018, <https://www.occrp.org/en/corruptistan/tajikistan/ex-tajik-railways-chiefs-czech-bonanza>; Different reports have suggested that another of his sons may be married to one of Rahmon's daughters but there is a lack of clarity on the veracity of these claims.

⁶⁸ Eurasianet, Tajikistan: More presidential family members sell off assets, September 2019, <https://eurasianet.org/tajikistan-more-presidential-family-members-sell-off-assets>

⁶⁹ U.S. Department of State, 2020 Investment Climate Statements: Tajikistan, <https://www.state.gov/reports/2020-investment-climate-statements/tajikistan/>; The Bertelsmann Transformation Index 2020 report notes 'rampant corruption and extortion by tax and regulatory agencies' - https://www.bti-project.org/content/en/downloads/reports/country_report_2020_TJK.pdf

⁷⁰ OCCRP, Officials Examine Sprawling Shadow Economy Tajikistan, August 2019, <https://www.occrp.org/en/daily/10384-officials-examine-sprawling-shadow-economy-in-tajikistan>

⁷¹ Transparency International, Corruption Perceptions Index 2020, <https://www.transparency.org/en/cpi/2020/index/tjk>; BTI Transformation Index, Tajikistan, <https://www.bti-project.org/en/reports/country-dashboard-TJK.html>

⁷² Freedom House, Countries and Territories, <https://freedomhouse.org/countries/freedom-world/scores?sort=desc&order=Total%20Score%20and%20Status>

⁷³ CCER of the Republic of Tajikistan, Decision of the Central Commission for Elections and Referenda, October 2020, <http://kmir.tj/2020/10/14/qarori-komissiyai-markazii-intihobot-va-rajpursi-25/>

of them got close to obtaining as many votes as signatures they had presumably received (with Rahmon's closest rival getting only 128,182 votes).⁷⁴

In an unusual move, 30 year old lawyer and member of the Gorno-Badakhshan provincial council, Faromuz Irgashev announced on social media that he was planning to run for President. The next day he was visited by the security services for a little chat.⁷⁵ While he says he was able to obtain 70,000 signatures (more than the number of votes the Communist Party and the Socialist Party would receive in the actual election) his candidacy was rejected by the election commission due to the signature requirements and legal restrictions barring independent candidates from standing.

The small Social Democratic Party of Tajikistan (SDTP), the only officially registered opposition party left in the country, had decided not to stand and instead called for a boycott of the elections. Nevertheless the party's leader, Rakhmatillo Zoyirov, was attacked on September 22nd by unknown assailants receiving a broken arm.⁷⁶

Pressure on those with links to the IRPT also took place ahead of the vote with the arrest of Jaloliddin Mahmudov and the three sons of IRPT founding member Said Kiemitdin Gozi.⁷⁷ Gozi had been killed in prison in 2019 as part of a riot by IS members which claimed the lives of 29 people and just so happened to include Gozi, another IRPT figure and a non-IS cleric critical of the regime.⁷⁸

Pressure on regime critics and those who might have a base of support independent of the President have continued unabated since the election. In late March 2021 a popular Moscow-based NGO activist, Izzat Amon, who ran the Center for Tajiks of Moscow that provided support for the large diaspora community within Russia, was abducted and ultimately transferred back to Tajikistan in murky circumstances. His Russian citizenship was revoked, despite the Russian courts initially denying they were involved, with criminal charges for fraud awaiting him on his forced arrival in Dushanbe.⁷⁹ As to why Amon was rendered back to Tajikistan a number of potential reasons have been suggested including his periodic social media criticism of the regime and that back in 2019 he had flirted with founding a political party (which when allied to his popularity amongst the migrant communities could be seen as a political risk), though others have pointed to a possible (limited) past sympathy for the IRPT prior to its banning in 2015.⁸⁰ It has also been suggested that it was actually the Russians who had lost patience with Amon's activism against their treatment of the Tajik diaspora.⁸¹

The Amon case again underscores the close working relationship between the Russian authorities and the Tajik State Committee for National Security (SCNS), based on both a shared approach to political dissent and genuine concerns about radicalisation in the diaspora community including links

⁷⁴ OSCE ODIHR, Republic of Tajikistan, Presidential Election 11 October 2020, ODIHR Election Assessment Mission Final Report, January 2021, <https://www.osce.org/files/f/documents/c/6/477019.pdf>; ONS, Electoral statistics, UK: March 2020, January 2021, [https://www.ons.gov.uk/peoplepopulationandcommunity/elections/electoralregistration/bulletins/electoralstatisticsforuk/march2020#:~:text=The%20total%20number%20of%20UK%20Parliamentary%20electoral%20registrations%20in%20March,increased%20by%20484%2C000%20\(1.0%25\)](https://www.ons.gov.uk/peoplepopulationandcommunity/elections/electoralregistration/bulletins/electoralstatisticsforuk/march2020#:~:text=The%20total%20number%20of%20UK%20Parliamentary%20electoral%20registrations%20in%20March,increased%20by%20484%2C000%20(1.0%25))

⁷⁵ RFE/RL, Tajik Lawyer Questioned By Security Agents After Announcing Bid For President, September 2020, <https://www.rferl.org/a/tajik-lawyer-arrested-after-announcing-he-would-run-for-president/30821651.html>; His announcement video can be seen here: <https://www.youtube.com/watch?v=uIeKIGfcrFY>

⁷⁶ Akhbor.com, Rakhmatillo Zoyirov Reported That It Was Attacked, September 2020, <https://akhbor-rus.com/-p5613-118.htm>

⁷⁷ Eurasianet, Tajikistan: With elections come repressions, August 2020, https://eurasianet.org/tajikistan-with-elections-come-repressions?utm_source=dlvr.it&utm_medium=twitter

⁷⁸ Reuters in Dushanbe, Dozens killed in riots at Tajikistan prison holding Isis militants, The Guardian, May 2019, <https://www.theguardian.com/world/2019/may/20/tajikistan-prison-riot-guards-inmates-killed-isis-militants>

⁷⁹ Edward Lemon, Twitter Post, Twitter, March 2021, <https://twitter.com/edwardlemon3/status/1375829741761085445?s=11>

⁸⁰ Bruce Pannier, Respected Tajik Activist Who Helped Migrants In Russia Is Missing After Being Forcibly Deported, RFE/RL, March 2021, <https://www.rferl.org/a/russia-tajikistan-migrant-laborers-activist-charges/31178041.html>; Eurasianet, Tajikistan: Migrants advocate deported from Russia, March 2021, <https://eurasianet.org/tajikistan-migrants-advocate-deported-from-russia>

⁸¹ Nigora Fazliddin, Twitter Post, Twitter, March 2021, <https://twitter.com/NigoraFazliddin/status/1376372442973810690?s=20>

to violent groups such as IS (Tajiks made up the largest number of fighters for IS other than Syrians and Iraqis).⁸² However, for many years the fight against extremism has provided both the Tajik and Russian security services a pretext to deport (both through legal and illegal means) avowedly non-violent activists to Tajikistan.

More broadly, and as documented in earlier publications by this author, Tajikistan uses the Interpol system as a means to try and force the return of political opponents, with Western governments sometimes willing to go along with the requests or oblivious to the potential consequences.⁸³ In the case of alleged IRPT member, Hizbullo Shoalizoda, the Austrian Government rejected his asylum claim and deported him back to Tajikistan. Though the Austrian Supreme Court would ultimately strike down the decision, citing the procedural violations and a lack of relevant information about the current human rights situation in Tajikistan when the initial decision was made, by this point Shoalizoda was already in Tajikistan serving a 20 year sentence for membership of a banned group and related charges.⁸⁴

As discussed earlier, pressure on family members of exiled activist remains a common feature of the regime's approach to dissent. Humayra Bakhtiyar, a former journalist with ASIA-Plus, has faced pressure on her family with her father and brothers' jobs being threatened by police if she did not return home.⁸⁵ The day before activist Shabnam Khudoydodova spoke at a session at the OSCE ODHIR's Human Dimension conference her nine year old daughter, living with her grandparents in Tajikistan, was faced with a mob of students, teachers, local officials and a TV crew who came to her classroom to denounce her as a 'daughter of a terrorist' and 'enemy of the people' before chasing her home. The following day Khudoydodova's niece was physically attacked by another mob.

In late November 2020, the father and brother of Fatkhuddin Saidmukhidinov were interrogated by the SCNS and told to pressure Saidmukhidinov to shut down his social media accounts, YouTube channel and blog, as well as not to associate with other opposition activists. The SCNS also used his previous participation at the OSCE ODHIR's Human Dimension conference as evidence of malfeasance.⁸⁶ The goal is very clear, to completely isolate activists and pressure them to quit wherever they are in the world. This include sending clear warnings against trying to help anyone who has been active against the state not only for their jobs, livelihoods and freedoms, with warnings that relatives would be prosecuted. Even the elderly are not immune from these pressures as in the case of Doniyor Nabiev, an 80 year old former IRPT member, was arrested in August 2020 and subsequently jailed for seven years for providing a small amount of financial assistance to the families of political prisoners.⁸⁷

As Favziya Nazarova and Nigina Bakhrieva show in their essay, torture and abuse (including sexual abuse) by law enforcement officials, in police custody and in prisons is a significant problem. The topic remains one of the few areas where local human rights defenders are allowed to be active, with an anti-torture coalition that is to some extent able to conduct their own local investigations

⁸² RFE/RL, Six Tajiks Get Lengthy Prison Terms On Terror Charges In Russia, February 2018, <https://www.rferl.org/a/tajik-terror-charges-prison-russia-islamic-state/29057298.html>; Frud Bezhan, Tajikistan's Deadly Export, RFE/RL, March 2017, <https://www.rferl.org/a/tajikistan-deadly-export-islamic-state-suicide-bombers/28365044.html>

⁸³ Adam Hug (ed.), Closing the Door: the challenge facing activists from the former Soviet Union seeking asylum or refuge, FPC, December 2017, <https://fpc.org.uk/publications/closing-the-door/>; Adam Hug (ed.) No shelter: the harassment of activists abroad by intelligence services from the former Soviet Union, FPC, November 2016, <https://fpc.org.uk/publications/noshelter/>; Adam Hug (ed.) Shelter from the storm? The asylum, refuge and extradition situation facing activists from the former Soviet Union, FPC, April 2014, <https://fpc.org.uk/publications/shelter-from-the-storm/>

⁸⁴ RFE/RL's Tajik Service, Tajik Prosecutor – General Rejects Austria's Move To Invalidate Extradition Of Tajik Activist, RFE/RL, July 2020, <https://www.rferl.org/a/tajik-prosecutor-general-rejects-austria-s-move-to-invalidate-extradition-of-tajik-activist/30725651.html>

⁸⁵ Bruce Pannier, Tajik Officials Use Family Members To Pressure Critics To Return, RFE/RL, June 2019, <https://www.rferl.org/a/tajik-officials-use-family-members-to-pressure-critics-to-return/30022245.html>

⁸⁶ Norwegian Helsinki Committee, Tajikistan: Dissident's family interrogated, threatened, December 2020, <https://www.nhc.no/en/tajikistan-dissidents-family-interrogated-threatened/>

⁸⁷ Steve Swerdlow, Twitter Post, Twitter, January 2021, <https://twitter.com/steveswerdlow/status/1352886133760299008>

(sometimes in conjunction with the Office of the Human Rights Ombudsman) in the absence of any independent access for the International Committee of the Red Cross or other bodies to prisons and other places of detentions. Despite recommendations by the UN Committee Against Torture (CAT), the Human Rights Committee (HRC) and the Special Rapporteur on torture there are no truly independent mechanisms capable of investigating and prosecuting abuses, with the existing Ombudsman only resolving two per cent of cases (of any type) brought to it.⁸⁸ The UN CAT have also criticised the lack of independence and capacity in the Ombudsman's office.⁸⁹

Civil society

In the post-Civil War period, Tajikistan's civil society became a focus of international attention with a range of both international NGOs and donor support to local initiatives working to try and rebuild the country and address its challenges in the aftermath of the civil war. This context, and that of a still consolidating regime, gave some space for civic freedoms both within NGOs and in wider society (including academia). A number of International NGOs continue to have a presence in the country to this day working on development projects (including water and sanitation and poverty reduction) and peacebuilding initiatives. For example, UK NGOs, such as Oxfam, Save the Children, Saferworld and International Alert, have presence in the country.⁹⁰ Even the Open Society Foundations has been able to retain an office in the country unlike many other places in Central Asia.⁹¹

However, as the regime consolidated its control the civic space has shrunk with the regime continuing to deploy its '*suppress, acquiesce and incorporate*' strategy as outlined above. What it has left is a sector walking on egg shells having to be ever more careful about what they can and cannot say; trying to stay inside the ever tightening lines of what is permissible conduct; mindful of which lines the regime will not allow to be crossed, lines that may move at any point; and keenly aware of the grim fate that can await those who incur the regime's displeasure. Direct criticism of the President, his family or of certain aspects of the nature of the regime remains off-limits for those seeking to avoid closure of their organisations or even worse.

The country's extreme poverty still provides a range of opportunities, for both local and international civil society, to work to improve the lives of citizens of Tajikistan in ways that are not directly confrontational to the regime. However, for those working in more rights based fields, the focus has had to be narrowed towards topics that are seen as less controversial, such as supporting children with disabilities, or that fall within the few areas - such as the work of the Freedom from Torture coalition - where some space is still allowed for criticism of practical failings, legislation and issues with lower level systems while carefully avoiding more thorny political questions.

So rather than go down the route taken by Uzbekistan under Karimov that saw independent NGOs closed down or kicked out as the regime tightened its grip, Tajikistan has kept many of these groups in situ. This enables the Government to point to their presence as evidence of continuing good faith, retaining the leverage provided by the potential threat of future closure as a disincentive for increased international criticism, whilst ensuring international funding continues to reach the country. This creates a dilemma for a number of international organisations that have to exercise a degree of self-censorship, or at least deliberate stay clear of potentially controversial activities, in order to retain a formal presence on the ground.

⁸⁸ U.S. Department of State, 2019 Country Reports on Human Rights Practices: Tajikistan, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/tajikistan/>

⁸⁹ United Nations Human Rights Treaty Bodies, UN Treaty Body Database, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FCO%2FTJK%2FCO%2F3&Lang=en

⁹⁰ NGO Explorer, Found 51 UK NGOs working in Tajikistan, <https://ngoexplorer.org/country/tjk>

⁹¹ Open Society Foundations, The Open Society Foundations in Tajikistan, March 2021, <https://www.opensocietyfoundations.org/newsroom/open-society-foundations-tajikistan>

At the moment estimates suggest around 2,800-3,000 NGOs are still officially registered, as legally required, with Tajikistan's Ministry of Justice, although some of these seem to be fairly inactive to the point of no longer being operational. The current Law on Public Associations sets a number of reasonably heavy bureaucratic operational requirements on NGOs including requirements to make public detailed financial statements on their websites (which they are required to have by law despite many not being able to afford one), but perhaps the most important section pertains to registration and approval of foreign funding.⁹² According to 'Article 27 Sources of Formation of Property of a Public Association Section 2', all foreign funding is subject to registration with the Register of Humanitarian Assistance to Public Associations of the Republic of Tajikistan, a requirement that the Tajik Government claims is part of their anti-terrorism efforts but which gives an effective state veto over projects it does not want to see proceed.

A 2019 report by the Observatory for the Protection of Human Rights Defenders documented in detail how inspections by the tax authorities, the Ministry of Justice (in the case of NGO's registered as 'Public Associations') and other state bodies are used as a tool for harassing NGOs and their supporters.⁹³ Given the economic situation and nature of political control opportunities for growing their domestic revenue base is limited, with significant risks involved for potential local donors.

Beyond the formal NGO sector, Parviz Mullojonov's essay highlights how the pandemic has helped to catalyse new forms of societal mobilisation with informal associations and groups organised online helping to raise money and provide volunteers to help in areas that augmented the capacity of both the state and traditional NGOs. It will be important to see how this develops over the coming year and the extent to which they are able retain their freedom of action that some in the state clearly fear. This community self-organising builds on the traditions of 'hashar', collective communal labour (albeit sometimes pressured at the behest of local officials) that had often been used in the past to fill in gaps in state provision.⁹⁴

Media freedom

As with other freedoms in Tajikistan the media freedom situation has deteriorated substantially in recent years, with their ranking in the Reporters without Borders World Press Freedom Index deteriorating from 115th out of 180 countries in 2014 to 162nd in 2021.⁹⁵

For now the ASIA-Plus New Agency remains the only broadly independent local outlet (comprising a website, news service, Radio station and newspaper), albeit observing a degree of self-censorship.⁹⁶ However, their website has been blocked by the Government for much of the last two years, with the OSCE noting that this also took place during the 2020 Presidential election campaign.⁹⁷ In December 2020, they were told they had to vacate their offices in a building ultimately owned by the Government.⁹⁸

⁹² Civil Society Development Association, Tajik NGOs would like to propose amendments to the law of the Republic of Tajikistan "On Public Associations", January 2019, <https://en.cso-central.asia/tajik-ngos-would-like-to-propose-amendments-to-the-law-of-the-republic-of-tajikistan-on-public-associations/>; Unofficial Translation (2020), Law of the Republic of Tajikistan About Public Associations, https://www.legislationline.org/download/id/8634/file/Tajikistan_law_public_associations_2007_am2019_en.pdf

⁹³ FIDH, Their Last Stand? How Human Rights Defenders Are Being Squeezed Out in, Tajikistan, Mission Report, July 2019, https://www.fidh.org/IMG/pdf/report_tajikistan_eng_web.pdf

⁹⁴ Taj Nature, The Committee for Environmental protection under the Government of the Republic of Tajikistan, April 2021, <http://tajnature.tj/?p=19211&lang=en>; Cabar Asia, Tajikistan: Rural Residents Complain About Poor Conditions of the Healthcare Centers (Photoreport), October 2020,

<https://cabar.asia/en/tajikistan-rural-residents-complain-about-poor-conditions-of-the-healthcare-centers-photoreport>

⁹⁵ RSF, Praising the "Leader of the Nation", <https://rsf.org/en/tajikistan>

⁹⁶ ASIA-Plus, About Us, <https://asiaplustj.info/en/info/about>

⁹⁷ OSCE ODIHR, Republic of Tajikistan, Presidential Election, 11 October 2020, ODIHR Election Assessment Mission, Final Report, January 2021, <https://www.osce.org/files/f/documents/c/6/477019.pdf>

⁹⁸ RSF in English, Twitter Post, Twitter, December 2020, https://twitter.com/RSF_en/status/1333771642103803905?s=20

Other independent outlets have been pressured to disband such as Ozodagon, an independent newspaper, which was forced to close in 2019 after years of harassment.⁹⁹ In February 2020, the independent news website Akhbor.com was formally banned by the Supreme Court of Tajikistan on the grounds of providing a “platform for terrorist and extremist organisations” by including coverage of exiled opposition groups, such as the IRPT, as part of a range of issues it reported on.¹⁰⁰ This followed two years previously where it was only available via VPN due to extensive attempts to block the website from the internet in Tajikistan.¹⁰¹ The site made the decision to close down as of November 2020 due to a mix of further pressure on the organisation, including targeting the founder Mirzo Salimpur’s family, and the risks posed to those reading the site who would be at risk of prosecution.¹⁰² In the aftermath of the closure of Akhbor a new Prague-based news website, Bomdod.com, has been created with a similar mix of news coverage.

YouTube and other social media platforms contain newly emerging channels being run from the diaspora that can attract a local following as part of a wider cat and mouse game with the security services. However, the internet remains both slow and expensive, albeit with free data for certain social media apps included as part of mobile phone packages.¹⁰³ Television (both state and private) and local print journalism remains very much under the control of the regime.

For a number of years in the 2010s, RFE/RL’s Tajik service Radio Ozodi (whose YouTube channel has 1.39m subscribers, Instagram page 1.1m and 315,484 followers on Facebook) has faced real challenges finding the right balance on the tightrope walk between maintaining the ability to operate on the ground in Tajikistan and the ability to speak openly.¹⁰⁴ After several years when murmurings of disquiet could be heard, the service came under sustained criticism in 2019 around allegations that Tajik service director, Sojida Djakhfarova, and Abbas Djavadi, the director of programming for Central Asia, were squashing some critical stories about the ruling family and preventing reporting about the IRPT and other exiled groups. There were also allegations of links to the business empire of Hasan Asadullozoda, including a contract given to an Asadullozoda-linked Radio Station and the local Ozodi offices being based in a building allegedly owned by him.¹⁰⁵ Djakhfarova and Djavadi would resign shortly after the story broke in Eurasianet amid public pressure from international experts on the country (including Edward Lemon who writes in this collection).¹⁰⁶ While the detailed allegations made by Eurasianet and the academics strongly suggest a pattern of behaviour by these editors that went beyond self-censorship merely to retain a formal presence on the ground (unlike in Uzbekistan and Turkmenistan where they have to operate covertly), in the wake of the reforms at Ozodi, the channel’s local staff have been subjected to

⁹⁹ Catherine Putz, Tajik Journalist Facing Extremism Charges, *The Diplomat*, February 2020, <https://thediplomat.com/2020/02/tajik-journalist-facing-extremism-charges/>

¹⁰⁰ Akhbor.com, Statement: “Akhbor” website stops its activity, November 2020, <https://akhbor.com/-p13782-117.htm>; OSCE ODIHR, Republic of Tajikistan, Presidential Election, 11 October 2020, ODIHR Election Assessment Mission, Final Report, January 2021, <https://www.osce.org/files/f/documents/c/6/477019.pdf>

¹⁰¹ Eurasiant, Tajikistan: Court says news website serves as platform for terrorists, April 2020, <https://eurasianet.org/tajikistan-court-says-news-website-serves-as-platform-for-terrorists>

¹⁰² CPJ, Tajikistan authorities question family members of exiled journalist, July 2020, <https://cpj.org/2020/07/tajikistan-authorities-question-family-members-of-exiled-journalist/>

¹⁰³ Ardasher Khashimov and Colleen Wood, In conservative Tajikistan, Gen Z activists are using Instagram to fight for feminism, *The Calvert Journal*, September 2020, <https://www.calvertjournal.com/articles/show/12165/feminism-tajikistan-instagram-internet-activism-post-war-civil-liberties>; Katherine Long, Dushanbe’s millennials are reconnecting a broken city – with the Internet, *Ozy*, September 2018, <https://www.ozy.com/around-the-world/dushanbes-millennials-are-reconnecting-a-broken-city-with-the-internet/89082/>

¹⁰⁴ Ozodivideo, YouTube, <https://www.youtube.com/user/Ozodivideo>; Radio Ozodi, Instagram, <https://www.instagram.com/radioozodi/?hl=en>; Radio Ozodi, Facebook, <https://www.facebook.com/radio.ozodi/>

¹⁰⁵ Peter Leonard, US-funded broadcaster under scrutiny for enabling Tajikistan’s strongman rule, *Eurasianet*, March 2019, <https://eurasianet.org/us-funded-broadcaster-under-scrutiny-for-enabling-tajikistans-strongman-rule>

¹⁰⁶ OpenDemocracy, Open letter: What is going on at RFE/RL’s Tajik service?, March 2019, <https://www.opendemocracy.net/en/odr/rferl-ozodi-tajik-service-media/>

increased efforts by the authorities to withhold or delay issuing press accreditation to its journalists in Tajikistan.¹⁰⁷

On a separate issue around the Government of Tajikistan influencing the behaviour of international organisations to limit scrutiny, Tajikistan played a leading role in blocking the extension of the mandates for OSCE Representative on Freedom of the Media, Harlem Desir, and the head of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), Ingibjorg Solrun Gisladdottir, after both organisations raised criticisms of the poor human rights record in the country.¹⁰⁸

The essay contribution by Anne Sunder-Plassmann and Rachel Gasowski further highlights the challenges faced by journalists trying to navigate their way through the system. They note how journalists are subject to what they describe as 'prophylactic conversations' with the security services to push them to toe the Government line, with threats of revoking accreditation, media licences, extra tax checks, pressure on family members and potential criminal or civil prosecution if they do not comply. Sunder-Plassmann and Gasowski note that despite the partial removal of criminal defamation in 2012, the legislation still punishes '*public insult or defamation of the President of Tajikistan*' and '*insulting the Leader of the Nation through the media through print, online or other media*', with up to five years' imprisonment and with a potential two year sentence for 'insult of a public official'. They also note the broad provisions and often arbitrary application of restrictions on terrorism and extremism as well as Article 189 of the Criminal Code which punishes 'inciting national, racial, local or religious discord' with sentences of up to 12 years, the potential application of which is used to silence reporting and other forms of dissent.¹⁰⁹

In recent years there have been a number high profile cases of journalists that have attracted international attention. Khairullo Mirsaidov, an investigative journalist and satirist, was initially arrested in December 2017 following an open letter he published criticising officials in his local Sughd region. The initial judgement came down with a sentence of 12 years in prison for embezzlement, however after an international campaign using the slogan #FreeKhairullo, the authorities released him on appeal, though the courts left \$8,500 in fines, a requirement to do community service and to give the state one fifth of his salary for two years as conditions of his release.¹¹⁰ Mirsaidov would ultimately breach those conditions by fleeing to Georgia, then Poland and was sentenced to an eight month prison term in absentia.¹¹¹

In 2020, a similar international outcry followed the arrest of former Ozodagon journalist Daler Sharipov, who was held on extremism charges for his writing about religious freedom issues, discussing banned opposition groups and for possessing material said to be related to the Muslim Brotherhood, which is banned in Tajikistan.¹¹² Sharipov ultimately would serve out the one year term, despite pressure from the US Senate and other international bodies.¹¹³

¹⁰⁷ United States Mission to the OSCE, Concern about Accreditation for RFE/RL Radio Ozodi, November 2019, <https://www.osce.org/files/f/documents/3/7/438218.pdf>; RFE/RL Press Release, Tajikistan Again Fails To Fully Accredit RFE/RL Journalists, January 2020, <https://pressroom.rferl.org/a/tajikistan-again-fails-to-fully-accredit-rferl-journalists/30391852.html>; US Agency for Global Media, Journalists in Tajikistan denied accreditation. Again, August 2020, <https://www.usagm.gov/2020/08/26/journalists-in-tajikistan-denied-accreditation-again/>

¹⁰⁸ Bruce Pannier, How Tajikistan Blocked Term Extensions For Key OSCE Officials, RFE/RL, July 2020, <https://www.rferl.org/a/how-tajikistan-blocked-term-extensions-for-key-osce-officials/30738021.html>

¹⁰⁹ ARTICLE 19, Submission to the Universal Periodic Review of Tajikistan by ARTICLR 19, 39th Session of the Working Group, March 2021, https://www.article19.org/wp-content/uploads/2021/03/ARTICLE-19_Tajikistan-UPR_25.03.2021.pdf

¹¹⁰ Eurasianet, Tajikistan sentences journalist to 12 years in jail, July 2018, <https://eurasianet.org/tajikistan-sentences-journalist-to-12-years-in-jail>

¹¹¹ RFE/RL's Tajik Service, Tajik Authorities Issue Arrest Warrant In Absentia For Prominent Journalist, RFE/RL, February 2019, <https://www.rferl.org/a/tajik-authorities-issue-arrest-warrant-in-absentia-for-prominent-journalist/29765348.html>

¹¹² Catherine Putz, Tajik Journalist Facing Extremism Charges, The Diplomat, February 2020, <https://thediplomat.com/2020/02/tajik-journalist-facing-extremism-charges/>

¹¹³ Freedom Now, Tajik Journalist Daler Sharipov Released from Detention, <https://mailchi.mp/freedom-now/freedom-now-3599010?e=2ae12a39e1>

Humayra Bakhtiyar, a former ASIA-Plus journalist mentioned above, has faced not only significant pressure on her family who remain in Tajikistan but a concerted online smear campaign over several years.¹¹⁴ She has faced smear campaign first from fake accounts on Facebook (2013-15), then pro-Government young people (2015-17), including from students who are potentially paid to troll, and then ultimately pressure from diasporan voices (who may have been persuaded to do it to be removed from the blacklist or for money).

These online smear and harassment attempts, as Oleg Antonov, Edward Lemon and Parviz Mullojonov note in their essay, can often be linked to what is known as the *fabrikai javob* ('the factory of answers'). As the authors point out the Government has 'enlisted the support of 'volunteers' in its mission to police the web' particularly teachers, professors and government employees who are pressured or paid to create fake accounts to criticise the opposition. The RFE/RL investigation that exposed the system suggested that, in 2019, there were likely to be at least 400 members are involved in the troll factory, known as the 'Analytical Information Group' within the Ministry of Education.¹¹⁵ The factory of answers was known to be active in response to try to discredit journalists reporting within the country, such as Abdullo Gurbati, as well attempting to discredit erstwhile young presidential candidate Faromuz Irgashev.¹¹⁶

Rule of law

As will be clear from the above, the nature of state power and capacity means there are significant problems in relation to the rule of Law in Tajikistan. The International Commission of Jurists report, 'Neither Check nor Balance: The Judiciary in Tajikistan', sets out how past efforts to reform the judiciary have yielded limited results. They point out the almost total lack of acquittals in the criminal courts, and they show how the low pay amongst the judiciary leaves them open to corruption and that the mechanisms for promotion are open to abuse by those in power. The Commission, therefore, argues for reducing the power of court presidents and increasing the activity and independence of the Association of Judges.¹¹⁷

As with many legal systems in Central Asia the Prosecutor General's Office plays a dominant role in the system with the courts generally following the approach set out by prosecutors. While policing suffers from, as the US Government puts it, a 'lack of resources, low salaries, and inadequate training [which] contribute to high corruption and a lack of professionalism among law enforcement agencies'.¹¹⁸ While the SCNS often takes the lead in dealing with critics of the regime, focused on preventing any challenge to the status quo.

As already noted, human rights lawyers and others defending regime opponents have been subject to relentless pressure, including in multiple cases arrest and imprisonment themselves because of

¹¹⁴ International Bar Association Human Rights Institute, Independent High Level Panel of Legal Experts on Media Freedom, 2020, <https://www.ibanet.org/Document/Default.aspx?DocumentUid=E1971BEB-58A0-4AD7-BC37-203DC9B604AD>; See also CPJ, Tajik authorities harass journalist Humayra Bakhtiyar and family, July 2019, <https://cpj.org/2019/07/tajik-authorities-harass-journalist-humayra-bakhti/>

¹¹⁵ Radio Ozodi, "Troll Factory" of Tajikistan: key figures and performers. Radio Ozodi investigation, May 2019, <https://rus.ozodi.org/a/29926413.html>

¹¹⁶ Eurasianet, Tajikistan: COVID-19 outbreak offers cover for fresh assault on free press, June 2020, <https://eurasianet.org/tajikistan-covid-19-outbreak-offers-cover-for-fresh-assault-on-free-press>; Eurasianet, September 2020, Interview with Tajikistan's would-be youthful change candidate <https://eurasianet.org/interview-with-tajikistans-would-be-youthful-change-candidate>

¹¹⁷ ICJ, Neither Check nor Balance: the Judiciary in Tajikistan, December 2020, <https://www.icj.org/new-icj-report-calls-for-a-comprehensive-reform-of-the-judiciary-in-tajikistan/>

¹¹⁸ OSAC, Tajikistan 2020 Crime & Safety Report, March 2020, <https://www.osac.gov/Country/Tajikistan/Content/Detail/Report/59bbeb63-ead5-4c9c-9b4f-181c2f803f23>

who they defended.¹¹⁹ These included 2011 Human Rights Defender of the year Shukhrat Kudratov, ultimately released after four years but now banned from practicing law.¹²⁰

Religion

The legacy of the civil war, the secular-nationalist framing Tajik identity by the Rahmon regime, the repression of Islamically-minded political movements, genuine issues with radicalisation (the civil war, proximity with Afghanistan and the domestic situation all being factors) and an ingrained hostility to activities outside of state supervision or control creates an extremely restrictive atmosphere for religious freedom in the country. The US Commission on International Religious Freedom lists Tajikistan as one of its 14 Countries of Particular Concern noting that the ‘Tajikistani government’s already dismal record on religious freedom continues to deteriorate’.¹²¹

Official, state sanctioned religious activity is supervised by the State Committee on Religious Affairs who oversee the Islamic Council of Ulema, the grouping of religious leaders who coordinate religious activity for the majority Sunni Muslim population. The changes to the system in 2010 removed a tier of regional religious leadership which helped make local Imams more dependent on secular state structures.¹²² The majority of Pamiris of the Gorno-Badakhshan Autonomous Region are followers of the Ismaili religious tradition and so far some independence has been tolerated with the Aga Khan Foundation (founded and run by the Ismaili’s global religious leader) a major player in the development of the region.¹²³

The practice of official Islam in Tajikistan comes with a number of restrictions. Under 18s are only allowed to attend Mosques at religious festivals and funerals, excluding them from regular Friday prayer.¹²⁴ Mosque building is significantly restricted with many forced to close, and state backed religious schools were also shut down over the last decade.¹²⁵ As with a number of its Central Asian neighbours a *de facto* ban on hijab wearing in public places is in effect through dress code restrictions in places of education and throughout the public sector, in addition to informal pressure from the police and other officials cracking down on signs of overt religiosity that can sometimes include forcing men to trim or cut off long beards.¹²⁶ The extent of this informal enforcement is lower in rural than urban areas.

As set out earlier, religious groupings that fall outside state control can be dealt with brutally. For Muslims this not only includes political supporters of the (relatively politically moderate) IRPT, supporters of banned non-violent extremist groups such as Hizb ut-Tahrir (subject to major crackdowns particularly in the 2000s) and the Muslim Brotherhood (117 suspected members were given sentences of between five to 23 years in April 2021), through to supporters of violent extremism and armed groups such as the Islamic Movement of Uzbekistan, Al-Qaeda and IS.¹²⁷

¹¹⁹ Human Rights Watch, Tajikistan: Free Human Rights Lawyers, May 2016, <https://www.hrw.org/news/2016/05/04/tajikistan-free-human-rights-lawyers>

¹²⁰ IFEX, Human rights lawyer Shukhrat Kudratov, June 2019, <https://www.rferl.org/a/tajikistan-qishloq-ovozi-tabarov-death-saidov/27799302.html>

¹²¹ Unites States Commission on International Religious Freedom, Tajikistan, <https://www.uscirf.gov/countries/tajikistan>

¹²² RFE/RL, Tajikistan Announces Reforms To Islamic Council, September 2010, https://www.rferl.org/a/Tajikistan_Announces_Reforms_To_Islamic_Council/2156971.html; Saodat Olimova, Political Islam And Conflict In Tajikistan, CA&C Press AB <https://www.ca-c.org/dataeng/11.olimova.shtml>

¹²³ Joshua Kucera, The Aga Khan’s tightrope walk in Tajikistan, Al Jazeera, August 2013, <https://www.aljazeera.com/opinions/2013/8/31/the-aga-khans-tightrope-walk-in-tajikistan>

¹²⁴ RFE/RL, Tajik President Signs Law Banning Children From Mosques, August 2011, https://www.rferl.org/a/tajik_president_signs_law_banning_children_from_mosques/24285911.html

¹²⁵ Paul Goble, Tajikistan, Most Muslim Country in Central Asia, Struggles to Rein In Islam, Jamestown Foundation, February 2018, <https://jamestown.org/program/tajikistan-muslim-country-central-asia-struggles-rein-islam/>; Forum 18, *Tajikistan: Last madrassahs finally closed*, 6 September 2016, <https://www.refworld.org/docid/57cee73f4.html>

¹²⁶ Mushfig Bayram, Forum 18, Tajikistan: Hijab-wearing and beards ban continues, Forum 18, October 2018, https://www.forum18.org/archive.php?article_id=2421

¹²⁷ Mirzonabi Holikzod, From 5 to 23 years old: Trial against alleged followers of the Muslim Brotherhood ends in Tajikistan, Radio Ozodi, April 2021, <https://rus.ozodi.org/a/31199680.html>

Proselytising Protestant groups and Jehovah's Witnesses also face similar pressure from the state, amid restrictions on registration of religious groups that prevent many independent religious groups being legally recognised.¹²⁸ Jehovah's Witnesses are also subject to prosecution in cases of contentious objection from compulsory service in Tajikistan's armed forces.¹²⁹

So in Rahmon's secular-nationalist vision for Tajikistan devout Islam is frowned upon and often restricted by the authorities. However, cultural or 'popular' Islam, where Islam is a social identifier, a component of Tajik national identity and root for support of traditionalism and cultural conservatism (without a commitment to regular prayer or strict observance to religious laws) remains much more widespread and accepted by the authorities.¹³⁰

Women's and minority rights

Traditional and secular-conservative attitudes to issues of gender and sexuality are widespread across society in Tajikistan and part of the President's approach to building a post-Soviet Tajik identity. One example of this approach that is indicative of wider trends is the way International Women's day on March 8th, celebrated in Tajikistan during the Soviet-era, was rebranded in 2009 by the Government as 'Mother's day', reflecting how women presented are portrayed primarily as mothers and carers by state institutions as well as in the dynamics of many local communities.¹³¹

Women's representation in official positions remains relatively low in Tajikistan, though better than in some of its neighbours. 14 Women deputies sit in the 63 member Assembly of Representatives, the Lower House of Parliament.¹³² Eight of the 31 member National Assembly (the Upper House of Parliament) are women, while three members of the Cabinet are women - Deputy Prime Minister Sattoriyon Amonzoda, the Minister of Labour, Migration and Employment Amonzoda Shodi, and Minister of Culture Davlatzoda Davlat.¹³³

Early marriage is a common feature of life in Tajikistan amid heavy social pressure. Though the legal marriage age was raised to 18 in 2011, girls being pushed into Islamic marriages unrecognised by the state is still a problem particularly in rural communities as well as some cases of bride kidnapping and forced marriage.¹³⁴ The median age of first marriage for women is 20.2 years.¹³⁵ At marriage women are usually expected to move into her husband's household to help care for the wider family under the control of their parents-in-law, with the greatest pressures on the youngest wife (arus).

The precarious employment situation acts in multiple different ways on women. The dearth of local opportunities creates a degree of social pressure against women joining the local labour force. However, the clear majority of Tajikistan's labour migrants are men which means that in rural communities this has seen women take a greater role in managing both 'kitchen gardens' and

¹²⁸ Mushfig Bayram, Forum 18, and John Kinahan, Forum 8, Tajikistan: Religious freedom survey, December 2020, https://www.forum18.org/archive.php?article_id=2625

¹²⁹ Ibid.

¹³⁰ Saodat Olimova, Political Islam And Conflict In Tajikistan, CA&C Press AB, <https://www.ca-c.org/dataeng/11.olimova.shtml>

¹³¹ RFE/RL, Women's Day Becomes Mother's Day In Tajikistan, March 2009, https://www.rferl.org/a/Womens_Day_Becomes_Mothers_Day_In_Tajikistan/1506575.html; Government Of The Republic Of Tajikistan, President Of The Republic Of Tajikistan, <http://www.president.tj/taxonomy/term/5/83>

¹³² Parliament of Tajikistan, Deputies of the Majlisi Namoyandagon of the Majlisi Oli of the Republic of Tajikistan, <https://www.parlament.tj/en/deputats>

¹³³ Government Of The Republic Of Tajikistan, President Of The Republic Of Tajikistan, <http://www.prezident.tj/taxonomy/term/5/135>

¹³⁴ Nilufar Karimova, Teenage Marriage Persists in Tajikistan, IWPR, May 2014, <https://iwpr.net/global-voices/teenage-marriage-persists-tajikistan>; Sarvinoz Ruhullo, "He threatened to kill me!" In Tajikistan, a 46-year-old man married a 12-year-old girl, Radio Ozodi, August 2020, <https://rus.ozodi.org/a/30783109.html>; Ardasher Khashimov and Colleen Wood, In conservative Tajikistan, Gen Z activists are using Instagram to fight for feminism, Calvert Journal, September 2020, <https://www.calvertjournal.com/articles/show/12165/feminism-tajikistan-instagram-internet-activism-post-war-civil-liberties>

¹³⁵ Tajikistan: 2017 Demographic and Health Survey, <https://dhsprogram.com/pubs/pdf/SR250/SR250.pdf>

‘dekhan’ farms.¹³⁶ Professional childcare for infants below school age is in short supply and often unaffordable for many families, acting as a further barrier to women’s participation in the work force.

In relation to the hijab, the state actively promotes and *de facto* enforces conservative but secular modes of dress for women (an informal Clothing Code), with the Ministry of Culture publically promoting campaigns against wearing black, the hijab or short skirts, whilst promoting traditional national dress.

In their essay, Favziya Nazarova and Nigina Bakhrieva outline the harrowing physical, sexual and psychological abuse some women face in the criminal justice system (as suspects, victims and witnesses) and how attitudes in wider society lead victims to be shamed and shunned. More broadly domestic violence is an issue that both the Tajik Government and a significant part of society seeks to downplay. A 2016 survey by the Government in collaboration with Oxfam found that 97 per cent of men and 72 per cent of women believed domestic violence should be tolerated in order to prevent a family from breaking apart.¹³⁷ The Government does not undertake fully comprehensive reporting of complaints of domestic violence, but NGOs have been monitoring increasing numbers of reported cases and the issue is beginning to be talked about more in public amongst younger people.¹³⁸ Similarly women are beginning to speak out more openly against endemic issues of sexual harassment, albeit with a very mixed response from the authorities.¹³⁹ Dilbar Turakhanova’s essay notes the development of a new anti-discrimination law but argues that implementation will be critical with a need for large scale public information campaigns, quotas for political participation, new opportunities for professional advancement as well as mentoring and support networks for younger women professionals.

While homosexuality was decriminalised in 1998, unlike in Uzbekistan and Turkmenistan where it remains illegal, the LGBTQ community in Tajikistan still faces systemic discrimination and strong family and social pressures to keep identities hidden.¹⁴⁰ There are no local NGOs able to operate openly to advocate for rights and protections for LGBTQ people in a system with no legal framework for tackling discrimination against the community. Police and local officials have been known, in the words of the International Partnership for Human Rights, to have ‘*beaten, raped and exploited*’ members of the community.¹⁴¹ Abuses include forcing LGBTQ citizens to have medical examinations (on the grounds of limiting the spread of sexually transmitted disease), sexual and physical abuse, blackmail and extortion (including use of honey traps to target richer members of the community). There have been repeated claims, denied by authorities, that the officials have created a register of LGBTQ citizens on the grounds of potential risk of spreading HIV.¹⁴²

¹³⁶ Nozilakhon Mukhamedova and Kai Wegerich, The feminization of agriculture in post-Soviet Tajikistan, *Journal of Rural Studies*, January 2018, <https://www.sciencedirect.com/science/article/pii/S0743016717301766>

¹³⁷ HRW, “Violence with Every Step”, Weak State Response to Domestic Violence in Tajikistan, September 2019, <https://www.hrw.org/report/2019/09/19/violence-every-step/weak-state-response-domestic-violence-tajikistan>

¹³⁸ Cabar Asia, Tajikistan: When Justice Assaults a Woman, <https://cabar.asia/en/tajikistan-when-justice-assaults-a-woman>

¹³⁹ Fergana News, Dushanbe resident fined for indecent proposal to married woman, July 2020, <https://fergana.site/news/120594/>; Sher Khasimov and Steve Swerdlow, Is This Tajikistan’s #MeToo Moment?, *The Diplomat*, November 2020, <https://thediplomat.com/2020/11/is-this-tajikistans-metoo-moment/>

¹⁴⁰ Zebo Nazarova, Tajikistan’s LGBT Community: Struggling For Recognition ‘As People’, *Current Time*, June 2020, <https://en.currenttime.tv/a/30684238.html>

¹⁴¹ IPHR, LGBT people in Tajikistan: beaten, raped and exploited by police, July 2017, <https://www.iphronline.org/lgbt-people-tajikistan-beaten-raped-exploited-police.html>

¹⁴² RFE/RL’s Tajik Service, Tajikistan Creates Registry Of ‘Proven’ LGBT People, *Official Journal Says*, RFE/RL, October 2017, <https://www.rferl.org/a/tajikistan-lgbt-registry/28800614.html>

Housing

As discussed above and in the essays by Xeniya Mironova and Shoira Olimova, suspected corruption at a state and local level and the politically connected nature of businesses in the construction industry help to shape a sector that is struggling to meet the needs of ordinary people. In Dushanbe, and to a certain extent in other major cities, the rapid pace of physical change has sometimes ridden roughshod over both the city's urban heritage, with the rights of residents coming behind those of powerful interests.

The rebuilding of the urban landscape is part of the Government's approach to projecting a modern image of Tajikistan, using substantial amounts of Chinese and Saudi Arabian investment, by bulldozing particularly Soviet-era building to replace them with new construction, a process of nation building through building.¹⁴³ As well as replacing crumbling apartment blocks to build taller new blocks (of varying build quality) the authorities have torn down popular buildings such as the Mayakovsky Theatre and Jomi Cinema and have been slow to replace them.¹⁴⁴

The Shahmansur market (known locally as the Green Bazaar) was demolished in 2017 possibly to reduce competition for the newly opened Achaun shopping mall nearby.¹⁴⁵ The country would benefit from developing an effective system for comprehensively listing and protecting properties of architectural and heritage value before the bulldozers have taken it all as, despite public pressure, the authorities in Dushanbe have only identified a list of 15 buildings in the whole city as being worthy of heritage protection.¹⁴⁶

As our authors note, while issues around illegal demolition and forced evictions can still be a problem, the situation is less acute than several years ago. The regime has, to some extent, recognised the issue as a potential mobiliser for discontent so for the most part it has been ensuring that at least some compensation is paid even if the processes through which regeneration happens remain opaque.

As Mironova argues the 'authorities should organise public hearings on the reconstruction and redevelopment of the Tajik capital and other towns and ensure that civil society has access to the General Plans (Masterplans) of Dushanbe and other towns' respectively. More information should also be formally provided about which companies undertaking particular projects in-order to help trace lines of accountability. Mironova also notes the continuing problems around the '*propiska*' system where people have to register their residency in their local area with the local police. Without such registration it can be difficult to access medical assistance, education, get a bank account or even buy a mobile phone sim card. The registration process currently discriminates against those unable to purchase their own homes in the places where they are living and working with the ability to register at temporary addresses a mixed picture. Currently the process provides further opportunities for police corruption.¹⁴⁷

¹⁴³ Ardasher Khashimov and Tahmina Inoyatova, Young People, Social Media, and Urban Transformation of Dushanbe, The Oxus Society for Central Asian Affairs, May 2021, <https://oxussociety.org/young-people-social-media-and-urban-transformation-of-dushanbe/>

¹⁴⁴ Xeniya Mironova, Destructing Soviet Architecture in Central Asia, Voices on Central Asia, December 2019, [https://voicesoncentralasia.org/destructuring-soviet-architecture-in-central-asia/#:~:text=The%20myriad%20of%20other%20Soviet,arches%20\(Leningradskie%20doma%20or%20Doma](https://voicesoncentralasia.org/destructuring-soviet-architecture-in-central-asia/#:~:text=The%20myriad%20of%20other%20Soviet,arches%20(Leningradskie%20doma%20or%20Doma)

¹⁴⁵ Esfandiar Adineh, Demolishing Dushanbe: how the former city of Stalinabad is erasing its Soviet past, The Guardian, October 2017, <https://www.theguardian.com/cities/2017/oct/19/demolishing-dushanbe-former-stalinabad-erasing-soviet-past>

¹⁴⁶ Radio Ozodi, List of 15 historic buildings in Dushanbe not subject to demolition, April 2016, <https://rus.ozodi.org/a/27703145.html>

¹⁴⁷ Valentina Kasymbekova, How does a residence permit violate the rights of citizens, and why is it still not removed?, ASIA-Plus, November 2019, <https://asiaplustj.info/ru/news/tajikistan/society/20191109/kak-propiska-narushaet-prava-grazhdan-i-pochemu-eyo-dosh-por-ne-uberut>

Border conflicts

The collapse of the Soviet Union into different nation states posed particular new challenges for the ethnically intermixed communities in and around the Fergana Valley. Prior to independence the administrative borders of the SSRs had limited real impact on the ground, with a shared currency, a shared language in common (Russian), economic and transport links, and other infrastructure that had no need to break down rigidly on national lines. At independence there were significant challenges identifying precisely where the borders actually lay (including in the middle of roads) and exacerbated issues around the complicated nature of local control. Tajikistan has two exclaves, Vorukh and Lolazor (formerly Kayragach), which are entirely surrounded by the territory of Kyrgyzstan as well as Sarvak that is inside Uzbekistan. As time has passed the provision of new national level infrastructure focused on connecting people within the same country, economic shifts away from shared market places and a common currency, and the decline of Russian as a shared language all have helped to reduce organic (friendly) people-to-people contact.

In recent years there has been particular volatility on the Tajikistan-Kyrgyzstan border with low level violence amongst citizens over local issues, sometimes joined by respective border guards in small skirmishes. The guards have also periodically attempted occasionally to extort money from nationals of the other country. Only 519km of the 972km Tajikistan-Kyrgyzstan border have been delimited and demarcated at the present time.¹⁴⁸

Since the new Government in Kyrgyzstan came to power last autumn, it has been making noises about wanting to resolve its outstanding border disputes with its neighbours, responding in part to initiatives put forward by Uzbekistan's President Mirziyoyev. In fact an agreement on resolving issues on the Uzbek-Kyrgyz border was proudly announced in late March by Kyrgyzstan's Security Chief Kamchybek Tashiev, who said: *"Issues around the Kyrgyz-Uzbek border have been resolved 100 percent. We have tackled this difficult task. There is not a single patch of disputed territory left."*¹⁴⁹ In practice this agreement swiftly unravelled due to pressure from local Kyrgyz who had not been consulted on the moves. Also in late March, Tashiev made a public offer to swap 12,000 hectares of land in the Kyrgyz province of Batken in return for Tajikistan transferring Vorukh to Bishkek's control, remarks that were shortly followed by Kyrgyz military exercises near the areas in question.¹⁵⁰ Rahmon publically rejected this plan in a visit to Vorukh in early April designed to reassure residents of Dushanbe's commitment to them.¹⁵¹

This public wrangling over the issue of status provides context for the most violent clashes ever between the two countries. The spark came on April 28th 2021 in a dispute between locals in the Isfahra (Tajikistan) and Batken (Kyrgyzstan) regions over a camera being placed by local Tajiks (on land within the territory of Tajikistan) to monitor a water intake station (in Kyrgyzstan) that is part of the irrigation system that serves both countries. There had been concerns raised about local Kyrgyz potentially making changes to the water supply in a way that might negatively impact what water made it to Tajik land. Water is a critical resource in a country where only 36 per cent of the population has access to safe drinking water and irrigation systems are essential to enable marginal agricultural land to be suitable for farming, making it a regular flash point in local disputes.¹⁵²

¹⁴⁸ Vestnik Kavkaza, Aggravation of situation on Kyrgyzstan-Tajikistan border reported, April 2021,

<https://vestnikkavkaza.net/news/Aggravation-of-situation-on-Kyrgyzstan-Tajikistan-border-reported.html>

¹⁴⁹ <https://thediplomat.com/2021/03/kyrgyzstan-uzbekistan-border-resolved-100-percent/>

¹⁵⁰ Christian Hale, Twitter Post, Twitter, May 2021 <https://twitter.com/christianhale84/status/1388546278439673857?s=11>

¹⁵¹ RFE/RL, No Plans To Swap Volatile Vorukh Exclave For Kyrgyz Land, Tajik President Tells Residents, April 2021,

<https://www.rferl.org/a/tajikistan-rahmon-vorukh-border-disputes-kyrgyzstan-/31195194.html>

¹⁵² The World Bank, The World Bank in Tajikistan, <https://www.worldbank.org/en/country/tajikistan/overview>; Asel Murzakulova, Research Fellow, Mountain Societies Research Institute, UCA and Irene Mestre, Natural Resource Management Dynamics in Border Communities of Kyrgyzstan and Tajikistan, University of Central Asia, April 2016, <https://www.ucentralasia.org/Research/Item/1148/EN>

What was unusual in this instance in April 2021 was the scale of the response, in particular from the Government of Tajikistan, perhaps stung by public debate over its control in the region. The following morning (April 29th) gunfire was exchanged across the border which then rapidly escalated to clashes at 17 sites across the Kyrgyzstan-Tajikistan border as Tajikistan mobilised its regular military to make incursions into Kyrgyzstan with the firing of mortars, rockets from helicopter gunships and the use of heavy armour. While properties were destroyed on both sides of the border the majority of the damage has been on the Kyrgyz side.¹⁵³

While the press in Kyrgyzstan, who despite recent pressures are still considerably freer than their Tajik counterparts, were able to actively report on the destruction on their side of the border and publically pressure their Government to react, Tajikistan was far slower to publically acknowledge what had taken place and reticent to give official casualty figures, leaving the space open for rumours and accusations online about precisely what happened and who had lost their lives. By May 6th official statements by both sides put the death toll at 36 killed on the Kyrgyz side and 19 on the Tajik side many of whom were civilians (including children), with 58,000 Kyrgyz initially evacuated from the region.¹⁵⁴ Despite the loss of life the international community's official response was muted, though Rahmon's public presence at Russia's Victory day parade on May 9th (celebrating victory in World War II) was seen as a public endorsement of the Tajik leader by Putin.¹⁵⁵

In the wake of the violence both sides undertook a series of deportations and expulsions of the opposing ethnicity, both students studying in universities and dual citizens. While a number of people in border regions hold citizenship of both countries, it is in breach of legislation of both countries (with Kyrgyzstan rejecting dual citizenship with neighbouring countries and Tajikistan recognising only Tajik-Russian dual citizenship) and this had been an ongoing issue prior to the recent flare-up.¹⁵⁶

International relations

Tajikistan's international relations are primarily centred around its relations with Russia and China. As set out above remittances from Russia provide a substantial portion of Tajikistan's GDP while China is the biggest single international investor and the holder of around half the country's external debt.¹⁵⁷ Tajikistan is a member of the Russian-led Collective Security Treaty Organization and Shanghai Cooperation Organisation both help underscore substantial security service collaboration, based on a shared understanding on defining extremism to include a range of political opponents and more recently with the growing use Chinese surveillance technology.¹⁵⁸ Both Russia and China have military bases in the country. As yet it has, however, not joined the Russia centred Eurasian Economic Union (to which Kyrgyzstan and Kazakhstan are members but not key transit partner Uzbekistan), something that would substantially cut Tajikistan's revenues from customs fees but

¹⁵³ RFE/RL, In First Official Count, Tajikistan Says 19 Killed In Kyrgyz Border Clashes, May 2021, <https://www.rferl.org/a/kyrgyzstan-tajikistan-border-fighting-perceptions/31237942.html>

¹⁵⁴ Ibid.

¹⁵⁵ OSCE, Calls between OSCE Chairperson-in-Office Linde and Foreign Ministers of Kyrgyzstan and Tajikistan, May 2021, <https://www.osce.org/chairmanship/485162>; Isabelle Khurshudyan, At Russia's Victory Day parade, a show of military might amid tensions with the West, The Washington post, May 2021, <https://www.washingtonpost.com/photography/interactive/2021/russia-parade-victory-day-putin/>

¹⁵⁶ Dual Citizenship Report, Kyrgyzstan, <https://www.dualcitizenshipreport.org/dual-citizenship/kyrgyzstan/#:~:text=Dual%20Citizenship%20Kyrgyzstan,-Restricted&text=Pursuant%20to%20the%20Constitution%2C%20the,Kyrgyz%20Republic%20is%20a%20party>

¹⁵⁷ Bradley Jardine and Edward Lemon, Perspectives: Tajikistan's security ties with China a Faustian bargain, Eurasianet, March 2020, <https://eurasianet.org/perspectives-tajikistans-security-ties-with-china-a-faustian-bargain>

¹⁵⁸ Adam Hug (ed.) Sharing worst practice: How countries and institutions in the former Soviet Union help create legal tools of repression, FPC, May 2016, <https://fpc.org.uk/publications/sharingworstpractice/>; Bradley Jardine, China's Surveillance State Has Eyes on Central Asia, Foreign Policy, November 2019, <https://foreignpolicy.com/2019/11/15/huawei-xinjiang-kazakhstan-uzbekistan-china-surveillance-state-eyes-central-asia/>

would make things easier for migrant labourers, a source of current friction following the pandemic.¹⁵⁹

Unlike its counterparts in Uzbekistan and Kazakhstan, the Rahmon regime is relatively disinterested in courting Western and other international public opinion. Also compared to their neighbours, less of the ruling elite's money is channelled to the US or UK property markets with Dubai and Moscow destinations of choice.¹⁶⁰ Tajikistan does not have much in the way of natural resources or other economic opportunities that would attract Western Investors. It is the low income country's huge development challenges and post-conflict stabilisation needs, as well as efforts to tackle radicalisation and drug smuggling that risk exporting problems beyond its borders that have meant Western partners have remained to some degree engaged despite the country's problems. It is these funding flows that provide some of the few (limited) levers of influence over regime performance and behaviour. Total Official Overseas Development Aid (ODA) spending on development projects totalled \$372.350 million in 2019, though much of the investment by China and the Gulf States falls outside this formal framework.¹⁶¹

The EU and its member states provide around 40 per cent of all Tajikistan's Official ODA, including 63 per cent of all funding for primary healthcare facilities as well as projects for children with disabilities and teacher training.¹⁶² It is worth noting that the EU did reduce its planned investments in the 2014-2020 budget cycle by around 100 million euros due to the failure of the Tajik Government to meet its commitments.¹⁶³ Progress on creating a new 'Enhanced' Partnership and Cooperation Agreement with Tajikistan, requested by Tajikistan in 2019, is currently going very slowly, with the timeline for a decision on formally opening the negotiations still delayed from the second half of 2020.¹⁶⁴

The US describes its relationship with Tajikistan as being based on 'such areas as counter-narcotics, counterterrorism, non-proliferation, and regional economic connectivity and security'.¹⁶⁵ Its engagement has been particularly shaped in the context of longstanding US commitments in Afghanistan and Tajikistan's name has even recently appeared on a long-list of potential sites for a new US military base after its withdrawal from Afghanistan though its CSTO and SCO memberships make it a far from unproblematic choice even before local governance problems are considered.¹⁶⁶ The UK's Foreign, Commonwealth and Development Office (FCDO- which has taken over the UK's aid functions from DFID) has had a longstanding presence in the country working on development projects, though it is unclear at time of writing what impact the current substantial cuts to UK ODA spending will have on its involvement in the country, including its partnerships with UK-based international NGOs.

¹⁵⁹ Umida Hasimova, Will Tajikistan Ever Join the Eurasian Economic Union? The Diplomat, August 2020, <https://thediplomat.com/2020/08/will-tajikistan-ever-join-the-eurasian-economic-union/>; Eurasianet, Russia using crisis in Tajikistan to advance EAEU agenda?, February 2021, <https://eurasianet.org/russia-using-crisis-in-tajikistan-to-advance-eaeu-agenda>

¹⁶⁰ Though the UK's overseas territories have been known to provide a helpful umbrella for some locally owned firms.

¹⁶¹ World Bank, Net official development assistance and official aid received (constant 2018 US\$) – Tajikistan, <https://data.worldbank.org/indicator/DI.ODA.ALLD.KD?locations=TJ>

¹⁶² European Commission, Tajikistan, https://ec.europa.eu/international-partnerships/where-we-work/tajikistan_en

¹⁶³ Eurasianet, Tajikistan: Coronavirus brings bonanza of aid, but zero accountability, July 2020, <https://eurasianet.org/tajikistan-coronavirus-brings-bonanza-of-aid-but-zero-accountability>

¹⁶⁴ European Commission, New EU-Tajikistan partnership & cooperation agreement – authorisation to open negotiations, <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12389-Authorisation-to-open-negotiations-and-negotiate-an-Enhanced-Partnership-and-Cooperation-Agreement-with-Tajikistan>; EU Delegation to Tajikistan, Tajikistan and the EU, October 2020, https://eeas.europa.eu/delegations/tajikistan/750/tajikistan-and-eu_en

¹⁶⁵ US Department of State, U.S. Relations With Tajikistan, January 2021, <https://www.state.gov/u-s-relations-with-tajikistan/#:~:text=The%20United%20States%20and%20Tajikistan,consultation%20process%20to%20enhance%20cooperation>

¹⁶⁶ Bermet Talant, Twitter Post, Twitter, May 2021, https://twitter.com/ser_ou_parecer/status/1391152101850591240?s=11

The international financial institutions themselves are the biggest donors to Tajikistan with the World Bank (\$152,561 million), Asian Development Bank (\$50.934m) and the European Bank for Reconstruction and Development (\$28.814m) as three of the top five aid spenders in 2020.¹⁶⁷ As noted above, the COVID response included a boost in available funding from both the World Bank, Asian Development Bank and also from the IMF, which provided around \$190m in emergency funding, and the Kazakhstan-based Eurasian Development Bank.¹⁶⁸

Tajikistan sharply illustrates not only some of the challenges of working in a country with significant levels of poverty, poor governance and endemic corruption, but also some of the difficult trade-offs between development and human rights objectives. International organisations that wish to retain their ability to work on the ground have to exercise a degree of self-censorship, or at least deliberate stay clear of potentially controversial activities, which has the unfortunate by-product of helping to legitimate the political system that currently operates in Tajikistan. The publication's conclusions address this difficult balancing act and try to suggest some potential ways forward.

¹⁶⁷ Development Portal.org, Tajikistan, <https://d-portal.org/ctrack.html?country=TJ#view=main>

¹⁶⁸ Eurasianet, Tajikistan: Coronavirus brings bonanza of aid, but zero accountability, July 2020, <https://eurasianet.org/tajikistan-coronavirus-brings-bonanza-of-aid-but-zero-accountability>

What our authors say

Dr Sebastien Peyrouse writes that the lack of satisfactory healthcare has become one of the main grievances of Tajikistani people towards the regime. The Government's inadequate development of the medical sector has been part of a deep and long-lasting crisis in the Tajikistani healthcare sector and has a variety of causes. First, the medical system has been weakened by the poor economic situation of the country, which undermined the Government's ability to invest in the social welfare sector. Second, the lack of investment has also resulted from the kleptocratic and neo-patrimonial practices of the regime, where funding for the health sector has been impeded by the competing economic and financial interests of the political elites and securing the survival of the authoritarian political regime. These factors are likely to have long-term negative impacts on this sector and on the country's development.

Dr Parviz Mullojanov examines how the COVID-19 pandemic spurred a new wave of civic activism in Tajikistan. Informally organised groups using social media have filled gaps in the state provision to provide mutual aid for those impacted by the pandemic and its related hardships. Mullojanov notes that the Government has responded to this activism by trying to promote its own projects whilst trying to marginalise some of the civic groups involved (including blocking websites, introducing laws on spreading false information and putting pressure on activists both in Tajikistan and in the diaspora).

Shoira Olimova describes the state of development in Tajikistan, highlighting existing economic and socio-political challenges facing the nation. She provides an analysis of investments by development finance institutions revealing a heavy concentration of funds going towards the 'Energy' and 'Transport' sectors, but not necessarily in a manner that translates to real benefits for ordinary Tajik citizens. Olimova suggests that the financing going towards such development should be re-focused on building the capacity and technical knowledge of people in order to emerge from the current economic crisis.

Xeniya Mironova writes that Tajikistan is going through a lot of transformations which touch upon not only the external development of the country, but also the internal one. She observes and analyses how the image of the country is changing through time, and how the process of redevelopment influences the perception of the country and its capital specifically by its former and current residents. The essay look at the specifics of the process of reconstruction and redevelopment of Tajikistan with a focus on Dushanbe. She considers the functionality of the construction sector of Dushanbe in the times of COVID-19, and explain how the residency registration system called *propiska* violates the basic rights of the citizens of Tajikistan. Additionally, she describes the issues of demolitions and forced evictions in Dushanbe, and bring examples of how ties to the Tajik elite influence the current changes happening with the image of the Tajik capital.

Anne Sunder-Plassmann and Rachel Gasowski argue that the muzzling of independent media is part of a broader trend of growing authoritarianism in Tajikistan and the authorities increasingly regard journalists who ask probing questions, attempt to promote transparency and create space for public debate as a threat to their hold on power. Promoting free media in Tajikistan is an uphill struggle, and thus it is all the more important that the international community use its full leverage to protect and support those journalists, media outlets, human rights groups and media organisations that continue to work under the increasingly challenging circumstances.

Dr Oleg Antonov, Dr Edward Lemon and Dr Parviz Mullojonov examine how the Government of Tajikistan has cracked down on academic freedom. Their essay explores how the Government has not only repressed independently-minded academics, restricting their travel, arresting or forcing them into exile, but also incorporated them into the state narrative, using them to bolster the legitimacy of the Rahmon regime and attack its enemies, including the political opposition. Faced with this situation, external academic partners should engage selectively and raise human rights concerns, they argue.

Favziya Nazarova and Nigina Bakhrieva discuss issues of widespread violence committed in police custody against women in Tajikistan, which stems from ongoing impunity for law enforcement officials and the lack of proper mechanisms of state support. The violence experienced by women and girls includes torture and ill-treatment, rape and sexual harassment and coercion and insult. The authors call for improved protection of women and girls by ensuring that criminal investigations and trials address all forms of violence and ill-treatment against them, including through the lens of gender discrimination.

Dilbar Turakhanova explores the main question of whether the anti-discrimination law to be adopted by Tajikistan will result in increased political participation of women. Current legislation of Tajikistan does not embrace an all-encompassing definition of discrimination on all possible grounds in line with intersectionality concept established by the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) ratified by Tajikistan. Tajikistan does not yet reach even a 30 per cent target of women's political participation *inter alia* due to gender neutral elections legislation and absence of environment conducive for women's political participation. Current approaches towards gender equality are contradictory and, in fact, disempower women and girls from entering public domain, including participation in political life in Tajikistan.

Larisa Alexandrova's essay is focused on the rights of people living with HIV in Tajikistan. It provides official statistics on the epidemiological situation with HIV infection in the country, and an overview of the laws regulating the treatment and social support for people living with HIV. Alexandrova also analyses the practice, laws and regulations discriminating against PLHIV. To change this situation, she puts forward a number of recommendations.



2. Stuck between underinvestment, government authoritarianism and corruption: The healthcare system in Tajikistan and the risks for the population

By Dr Sebastien Peyrouse¹⁶⁹

As the COVID-19 virus spread in Eurasia in early 2020, Tajikistan's President Emomali Rahmon and his government chose to deny the crisis for more than four months, then acknowledged on April 30th only a very limited presence of the virus, according to the official data, of 15 cases. This low figure was at odds with the numerous local testimonies about people with symptoms of COVID-19 and the difficulties they were having in accessing medical care due to the lack of infrastructure and equipment. In addition, there were reports of hospitals refusing to admit patients with symptoms of COVID-19 due to unofficial instructions from some government officials to lower the number of reported cases.

Tajikistan's controversial management of the COVID-19 crisis goes well beyond the undeniable difficulty for any government to react to the unforeseen consequences of a pandemic. Rather, it is part of a deep and long-lasting crisis in the Tajikistani medical sector which has a variety of causes. First, the Tajikistani medical system has been weakened by the poor economic situation of the

¹⁶⁹ Sebastien Peyrouse, PhD, is a research professor at the Central Asia Program in the Institute for European, Russian and Eurasian Studies (George Washington University). His main areas of expertise are political systems in Central Asia, economic and social issues, Islam and religious minorities, and Central Asia's geopolitical positioning toward China, Russia, India and South Asia. He has authored or co-authored several books on Central Asia such as *Turkmenistan. Strategies of Power, Dilemmas of Development* (Armonk: M. E. Sharpe) and published many articles, including in *Europe Asia Studies*, *Nationalities Papers*, *China Perspectives*, *Religion, State & Society*, *Journal of Church and State*. Image by Ninara under (CC).

country, which undermined investment in the social welfare sector. Second, the lack of investment has also resulted from the kleptocratic and neo-patrimonial practices of the regime, where funding for the health sector has collided with protection of the economic and financial interests of the political elites and with securing the survival of the authoritarian political regime.

Government denial and censorship

Until April 30th 2020, the eve of the visit of the World Health Organization (WHO) to Tajikistan, the Government had systematically denied registering any coronavirus infections, and instead criticised journalists who were trying to disseminate information on this topic, accusing them of provoking panic among the population. After they recognised the presence of COVID-19, the political authorities, however, have continued to downplay the impact of the pandemic, registering only 52 deaths by the end of June 2020.¹⁷⁰ Finally, at the end of January 2021, the Government declared that the country was virus free. Since early January, the country's coronavirus count has not changed, with, according to official statistics, 13,308 infections and 90 fatalities.¹⁷¹

The official statements and figures go against even official state data. According to an annual digest produced by the State Statistics Agency, more than 41,700 people died in Tajikistan in 2020, about 8,650 more than in 2019, amounting to a 26 per cent increase over the average number of deaths recorded annually between 2015 and 2019; at the same time, Dushanbe recorded a 38 per cent surge in deaths.¹⁷²

This contrast has been further questioned by local testimonies, including from medical staff. Local doctors have reported about the difficulties of getting a reliable coronavirus diagnosis. Tajikistani medical services have not received the necessary equipment for widespread testing of the population, and hospitals have not received test kits to verify the diagnosis, making a reliable assessment of COVID-19 infections highly unlikely, as well as of COVID-19 deaths.¹⁷³

Second, the Government has kept tight control over the circulation of information about the spread of the disease, including by censoring the media, by exerting pressure on the population through fines on people deemed guilty of spreading 'fake news' on the pandemic for things like questioning the official statistics, and by pressuring medical staff to discharge patients with COVID-19 symptoms, such as high fever, in order to reduce the statistics, especially prior to the visit of the WHO delegation.¹⁷⁴ These measures have sparked controversy among medical staff and resulted in resignations, for example of a hospital manager in the Sughd Regional Hospital in Khujand.¹⁷⁵ Some doctors, with condition of anonymity, have reported that patients who died from symptoms of COVID-19 were instead recorded as having died of pneumonia, tuberculosis or Swine flu, and hospitals refused to return the bodies of people who supposedly died of pneumonia to their families and they were instead buried by medical workers dressed in hazmat suits.¹⁷⁶

¹⁷⁰ RFE/RL Investigation Finds, Tajikistan's Official Coronavirus Stats Don't Reflect Reality, RFE/RL, June 2020,

<https://www.rferl.org/a/tajikistan-official-coronavirus-stats-don-t-reflect-reality-rfe-rl-investigation-finds/30692651.html>

¹⁷¹ RFE/RL, Tajik Mosques Reopen as Government Claims No New Coronavirus Cases, February 2021, <https://www.rferl.org/a/tajik-mosques-reopen-as-government-claims-no-new-coronavirus-cases/31080795.html>

¹⁷² Eurasianet, Tajikistan's excess mortality data belie COVID-19 denialism, February 2021, <https://eurasianet.org/tajikistans-excess-mortality-data-belie-covid-19-denialism>

¹⁷³ RFE/RL Investigation Finds, Tajikistan's Official Coronavirus Stats Don't Reflect Reality, RFE/RL, June 2020,

<https://www.rferl.org/a/tajikistan-official-coronavirus-stats-don-t-reflect-reality-rfe-rl-investigation-finds/30692651.html>

¹⁷⁴ Tajikistan's excess mortality data belie COVID-19 denialism.

¹⁷⁵ Farangis Najibullah, As Coronavirus Infections Go From Zero To Hundreds In Days, Tajikistan's Hospitals Can't Keep Up, RFE/RL, May 2020, <https://www.rferl.org/a/overcrowded-hospitals-in-tajikistan-as-coronavirus-infections-go-from-zero-to-hundreds-in-days/30597899.html>

¹⁷⁶ Radio Ozodi, Zhertvy COVID -19 v Tadjikistane. Rassledovanie June 2020, <https://rus.ozodi.org/a/30690777.html>; RFE/RL Investigation Finds, Tajikistan's Official Coronavirus Stats Don't Reflect Reality, RFE/RL, June 2020, <https://www.rferl.org/a/tajikistan-official-coronavirus-stats-don-t-reflect-reality-rfe-rl-investigation-finds/30692651.html>

The impact of a weakened healthcare system

The Government's difficulty in managing the COVID-19 crisis resulted primarily from a long-standing crisis. Since independence, the Government claimed to have committed to rebuild and modernise the health system by means of several reforms and programmes and the construction of hospital infrastructure. The most recent 'Programme of State Guarantees to Provide the Population With Medical and Sanitary Assistance for 2017-2019' envisaged the construction of hospitals and health centers throughout the country.¹⁷⁷ The announced improvements contained in multiple programmes discussed in government-controlled state media, however, have contrasted considerably with the experience of patients with the healthcare system of the country, which has been weakened by the accumulation of infrastructural and political factors.

After independence, the Tajikistani regime had to respond to the economic and social crisis caused by the sudden loss of Soviet Union subsidies which had been an essential support to the local social welfare system, and by the civil war which significantly damaged the country's economy. Despite some economic progress, in particular a notable increase in GDP and a decrease in poverty since the 2000s, some organisations have pointed out some root causes of the slow and limited improvement of the healthcare system, in particular low spending by the state on health at only \$17 per capita.¹⁷⁸

Due to the lack of investment, an overwhelming majority of medical facilities, which were built between the 1930s and late 1970s, have deteriorated significantly since the collapse of the Soviet Union. Despite government declarations to the contrary, many medical facilities still have outdated or dysfunctional equipment, lack medicines and a reliable supply of electricity, water, and heating, or a proper sewage system. The dilapidation of medical facilities and the disengagement of political authorities has led residents of some smaller cities and villagers to take repair or reconstruction into their own hands.¹⁷⁹

Medical facilities in rural areas are in worse shape than those in more urban areas. Most rural hospitals are staffed with only one doctor, and other medical facilities are generally staffed with young, inexperienced nurses and lack basic medicine. Hence, many patients prefer to avoid the physicians and local health centers which are supposed to provide primary care and go instead to the larger city hospitals that are more specialised for secondary and tertiary care. This, however, leads to an overcrowding of these facilities, which themselves are insufficiently staffed and equipped, and negatively impacts the quality of their services.

In a mountainous and poor country, access to medical facilities can be difficult. Many Tajikistanis live tens of kilometers away from medical centers. This isolation, although not specific to Tajikistan, is made significantly worse by a faulty road system impacted by harsh winter climatic conditions, as well as by the deterioration of the public transport system since the fall of the USSR, resulting in few connections to cities.¹⁸⁰

Access to hospitals in emergency situations is particularly critical. The ambulance fleet is old and insufficient, including in large cities. Private transport by unofficial taxis is therefore the essential means to reach medical centers, including in case of severe symptoms such as heart failure or stroke. Worryingly, a significant part of the population, 30 per cent of which live under the national

¹⁷⁷ Sebastien Peyrouse, The Alarming State of the Healthcare System in Tajikistan, IPHR, July 2020, <https://www.iphronline.org/new-report-the-alarming-state-of-the-healthcare-system-in-tajikistan.html>

¹⁷⁸ See the World Bank website: <https://www.worldbank.org/en/country/tajikistan/overview>

¹⁷⁹ Eelco Jacobs and Claudia Baez Camargo, Local health governance in Tajikistan: accountability and power relations at the district level, *International Journal for Equity in Health*, 19, 30 (2020).

¹⁸⁰ Hursand Hurrarov, "V bol'nicu za 40 km". Zhiteli tadzhijskih glubinok ne imejut dostupa k medicine, Radio Ozodi, June 2019, <https://rus.ozodi.org/a/29976795.html>

poverty line, cannot afford a private taxi service.¹⁸¹ This leads residents of regions such as the GBAO to rely on understaffed and underequipped local health centers even in serious health situations.¹⁸²

Lack of preparedness and corruption in the Tajikistani administration

Difficulties in addressing issues related to the national healthcare system is certainly not specific to Tajikistan. Many countries around the world, including in Eurasia, have struggled to reform and improve their healthcare systems. However, Tajikistan's difficulties have been exacerbated by the neo-patrimonial nature of its political regime, in which the political and economic elites are closely interconnected, and sometimes are even the same, and where part of the way the medical system is managed has been based less on prioritised health needs and more on corruption and enrichment schemes for the elites.

The well-documented misappropriation of the profits of the country's scarce resources, especially those of the state aluminum company and biggest national export-earner Talco, by the President's family and closest circles have gutted investment in social welfare, including in the health sector. As reported more than ten years ago by a former US ambassador, the *"people of Tajikistan effectively subsidise Talco, by living without adequate health services, education or electricity"*.¹⁸³ Since then, the President has strengthened his grip on the country's resources and made Tajikistan essentially a family run state, resulting in further deterioration of the social welfare system.¹⁸⁴

Second, the medical sector itself has been a source of income for the presidential family, which has also had an impact on its management and development. For example, the construction of some medical or hospital centers have resulted more from corruption than from a strategic healthcare objective. According to local doctors and several other testimonies, businessmen without experience in medical management have been authorised to open medical structures by paying bribes to the presidential family.¹⁸⁵ Moreover, the pharmaceutical sector is largely under the control of presidential family members. Two of the companies which dominate Tajikistan's pharmaceutical market, Sifat Pharm and Orion-Pharm, are owned respectively by the President's daughter, Parvina, and his son, Rustam Emomali.¹⁸⁶ This has enabled Rahmon's family and close allies to limit competition in the pharmaceutical sector and sell drugs at inflated prices, including during the COVID-19 crisis when the price of medications for mild forms of the disease increased seven fold, making it a source of income for the Rahmon family while also increasing the difficulty for poor families to access medical treatment.¹⁸⁷

Third, management of the medical sector has been heavily impacted by President Rahmon's efforts to secure his political regime and a potential dynastic transition to his son Rustam Emomali. To this end, Rahmon has combined authoritarianism and repression against opposition together with conveying an image of himself as the guardian of citizens' welfare; he has also striven to counter portrayals of degradation in the social welfare system in local testimonies or in the limited opposition media. In this context, the rationale behind investing in medical facilities has been less a

¹⁸¹ Sam Bhutia, How economic growth in Tajikistan and Kyrgyzstan masks the plight of their poorest, Eurasianet, December 2019, <https://eurasianet.org/how-economic-growth-in-tajikistan-and-kyrgyzstan-masks-the-plight-of-their-poorest>

¹⁸² Eelco Jacobs and Claudia Baez Camargo, Local health governance in Tajikistan: accountability and power relations at the district level, International Journal for Equity in Health, 19, 30 (2020).

¹⁸³ Alexander A. Cooley and John Heathershaw. 2017. Dictators Without Borders: Power and Money in Central Asia. New Heaven and London: Yale University Press.

¹⁸⁴ John Heathershaw and Parviz Mullojonov, Elite Bargains and Political Deals Project: Tajikistan Case Study, Stabilization Unit, February 2018.

¹⁸⁵ Ariana, M. Dzhonmahmadov: Tadzhijskaia ekonomika – jeto semeinoe predpriatie docherei E.Rahmona, July 2012, <https://ariana.su/?S=0.1207241307>

¹⁸⁶ Elena Korotkova, Emomali Rahmona obvinjajut v nashive na epidemii koronavirusa v Tadzhikestane, News Asia, June 2020, <http://www.news-asia.ru/view/13889>; Eurasianet, Tajikistan: Coronavirus panic puts sufferers of other illnesses in grave danger, May 2020, <https://eurasianet.org/tajikistan-coronavirus-panic-puts-sufferers-of-other-illnesses-in-grave-danger>

¹⁸⁷ RFE/RL, In Tajikistan, COVID-19 Patients, Families Scoff at Pledge Of 'Free Treatment', February 2021, <https://www.rferl.org/a/tajikistan-covid-19-coronavirus-free-treatment-scam-big-bills/31112946.html>

matter of improvement and balanced development than of political authorities laundering their reputations. This has been reflected in the repeated announcements of improvements in medical infrastructure which have not been implemented. For example, notwithstanding some achievements of the 'Programme of State Guarantees to Provide the Population With Medical and Sanitary Assistance for 2017-2019', information is vague concerning the location and opening dates for the planned 560 medical facilities.¹⁸⁸ Surprisingly, those facilities that were built have received very little press coverage in a country where achievements in the social welfare sector are usually widely celebrated by the state-controlled media. Actually, most new medical facilities reported on in the press in the last three years were not part of this programme, but instead the result of foreign aid coming *inter alia* from the Asian Development Bank, Islamic Development Bank, the Russian Federation, Japan, or the Turkish Cooperation and Coordination Agency (TIKA).

This is also demonstrated by the geographic concentration of new medical constructions, which are mainly in the capital, where they are more visible than in remote regions, and in Khatlon, Rahmon's birthplace, where seven out of eight medical centers under the 2017-2019 programme were built. This focus on Khatlon is also part of the President's strategy to secure the loyalism of the elites of this region, on whom he had heavily relied since the end of the civil war, but whose political unity has been undermined by dwindling money and resources.¹⁸⁹ Despite the legitimate importance of developing infrastructure in the capital or in Khatlon, the geographical concentration of limited funds has undermined the development of infrastructure in the provinces and even led residents of some towns or villages to build or repair medical centers with their own money, including on the basis of Hashar-collective labour as noted in Lolazor-2, a village in Vakhsh district in the region of Khatlon.¹⁹⁰

COVID-19 versus regime security

Rahmon's prioritisation of the security of his political regime at the expense of the health of the population has been clearly illustrated by the Government's management of the COVID-19 crisis. Recognising a large scale spread of the virus on the Tajik territory, and consequently imposing a lockdown like most countries in the world, posed a significant economic and social risk likely to further threaten the legitimacy and security of the regime. It therefore happened only belatedly and in a limited way.

Tajikistan has been going through a social and financial crisis for several years. The extent of economic progress, growth of GDP and decrease in poverty that has been proclaimed by the Government has been widely disputed by independent observers.¹⁹¹ Moreover, as described by the World Bank, Tajikistan's economy remains vulnerable to external shocks.¹⁹² While the remittances sent back by up to one million Tajikistani migrant workers in Russia had been an essential contribution to economy of the country and hence to the survival of the regime for at least the last 15 years, restricting the circulation and hence the migrations of Tajikistanis would have increased unemployment.

The weakening and even unavoidable bankruptcy of many of the small and medium-sized businesses with a lockdown of the country would have further impacted the local labour market, and hence increased the risk of social unrest. Moreover, this was likely to impact the rentier system of Rahmon and the elites. Small and medium-sized enterprises bear a large share of the tax burden in Tajikistan, and significantly reducing their activities would have cut down income for the state budget and

¹⁸⁸ TAJ News, 5 nachala goda v Tadzhistikane postroili 7 medpunktov, December 2018, <http://news.taj.su/?p=24897>

¹⁸⁹ Lawrence Markowitz, Tajikistan: authoritarian reaction in a postwar state, *Democratization*, vol. 19, no. 1, 2012, pp. 98-119.

¹⁹⁰ Cabar Asia, **Tajikistan: Rural Residents Complain About Poor Conditions of the Healthcare Centers, October 8, 2020**, <https://cabar.asia/en/tajikistan-rural-residents-complain-about-poor-conditions-of-the-healthcare-centers-photoreport>

¹⁹¹ Cabar Asia, The great discrepancy of Tajikistan: the rhetoric of poverty and the practice of state festivities, January 2021, <https://cabar.asia/en/the-great-discrepancy-of-tajikistan-the-rhetoric-of-poverty-and-the-practice-of-state-festivities>

¹⁹² See the World Bank website: <https://www.worldbank.org/en/country/tajikistan/overview>

might have made it more difficult for the Government to reduce the tax allowances granted to big companies controlled by Rahmon and regional political elites, and which constitute an essential rentier source.¹⁹³

Finally, the intersection of the country's health policy with the neo-patrimonial and authoritarian policies has been intensified by the timing of events. The COVID-19 crisis intersected with the 2020 presidential election, which was held in November and which OSCE observers found *“took place within an environment tightly controlled by state authorities and characterized by long-standing restrictions on fundamental rights and freedoms... no genuine political alternative ... (and) lacked credibility and transparency.”* Even if President Rahmon has kept tight authoritarian control over the administrative machine and the electoral process to prevent the emergence of any opposition, the crisis resulting from the COVID-19 could have undermined his official narrative portraying himself as the guarantor of economic progress in the country and of the supposed well-being of the population.

Impact on the population

The logic of prioritising policy at the expense of health, combined with authoritarianism, impacts the health of the Tajikistani population. By first refusing to recognise and then minimising the COVID-19 crisis, as well as preventing a lockdown, the Tajik Government has bet on the development of herd immunity, as have bet some other countries, such as Sweden, thereby hoping to reduce the economic and political risks brought by the health crisis. The Swedish strategy, however, has been criticised.¹⁹⁴ Moreover, unlike the well-developed Swedish healthcare system, the Tajikistani health system is weak and has been unable to address the epidemic; the Government's assertion disseminated in the state media that the country had the necessary capacity to respond to the crisis has been contradicted by the testimonies of hospital workers from several different regions who have spoken out about the severe shortage of personal-protection equipment (PPE) for medics as well as other supplies, including those for treating patients.

In addition, the lack of acknowledgement of the crisis slowed down dissemination of guidelines, instructions and treatment related to COVID-19. Temporary guidelines for the prevention, diagnosis and treatment of the infection were approved by Minister of Health Olimzod only on April 13th. Hence, doctors did not receive protocols for the diagnosis and treatment of the disease until at least four months after the outbreak of the virus. Although international aid has since contributed to improving the situation, the initial denial of the crisis led to a significant and risky lack of equipment, as reported in the southern district of Muminobod, where only one ventilator was been made available, at the main hospital, for a region of more than 72,000 inhabitants.¹⁹⁵

Moreover, the Government's denial of the continued spread of the virus in the country led part of the population to not take seriously the risks of the disease or the necessary precautions to prevent its spread. This is likely to have been worsened by the WHO's endorsement on April 20th 2020 of Rahmon's narrative that no case of COVID-19 had been identified in the country, despite local testimonies, which was subsequently widely circulated in the controlled state media.¹⁹⁶

Finally, the COVID-19 crisis has exacerbated the difficulties the population already had in accessing medicine due to the underdeveloped and overly expensive pharmaceutical sector, as well as the

¹⁹³ Azia Plus, Koronavirus v Tadzhiqistane est'. Tak schitaet tadhikskij politolog i ob'jasnjaet, pochemu molchat vlasti, April 2020, <https://asiaplustj.info/ru/news/opinion/20200416/koronavirus-v-tadhikistane-est-tak-schitaet-tadhikskii-politolog-i-obyasnyaet-pochemu-molchat-vlasti>

¹⁹⁴ Kelly Bjorklund, Andrew Ewing The Swedish COVID-19 Response Is a Disaster. It Shouldn't Be a Model for the Rest of the World, Time, October 2020, <https://time.com/5899432/sweden-coronavirus-disaster/>

¹⁹⁵ Farangis Najibullah As Coronavirus Infections Go From Zero To Hundreds In Days, Tajikistan's Hospitals Can't Keep Up.

¹⁹⁶ Koronavirus v Tadzhiqistane est'. Tak schitaet tadhikskij politolog i ob'jasnjaet, pochemu molchat vlasti.

control of the pharmaceutical market by the elites and the presidential family. Despite repeated official statements that there would be free medical services, including by Minister of Health Jamoliddin Abdullozoda in February 2021, patients have been charged around \$200 USD for treatment of mild illnesses, and \$400-700 for treatment of severe illnesses, including COVID-19. In 2020, nearly two-thirds of health expenditures came from out-of-pocket spending.¹⁹⁷ The high cost of drugs and medical treatment has made it inaccessible for a part of the population whose average salary is \$150 USD.¹⁹⁸ Larger and poorer families were particularly affected, resulting in increased debt to finance treatment. Overall, the crisis has further highlighted a significant disparity between wealthy elites who have access to the few well-equipped hospitals and the majority of the population.

Conclusion

While lack of proper healthcare has become one of the main grievances of the population towards the regime, the policy conducted by the Government has raised many questions and has been further illustrated by the management of the COVID-19 crisis. President Rahmon's initial denial and then underestimation of coronavirus infections despite a growing number of suspicious deaths is likely to have further eroded people's trust in the regime.¹⁹⁹ While most of the rest of the world faced the crisis and sounded warnings about the spread of the disease, and despite the WHO's March 16th recommendations about the need to avoid mass gatherings, President Rahmon continued large celebrations and events during the electoral campaign to promote his regime and his son Emomali, such as the pompous Navruz celebrations, the Tulip Festival, and others.

Despite the Government's propaganda efforts and suppression of information, much of the population nevertheless is aware of the problems and contrasts the current failing health system with the free and relatively effective system it had been accustomed to under the Soviet regime. This has left many Tajikistani citizens dissatisfied with their current situation. While healthcare experts and economists have demonstrated an inextricable link between poor health, poverty, and under-development, Tajikistan's emphasis on regime security and kleptocratic interests over healthcare is likely to have long-term negative impacts on this sector and on the country's development.²⁰⁰

Despite the complexity of providing assistance to authoritarian and corrupt regimes, international donors could make a real difference, even taking into account that many today have only modest investment capacities, including through targeted, smaller assistance programmes that contribute to the development of local medical structures, especially outside the capital; by improving access to health facilities, including by helping to develop emergency transport services such as ambulances; by supporting the development of civil society organisations which contribute to accountability in the medical sector but whose activities are currently restricted; and by raising visibility about the state of the medical sector in Tajikistan internationally.

¹⁹⁷ See the World Bank, Project Information Document, March 2020, <http://documents1.worldbank.org/curated/en/274761585067722387/pdf/Project-Information-Document-Tajikistan-Emergency-COVID-19-Project-P173765.pdf>

¹⁹⁸ Elena Korotkova, Emomali Rahmona obvinjajut v nashive na jepidemii koronavirusa v Tadzhiqistane, Asia News, June 2020, <http://www.news-asia.ru/view/13889>; In Tajikistan, COVID-19 Patients, Families Scoff At Pledge Of 'Free Treatment'

¹⁹⁹ Tajikistan's excess mortality data belie COVID-19 denialism.

²⁰⁰ J W Lynch, G D Smith, G A Kaplan and J S House, Income inequality and mortality: importance to health of individual income, psychosocial environment, or material conditions, *BMJ*, vol. 320, April 2000.



3. Tajik civil society during and after the pandemic: Main challenges and development prospects

By Dr Parviz Mullojanov²⁰¹

In 2020 and 2021, COVID-19 and the economic crisis have brought a whole range of new phenomena and events into society, the significance and consequences of which we have yet to understand. The revitalisation of civil society and volunteer movement observed in many countries during the pandemic is also a manifestation of this new social phenomenon. This phenomenon is not something new and unusual for Western democratic countries, but the sudden increase in activities of the non-governmental sector looks quite unusual for developing countries with economies in transition. A similar phenomenon was observed also other post-Soviet countries with authoritarian or hybrid regimes, such as Belarus where the Government's denial policy and revitalisation of civil society eventually led the country to a large-scale ant-government uprising. Moreover, the scale of this civic revival looks especially considerable in authoritarian states, where civic activity seemed to be long gone or did not exist at all. Accordingly, a completely natural question arises – to what extent will the current revival of civil institutions be lasting, and how serious can be its impact on modern society – both globally and in certain regions and states.

²⁰¹ Parviz Mullojanov, (Mullojanov) Ph.D., a political scientist, and historian, senior adviser to the International Alert office in Tajikistan and visiting researcher at the EHESS, Paris and former visiting researcher at the University of Uppsala, Sweden. He is former Chairman of the Board of the Tajik branch of the Open Society Institute (Soros Foundation); and former member of the EUCAM (EU and Central Asia Monitoring) research group. He is a former visiting professor at Whitman College (USA) and research fellow and at the Kettering Foundation (USA) and visiting scholar at the University of Exeter (UK), University of Heidelberg (Germany), and School of Advanced Studies in the Social Sciences – EHESS (Paris). Parviz Mullojanov worked for various international agencies and organisations such as Human Rights Watch/Helsinki, UNCHR, UNDP, ADB, Soros Foundation, and International Alert. Parviz Mullojanov received his Ph.D. in Islamic studies at the University of Basel (Switzerland).

This question could be also fully attributed to the Tajik society, where during the pandemic the same level of the revival of civic activism is observed. Until very recently the Tajik non-governmental sector seemed to be gone into a deep crisis, completely unable to regain its former influence – as it was during its rise in the mid-2000s. The question is, will the current upsurge be a temporary phenomenon, after which everything will return to the pre-pandemic situation, or will it lead to a range of considerable and systemic changes in the structure and nature of Tajik civil society? Moreover, again, in this case, we are talking not only about Tajikistan but also about changes of a more global order that have been brewing for a long time, while the pandemic has only spurred their development.

Tajik civil society during the pandemic - Key trends and tendencies

There are many definitions of civil society – but it is most commonly understood as the entire space beyond the Government and official institutions – that is, *de facto* the whole area between an individual and the Government. Accordingly, civil society includes NGOs, community and political organisations, independent media, informal associations of citizens, and so on. Some researchers also include in civil society the private enterprises, primarily the small business sector.²⁰² Thus, civic institutions play the role of a mediator between citizens and political power, protecting their rights and representing their interests on the decision-making level.

In times of crisis and social upheaval, when the authorities and official bodies are often not able to cover the whole spectrum of problems and challenges, civil society, as a rule, becomes active, filling the vacuum. Thus, civic institutions not only help the authorities but even take on some of their functions to satisfy the needs and requirements of the population affected by the crisis.

This is precisely what is happening during the pandemic around the world, starting from the Western democracies and to the developing world and CIS countries. Today even the most developed economies proved to be less prepared for the pandemic, and even the most effective governments are struggling to cope with its consequences. Under these conditions, the growth of civic activity is expressed in the rapid growth of the volunteer movement, which is engaged in the collection and distribution of humanitarian aid, funds for the purchase of food and medicine, assistance to doctors and hospitals, and so on. Almost everywhere, civil society intensifies and strengthens public control over the activities of both local governments and international organisations involved in the fight against the pandemic.

Today we can talk about a fundamental difference between the current crisis and all previous ones (for example, the last global crisis of 2008) – namely, a completely new level of information technology, online and Internet space, and social networks. It also implies a completely different level of self-organisation of civil society that was clearly demonstrated during the pandemic.

Moreover, it seems that COVID-19 will give a new impetus to the development of online technologies, significantly accelerating the tendencies and trends that have been developing secretly in this area over the past decades. We are talking about speeding up the process of digitalisation of most areas of public life – economy, education, culture, medicine, and the transition of a significant part of information and business services to the online space, etc. Accordingly, in many countries – especially in authoritarian states – one can expect a new round of confrontation between political authority and civil society. On one hand, the reviving civic institutions will try to improve their positions in society and to increase their influence on the decision-making process. On the other hand, the authorities will always try to bring back the civil society under its strict control and reduce the space for social mobilisation and discourse.

This trend towards a new round of confrontation and competition between the political power and civil society is observed today by both individual experts and leading international organisations. As

²⁰² See: David Mathews “Politics for People: Finding a Responsible Public Voice”, University of Illinois Press, 1999

one of the UN experts stated in this regard: *“No country or government can overcome this health crisis alone, and I am worried about the alarming trends and limitations reported by civil society representatives around the world, including associated with their ability to support the effective fight against COVID-19.”*²⁰³

New realities - Revitalisation of civil society in Tajikistan

Tajikistan is one of the most striking examples of the new phenomenon – today we are witnessing a revival of Tajik civil society that until recently seemed to be almost impossible. First of all, due to the very nature of the development of the pandemic situation in the country – the Government has denied for far too long the presence of coronavirus in the country, which exacerbated the growth of the pandemic and increased the number of infected people in the country. Besides, as it turned out, the Tajik economy, healthcare, and social welfare systems were completely unprepared for the crisis.

As a result, in the conditions of the apparent failure of the official anti-crisis programme, the Tajik civil society has considerably intensified its activities, assuming some the state functions and services. This process of revitalisation of civic institutions could be relatively divided into three main stages:

The first stage mainly affected the information space – where a sharp and first increase in civic activities was observed already by March – April 2020, when the Government was still vehemently denying the presence of the coronavirus in the country. Against the background of slurred and unconvincing official statistics, the Tajik segment of the Internet, independent media, and online social networks have launched a broad discussion of the state strategy and approaches to combating the pandemic. Special groups appeared in social networks (both closed and open) initiating heated discussions, doubting the official statistics, and offering a range of alternative facts and data.

Thus, it was the policy of the authorities on hiding reliable information that has caused the first wave of the revitalisation of the Tajik non-governmental sector. At this stage, it was mainly about initiating a public discourse in the Internet sector, which remains beyond government control. And the more it became clear that the Government is suppressing the truth, the higher was the level of criticism both in public discourse and in the society as a whole.

The second stage, namely, the intensification of volunteer activities, begins already after the first outbreak of the disease both in Tajikistan itself and in Russia, where the majority of Tajik migrants reside. During this period various groups of citizens started to engage in more practical and public actions – against the backdrop of a deepening collapse and the apparent perplexity of the Tajik official agencies, primarily the Ministry of Health. The process of self-organisation of civil society began in the form of the formation of a volunteer movement – a new phenomenon for the country that was not observed even during the civil war. Moreover, today we are talking about the self-organisation of citizens, most of whom have never been affiliated with political parties either, but in general, have not taken part in public activities.

The process of society’s self-organisation from the very beginning went beyond the circle of professional NGOs that have played mainly a catalyst role for many civic initiatives. In Tajikistan the most civic initiatives were organised via Facebook and YouTube, which are traditionally the most popular platforms among Tajik intelligentsia and civic activists. Later on, various groups of volunteers began to gather and set up around these initiatives, and they began to collect products and personal protective equipment for doctors and ordinary citizens. The rapidly growing groups and associations of volunteers were engaged in cooking and purchasing food for doctors, raising funds to pay for medical services for the poorest and most vulnerable families, providing home care, etc. Some

²⁰³ Bez uchastia grazhdanskogo obshestva pravitelstva e spravlyatsya s pandemiej (Without participation of civic society the government would fail to deal with pandemic), UN News, April 2020, <https://news.un.org/ru/story/2020/04/1376052>

volunteers' groups have already attempted to register as new NGOs – for example, in Khujand, the '*Okean Iz Kapel*' (Ocean of Drops) charity foundation created based on such a group has managed eventually to consolidate a part of this movement in the city.

In Dushanbe, a number of NGOs and new civic associations stood at the head of the volunteer movement, among them are the Civil Liberties Office, '*Mozhesh – Pomogi*' (If You Can, Help), '*SIZ Dushanbe*' (PPE Dushanbe) and '*Peshraft*'. Thus, the Civil Liberties Office has launched a special QR code to raise funds for those in need during the coronavirus pandemic. They raised \$2,000 in a month and helped 300 people with food and medicine - an initiative copied by tens and hundreds of volunteer groups.²⁰⁴ In Dushanbe, groups of volunteers and ordinary citizens launched a fundraising campaign for the outlined regions of the country. They rented vehicles and cars to send medicines and products to physicians and those in need in the regions. The civil associations of Dushanbe and volunteer groups in the regions have developed a set of joint initiatives. Thus, central NGOs gathered food and medicines based on the lists prepared by volunteers in the regions; when transported to the regions that required the items they were distributed by local activists among the most needed groups of the population. Moreover, volunteer groups have created their system of transparency and accountability, which looks especially attractive against the backdrop of the practice and working style of the relevant official agencies. In most cases, the civic groups carry out the fundraising and distribution activities as open as possible; thus, they have introduced a practice of disseminating special online reports and photos on the spent funds and distributed products.

The volunteer movement has proved to be especially successful and widespread among the Tajik labour migrants, who have found themselves in a very difficult situation due to the onset of quarantine and the economic crisis in Russia. Several local migrant organisations – such as the *Center for Tajiks in Moscow* led by Izzat Amon, a Tajik lawyer – have launched a set of large-scale fundraising and humanitarian campaigns to assist labour migrants and their families throughout Russia. Also, for the first time, volunteers who have never been engaged in social activities before, are taking part in this movement – among them are students and ordinary migrants, many of whom already have Russian citizenship. As in Tajikistan, the intensification of civic activities of the Tajik diaspora in Russia takes place against the backdrop of the passivity of the Tajik Government and diplomats that causes sharp criticism from society.

The system of online appeals of volunteer organisations to the Government has also come into practice – for example, with a demand to assist migrant workers who remained outside the country during the COVID-19 pandemic, physicians and small businesses, and vulnerable groups of the population.

Government response

Therefore, since 2020, Tajikistan and the Tajik diasporas abroad have faced a largely unprecedented phenomenon of the rapid revitalisation of civil society and the formation of the volunteer movement. The Tajik Government proved to be completely unprepared for this new social movement, especially in the context of a deepening economic crisis. Initially, the Government did not know how to respond to such a 'purely humanitarian' and non-political nature of civic activism. This 'confusion' was because a significant part of the social and civic activism is manifested in the sectors beyond the Government's control – namely, in the Internet and online space, as well as among migrant workers and foreign diasporas.

Later, the Government developed a set of response measures aimed at reducing the level and influence of the volunteer movement. The new strategy includes the following set of measures:

²⁰⁴ Muslimbek Buriev, *Silver Lining of Pandemic: Redefining Civil Society in Tajikistan*, CABAR Asia, August 2020, <https://cabar.asia/en/silver-lining-of-pandemic-redefining-civil-society-in-tajikistan>

First, the Government has launched a counter-narrative information campaign. On one hand, the authorities tried to hush up the achievements of the volunteer groups. On the other hand, as a counterbalance, the official media launched an information campaign to popularise the Government humanitarian aid provided by large companies, officials, and state agencies.

On the other hand, the Tajik authorities have strengthened their efforts to limit civic activism by putting pressure on the most critically-minded commentators, blocking websites, introducing provisions on “punishment for false information”, “escalating panic” and so on. The most striking and typical example of such pressure is a campaign directed against legally registered media – primarily 'Radio Ozodi' (Liberty), which disseminated information about the first cases of COVID-19 in Tajikistan, publicly casting doubt on official statistics. The confrontation with 'Radio Ozodi' in April 2020 reached an international level, causing serious criticism of the Government from the international community, including several statements made by a group of leading US senators and public figures.²⁰⁵

Second, the Tajik law enforcement and security bodies have enhanced their activities abroad to neutralise the political opposition that took refuge in several EU countries. Besides this, they targeted several major NGOs and civic organisations specialised in defending migrants' rights in Russia. Special attention is given to the critically-minded bloggers and owners of private YouTube channels, who criticised the official counter-pandemic strategy. In the last several years a wide network of independent online TV channels and video blogs appeared in the Tajik segment of the Internet. The majority of these private media are owned by migrants and non-professional journalists specialised mostly in the issues of the Tajik diasporas abroad. According to independent media sources, Tajik law enforcement tries to limit the criticism of the critically-minded video-bloggers by exerting pressure on their relatives residing in Tajikistan. The Government also undertakes a set of measures to control access to independent online media within the country. Since 2018, Tajik authorities carried out a consistent policy of making Internet access and mobile communication services more expensive and strengthening government control over the country's telecommunications sector. In particular, the Government introduced a strict limitation on the number of SIM cards a user could have. As a result, by October 2019 the number of Internet users in the country declined to 2.9 million, while the number of mobile phone users went down to 6.2 million, of that number, only 4.5 million users were considered active subscribers.²⁰⁶

Third, since 2017, the Tajik Government has been waging a campaign of arrests and detentions of the most critically minded online bloggers, civic activists, and opposition members – apparently to neutralise perceived dissident voices ahead of the 2020 presidential elections and during the pandemic. Some of the civic activists were arrested in Russia by local police to be later deported to Tajikistan. Thus, according to media, in the last several years, Russian authorities have cooperated with Dushanbe on the return of several prominent civic activists and opposition figures, including: Shobuddin Badalov (2020, detained in Nizhny Novgorod); Sharofiddin Gadoev (2019, kidnapped from Moscow); Naimjon Samiev (2018, detained in Grozny); and Karomatullo Sharipov (migrants' rights defender, 2017). The most recent and notorious case is the detention and deportation of Izzat Amon, Head of the Center for Tajiks of Moscow -- an organisation that has helped Tajik citizens properly register with Russian authorities, as well as to find places to live and work. Izzat Amon has doubled his popularity among the Tajik diaspora during the pandemic when he organised a wide and effective network of providing food and medicines for unemployed migrants in Moscow. As in other

²⁰⁵ Marco Rubio, Rubio, Risch, Menendez, Casey Send Letter to Tajikistan President Regarding Harassment of Tajik Journalists, October 2019, <https://www.rubio.senate.gov/public/index.cfm/2019/10/rubio-risch-menendez-casey-send-letter-to-tajikistan-president-regarding-harassment-of-tajik-journalists>

²⁰⁶ Regnum, Tajikistan reveals the number of Internet and mobile telephony users, Regnum, November 2019, <https://regnum.ru/news/economy/2784254.html>

similar cases, in a hastily convened hearing before his deportation, a Russian court deprived him of his Russian citizenship.

Besides, intending to limit the potential rise of dissident movement inside the country, the Government proceeded with police investigations and arrests of locally-based critically-minded civic and religious figures. Thus, during 2020 around 70 to 100 people have been charged with membership of the Muslim Brotherhood – a banned organisation, whose presence was never reported before in the country.²⁰⁷ Most recently, in April 2021, several well-known religious figures were detained and questioned after giving a speech on the funeral ceremony of one of the most prominent Sufi leaders in the country.

This suppressive policy negatively affected the international rating of the country. In 2019, Reporters Without Borders, a non-governmental human rights organisation, ranked Tajikistan as 161st in its annual 2019 *World Press Freedom Index*. Therefore, Tajikistan went 12 spots down compared to 2018, when the country was ranked 149th among 180 countries.²⁰⁸

Civil society after the pandemic: its politicisation and future prospects

One of the most puzzling questions today is how the relationship between the revitalised civil society and the Government will develop after the pandemic – a question that is relevant not only for Tajikistan. Thus, today many authoritarian governments already exert significant efforts to bring civil society back under control. However, along this path, the Tajik Government will certainly face a range of serious obstacles and new challenges, such as:

Firstly, the pandemic and related socio-economic consequences is a long-term phenomenon – in other words, the effect of the pandemic will last quite a long time. Accordingly, the more difficult the socio-economic situation in the country will be, the more active civil society will be and the more difficult it will be for the Government to drive it into the old framework.

Secondly, the level of public criticism of the Government is also unprecedented and it rapidly assumes a political character. The first manifestations of politicisation of civic protest could be observed already several years ago – during the first phase of the economic crisis (2014-2017) caused by the shrinking of the Russian labour market and the corresponding drop in migrants' remittances. The public discontent gradually accumulated to be unleashed recently after the above-mentioned arrest and deportation of Izzat Amon, Head of the Center for Tajiks in Moscow. The arrest caused a series of protests, including several attempts to organise demonstrations and pickets in front of the Tajik embassy in Moscow.²⁰⁹ The opposition online media (Isloh.tj, Group-24, Minbari Muhojir/Tribune of Migrant) suddenly received tens of thousands of new followers and subscribers. Today, each online streaming devoted to Izzat Amon and other related issues attracts at least six to ten thousand viewers plus around 40-50 thousand people view each programme later.

The future scale and degree of politicisation of public protest depends on the Government itself, or rather, on what tactics and strategy the authorities will choose to resolve the social and economic crisis. Most likely, a certain part of civil society, which mostly has a critical attitude towards the authorities, will be anyway politicised to one degree or another. The question is whether the growing politicisation trend would involve a considerable part of the population that for many years stayed out of politics.

²⁰⁷ Eurasianet, Tajikistan sees mass arrests ahead of elections, January 2020, <https://eurasianet.org/tajikistan-sees-mass-arrests-ahead-of-elections>

²⁰⁸ Mumin Ahmadi, Reporters Without Borders: In Tajikistan, the situation with the freedom of speech is worse than in Uzbekistan, Radio Ozodi, April 2019, <https://rus.ozodi.org/a/29889466.html>

²⁰⁹ Reuters, Dozens Detained in Moscow in Rare Migrant Rights Protest - Human Rights Group, April 2021, <https://www.usnews.com/news/world/articles/2021-04-02/dozens-detained-in-moscow-in-rare-migrant-rights-protest-human-rights-group>

However, there is another serious challenge for the Tajik authorities here – even if they manage to hamper the ongoing process of politicisation of civil society, it will be much more difficult to reduce the activity of civic groups and institutions. Of course, in the near future, the authorities would be able to limit civic activity offline within Tajikistan; however, this will not be enough to prevent a possible politicisation of social and public protest in the Tajik society as a whole.

The fact is that, as mentioned above, the mobilisation of civil society today takes place mainly in the online space, uniting various social groups and diasporas among themselves both in Tajikistan and beyond. All this space is beyond the control of the Government, which is unable to influence the processes taking place in it. Moreover, the growing process of transition of public discourse, media, and business structures to the online space and the Tajik segment of Internet began long before the pandemic.

Thus, the pandemic only spurred and accelerated these processes. Today, it is hard to say how serious the changes will be in the structure and nature of Tajik civil society, the level of its activity, and the politicisation of social protest after the pandemic. However, in any case, it is quite possible that in a fairly short time the political elite of the country, as well as the Tajik society as a whole may deal with a new political and social reality.

Recommendations to the Government:

- To conduct close monitoring, research and analysis of the pandemic situation in the country and to ensure the dissemination of reliable information on its further development;
- To ensure transparency and monitoring on the distribution of humanitarian aid, medical equipment among the healthcare employees and ordinary citizens;
- To develop a set of advantages and additional incentives for the healthcare workers engaged in the COVID prevention activities and programmes. This set of incentives must include corresponding supplements to the employees' salaries, providing them with additional paid vacations, awards, job promotions, etc.; and
- To involve the newly appeared volunteer and civic groups in the Government anti-pandemic projects and initiatives, such as monitoring of the situation, distribution of humanitarian aid, rendering support to socially vulnerable groups of the population.



4. The broken promises of development in Tajikistan

By Shoira Olimova²¹⁰

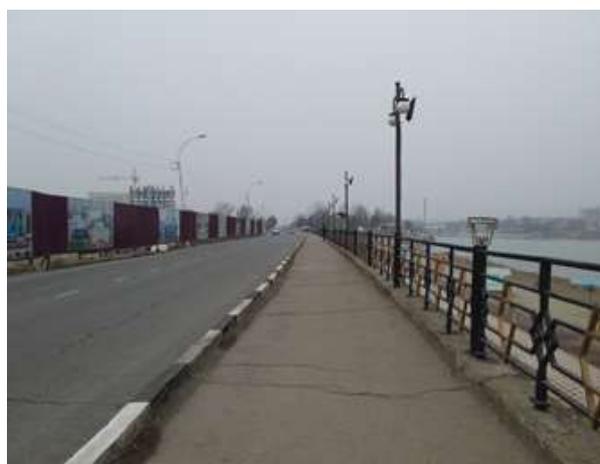


Image 1: The Syr Darya river bank along R. Nabiev Avenue. Credit: Shoira Olimova; Image 2: Homes demolished along R. Nabiev Avenue. Credit: Shoira Olimova

²¹⁰ Shoira Olimova is a community organiser and activist from Tajikistan. As a Community Organiser for the South Caucasus and Central Asia, Shoira leads International Accountability Project (IAP's) work with local communities in the region to support community responses on projects and development processes. She has obtained her Master's degree in Politics and Security of Central Asia and Afghanistan at the OSCE Academy in Bishkek. *Image by Ninara under (CC).*

Khujand, Tajikistan

In 2015, a Chinese construction firm, Pekin (Beijing), embarked on an ambitious plan to build a so-called 'Chinatown' in Khujand City, Tajikistan. With 15 high-rise buildings, meant to house 1,200 families, a four storey school building and other communal facilities, the project - a joint venture with local authorities - would purportedly transform the Syr Darya riverbank within five years.²¹¹

To make way for this construction, 20 houses were demolished and lands seized, after residents were promised a replacement property in the new development. In total, 32 families lost their homes and lands, including Khoshimov and his family. For over five years now, the household of ten has been renting a two bedroom apartment, not far from the riverbank, hoping they will eventually be able to move into a new apartment.²¹² The rent for this temporary accommodation is still being paid by the Government, albeit with some delays and bureaucratic problems. Now in 2021, a once thriving community has been reduced to living in squalor.

"Before we had homes and gardens. It was clean. Now, look at what happened. For the last two years, this place has become a garbage dump, with so many stray dogs. We have to constantly clean near our home to prevent diseases" – said another resident.²¹³

Instead of constructing the promised new buildings, Pekin withdrew investment after it was discovered the area was vulnerable to flooding, necessitating additional investments to make the project viable.²¹⁴ With the project stalled, families are now facing a dire situation, having lost their homes and living in considerably worse conditions than before.



Images 3 and 4: Site of demolished homes, now used as a dumping ground. Credit: Shoira Olimova.

The unfortunate story of Khoshimov and his neighbours is all too familiar for Tajik residents. The promise of development, guaranteed by the Government and funded by foreign interests, rarely materialises for Tajikistan's ordinary citizens.

The state of development in Tajikistan

A landlocked country that was once part of the USSR, Tajikistan is considered to be the least developed among the Central Asian states. According to one estimate, more than 50 per cent of

²¹¹ Masum Muhammadrajab, "China town" project in Tajikistan failed, Radio Ozodi, January 2019, <https://www.ozodi.org/a/china-town-project-in-tajikistan-failed/29739891.html>

²¹² Interview with resident- Khoshimov A. by Shoira Olimova.29 December 2020, Khujand city, Tajikistan.

²¹³ Interview with resident (anonymous) by Shoira Olimova.29 December 2020, Khujand city, Tajikistan.

²¹⁴ Masum Muhammadrajab, "China town" project in Tajikistan failed, Radio Ozodi, January 2019, <https://www.ozodi.org/a/china-town-project-in-tajikistan-failed/29739891.html>

Tajiks live below the poverty line.²¹⁵ After almost 30 years of independence, the country continues to face multiple geopolitical and economic problems that threaten its stability, including authoritarian policies, widespread corruption, unemployment and extremism. The President of the Republic of Tajikistan, Emomali Rahmon, who has been in office since 1992, has responded to these crises by coming down harshly on rivals and critics, attempting to discredit them all as 'Islamic extremists'.²¹⁶

Nonetheless, Tajikistan is looked upon favourably by foreign investors, including those from China, Russia, Kazakhstan, the UK and the US. In fact, China has replaced Russia as the largest investor in the country, as part of its Belt and Road Initiative.²¹⁷ Notably, many major projects are operated or outright owned by foreign entities. For instance, more than 80 per cent of gold ore fields are operated by Chinese companies and recently, rights to the 'Verkhniy Kumarg' gold mine were granted to the Tibet Huayu Mining company in exchange for the construction of the heat-and-power station (HPS) in Dushanbe.²¹⁸

The overall impact of these investments is not immediately obvious, especially when it comes to measuring the benefits for ordinary citizens. On the one hand, increased economic activity may translate into the construction of roads, modern buildings and increasing support for small and medium businesses, but at the same time Tajikistan's debt has been increasing rapidly, with external public debt exceeding 40 per cent of the GDP.²¹⁹ By the end of 2021, the national debt is estimated to reach 3.7 billion USD.²²⁰

The worrying increase in foreign debt obligations has not slowed down the pace of lending, especially from development finance institutions. According to *Early Warning System* data, since January 2019, six development banks have pledged 1.008 billion USD in new investments, covering a wide variety of sectors from energy and transport to water and sanitation. Of the six institutions, the Asian Development Bank, World Bank and the European Bank for Reconstruction and Development are the primary funders.²²¹

²¹⁵ Paul Stronski, Tajikistan at Twenty-Five: Rahmon Consolidates Power Tajikistan at Twenty-Five: Rahmon Consolidates Power, Carnegie Endowment, February 2016, <https://carnegieendowment.org/2016/02/01/tajikistan-at-twenty-five-rahmon-consolidates-power-pub-62630>

²¹⁶ Ibid.

²¹⁷ Santander Trade Markers, Tajikistan: Foreign Investment, <https://santandertrade.com/en/portal/establish-overseas/tajikistan/investing-3>

²¹⁸ Current time Asia, Facebook Post, Facebook, September 2019, <https://www.facebook.com/CurrentTimeAsia/videos/2652453358139607/>

²¹⁹ Kayumarsi Ato, The disputes round the external debt of Tajikistan: Who & how will it be returned?, Radio Ozodi, January 2021, <https://www.ozodi.org/a/31040250.html?fbclid=IwAR088ZQVajh1ttMLhGcJNfLRabtmdVYKeUAj9IzBmCdP9km0lmmB1rvk4EU/>

²²⁰ Ibid.

²²¹ Early Warning System, Projects proposed by Development Banks for the South Caucasus & Central Asia, February 2021, <https://public.tableau.com/profile/iaptableau#!/vizhome/SouthCaucasusCentralAsiaRegionProjectsJan-Aug2020/EARLYWARNINGSYSTEMDevelopmentbankprojects>

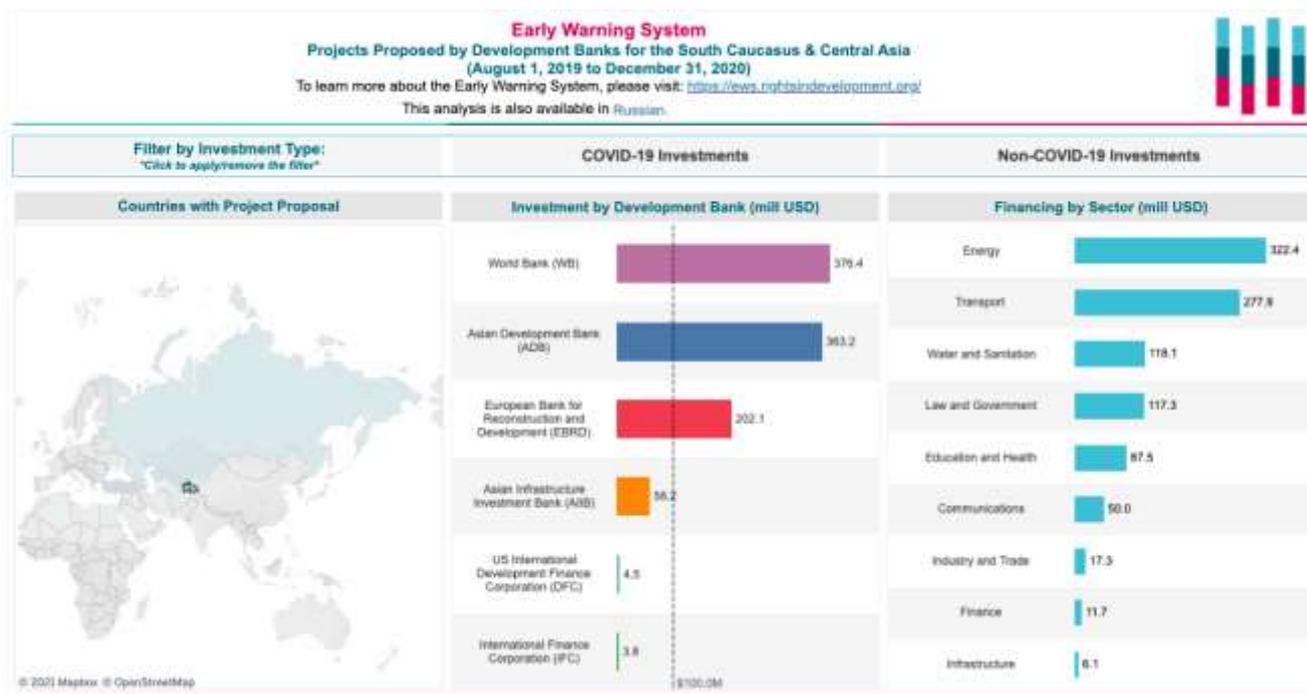


Table 1: Breakdown by sector and development bank for investments proposed in Tajikistan since August 2019.

Publicly available data clearly demonstrates enormous sums of money, relative to the size of the economy, coming in to fund ‘development’ in Tajikistan.

A cycle of corruption and poorly designed projects

For almost 30 years, Tajikistan has been struggling to achieve energy security, particularly in the winter periods. However, data from the Early Warning System shows that since August 2019, development banks have proposed investments totalling over \$320 million USD to support the energy sector alone, begging the question - why is this need still not filled?

As shown in Table 1, investments by development finance institutions are heavily concentrated in the ‘Energy’ and ‘Transport’ sectors. At first, this would appear unremarkable given Tajikistan’s chronic energy shortages especially in the winter period. But the main energy provider, Barqi Tojik, simultaneously imposes limits on energy use in the winter whilst prioritising exports to neighbouring Afghanistan and Uzbekistan.²²² The majority of recently proposed development bank energy investments are made to Barqi Tojik – a project developing the energy infrastructure of Dushanbe, Dangara, Buston, and Panjakent financed by the European Bank for Reconstruction and Development, and a project rehabilitating the Nurek hydropower plant funded by the World Bank are just two examples.²²³

In 2019, the debt of Barqi Tojik exceeded 22.9 billion somoni (\$2.4 billion USD); a portion of the \$105 million USD Asian Development Bank funded Power Sector

²²² Haydar Shodiev, Tajikistan sells electricity to Afghanistan and Uzbekistan for \$ 40 million, ASIA-Plus Group, July 2020, <https://asiaplusgroup.com/ru/news/tajikistan/economic/20200727/barki-tochik-umenshenie-pritoka-vodi-v-nurekskuyu-ges-privelo-k-sokratsheniyu-eksporta-elektroenergii-v-uzbekistan-i-afghanistan>

²²³ Early Warning System, Dushanbe Energy Loss Reduction Project (EBRD-51667), <https://ewsdata.rightsindevelopment.org/projects/51667-dushanbe-energy-loss-reduction-project/>; Early Warning System, Nurek Hydropower Rehabilitation Project Phase 2 (WB-P173804), <https://ewsdata.rightsindevelopment.org/projects/p173804-nurek-hydropower-rehabilitation-project-phase-2/>

Development Programme is aimed at simply restructuring Barqi Tojik's debt.²²⁴ Despite the continuing need for energy access in Tajikistan, the World Bank and other development finance institutions continue to fund projects designed for exporting electricity to neighbouring countries.²²⁵

Widespread corruption and fraud further take away from the effectiveness of development initiatives. Take for example, the alleged misuse of funds in implementing the \$29 million USD Irrigation Rehabilitation Project (Asian Development Bank, Project Number: 33042-013):²²⁶ *"Our investigation shows that there was money already allocated for this purpose. Those responsible for implementing the project just repainted the water tanks rather than upgrading and replacing equipment. They then reported to donors that they had made the promised improvements."*²²⁷ - Ikrom Mamadov, PO Youth Group on Protection of Environment (YGPE)

Major economic sectors including finance, industry, air transportation and many others are controlled by President Rahmon's family members and prominent government positions are occupied by relatives.²²⁸

The absence of transparency and access to information

"We always think that there is no money, however as we see from the Early Warning System data, there is enough money, which unfortunately is not used properly." - Bahri Abdurahmanova, Tajik CSO Representative

For a citizenry to make informed decisions, the first step is to ensure the availability and accessibility of information about plans that may impact their lives and environment. Despite the large sums of investments detailed above, for Tajik citizens it is difficult and often risky to request information about these projects. The information that is available in the public domain, including documents disclosed by development banks themselves, is usually only available in English, a language that the majority of Tajikistan's population do not speak.

Compounding the challenge, it is difficult to find information in Russian or Tajik regarding ongoing investments on official government websites. Although the majority of projects financed by development banks are in cooperation with government agencies, there is little information made available from the official state site or even upon request. Therefore, communities and civil society do not have access to information about development projects, country strategy, investment, and debts.

Given this reality of lack of transparency and little accountability, how can development banks continue to provide financing to Tajikistan? Most development banks have a monitoring and accountability mechanism to address certain complaints but this does not address the fundamental problem that information about projects, access to project documents and generally, the ability to engage productively on development projects is not something that can be guaranteed in the present environment. For many, the risks of speaking out are too high to justify.

For the last couple of years, some independent mass media and international NGOs have launched disclosures of investment information to audiences for discussion and to involve civil society

²²⁴ Fergana News, Debts of the Tajik state energy holding "Barqi Tojik" exceeded \$ 2.4 billion, January 2019, <https://fergana.agency/news/104723/>; Early Warning System, Power Sector Development Program (AB-53315-001), <https://ewsddata.rightsindevelopment.org/projects/53315-001-power-sector-development-program/>

²²⁵ Ibid.

²²⁶ Asian Development Bank, Tajikistan: Irrigation Rehabilitation Project, Validation Report, December 2013, <https://www.adb.org/sites/default/files/evaluation-document/36203/files/pvr-295.pdf>

²²⁷ Interview with Ikrom Mamedov, PO Youth Group on Protection of Environment (YGPE), January 2021.

²²⁸ Paul Stronski, Tajikistan at Twenty-Five: Rahmon Consolidates Power Tajikistan at Twenty-Five: Rahmon Consolidates Power, Carnegie Endowment, February 2016, <https://carnegieendowment.org/2016/02/01/tajikistan-at-twenty-five-rahmon-consolidates-power-pub-62630>

organisations in the monitoring process. The Early Warning System, a civil society initiative providing access to information on development bank financed projects for communities who will be affected, seeks to close this transparency and accountability gap. The Early Warning System operates by exchanging advice, tools and resources with communities and the local organisations and groups supporting them, and operates by connecting civil society, providing access to information and supporting community-led responses for community-led development.²²⁹

COVID-19 relief and projects

Since the onset of the pandemic, millions of dollars have been received by the Government of Tajikistan from the international community to respond to the COVID-19 crisis, including from development finance institutions. To date, development finance institutions have proposed seven projects totalling \$92 million USD to mainly support the healthcare system.²³⁰ The European Union alone has provided at least 52.2 million EUR (\$57 million USD) for short- and long-term COVID-19 support to be provided through partners like the World Health Organization, UNICEF, and German development agency GIZ.²³¹ In addition, “*millions of dollars’ worth of other emergency support has come, in either money, logistical guidance or in-kind aid, such as PPE, thermometers and even food, from the World Bank, the United States, China, Russia, Kazakhstan, Uzbekistan, Switzerland, and the Asian Development Bank, World Bank.*”²³²

Where is development bank money going for the COVID-19 response?

Welcome to the Early Warning System COVID-19 DFI Tracker, which tracks projects disclosed by 15 development banks. This interactive map is updated weekly.
Last updated: 17 February 2021.

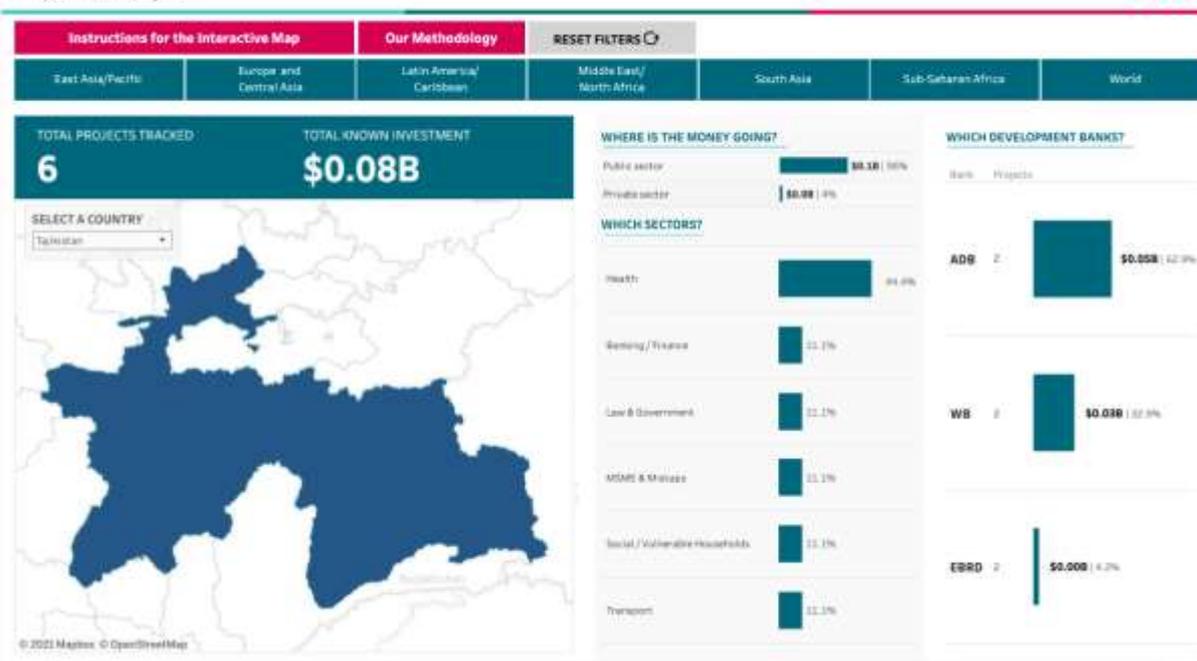


Table 2: COVID-19 investment in Tajikistan by DFIs

Despite the mobilisation of funds and resources, most Tajik citizens are unable to freely access much needed supplies like masks and thermometers. Social media posts suggest hospitals were often lacking in essential equipment.²³³ Government figures for the number of COVID-19 infections and

²²⁹ Early Warning System, <https://ews.rightsindevelopment.org/>

²³⁰ Early Warning System, Where is development bank money going for the COVID-19 response?, April 2021, https://public.tableau.com/profile/iaptableau#!/vizhome/EarlyWarningSystemCOVID-19ProjectsbyDevelopmentBanks_16049749996170/Main?publish=yes

²³¹ Flanders Trade, CORONA VIRUS - The situation in Tajikistan, <https://www.flandersinvestmentandtrade.com/export/nieuws/corona-virus-situation-tajikistan>

²³² Ibid.

²³³ Interviews/comments on social media from the people who were in hospitals during the pandemic period with COVID-19 infection.

casualties are hard to trust without independent verification. With hospitals facing surges in cases, many people opted to treat themselves at home, resulting in an unknown number for deaths and new infections that are not formally reported. Activists, fearing the lack of information would further jeopardise people's health and safety launched an initiative to track and report on COVID-19 deaths and infections on social media but this initiative was promptly shut down.

Moreover, since the beginning of the pandemic, public broadcasts and official messaging have underplayed or avoided directly addressing the crisis. In contrast to the approach adopted by many governments to launch public education campaigns and share regular COVID-19 updates, Tajikistan TV has devoted a majority of its airtime to broadcasting documentary films about President Rahmon and his political achievements. Recently, during the press conference with the Ministry of Health, it was announced that all infected people have been treated for free at hospitals and that since December 2020, there have not been any COVID-19 infected persons identified. This statement starkly contradicts the experience of Tajik citizens who continue to deal with the fallout of the crisis.²³⁴

Prioritise people-centered development

'The right to development is the measure of the respect of all other human rights. That should be our aim: a situation in which all individuals are enabled to maximise their potential, and to contribute to the evolution of society as a whole.' - Kofi Annan

In order to fulfill the promise of development for ordinary citizens in Tajikistan, the country has to shift from investing primarily in the energy, transport and infrastructure sectors to investing in its best asset – its people. While this includes investing in digital access, sustainable tourism, and loosening restrictions in the informal sector, development in Tajikistan must begin to be people-centered by focusing on civil society priorities for development and treating Tajik citizens as equal partners and beneficiaries. For too long now, Tajik citizens have been unable to fully and freely participate in the decisions that will shape their homes, lives and futures. The reluctance of the Government to dialogue with civil society or tolerate dissent must end. After all, the experiences of communities and civil society worldwide have demonstrated that when projects are designed and lived by the same people, adverse impacts can be avoided and the right to development fulfilled.²³⁵ By instituting a people-centered approach, Tajikistan can end the legacy of broken promises and develop in line with the priorities of its people.

²³⁴ Nigora Fazliddin, Head of the Ministry of Health of Tajikistan: The main factor of success in the victory over COVID-19 was the refusal of quarantine, ASIA-Plus, February 2021, <https://asiaplus.tj.info/ru/news/tajikistan/society/20210212/glava-minzdrava-tadzhikistana-glavnim-faktorom-uspeha-v-pobede-nad-covid-19-stal-otkaz-ot-karantina>

²³⁵ Ishita Petkar and Lynn Schweisfurth, Can communities lead their own development in places where civil society is severely restricted? Development banks think so., IAP, April 2020, <https://accountability.medium.com/can-communities-lead-their-own-development-in-places-where-civil-society-is-severely-restricted-ee436a24e5dd>



5. Loss of harmony: The rise of a new Tajikistan and the fall of old aspirations for the better

By Xeniya Mironova²³⁶

In the past ten years, almost every Central Asian republic has been demonstrating its sovereignty and independence through redevelopment of the architectural image of its capital city and the creation of the new architectural symbols of freedom. Such a tendency of complete destruction of the old is neither unusual, nor unexpected to say goodbye to the Soviet past and many tangible objects associated with it. Indeed, Nursultan Nazarbayev redeveloped Nur-Sultan (previously Astana) as a presidential city with plenty of monuments which are the landmarks of the contemporary Kazakh futuristic architecture. The old city of Bishkek contains plenty of buildings built during the Soviet-era, however, most of them have been left dilapidated, and by now, no revival is expected for them. Ashgabat, ‘the City of White Marble’, is widely known as an embodiment of the broad ambitions of its presidents, where out of the post-Soviet Ashgabat Saparmurat Niyazov and Gurbanguly Berdimuhamedov created the monumental city which suppresses the consciousness’s of its citizens. Under the rule of Islam Karimov, Tashkent faced great demolitions and dramatic reconstructions of the Soviet-era buildings, and the current president is also committed to further transformation of Tashkent into a modern business mecca. As for Dushanbe, a great number of Soviet-era buildings were already demolished, as they are the exact Soviet tangible objects which were ‘easy to reach’ to erase the legacy of the former generations, and to be replaced by other monuments which would belong to the generations living under the rule of Emomali Rahmon. While appealing again and again to the Tajik Government about the preservation of Soviet-era buildings it

²³⁶ Xeniya Mironova is an independent scholar, translator and writer with research interest in Central Asia. She has been researching the Soviet-era architecture of Central Asian countries for the past six years. *Image by Ninara under (CC).*

is like ‘trying to pour water into a sieve’. However, it is useful to consider and analyse the current situation, as well as to make further suggestions to the Government and other stakeholders for their further consideration and to put it into practice.

Construction sector and COVID-19

Currently in the time of COVID-19, it might be interesting to consider how the Government of Tajikistan copes with the new reality and how it lets the construction sector function in it. In Tajikistan, the official acknowledgement of the outbreak of the coronavirus pandemic took place on April 30th 2020, i.e. just ahead of an official visit of a World Health Organization (WHO) team to the country to investigate whether the previous official denial of the absence of the virus was based on evidence. By the end of January 2021, Rahmon announced that there was no coronavirus in the country any more.

Considering the rapid flattening of the curve of cases and deaths, one could think about the earliness of this announcement.²³⁷ It seems that the Government would like to lift most of the restrictions connected to the battle with COVID-19. However, this should not influence the sector of construction in Dushanbe greatly, as during the pandemic forced evictions continued, and there was only a partial stop of some construction activities.²³⁸ For instance, in the beginning of the pandemic in Tajikistan, the reconstruction of *Korvon Bazaar* (a market in Dushanbe) was closed only for three months. Later, all construction activities were resumed.

The image of the Tajik capital is still being transformed, and there are many more destructions and redevelopments to come. Most of them include further demolitions of the Soviet buildings, and construction of new governmental buildings, new residencies for the heads of the Shanghai Cooperation Organization’s member states along with several new posh hotels, ordinary residential buildings, outdoor water parks, bazaars, monuments, etc.

Residency registration system

Most of the changes in the image of the Tajik capital are connected not only with the demolitions of substantial historical and unhistorical buildings, but also with the issue of forced evictions which becomes more intense because of the holdover of the Soviet system called *propiska*. This residency registration system is common for all post-Soviet Central Asia, but in Kazakhstan and Kyrgyzstan its name varies.

In Tajikistan, *propiska* is used to control internal and external migration and the way Tajik citizens fulfil their duties to the state.²³⁹ It is inscribed in the passports of the Tajik citizens. However, even in present days there is a large number of those living without any identification documents and, as a result, without any *propiska*. This is a repercussion of the civil war (1992-1997), and in many cases it happens because of the legal illiteracy of a large part of the population, economic difficulties, and/or the absence of an official permission to live in the country which is mostly actual for ethnic Uzbeks and Afghans, who have been living in the border areas between Tajikistan and Uzbekistan for many years.²⁴⁰ The exact number of those living without passports is not defined, and Kevin Allen, UNHCR Representative in Tajikistan remarks that “[...] *many people avoid appealing to the Government entities, as they are afraid of deportation and administrative punishment.*”²⁴¹

²³⁷ National Coronavirus Portal (COVID-19) – see website: <https://covid.tj/>

²³⁸ ICHRP, CA countries: How is the right to housing respected during a pandemic?, August 2020, <http://ichrptj.org/ru/blog/strany-ca-kak-soblyudaetsya-pravo-na-zhilishche-v-period-pandemii>

²³⁹ Valentina Kasymbekova, How does a residence permit violate the rights of citizens, and why is it still not removed?, ASIA-Plus, November 2019, <https://asiaplustj.info/ru/news/tajikistan/society/20191109/kak-propiska-narushaet-prava-grazhdan-i-pochemu-eyo-dosh-por-ne-uberut>

²⁴⁰ Anora Sarkorova, Tajikistan: the invisible fates of invisible people, BBC Russian Service, May 2015, https://www.bbc.com/russian/international/2015/05/150430_tajikistan_no_citizenship

²⁴¹ Ibid.

Having no *propiska* means violation of people's rights in terms of access to such basic rights as: the right to housing, the right to health protection, the right to education, the right to appeal and information, the right to participate in public life, the right to vote, the right to labour, the right of ownership, etc. Moreover, the absence of *propiska* leads to unemployment, poverty, fraud, and other consequences (including getting any kind of social support from the state). Having no *propiska* makes people vulnerable against the state and those who use the illegal status of this part of the population for their own benefit. According to the Article 469 of the Code of Administrative Violations of the Republic of Tajikistan, there is an administrative punishment for living without *propiska*.²⁴² Moreover, there is a designated period of 15 days set for getting *propiska*.

In general, Tajik officials do not restrict the number of people who can get *propiska* to live in Dushanbe or other Tajik towns. This system is mostly used as a generic form of state control over the population. Thus, not registered people of Tajikistan either live without *propiska*, or in order to benefit from getting social support from the state and/or enjoy all basic rights mentioned above, they try to find alternative ways to make it. For instance, if a person does not have his or her own housing, he or she tries to find an alternative housing where it will be possible to get *propiska*. In many cases, people pay to the owners of the housing where *propiska* is made. In such situations, it is impossible to get birth certificates and passports, and claim pensions, etc.

However, there are cases when the state realises the impossibility of getting any *propiska*, but nothing is made to improve the situation. This is happening with orphans when they are 16 years old or older, and are of the legal age of majority to leave children's homes. Such children are not provided with any kind of housing, and as a result, these children are not able to register anywhere and get any *propiska* at all. According to Navruz Odinaev, the Lawyer and Head of the Himoya legal company, *"the owners of the temporary housing where orphans live refuse to register their guests very often."*²⁴³

The disadvantaged and underprivileged people are another segment of population that suffers from the imperfection of the state system. These people do not have any possibility to purchase housing and as a result, to make *propiska* legally. For instance, a case of Elvira Tumarova, a Tajik citizen who as a migrant worker went to Russia with her mother, but because of the expired documents was deported back to Tajikistan.²⁴⁴ Elvira does not have a place to live, and she suffers from epilepsy. Because of her disease and the absence of *propiska* she is not able to work legally, to survive she gathers pinecones in one of the city's parks and sells them as kindling. Once because of the absence of the passport and *propiska*, Elvira spent 48 hours in a temporary detention facility – this is the exact reason why this woman does not search for any kind of support from the Government any more. Now, the only thing she has to rely on is herself.

Those people, who like Elvira's mother sold their housing and after facing troubles were left without any money, and/or purchased new apartments in new constructions which did not pass the state commissioning even after the completion of constructions, are also not able to get *propiska*.

²⁴² Kodeks Respubliki Tadjikistan Ob Administrativnyh Pravonarusheniyah, https://eurasiangroup.org/files/Legislation_RUS/Tadjikiston/supervision/4/KODEKS_RESPUBLIKI_TADZHIKISTAN_OB_ADMINISTRATIVNYH_PRAVONARUSHENIYAH.pdf

²⁴³ Valentina Kasymbekova, How does a residence permit violate the rights of citizens, and why is it still not removed?, ASIA-Plus, November 2019, <https://asiaplustj.info/ru/news/tajikistan/society/20191109/kak-propiska-narushaet-prava-grazhdan-i-pochemu-eyo-dosh-por-ne-uberut>

²⁴⁴ Anna Miftakhova, Elvira, 28, from Proletarsk, lives in the park. To feed, she has to collect cones, ASIA-Plus, February 2021, <https://asiaplustj.info/ru/news/tajikistan/society/20210202/28-letnyaya-elvira-iz-proletarska-zhivet-v-parke-chtobi-prokormitsya-ei-prihoditsya-sobirat-shishki>

Moreover, the absence of registration can lead to the fact that if any woman without *propiska* is pregnant, she will not be able to give birth in a maternity clinic, but in a department of infectious disease. Additionally, people with the absence of *propiska* are not able to get a driving license and/or will not be able to purchase a sim card, and by the Government's request to register with the IMEI (International Mobile Equipment Identifier) in the future.²⁴⁵

After getting an official request from the Himoya legal company, Tajik Ministry of Internal Affairs recognised that they “allow the issue of passports with the possibility of registration in the reception centers”.²⁴⁶ However, it is unclear whether people are informed about this opportunity and whether it is used in practice.

Additionally, it is worth noting that the issue of *propiska* brings difficulties even to those who have it. This is the case of those who have double citizenship with the Russian Federation. There are more than 250,000 people in Tajikistan who have such a double citizenship, and these people have to choose in which country to register.²⁴⁷ According to the Russian and Tajik legislations, one should be permanently registered only in one place; and it might be troublesome to get a temporary *propiska* in Tajikistan in case one owns an apartment in Russia and an apartment in Tajikistan.

Demolitions and forced evictions

Current house demolitions in Dushanbe are undertaken by the state against the old solid two-, three-, and four-deckers built in the Soviet period and mainly located in the downtown of the city. In 2020 alone, a general number of demolished residential buildings totaled 422.²⁴⁸ Among them, there are the first three-decker with three big and beautiful amphoras which dress the front façade of the Stalin-era house ever built in Dushanbe, two- and three-deckers with oriental stucco moldings, and a two-decker where Nikolay Voinovich, a famous Soviet journalist, Vladimir Voinovich, a famous Russian novelist, poet and playwright, Nikolay Akimov, an artistic director of the Leningrad Theatre of Comedy, George Millyar, a People's Artist of the RSFSR (Russian Soviet Federative Socialist Republic), and Evgeniy Shvarc, a famous Soviet story-teller, all lived. All these and many other Soviet-era buildings are being replaced with the new multistoried residential buildings predominantly of poor quality.

The authorities justify the construction of residential houses between nine- and 18-storeys and the construction of administration buildings between 25- and 30-storeys by cost-effectiveness and space-saving.²⁴⁹ However, many areas in the suburbs remain built-up by the slum dwellings, and no information about demolition of such dwellings and/or their replacement by the new constructions is available. For instance, this is a case in the Yuzhnyi neighbourhood, the Pervyi Sovetskyi district, the Chehovskaya *mahalla* [neighbourhood], the Borbad neighbourhood, the Avtovokzal neighbourhood, etc. However, nowadays, despite developing the suburbs with slum dwellings, the authorities continue 'improving' the downtown and are also considering building new constructions

²⁴⁵ Bakhmaner Nadirov, “Where is Beg Sabur?” What questions did the journalists ask the Communication Service of Tajikistan?, ASIA-Plus, February 2021, <https://www.asiaplustj.info/ru/news/tajikistan/20210201/gde-beg-sabur-kakie-voprosi-sluzhbe-svyaзи-tadzhikistana-zadali-zhurnalisti>

²⁴⁶ Valentina Kasymbekova, How does a residence permit violate the rights of citizens, and why is it still not removed?, ASIA-Plus, November 2019, <https://asiaplustj.info/ru/news/tajikistan/society/20191109/kak-propiska-narushaet-prava-grazhdan-i-pochemu-eyo-doih-por-ne-uberut>

²⁴⁷ Chiromon Bacosoda, Russia simplifies the procedure for obtaining citizenship for highly qualified specialists, Radio Ozodi, October 2019, <https://rus.ozodi.org/a/30207086.html>

²⁴⁸ Sharif Sami, In the metropolitan area of I. Somoni, 422 residential buildings were demolished in 2020, ICHRP, February 2021, <http://ichrptj.org/ru/blog/sharif-sami-v-stolichnom-rayone-i-somoni-v-2020-godu-sneseno-422-zhilyh-doma>

²⁴⁹ IA Krasnaya Vesna, Social War: Infrastructure of Central Asia and Kazakhstan, Rossa Primavera, November 2020, <https://rossaprimavera.ru/news/faf2d448?fbclid=IwAR352w4Ykq2vfa7slyYW7agtUJ5mu8jXlv-VR0tFb3WtfUX-Ff9lqMIPpxo>; ICHRP, Main architecture of Tajikistan: High-rise buildings in the country are being built in order to save land, November 2020, <http://ichrptj.org/ru/blog/glavarhitekura-tadzhikistana-vyotki-v-strane-stroyatsya-v-celyah-ekonomii-zemel>; Glavgoexpertiza of Russia, General plans for reconstruction of 90% of cities and regional centers approved in Tajikistan, November 2020, <https://gge.ru/press-center/news/v-tadzhikistane-utverzhdenny-generalnye-plany-rekonstruksii-90-gorodov-i-rayonnykh-tsentrov/>

in the eastern part of Dushanbe.²⁵⁰ At the same time, they ‘forgot’ that this part of Dushanbe is not suitable for constructions because of the loose soil. Due to this, it is in the list of ten areas which are dangerous for any kind of construction – especially the construction of multistory buildings.²⁵¹

Tajikistan is a mountainous country experiencing earthquakes on an ongoing basis, and all constructions made in the Soviet period were designed according to the seismic categories existing in the country. During the Soviet period, not every part of Dushanbe was built-up. According to Gafur Shermatov, a famous Tajik historian, and many former tenants of demolished Soviet-era buildings, the usefulness of almost all Soviet-era buildings demolished in the downtown and those under demolition could be prolonged; and due to the high quality of their constructions, they could accommodate many other future generations of Tajik citizens.²⁵² However, no chance was left for these buildings, and the state did not consider any possibility of renovation of Soviet-era buildings (including historical) or their restoration. The authorities deny any value and solidness of old buildings, they mostly do not go into any kind of dialogue with the general population and insist stubbornly that Dushanbe is a young city without any particular influence of the Soviets on the history of the capital, which should be built-up all over again.²⁵³

Additionally, they report that the construction activities of 46 new residential buildings will be finalised by the 30th anniversary of the independence of Tajikistan, which will be celebrated on September 9th 2021.²⁵⁴ However, this rush, the embezzlement of funds, and the use of construction materials of low-quality lead to the cases where the constructions did not go through the official state commissioning process.²⁵⁵ That is why at the end of 2020, Rustam Emomali, a Mayor of Dushanbe, claimed that he would seek the improvement of these “disadvantages and defects in constructions” by the provision of the most experienced construction companies, personnel and construction materials.²⁵⁶ However, back in 2017, the Mayor had already started to control the construction activities in Dushanbe and he already raised the issue of faulty construction at one of the cabinet councils.²⁵⁷ Thus, as the situation has remained unchanged, and as only few months have passed since the Mayor’s most recent declaration, the same questions about the quality of works, the possibility of fire evacuations, and about whether the authorities pay any attention to the geographical peculiarities of the area being developed remain.

All these changes in the construction sector of Dushanbe indicated in the final version of the not publicly known and not publicly discussed municipal redevelopment plans of Dushanbe (General plans) caused the emergence of the issue of forced evictions.²⁵⁸ Those who had been forcibly evicted already faced and continue facing many challenges connected to the unwillingness of real estate developers to pay lucrative compensations for the housing, withholding of rent, and different kinds of fraud from the side of the real estate developers.

²⁵⁰ Fergana News, The score rules there: Will new buildings in Dushanbe survive a strong earthquake?, August 2019, <https://fergana.agency/articles/109703/>

²⁵¹ Rustam Nazarzoda, In 2020, 141 residential buildings were damaged by natural disasters in Tajikistan, ICHRP, February 2021, <http://ichrptj.org/ru/blog/rustam-nazarzoda-v-tadzhikistane-v-2020-godu-ot-stihiynyh-bedstviy-postradalo-141-zhiloe>

²⁵² Gafur Shermatov, Facebook Post, Facebook, February 2021, <https://www.facebook.com/100005181610729/videos/1673723899476981/>

²⁵³ Ibid.

²⁵⁴ Sharif Sami, In the metropolitan area of I. Somoni, 422 residential buildings were demolished in 2020, ICHRP, February 2021, <http://ichrptj.org/ru/blog/sharif-sami-v-stolichnom-rayone-i-somoni-v-2020-godu-sneseno-422-zhilyh-doma>

²⁵⁵ Fergana News, The score rules here: Will new buildings in Dushanbe survive a strong earthquake?, August 2019, <https://fergana.agency/articles/109703/>

²⁵⁶ ICHRP, The chairman of the city of Dushanbe expressed concern about the presence of shortcomings and shortcomings in the construction sector of the capital, December 2020, <http://ichrptj.org/ru/blog/predsedatel-goroda-dushanbe-vyrazil-obespekennost-nalichiem-nedostatkov-i-nedochyotov-v>

²⁵⁷ Cabar Asia, Dushanbe: new buildings for the elite, April 2018, <https://cabar.asia/ru/dushanbe-novostrojki-dlya-izbrannyh>

²⁵⁸ VoicesOnCentralAsia.org, Destructing Soviet Architecture in Central Asia, December 2019, <https://voicesoncentralasia.org/destructing-soviet-architecture-in-central-asia/>

According to the 2020 Valuation Act of the Republic of Tajikistan, the real estate developers are responsible for making notarial deed contracts on compensations with forcibly evicted.²⁵⁹ The same law states that the property under demolition should be appraised by a real estate appraiser. And if a property owner does not agree with the conducted real estate appraisal, he or she might hire another independent real estate appraiser who is able to provide his or her expertise on the property under question. Simultaneously, the owner of the property can go to the court and demand a recall of the real estate appraisal made by the real estate developer. However, not every forcibly evicted in Tajikistan is aware about his or her legal rights, and this leads to the fact that the right for housing is greatly violated in Tajikistan.

Because of the inaction of authorities and their unwillingness to consider people's opinion, the forcibly evicted have to seek justice through insubordination to authorities' decisions, media coverage, appeals to court and the Prosecutor-General's Office, and appeals to the public organisation - Independent Center for Human Rights' Protection. In some cases, persistence by the forcibly evicted have already paid off, in other cases further action is required.

For instance, the case of the tenement #74 on Tursunzade Street gained the attention of mass media because of the unwillingness of its tenants to accept low levels of reimbursement for the evicted housing set by the real estate developer.²⁶⁰ Several families of the tenants of this tenement refused to move out, and the authorities had to start demolition of the roof with these families living in the building. This demolition led to the tenants' property damage caused by the rainy weather. To seek justice, the tenants had to unsuccessfully appeal to the court and the Prosecutor-General's Office. The real help was received from the Independent Center for Human Rights' Protection which provided the tenants with an experienced lawyer. And after more than 23 months, the issue, with lucrative compensation for the housing, was solved; and currently, the last tenants are in the process of signing a new contract with the real estate developer.

A similar case is happening with the tenants of the tenement located on 49 Bukhoro Street, who faced the illegal demolition of half of their tenement by the real estate developer Pulodi Plaza. Without having a building demolition permit, the real estate developer demolished the roof and windows of part of the building which had been left by the tenants. Another part of the building was still inhabited by those tenants who decided not to move out. Later, the real estate developer invited the representatives of the Committee of Emergency Situations and Civil Defense to recognise the tenement as unsafe. The tenants of the building appealed to the Mayor, court and the President of the Republic of Tajikistan. However, the situation with the demolition of the tenement remain unchanged, and the real estate developer still does not guarantee sufficient compensation for the rehousing of the tenants of 49 Bukhoro Street. The chronicle of events is registered by the tenants in the Facebook group 'Dom Buhoro 49'.²⁶¹

Dushanbe is full of similar cases of real estate developers trying not to fulfil their duties to the forcibly evicted.²⁶² Moreover, there are other cases of different examples of fraud made by real estate developers in the construction sector, such as: (i) Dushanbe real estate developers issued contracts which did not contain real dates for the end of construction;²⁶³ (ii) they issued contracts which did not contain any dates for provision of documents of entitlement for new housing;²⁶⁴ (iii) they issued contracts which contained false information, as they intentionally decreased the overall

²⁵⁹ ЗАКОН РЕСПУБЛИКИ ТАДЖИКИСТАН ОБ ОЦЕНОЧНОЙ ДЕЯТЕЛЬНОСТИ, http://ncz.tj/system/files/Legislation/1720_ru.pdf

²⁶⁰ ICHRP, Tursunzade-74: All the dots above the 'i' are placed, the house is ready for demolition, February 2021, <http://ichrptj.org/ru/blog/tursunzade-74-vse-tochki-nad-i-rasstavleny-dom-gotov-k-snosu>

²⁶¹ Buhoro 49, Facebook Community, Facebook, <https://www.facebook.com/buhoro49>

²⁶² ICHRP, Not everything is gold that is built, June 2019, <http://ichrptj.org/ru/blog/ne-vsyo-zoloto-chto-stroitsya>

²⁶³ ICHRP, The developer listened to the hopes of the residents of the demolished two-story building, November 2020, <http://ichrptj.org/ru/blog/zastroyshchik-prislushalsya-k-upovaniyam-zhiteley-snosimoy-dvuhetazhki>

²⁶⁴ Ibid.

area of the demolished housing;²⁶⁵ and (iv) they issued contracts which contained false information on the overall area of the new housing, as they intentionally decreased it, and included no information on the terms for providing additional accommodation in case if the overall area of the new housing was smaller.²⁶⁶ Additionally, many real estate developers do not pay the rent of the forcibly evicted.²⁶⁷

Currently, the real estate developers continue making money out of thin air by suppressing the tenants of the Soviet-era buildings, forcibly evicting them from their houses and issuing illegal contracts. In return, the forcibly evicted continue their fight with the real estate developers and insist on the real estate developers to statutorily pay for their leases, as well as suing real estate developers and possibly getting appropriate compensation for their loss.

Money in the construction sector and ties to the family

Historically, the construction sector is one of the sectors most vulnerable to corruption. The constant presence of the same people in power can weaken this sector's functionality and lead to imperfections in its structure. The closure of the political system allows those in the system to overstep and make good use of the office and power for their own ends. Additionally, the situation with the money in the construction sector of Tajikistan worsens because of the shortage of public information as the state authorities provide only general information about money spent in the sector, but almost no details. In most of the cases, it is extremely difficult to trace money spent in one of the chosen industries.

If we consider the state budget of Tajikistan, we will see that most of the parts of its budget data are unofficially hidden from the population. In many cases, only summary data on defined sectors of the state budget is publicly available. The published law 'On State Budget – 2020' and the 'Citizens' Budget of the Republic of Tajikistan for 2020' provide only limited information.²⁶⁸ Thus currently, without having all the numbers and data from the state budget, one can only try to analyse and understand how the money of taxpayers is spent in the construction sector of Tajikistan.

There, one can find that in 2020, the state budget revenues made more than TJS 3,170,000,000 (approx. \$278.34 million).²⁶⁹ These revenues were composed of the tax and non-tax revenues, grants (budget support), loans (public investment), grants (public investment), and revenues of budget organisations. According to the information in mass media about the report 'Economic and Social Status of the Republic of Tajikistan' prepared by the Statistical Agency, the investments in the construction sector between January and September 2020 comprised TJS 7,616,200,000 (\$740 million).²⁷⁰ However, currently the text of this report²⁷⁰ and other similar reports which should contain data on the rest of the months of the year are not publicly available.

²⁶⁵ ICHRP, Alternative solution to a disputable situation: Conclusion of a new agreements, November 2020, <http://ichrptj.org/ru/blog/alternativnoe-reshenie-spornoy-situacii-zaklyuchenie-novogo-dogovora>

²⁶⁶ ICHRP, The developer listened to the hopes of the residents of the demolished two-story building, November 2020, <http://ichrptj.org/ru/blog/zastroyshchik-prislushalsya-k-upovaniyam-zhiteley-snosimoy-dvuhetazhki>

²⁶⁷ ICHRP, The developer has not paid rent for the fourth year..., January 2021, <http://ichrptj.org/ru/blog/zastroyshchik-chetverty-god-neplatit-arendnuyu-platu>

²⁶⁸ Ministry of Finance of the Republic of Tajikistan and Law of the Republic of Tajikistan "On the State Budget for 2020", Citizen's Budget 2020, <http://minfin.tj/downloads/citizens%20budget-en.pdf>; Ministry of Finance of the Republic of Tajikistan and Law of the Republic of Tajikistan "On the State Budget for 2020", Citizen's Budget 2020, <http://minfin.tj/downloads/citizens%20budget-en.pdf>

²⁶⁹ Avaz Yuldashev, Dushanbe's budget to be over 3 billion somoni, ASIA-Plus, December 2019, <https://www.asiaplustj.info/news/tajikistan/society/20191224/byudzhets-dushanbe-sostavit-bolee-3-milliardov-somoni>

²⁷⁰ Ibid; Statistics Agency under the President of the Republic of Tajikistan, The report "Socio-economic situation of the Republic of Tajikistan" for January-September 2020 was released, <https://www.stat.tj/ru/news/publications/the-publication-social-economic-situation-in-tajikistan-for-january-september-2020-was-released>

Additionally, according to mass media more than TJS 2,000,000,000 (\$194 million) was allocated to the construction sector of Dushanbe out of different sources in 2020.²⁷¹ Again, due to the unavailability of the report ‘Economic and Social Status of the Republic of Tajikistan’ it was not possible to check the data on what exact sources had been considered by the Statistical Agency. Additionally, the Government preliminary planned that the expenditures of the state budget of the Republic of Tajikistan in 2020 in ‘the Industry and Construction’ sector would comprise TJS 232,400,000 (\$22,542,800).²⁷² However in the beginning of 2021, the Government informed that all construction activities used more than TJS 11,600,000,000 (\$1.1252bn) of all kind of investments in 2020.²⁷³

Tajikistan depends on foreign credit a lot, and the following countries are among the main external creditors of the state: China, Saudi Arabia, Kuwait, France, and Germany.²⁷⁴ International organisations providing their credit to the state are: the World Bank, the Asian Development Bank, Islamic Development Bank, the Eurasian Economic Union Anti-Crisis Fund, and the International Monetary Fund. The state provides no information on how exactly this money is spent in the housing sector.²⁷⁵ And according to the investors’ reports, the biggest part of the foreign money is spent on the construction of power facilities, roads, the *Rogun* hydropower plant and in the sectors of education, agriculture, health, water supply, etc.²⁷⁶

As for the local people and companies involved in the construction sector of Dushanbe, one should note that it is the real estate developers close to the policy elite of the state and/or associated with the family of the President of the Republic of Tajikistan who are undertaking the largest projects. In most of the cases this information is also hidden by the state, but behind-the-scenes almost every citizen of Tajikistan is aware that it is almost impossible ‘to survive’ in the sector of construction without any support from or connection to the state authorities.

For instance, one of the biggest real estate developers greatly redeveloping Dushanbe is a limited liability company (LLC) *Elit-Stroy-Servis* (Elite Build Service).²⁷⁷ This company was established in 2007, and since that time, it has built one 13-storey residential building in Khujand, four 12-storey residential buildings in Dushanbe, two nine-storey residential properties in Dushanbe, and one five-storey residential building in Dushanbe.²⁷⁸ This company belongs to Izzat Davlatov, a son of *Nusratullo Davlatzoda*, the head of the Tax Committee of the Republic of Tajikistan.²⁷⁹

An example of how an affinity with the President’s family could be more profitable is the case of *Beg Sabur*, the head of the Communication Service of Tajikistan and relative by marriage of *Emomali Rahmon*.²⁸⁰ He was selling apartments in Dushanbe which had been constructed by the LLC *Komil 2010*, owned by *Siyovush Zuhurov*, his son. After the high-profile journalist investigation about such

²⁷¹ Sputnik News, It became known how much money was spent in 2020 on the construction sector, October 2020, <https://tj.sputniknews.ru/country/20201020/1032120338/stroitelstvo-statistika-tajikistan.html>

²⁷² Ministry of Finance of the Republic of Tajikistan and Law of the Republic of Tajikistan “On the State Budget for 2020”, Citizen’s Budget 2020, <http://minfin.tj/downloads/citizens%20budget-en.pdf>

²⁷³ Payrav Chorshanбиеv, More than \$1.1 billion of investments allocated for construction in Tajikistan in 2020, ASIA-Plus, February 2021, <https://asiaplustj.info/ru/news/tajikistan/economic/20210205/v-tadzhikistane-na-stroitelstvo-v-2020-godu-napravleno-investitsii-na-bolee-11-mlrd>

²⁷⁴ Ministry of Finance of the Republic of Tajikistan and Law of the Republic of Tajikistan “On the State Budget for 2020”, Citizen’s Budget 2020, <http://minfin.tj/downloads/citizens%20budget-en.pdf>

²⁷⁵ Map Invest Com, see website: <https://map.investcom.tj/>

²⁷⁶ Invest Com, Information about current state investment projects, September 2019, <https://investcom.tj/ru/invest/vneshnjajapomosch/102-investicionnye-proekty.html>

²⁷⁷ Elite Story Service, see website: <https://ess.tj/company/index.php>

²⁷⁸ ASIA-Plus, Top 5 construction companies in Dushanbe that are rebuilding the city, August 2019, <https://www.asiaplustj.info/ru/news/tajikistan/society/20190816/top-5-stroitelnih-kompanii-dushanbe-kotorie-perestraivayut-gorod>

²⁷⁹ *Safar Jamoliddini*, Tajik businessmen flee corruption abroad, *Komsomolskaya Pravda*, December 2016, <https://www.msk.kp.ru/daily/26619/3637026/>; Tax Committee under the Government of the Republic of Tajikistan, Manual, <https://andoz.tj/Kumita/rohbariyat?culture=ru-RU>

²⁸⁰ *Y. Halimov*, The Houses That Beg Built, *Cabar Asia*, March 2019, <https://cabar.asia/en/the-houses-that-beg-built>

a profitable business of Beg Sabur, the head of the Communication Service became unavailable for the journalists and common population, though after every journalist's request to provide information about Beg Sabur's presence at work the state authorities continued insisting that Sabur is on a field trip.²⁸¹

In February 2021, the authorities reported that the license of Komil 2010 (its office is located in the building of the Communication Service; and according to the experts, the owner of Komil 2010 is Beg Sabur as such) and Niagara, another real estate development company owned by Beg Sabur, would be revoked after delivering the rest of construction projects he was involved in.²⁸² Additionally, because of the poor quality of the constructions built by both companies, it is planned that the rest of residential buildings built by Komil 2010 would be checked by the state quality control. Moreover, apart from the numerous violations in the quality of all constructions, for the last eight years the owners of the apartments located in Zarafshon district of Dushanbe did not have any documents for their property. The authorities are aware of this situation, but seek for public understanding and ask to stop criticising Sabur, as "he was very active in this case".²⁸³ Currently, because of the poor quality of its constructions, Niagara and Komil 2010 are on the black list of real estate development companies.²⁸⁴

Apart from the involvement of the family members of government officials in the sector of construction of residential buildings, other private persons also largely built in Tajikistan. It was in June 2020 that the Government reported about 16 private persons building in the sector of construction.²⁸⁵ Previously, this number reached 20. However, earlier in February 2020, the authorities stated that since 2018 building permission had not been provided to private persons. Previously, private persons could construct tenements even without having a construction license. For instance, a case of construction of a five-storey tenement located on N. Karabaeva St. resulted in people who had purchased apartments in that tenement not being able to get their documents proving entitlement of ownership from the real estate developer.²⁸⁶ Currently, the general number of construction companies working in Tajikistan reach 2,113, out of which 80 companies are foreign.

The above described involvement of private persons and politicians' family members in different money earning schemes indicate the lack of transparency and the conflict of interests which currently exist in the construction sector of Tajikistan. The closeness of political system to people coming from 'another world' and the indulgence to violations made by the officials are likely to encourage numerous violations in the sector and corruption-related crime. In 2020, the Agency for State Financial Control and Combating Corruption of the Republic of Tajikistan informed journalists about only three crimes in the sector of architecture and construction, despite the great number of violations in the construction sector recorded by mass media and other different sources, such low figure raises a lot of questions.²⁸⁷ Thus, it is high time to start working towards transparency and the lack of conflict of interests in the sector of construction of Tajikistan. However, currently one can

²⁸¹ Ibid; Alisher Zarifi and Amriddin Olim, Beg's son Sabur's company may lose its license to build high-rise buildings?, Radio Ozodi, January 2020, <https://rus.ozodi.org/a/30410198.html>; Bakhmaner Nadirov, "Where is Beg Sabur?" What questions did the journalists ask the Communication Service of Tajikistan?, ASIA-Plus, February 2021, <https://asiaplus.tj.info/ru/news/tajikistan/society/20210201/gde-beg-sabur-kakie-voprosi-sluzhbe-svyazi-tadzhikistana-zadali-zhurnalisti>

²⁸² Sputnik News, Two construction companies, owned by the head of the Communications Service, Beg Sabur, will have their licenses for the construction of buildings revoked after they hand over the old objects, February 2021, <https://tj.sputniknews.ru/country/20210205/1032764027/kompanii-beg-sabura-zanesli-chnernyy-spisok-dushanbe.html>

²⁸³ Ibid.

²⁸⁴ The Asia Times, Construction companies of Bega Sabur hit black list in Tajikistan, February 2021, <https://asia-times.org/glavnaya/10687-v-tadzhikistane-stroitelnye-kompanii-bega-sabura-popali-v-chnernyy-spisok.html>

²⁸⁵ ICHRP, 2113 construction companies work in Tajikistan, July 2020, <http://ichrptj.org/ru/blog/v-tadzhikistane-rabotayut-2113-stroitelnyh-kompaniy>

²⁸⁶ Mahmadsaid Zuvaydzoda, Building permits are not issued to individuals, ICHRP, December 2020, <http://ichrptj.org/ru/blog/mahmadsaid-zuvaydzoda-chastnym-licam-razreshenie-na-stroitelstvo-ne-vydaetsya>

²⁸⁷ ICHRP, More than 1.2 thousand corruption crimes detected in Tajikistan in six months, July 2020, <http://ichrptj.org/ru/blog/v-tadzhikistane-za-polgodu-vyyavleno-bolee-12-tys-korruptsionnyh-prestupleniy>

only suggest that as the state continues to pursue the quasi-legal schemes of money-making and the non-criticism policy similar to the one used in the case of Beg Sabur.

Conclusion and recommendations to the Tajik authorities

Though the state already decided on the future of Tajikistan and its capital respectively, it is never too late to think better of it, consider the public opinion and improve the existing situation. The Government of the Republic of Tajikistan should remember that the most advanced economies honour their histories and tend to preserve the harmony in the appearance of their states which they received from their ancestors. Therefore, to keep the soul of Tajikistan alive and ensure the wellbeing of its society, Tajik authorities should organise public hearings on the reconstruction and redevelopment of the Tajik capital and other towns and ensure that civil society has access to the General Plans of Dushanbe and other towns respectively. Additionally, the state should stop all demolitions and forced evictions in Dushanbe, perform additional expert analysis of old buildings, consider the opinion of the majority of civil society, and learn the history of Tajikistan and its capital to preserve the rest of the Soviet-era historical buildings for future generations. Moreover, the state should consider abolishing the system of *propiska*, to minimise its consequences which make the life of Tajik citizens more complicated, and bring transparency and accountability to the sector of construction in Tajikistan.

More precise recommendations to the Tajik Government are below:

- Involve civil society in discussion of General Plans of Dushanbe and other Tajik towns;
- Preserve the soul of Dushanbe and make renovations and restorations to what's left of the Soviet-era historical buildings of architectural merit;
- Arrange the registration of people and issuing of passports in reception centers;
- Provide social housing to the orphan and homeless;
- Ensure the provision of adequate housing and/or payment to the forcibly evicted;
- Secure fraud protection by using the existing regulatory framework and ensuring compliance with the contracts' terms and conditions;
- Gain transparency and make information on the money available and spent in the construction sector publically available; and
- Provide effective control of all construction works and stop excusing all violations in this sector.



6. “In a time of universal deceit telling the truth is a revolutionary act” – The challenges facing free media in Tajikistan

By Anne Sunder-Plassmann and Rachel Gasowski²⁸⁸

The authorities in Tajikistan have taken George Orwell’s words to the letter, as they have increasingly come to regard media outlets and independent journalists who ask probing questions, attempt to promote transparency and create space for public debate as a threat to their hold on power.²⁸⁹ Government officials frequently invoke painful memories of violence and turmoil during the 1992-1997 civil war in Tajikistan to justify restrictions on media and other fundamental freedoms and to emphasise the image of the current regime as a guarantor of stability and national security. The colour revolutions in the former Soviet space and the Arab spring further exacerbated the

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Rachel joined IPHR in 2015. Before that she worked as Researcher for Amnesty International, and also for the European Council for Refugees and Exiles. She has experience of researching and writing publications on topics including torture and ill-treatment, prison conditions and juvenile justice, fundamental rights, domestic violence, persecution of human rights defenders and the death penalty. She holds a Russian degree from Bristol University.

As set out in the title of this essay “In a time of universal deceit telling the truth is a revolutionary act.”

²⁸⁹ As set out in the title of this essay “In a time of universal deceit telling the truth is a revolutionary act.”

authorities' fears of the public exposure of government wrongdoings, corruption or human rights violations, all of which, they are afraid could push societal grievances to a tipping point beyond their control.

During a research mission on media freedom in Tajikistan in November 2019, a human rights activist told us: *"When a journalist writes something critical about a government policy the authorities think he is being critical of the entire government. They see him as a traitor even if he is a journalist who goes about his work as a professional and has no ideological agenda at all!"*

In today's Tajikistan journalists have limited possibilities to provide information to the public on issues deemed 'sensitive' by the authorities without endangering their own safety or that of family members; to contribute to an informed public debate through news reporting and analysis; and to influence political decision-making. When asked about 'sensitive' issues many journalists we spoke to agreed that these included criticising President Emomali Rahmon, his family and their business affairs; the cult of personality; nepotism, corruption and privileges those in power enjoy; and reports about the fate of imprisoned members of the banned Islamic Renaissance Party of Tajikistan (IRPT), their relatives and IRPT activities abroad.

The muzzling of independent media outlets and journalists that do not toe the Government line forms part of a broader trend of increased authoritarianism in Tajikistan, which followed the banning of the opposition IRPT in 2015 and that has been reflected in increasing pressure on civil society groups and freedom of expression more generally.

Many independent newspapers, electronic media outlets and news agencies such as *Khafta*, *Nigoh*, *Nuri zindagi*, *Ozodagon*, *Paykon* and *TojNews* have had to close down over the past decade for reasons including government interference with editorial policy, excessive tax inspections, and economic challenges. In 2020, the Prague-based news site *akhbor.com*, that had provided independent media content for four years, discontinued its work after the Supreme Court had added it to the list of prohibited sites in February last year. According to the Court, the news outlet, which had routinely quoted emigrants representing opposition groups such as the banned IRPT and Group-24 (among many other activists, analysts and experts), had offered a platform to "terrorists and extremists". Those remaining privately-owned Tajikistani media outlets that aim to maintain an independent editorial policy (such as *ASIA-Plus* and *Avesta*) and journalists working for international media outlets with offices in Tajikistan such as *Radio Ozodi*, are forced to negotiate a path between restrictive legislation, pressure from the State Committee for National Security (SCNS) and other government agencies, and the desire to adhere to professional ethics. Most other media outlets are state-controlled and follow the Government line.

Providing information: a risky mission

Many independent journalists we spoke to in Tajikistan told us about their commitment to provide balanced information to the public in order to facilitate an informed public debate on various issues including politics and human rights. Some wished the authorities would see their work as of service to the country, as a way to identify and address societal problems and grievances. *"Instead of promoting transparent reporting, the authorities increase the capacity of the State Committee for National Security to spy on citizens in order to understand what's going on in society"*, one interlocutor told us.

The last few years have seen a quickening exodus from Tajikistan of dozens of journalists and editors following the 2015 banning of the IRPT. While some were supportive of the IRPT movement, others were forced into exile as a punishment for their independent reporting. Others face the choice of remaining in the country but giving up their profession or ceding to the demands of the SCNS. Many now make ends meet by doing odd jobs. In this way, Tajikistan lost many of its experienced journalists.

The few independent-minded journalists who continue to work in Tajikistan told us that the atmosphere has changed. Government agencies routinely put pressure on the remaining independent journalists and media representatives and have succeeded in sowing mistrust and dividing the journalistic community. *“We used to discuss things in the kitchen in the past, but we don’t trust anyone anymore. If something happens to a journalist the others won’t show solidarity, he can only count on his closest friends”*, a journalist told us on condition of anonymity. Most of the independent journalists who talked about the limitations of media freedom in Tajikistan asked us not to publish their names and several journalists and members of their families chose not to meet with us for fear of reprisals.

Local human rights and media groups have repeatedly drawn attention to the plight of independent journalists in Tajikistan and have called on the authorities to bring their practices in line with their international human rights obligations.

Surviving 2020 and new challenges ahead

When we visited Tajikistan in November 2019, there was a sense among independent journalists and media outlets of needing “to survive the next year”, as both Parliamentary and Presidential elections took place in 2020. *“We understand that the authorities have all the necessary measures at their disposal to silence us. Many readers are unhappy about self-censorship, but we have to make sure we can survive the period of the elections in 2020”*, one journalist said on condition of anonymity.

Then the COVID-19 pandemic hit, bringing additional challenges for independent journalists in Tajikistan. Throughout March and April 2020 the Tajikistani authorities denied that the virus had spread to Tajikistan despite media reports and social media accounts indicating that the pandemic was already progressing rapidly across the country. The authorities refuted a transparent approach and rebutted journalists’ questions. On April 18th 2020, Jamshed Shohidon, the Deputy Health Minister, blamed the spike in ‘pneumonia’ cases on exceptionally rainy weather conditions.

Instead of welcoming media reports about the first suspected cases of COVID-19 and using the media as a tool to raise awareness and slow the spread of the virus, the authorities warned the bearers of bad news that they would be “held to account”. On April 24th 2020, a little less than a week before the authorities admitted there were cases of coronavirus in Tajikistan, the Ministry of Health criticised journalists for reporting cases of death with COVID-19 like symptoms. It blamed them for *“escalating the situation, leading to conflict and distrust in the Government and the Ministry”*, according to a statement posted on the Ministry’s website. The statement concluded with the threat that *“any media outlet, private individual or reporter who publishes incorrect and false information about the coronavirus will be brought to account.”*

Even after the authorities announced the first officially confirmed infections of coronavirus on April 30th, they continued to blame the media for its coverage of the pandemic. According to the Government news agency Khozar.tj, on May 7th 2020, the Prosecutor General’s Office press

department warned that *“legal measures will be taken against anybody who sows panic in the country”*.²⁹⁰

Since then, the authorities have continued to play down the scale of the pandemic and the number of officially confirmed deaths has been consistently lower than civil society estimates. During a press conference in January 2021, Justice Minister Muzaffar Ashuriyon stated *“that there were no deaths in Tajik prisons as a result of the COVID-19 pandemic”*.²⁹¹

After the Presidential elections on October 11th 2020, Emomali Rahmon was re-elected for a fifth term, receiving over 90 per cent of the vote with a turnout of some 85 per cent. According to the Election Assessment Mission of the Organization for Security and Co-operation in Europe (OSCE) and the Office for Democratic Institutions and Human Rights (ODIHR), the elections *“took place within an environment tightly controlled by state authorities and characterised by long-standing restrictions on fundamental rights and freedoms, including of association, assembly, expression, media, and harassment and intimidation of dissenting voices”*.²⁹² Election observers added that there *“was no genuine political alternative offered to voters, with only contrived debate between formal candidates and lack of independent media covering the campaign.”*

Unfortunately, the New Year did not bring calm after the storm. In early 2021, pressure has intensified on independent journalists and those defending media freedom.

Methods to silence independent journalism

Although the Constitution of Tajikistan safeguards media freedom, national laws fail to provide sufficient protection to journalists and media outlets and the authorities use an array of methods to keep media outlets on their toes, discourage critical reporting and force journalists into silence or cooperation. These repressive measures have led to a high degree of self-censorship among journalists, deeply regretted by many as diametrically opposed to their core convictions about the role of a journalist.

For example, in order to discourage critical reporting authorities typically refrain from providing journalists with information on issues of public interest that they regard as ‘sensitive’ claiming that the information is ‘secret’, respond with such a delay that the issue is no longer topical, or exclude independent journalists from official press briefings. When journalists tried to obtain official information and clarification in connection with allegations of coronavirus infections last spring, they quickly hit a wall. In a letter to Sirojiddin Muhriddin, the Foreign Minister of Tajikistan, dated March 30th 2020, Jamie Fly, President of Radio Free Europe/Radio Liberty (RFE/RL), deplored attempts by the Tajikistani authorities to interfere with *Radio Ozodi*, RFE/RL’s Tajik Service’s coverage of the pandemic, stating that *“Officials with the Health Ministry, the Anti-Epidemic Commission, and your own ministry have refused to speak with Ozodi correspondents [...] and have excluded them from press briefings.”*²⁹³ In another example, *ASIA-Plus* sent 15 questions about the COVID-19 pandemic to the Ministry of Health on August 7th 2020. Three weeks later, on August 28th, *ASIA-Plus* received

²⁹⁰ Khovar, Are you not provided with the necessary medical care? Are prices for medicines increased in pharmacies? Call the General Prosecutor’s Office of Tajikistan, May 2020, <https://kxovar.tj/rus/2020/05/vam-ne-okazyvayut-neobhodimuyu-meditsinskuyu-pomoshh-v-aptekah-zavysheny-tseny-na-lekarstva-pozvonite-v-generalnuyu-prokuraturu-tadzhikistana/>

²⁹¹ Sarvinoz Ruhullo and Amriddin Olim, Head of the Ministry of Justice: not a single case of death from COVID-19 in the prisons of Tajikistan was recorded, *Radio Ozodi*, February 2021, <https://rus.ozodi.org/a/31080502.html>

²⁹² OSCE ODIHR, Republic of Tajikistan – Presidential Election 11 October 2020, ODIHR Election Assessment Mission Final Report, <https://www.osce.org/files/f/documents/c/6/477019.pdf>

²⁹³ RFE/RL, RFE/RL President Jamie Fly’s Letter to Tajik Minister of Foreign Affairs Sirojiddin Muhriddin, March 2020, <https://pressroom.rferl.org/a/rferl-president-jamie-fly-letter-to-tajik-minister-of-foreign-affairs-sirojiddin-muhriddin/30520646.html>

replies to only four of the questions. Among others, the Ministry did not respond to questions of how many patients were hospitalised with coronavirus at the time, how many medical professionals had been infected with coronavirus and how many had died since the beginning of the pandemic.²⁹⁴

Licensing requirements for Tajikistani radio and TV broadcasters and accreditation of journalists working for foreign media outlets are frequently used as a tool to put pressure on journalists and media outlets. Local human rights groups and media watchdogs have called on the authorities to abolish the accreditation requirement, which is so often misused to influence media content. A 2018 law provides that local journalists wanting to cover elections have to obtain an additional permit from the Central Election Committee. In 2020, six *Radio Ozodi* journalists and several *ASIA-Plus* journalists were denied the permit on technicalities.

Officials with the SCNS frequently initiate so-called ‘prophylactic conversations’; they invite journalists or representatives of media outlets for a ‘conversation’ without an official summons, urge them to follow a pro-government editorial policy, to refrain from covering certain issues, or to publish materials drafted by the authorities. Warnings to media outlets typically include that failure to comply will lead to a revocation of their media licence and extraordinary tax checks. Threats to fabricate criminal charges or harm family members are also common. Journalists told us that officials were often surprisingly well-informed about their private lives, their families and loved ones and appeared to have meticulously gathered information in order to find effective ways to threaten and scare them into compliance.

Targeting family members is a strategy not only used to put pressure on journalists inside Tajikistan but also to silence those exiled Tajikistani journalists who continue to write about ‘sensitive’ topics from abroad.

Charges contained in the Administrative and Criminal Codes that can be used to punish the legitimate exercise of the right to freedom of expression hang over journalists’ heads like Damocles’ sword. Although in 2012 defamation was partially decriminalised with the repeal of Criminal Code Articles 135 (“defamation”) and 136 (“insult”), Articles 137 and 330 were retained, punishing “public insult or defamation of the President of Tajikistan” and “insult of a public official” by fines or imprisonment of up to five or two years, respectively. In October 2016, amendments to the Criminal Code created a new offence seeking to shield the President from criticism - Article 137, part 1 criminalises “insulting the Leader of the Nation through the media through print, online or other media”, punishable by up to five years’ imprisonment.²⁹⁵ These amendments run contrary to international human rights standards, which are clear that public officials should be prepared to tolerate more, rather than less, criticism, given the importance of allowing effective public scrutiny of government actions.

Journalists and bloggers who speak out critically about state policies or practices are also at risk of being charged with articles that are worded so broadly and imprecisely that they grant overly wide discretion to authorities in their interpretation and application, leading to arbitrariness. Examples include provisions relating to restrictions on terrorism and extremism as well as Article 189 which punishes “inciting national, racial, local or religious discord”.

²⁹⁴ ASIA-Plus, How much did Tajikistan spend on the fight against COVID-19, September 2020, <https://asiaplustj.info/ru/news/tajikistan/society/20200908/kto-poluchil-koronavirusnie-nadbavki>

²⁹⁵ The title of ‘Leader of the Nation’ was conferred on President Rahmon in December 2015 and is a life-long title.

In addition to discouraging the production and publication of critical media reports, authorities also limit their distribution. In recent years several local and foreign media websites have been blocked or completely disabled.²⁹⁶ Prosecutions and sentences of prison terms for 'liking' and 'sharing' posts that the authorities deemed to be of 'extremist' or 'terrorist' content have scared internet users and many are believed to have since refrained from accessing, reading and sharing media material for fear of reprisals.

Conclusion

As long as the Tajikistani authorities continue to pursue an authoritarian agenda, fundamental policy change toward strengthened civil and political freedoms including freedoms of expression and media freedom is unlikely. Therefore, it is all the more important that the international community fully uses its leverage through bi-lateral and multilateral channels, e.g. in the framework of any GSP+ negotiations, in order to protect individuals at risk and support Tajikistani human rights and media freedom organisations. International stakeholders should also persistently call on Tajikistan to comply with its international human rights obligations, particularly as a party to the International Covenant on Civil and Political Rights and implement the important recommendations on media freedom that the UN Human Rights Committee issued to Tajikistan in 2019.²⁹⁷

For further information, refer to the report 'The price of silence vs. the cost of speaking out. Media freedom in Tajikistan', which was published jointly by International Partnership for Human Rights and Article 19 in July 2020.²⁹⁸

²⁹⁶ For example, in recent years the websites of news outlets ASIA-Plus and Radio Ozodi, of social media and online platforms such as Facebook, Viber, Instagram and Youtube have been arbitrarily blocked on several occasions. At the time of writing the sites of ASIA-Plus, Avesto and Radio Ozodi were fully or partially blocked in Tajikistan.

²⁹⁷ UN Human Rights Committee, Concluding observations on the third periodic report of Tajikistan, 22 August 2019,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fTJK%2fCO%2f3&Lang=en

²⁹⁸ IPHR, The price of silence vs. the cost of speaking out, Media freedom in Tajikistan, July 2020, <https://www.iphronline.org/wp-content/uploads/2020/07/ENG-Media-Report-TJ.pdf>



7. Academic freedom in Tajikistan: From suppression of scholars to incorporation into Rahmon's regime

By Dr Oleg Antonov, Dr Edward Lemon and Dr Parviz Mullojonov²⁹⁹

On March 3rd 2021, presidential aide, Abdujabbor Rahmonzoda, called on intellectuals to wage an 'information war' on the opposition.³⁰⁰ A month earlier, the Government of Tajikistan had issued a directive stating that government employees could only write PhD dissertations on topics pre-approved by the country's president Emomali Rahmon.³⁰¹ The first of these signs of the

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Image by Алишер Курбоналиев under (CC).

³⁰⁰ Rahmonzoda Ziyoiyoni Tojikro ba "Jangi Ittilooti" - i ziddi Muholifon Da'vat Kard [Rahmonzoda called on Tajik intellectuals to wage an "information war" against the opposition], Radio Ozodi, March 2021, <https://www.ozodi.org/a/31143080.html>

³⁰¹ V Tadzhikestane goschinovniki smogut zashchitit' dissertatsii tol'ko s razresheniya prezidenta [In Tajikistan, government officials will be able to defend dissertations only with the permission of the president], Radio Ozodi, February 2021, <https://rus.ozodi.org/a/31082130.html>

Government's tightening grip on academic freedom in the country came two months after Tajikistan celebrated President's Day on November 16th. On that day in 1992, at the height of the country's civil war, Rahmon was elected chairman of the Supreme Soviet and therefore head of state. State-controlled media was abuzz with articles and interviews, with officials praising the 'Leader of the Nation', a title Rahmon has held since 2015. Among those paying homage to the President were a number of professors and researchers. Saltanat Salmonova from the Avicenna Tajik State Medical University, in an article entitled, 'Our Leader, Our Pride', stated that "today all the achievements and progress we see are due to the merits of this selfless person."³⁰² Another article by an academic claimed the President "saved Tajikistan from disintegration."³⁰³ These two examples point to the ways in which academics have come under the control of the Government, incorporated into the state narrative legitimising the country's authoritarian regime, and repressed should they be too critical.

Universities should be spaces where academics and students can debate and discuss contentious issues without fear of reprisal. UNESCO established a number of tenets of academic freedom in its 'Recommendation Concerning the Status of Higher-Education Teaching Personnel', published in 1997.³⁰⁴ These include freedom in carrying out research and disseminating and publishing the results thereof; freedom to express freely their opinion about the institution or system in which they work; freedom from institutional censorship; freedom of teaching and discussion; and freedom to participate in professional or representative academic bodies. Universities develop critical thinking and independent thought. This creates a cadre of skilled technocrats and experts who can serve the regime. But it also facilitates the creation of a pool of potential opposition members.³⁰⁵ Authoritarian governments around the world take considerable lengths to restrict academic freedom. This essay develops a typology of measures to restrict academic freedom in Tajikistan. We examine the ways in which the Government has *suppressed* academics by punishing those that dissent, forced others to *acquiesce* through self-censorship and *incorporated* academics into the narrative supporting the regime.

Soviet legacies

The Soviet period continues to cast its long shadow over higher education in the country. It was during the Soviet period that the first universities in the country were opened. At the time of Tajikistan's independence, there were ten institutions with 65,586 students.³⁰⁶ Academics in the Soviet Union occupied a position of relative prestige, with access to significant salaries, resources and networks. But at the same time, academics were supposed to serve the interests of the state with 70 per cent of research directed toward defense, economic, or ideological 'production'.³⁰⁷ Rather than being independent, universities and research institutions were subordinated to the Party Politburo. The Academy of Science, which coordinated most research, worked closely with the KGB to restrict research activities and international travel for academics.

Not only did the Soviet Government utilise the technical expertise of academics but it also viewed academics as a potential threat. Academics were the basis of the *samizdat* movement and played crucial roles in the eventual collapse of communism. In Tajikistan, the openings of *glasnost* gave academics an opportunity to form new social movements calling for reform. For example, Rastokhez,

³⁰² Jumhuriyat, Saltanat Salmonova, Peshvoi Mo - Iftihori Mo [Our Leader, Our Pride], November 2020, http://www.jumhuriyat.tj/index.php?art_id=42496

³⁰³ Jumhuriyat, Havasmoh Sohibnazarova, Marifat. Vaqte Rohbar Khiradi Azali Dorad... [Enlightenment. When a Leader has Eternal Wisdom], November 2020, http://jumhuriyat.tj/index.php?art_id=42497

³⁰⁴ UNESCO, Status of Higher-Education Teaching Personnel (Recommendation), 1997, http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html

³⁰⁵ Bueno de Mesquita, Bruno. and Downs, George. 2005. "Democracy and Development," Foreign Affairs, September/October.

³⁰⁶ Kataeva, Zuhra. and DeYoung, Alan. 2018. Faculty Challenges and Barriers for Research and Publication in Tajik Higher Education. *European Education*: 252.

³⁰⁷ Ibid.

formed in 1989 by a group of academics, called for a revival of the Tajik language. Its leader, Tohir Abdujabbor, was a Candidate of Science in Economics who worked with the Institute of Oriental Studies of the Academy of Sciences.³⁰⁸ Rastokhez would organise one of the first protests in the country and later join the opposition forces during the country's civil war.

Academic freedom in independent Tajikistan

While the Marxist-Leninist baggage of Soviet academia has been removed and replaced with a new national ideology centred on the importance of stability and peace guaranteed by President Rahmon, many of the strategies of cooptation and control have been resurrected or have continued since independence. Sources of funding for higher education rapidly declined following independence, with the total budget for all forms of education declining from 11.6 per cent of GDP in 1989 to just 2.3 per cent in 2000.³⁰⁹ Despite these budget cuts, the higher education sector has developed since independence, at least quantitatively, and there are currently 40 institutions of higher education in Tajikistan, employing 12,484 individuals in teaching and research capacities in Tajikistan, 4,359 of whom are women. Currently, there are 227,026 students in the country, 83,557 of whom are women.³¹⁰

Suppressing independent voices

Suppression involves practices to repress academic freedom, through intimidation, physical attacks, arrests, removal of academics from their positions, and closure of dissenting institutions.

Arrests

A number of academics have been arrested in the country. The most well-known case is of Alexander Sodiqov, a PhD student at the University of Toronto, who was detained by the security services in Khorog in 2014 and accused of espionage and treason.³¹¹ Following an international advocacy campaign, Sodiqov was released on July 22nd 2014, but the case against him was not dropped. His case is not an isolated incident.

In January 2020, 113 individuals were detained on charges of being members of the Muslim Brotherhood, a banned organisation in the country. Among them were 20 professors, including Ikromshokh Sattorov, a senior lecturer at the Institute of Languages, Tojiddin Yakubov, head of the department of philology the Tajik National University, and poet Ismoil Kakhkhorov. A number of those arrested had links to the opposition, including the nephew of the former leader of the banned Islamic Renaissance Party, Said Abdullah Nuri, and Ismoil Qahhorov, the husband of cleric Hoji Akbar Turajonzoda's sister.³¹² More recently, the Government has detained at least 50 students who studied in Iran, accusing them of extremism, terrorism and espionage for Tehran.³¹³

At the same time as the crackdown on the Muslim Brotherhood, journalist and academic Daler Sharipov was arrested on charges of “inciting religious accord” and “extremism.” Following his arrest, the General Prosecutor’s Office released a statement about Sharipov, saying that “*in the period 2013-2019 he published more than 200 articles and notes of extremist content aimed at*

³⁰⁸ See: Scarborough, Isaac. 2018. *The Extremes it Takes to Survive: Tajikistan and the Collapse of the Soviet Union, 1985-1992*, PhD Diss: LSE, London.

³⁰⁹ Kataeva, Zukhra. and DeYoung, Alan. 2018. Faculty Challenges and Barriers for Research and Publication in Tajik Higher Education. *European Education* 50: 250.

³¹⁰ Ministry of Education. 2020. *Ministerstvo obrazovaniya i nauki Respubliki Tadjikistan. Statisticheskij sbornik sfery obrazovaniya Respubliki Tadjikistan na 2019-2020 gg* [Ministry of Education and Science of the Republic of Tajikistan. Statistics of the education sector of the Republic of Tajikistan for 2019-2020] Dushanbe.

³¹¹ Katya Kumkova, Canadian Researcher Released after Five Weeks in Tajikistan Jail. *The Guardian*, July 2014, <https://www.theguardian.com/world/2014/jul/24/canada-alexander-sodiqov-released-tajikistan>

³¹² Akhbor, Ismi 18 Bozdoshtshuda dar Parvandai Ikhvon ul Muslimin Ma’lum Shud (Video) [Name of 18 Detained People Revealed (Video)], January 2020, <http://akhbor.com/-p10989-120.htm>

³¹³ Radio Ozodi, Tadjihikskiy studenty zayavili o zaderzhaniyakh i doprosakh posle obucheniya v Irane [Tajik students report detentions and interrogations after studying in Iran], February 2021, <https://rus.ozodi.org/a/31120888.html>

inciting religious hatred” and in June 2019, he illegally produced 100 copies of a dissertation entitled ‘The Prophet Muhammad and Terrorism’. The Prosecutor General claimed that a religious expert found that the dissertation “*was developed in the context of the Muslim Brotherhood movement.*”³¹⁴ In April 2020, Sharipov was sentenced to one year in prison and later released on January 29, 2021.

Travel restrictions

The Government of Tajikistan has adopted various measures to restrict access to foreign education and to stop academics from travelling to attend conferences and collaborating with foreign scholars. Up until 2010, approximately 2,500 Tajik citizens were studying Islam abroad mostly in Egypt, Syria, Yemen and Pakistan.³¹⁵ But in August 2010, President Rahmon made a speech accusing foreign madrassas of training “terrorists” and calling on them to return.³¹⁶ A year later, the Committee on Religious Affairs claimed that 1,950 of these students had returned home, with just 129 of them continuing their religious education.³¹⁷

In May 2018, the Ministry of Education published a regulation requiring academics to seek permission from the Ministry before leaving the country to attend conferences, providing details about the event and an outline of their presentation.³¹⁸ An additional directive published in August 2018 requires students planning to study abroad or participate in internships overseas to seek permission from the Ministry of Education. In justifying the move, the Government claimed it was “to protect young people from the influence of terrorism propaganda.”³¹⁹

Closure

With the exception of the Aga Khan Foundation-funded University of Central Asia in Khorog, no independent universities exist within the country. Efforts to establish independent, private universities have been prevented by the Government. One such effort was the Institute of Technical Innovations and Communications, founded in 2003, and known by various names, including the University of International Relations. Established by Tajik-American citizen Sadridin Akramov, the institute employed a number of opposition figures, including Social Democrat Party leaders Rahmatillo Zoirov and Shokirdjon Hakimov and the leader of the Islamic Renaissance Party, Muhiddin Kabiri. After years of pressure, in September 2009, the Ministry of Education demanded its closure for three months for ‘technical reasons’ to check its documents and activities. The Minister of Education described the university as “a hotbed of anti-government propaganda and political opposition” in a letter to President Rahmon.³²⁰ The university was closed in 2010.

Exile

Some researchers have been forced to leave the country. At least eight academics have left the country in recent years according to our figures. Hafiz Boboyorov left the country in 2015. An employee of the Academy of Sciences since 1998, in 2014, he founded the Center for the Study of

³¹⁴ Khovar, Zayavleniye press-tsentra General'noy prokuratury Respubliki Tadjikistan [Statement by the press center of the General Prosecutor's Office of the Republic of Tajikistan], February 2020, <https://kxovar.tj/rus/2020/02/zayavlenie-press-tsentra-generalnoj-prokuratury-respubliki-tadjikistan/>

³¹⁵ Abramson, David. 2010. *Foreign Religious Education and the Central Asian Islamic Revival: Impact and Prospects for Stability*. Washington, DC: Central Asia-Caucasus Institute.

³¹⁶ See: Lemon, Edward. 2014. Mediating the Conflict in the Rasht Valley, Tajikistan: The Hegemonic Narrative and Anti-Hegemonic Challenges, *Central Asian Affairs* 1 (2): 247-272.

³¹⁷ ASIA-Plus, 1,950 Tajik Students Have Returned Home from Islamic Schools Abroad, September 2011, <http://www.news.tj/en/news/1950-tajik-students-have-returned-home-islamic-schools-abroad>

³¹⁸ Grazhdanskoye obshchestvo Genprokurature RT: Minobrnauki popirayet Konstitutsiyu strany. VIDEO [Civil society to the Prosecutor General's Office of the Republic of Tajikistan: The Ministry of Education and Science violates the Constitution of the country. VIDEO], Radio Ozodi, June 2018, <https://rus.ozodi.org/a/29320645.html>

³¹⁹ Dar boroi tasdiki tartibi firostodani ta'limgirandagon boroi tahsil ba khoriji kishvar [On approval of the order of sending trainees for study abroad], Ministry of Education, September 2018,

<https://maorif.tj/storage/Dokument's/Baynalmilali/ef57cbe070df4e832f80d6b92bedd790.pdf>

³²⁰ RFE/RL, Tajikistan's Sole Private University Files Lawsuit Against Education Minister, August 2010, https://www.rferl.org/a/Tajikistans_Sole_Private_University_Files_Lawsuit_Against_Education_Minister/2119875.html

Contemporary Processes and Future Planning at the Academy of Sciences. But he lost this position in 2015 after he criticised the move by Parliament to make Rahmon ‘Leader of the Nation’, and thus able to rule the country indefinitely.³²¹ He left the country shortly afterwards. These estimates are likely an underestimate as academics do not usually announce their departure abroad and use pen names even after departing.

Surveillance and intimidation

Academics in the country are subject to surveillance and threatened not to voice independent opinions. A Deputy Chairman of the State Committee for National Security oversees academic publications by both local and foreign researchers, monitoring them for criticism of the Government. Employees of the security services are embedded in each of the 40 higher education institutions to report on the activities of employees and students there.

Acquiescence to Regime

In Tajikistan, there is a pattern of ‘educated acquiescence’, with academics complying with the Government in exchange for the benefits conferred upon them by the state.³²²

Institutional autonomy

The legal environment related to academic freedom in Tajikistan includes articles of the Constitution of Tajikistan, laws ‘On Education’ (2004) and ‘On Higher and Postgraduate Vocational Education’ (2009). In accordance with Article 40 of the Constitution of Tajikistan “*everyone has the right to free participation in the cultural life of society, artistic, scientific and technical creativity and to use their achievements. Cultural and spiritual values are protected by the state. Intellectual property is protected by law.*” Students and instructors are given ‘academic freedoms’ defined in Tajikistan as “*freedom of delivering the content of learning in one’s own way – within the learning programmes*” and “*a freedom of those who study [students] to acquire knowledge in accordance with their own inclinations – within the learning programmes.*”

Yet in reality, legislators have guaranteed that the state controls universities and they have no autonomy. This is evidenced by paragraph 3 of Article 14 of the law ‘On Higher and Postgraduate Vocational Education’ which gives a special right to “*the President and the Government, without competition, to appoint a rector in state universities.*” This effectively places the state above universities. Rectors retain a great deal of power within the university system, managing budgets, the hiring of staff and controls what research can be conducted. All rectors in the country are members of the ruling People’s Democratic Party. 15 of the 40 are from Khatlon region, with four coming from Danghara district, where the President was born. The Soviet-era Accreditation Commission and its Councils of Scientists control the accreditation academics, preventing critical engagement by Tajik scholars. The Academy of Sciences is organisationally considered a government department. Rectors are appointed and dismissed from their positions by the Government.

Self-censorship

Many academics engage in self-censorship as a means to preserve their positions. Critical engagement with politically and socially sensitive subjects, such as politics, corruption and extremism, remains risky and most chose to avoid these subjects. Another serious problem is access to data and statistics. Critical and independent scholars face additional challenges in gaining government permission to conduct fieldwork and research projects. It forces local scholars to limit their criticism and to conform to official narratives in their studies. In many cases, local respondents refuse to participate in the studies conducted by independent scholars fearing for their safety and security.

³²¹ RFE/RL, Tajik Scholar, Government Critic Leaves Country, October 2016, <https://gandhara.rferl.org/a/tajikistan-scholar/28770973.html>

³²² Perry, Elizabeth. 2020. Educated Acquiescence: How Academia Sustains Authoritarianism in China. *Theory and Society* 49: 1-22.

Incorporation into the Government discourse

Intellectuals are crucial to the formation of policies, even in authoritarian contexts. They also form a crucial source of ruling class hegemony.

Factory of answers

As well as controlling the state media and disseminating its narrative, the Government has also taken steps to distort the opposition's discourse, a process known as the *fabrikai javob* ('the factory of answers').³²³ This refers to efforts by the security services to respond to criticism on social media and deploys the 'truth' via various individuals, including teachers, professors and government employees. The Government has enlisted the support of 'volunteers' in its mission to police the web.³²⁴

Given their authority, academics are integral to the *fabrikai javob*. A Radio Ozodi investigation identified at least five people working in the structures of the Ministry of Education and Science of Tajikistan who also worked at a government 'troll factory', creating fake accounts on social networks, praising the Government and criticising the opposition.³²⁵ The investigation estimated that at least 400 members are involved in the troll factory, or 'Analytical Information Group' within the Ministry of Education.

Academics are called on to praise the President and assert that he is responsible for all the supposed progress in the country. Kholmakhmad Samiev, Dean of the Faculty of International Relations at the Tajik National University, penned a piece in April 2015 proposing that Rahmon be made 'Leader of the Nation', a title he gained later that year.³²⁶ They are also pressured into criticising the opposition, calling them "extremists," "traitors" whose actions threaten unity and stability. Each week, the security services circulate lists of topics they would like to see academics write about. In many cases, the security services write the pieces and then force academics to add their name to them. Combined, these strategies incorporate scholars into narratives legitimising the Government.

Conclusion

From suppressing independent academics to coopting scholars to re-enforce the state narrative that legitimates Tajikistan's authoritarian regime, academic freedom is under attack in Tajikistan. Reports by Human Rights Watch, Freedom House and the State Department documenting a litany of abuses in other spheres but have largely neglected issues of academic freedom. When John Heathershaw and Edward Schatz penned an essay in openDemocracy exploring different options for external partners, ranging from boycotts to blacklists, they sparked a debate about the harm that could come from further isolating Tajik academics and the role that Western researchers have played in endangering Tajik colleagues.³²⁷ These debates are important and should continue.

³²³ See: Roche, Sophie. 2018. The Fabric of Answer: Constructing a National Facade. *Central Asian Affairs* 5 (2): 93–110.

³²⁴ Shafiev, Abdufattoh. and Miles, Marantha. 2015. Friends, Foes, and Facebook: Blocking the Internet in Tajikistan, *Demokratizatsiya* 23 (3): 297-319.

³²⁵ «Fabrika trolley» Tadjikistana: glavnyye litsa i ispolniteli. *Rassledovaniye Radio Ozodi popirayet Konstitutsiyu strany*. VIDEO ["Troll Factory" of Tajikistan: key figures and performers. Investigation by Radio Ozodi shows this violates the country's constitution. VIDEO], Radio Ozodi, May 2019, <https://rus.ozodi.org/a/29926413.html>

³²⁶ Hamovozi va maqolai «Peshvoi millat» [Echoes of the article "Leader of the Nation"], *Sughd*, May 2014, www.hakikati-sugd.tj/index.php/politics/2678-amovoz-ba-ma-olai-peshvoi-millat-to-ikiston-13-az-2-04-2015-s-nosir-on-salim-va-khola-mad-same

³²⁷ John Heathershaw and Edward Schatz, *Academic freedom in Tajikistan endangered: what is to be done?* openDemocracy, February 2018, <https://www.opendemocracy.net/en/odr/academic-freedom-in-tajikistan-endangered/>; Karolina Kluczewska, *Academic freedom in Tajikistan: western researchers need to look at themselves, too*, openDemocracy, February 2018, <https://www.opendemocracy.net/en/odr/academic-freedom-in-tajikistan/>; Malika Bahovadinova, *Academic freedom in Tajikistan: why boycotts and blacklists are the wrong response*. openDemocracy, February 2018, <https://www.opendemocracy.net/en/odr/academic-freedom-in-tajikistan-boycotts/>

We believe that academic freedom in Tajikistan is imperiled and this should not be ignored. The reasons for this are driven by the behaviour of international partners, but more importantly the Government of Tajikistan itself. We concur with Hafiz Boboyorov, Schatz and Heathershaw that “critical engagement” is the best strategy for international partners.³²⁸ Rather than boycotting Tajik academia wholesale, this would involve making financial and other forms of cooperation between foreign bodies and academic institutions in the country, such as the Erasmus+ and World Bank’s Tajikistan Higher Education Project, conditional upon the involvement of independent scholars, think tanks and NGOs. Partners should raise concerns about academic freedom and the abuses of human rights during research collaborations. Through these measures, we could start to open the space for greater academic freedom in Tajikistan.

³²⁸ Hafiz Boboyorov, Critical engagement and endangered academic freedom in Tajikistan, openDemocracy, March 2018, <https://www.opendemocracy.net/en/odr/critical-engagement-and-endangered-academic-freedom-in-tajikistan/>



8. Ill-treatment and torture: Something about which women choose to remain silent

By Favziya Nazarova and Nigina Bakhrieva³²⁹

Over the past decade, the Coalition of Civil Society against Torture and Impunity in Tajikistan has documented numerous cases indicating that women and girls in Tajikistan are regularly victims of torture, sexual coercion, insults, humiliation, beatings, and other inhumane treatment by police and law enforcement officials.³³⁰ Between January 1st and December 31st 2020, the Coalition documented 37 cases of torture and ill-treatment, nine of which involved women and two minors.³³¹

Nevertheless, in the Tajik context, where patriarchal culture prevails, women and girls who are victims of torture and ill-treatment face particular discrimination when applying to the competent authorities. Often such complaints are either not registered or women have to go through exhausting and often costly procedures to verify the occurrence of violence. As a result, criminals enjoyed almost absolute impunity, while the State preferred to hide the problem. Furthermore,

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³³⁰ Freedom From Torture: the Coalition of Civil Society against Torture and Impunity in Tajikistan, <https://notorture.tj.org/en>

³³¹ Civil Society Coalition against tortur's Annual report 2020, https://notorture.tj.org/sites/default/files/articles/2021/files/rezultaty_deyatelnosti_za_2020_g._koaliciya_protiv_pytok_i_beznakazannosti_v_tadzhikistane_1.pdf

there is almost no research conducted in this sphere and there is no comprehensive official statistics about the scope of this problem in the country.

Tajikistan is a state party to CEDAW since 1993 and on July 22nd 2014 the country also acceded to Optional Protocol to the CEDAW. In its concluding observations, the CEDAW Committee repeatedly recommended Tajikistan to prioritise its measures for eliminating violence against women and ensure that women and girls who are victims of violence have access to immediate means of redress and protection, and perpetrators are prosecuted and adequately punished.³³² However, despite the high level of violence against women, both domestic and custodial, to date no complaints have been submitted to the Committee.

Police abuse

Violence against women in detention very often includes rape and other forms of sexual violence, such as threats of rape, touching, being stripped naked, insults, and humiliation of a sexual nature. Victims of police abuse and brutality usually include young, poorly educated and underprivileged women, which leads to their further marginalisation. As it was stated by the UN Special Rapporteur on torture *“in addition to the physical trauma, the mental pain and suffering inflicted on victims of rape and other forms of sexual violence are often long-lasting, in particular as a result of subsequent stigmatisation and isolation.”*³³³ Therefore, in most of the reported cases, women, especially in rural areas did not report such violence for fear of social stigmatisation or because the police had failed to take appropriate action in previous cases, and because of possible reprisals by abusers.

The few victims who were brave enough to report the violence to the Coalition Legal Aid Unit constitute a small percentage, while in most cases women prefer not to speak openly about the humiliation they have suffered.

In summer 2019, the Coalition Legal Aid Group registered the case of a 24-year-old resident of Vakhsh district, N.B., who had been subjected to ill-treatment and violence by the district internal affairs officers. A young woman was brought in on suspicion of theft and detained for almost two days, during which police officers used various forms of humiliation to force her to confess to a crime, including insults, threats and torture. According to the victim, she was blindfolded and forced to flee quickly along a narrow corridor of the office, causing her to run into the wall several times and fall. She was also beaten repeatedly, which caused her severe pain. She was later given an injection, which partially paralysed her as she could not feel her arms and legs. Taking advantage of her condition and helplessness, she was raped by a police officer.

Despite the best efforts of the lawyers, to date no police officers responsible have been brought to justice. In the presence of the lawyer, the victim indicted at one of the duty officers of the Vakhsh District Department of Internal Affairs, however, the management refused to inform the lawyer of his name.

For about a year now, a complaint of torture against the victim has been examined by the competent authorities at various levels, from the Office of the Procurator-General, the Office of the Procurator-General of Vakhsh district, the District Court of Vakhsh and the District Procurator's Office of Khatlon, but N.B. has been awaiting a response to her complaints to date.

³³² CEDAW/C/TJK/CO/3, 2007, para 22.

³³³ UN Special Rapporteur on Torture, Gender perspectives on torture (A/HRC/31/57), para. 51.

Rape and sexual harassment by the hands of law enforcement officers

It's widely recognised that rape "carried out by, at the instigation of, or with the consent or acquiescence of public officials" constitutes torture and the perpetrators must be brought to justice.³³⁴ However, there are cases when women and young girls become victims of sexual violence while addressing the law enforcement agencies with complaints.

In October 2018, a resident of the village of Pakhtakor, Pyanj district, S.H. turned to a local police officer, with a complaint against the unlawful actions of her neighbour. In spite of registering the complaint and taking appropriate measures, the officer locked the door of his office and raped the woman. According to the victim, the police officer threatened that if the incident became known, he would cripple her and make her as disabled as her mother, who has been paralysed and bedridden for years. However, according to the victim, she would not have been able to tell anyone without these threats, as it would have been a disgrace to her and her family.

Taking advantage of her weakness and his own impunity, the police officer continued to harass the young woman for more than eight months, raping and beating her until she had the courage to call a medical expert to record the beatings. The medical examination documented the victim's beatings, including a broken arm, nose, as well as injuries to his ribs and chest. The victim filed complaints against the police officer to the Department of Internal Affairs of Khatlon province. However, the beatings and threats did not stop there, to the extent that the police officer attacked her with a knife, injuring her seven-year-old son who stood up to defend his mother.

As a result, the police officer was fired from the internal affairs agencies, but was not prosecuted. To the date his victim does not give up hope for justice. In January 2020, when she repeatedly addressed the General Prosecutor's Office with her complaint, she was told that an investigation was being conducted, however, no additional information was provided.

Torture and ill-treatment against female relatives of the suspect and detained persons

In addition, female relatives of suspects and detainees are also among the victims of violence in places of detention. There are cases where suspects confess to a crime under duress, including threats of rape against their mother, wife or daughter.

Case of Hasan Yodgorov

In the autumn of 2017, internal affairs officers in Tursunzade arrested Hasan Yodgorov on suspicion of murder. Immediately after his arrest, a video was shown on central television in which Yodgorov confessed to the murder. However, nine months later, Yodgorov was released after the real killer was apprehended. After his release, Yodgorov told that the confession was made under torture and ill-treatment, to which his mother, his wife and even his eight-year-old daughter were also subjected.

Sharofat Narzykulova, Yodgorov's mother, was subjected to ill-treatment from the first days of her son's detention. When attempting to enter the police station, the person on duty abruptly closed the door and slammed her hand, so she stood for 20 minutes, after which random passers-by helped push the door and free the woman's hand. When her son was charged with murder, Narzykulova herself was tried as an accomplice, allegedly hiding a stolen bracelet and the deceased's phone. For

³³⁴ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, A/HRC/7/3, para 34.

two weeks, she was summoned daily for extended questioning. During the interrogation, the woman was insulted, called a "thief" and "mother of the murderer" in front of her son, who could not even say a word in defence of his mother and only cried in silence. During one of the interrogations, his son was forced to kneel and ask his mother for money. According to S.Narzykulova, she was asked for \$6,000. The son, on his knees, begged the mother to find the money to stop the abuse they were both experiencing.

Tojinissiso Izatullo, Yodgorov's wife and his eight-year-old daughter were also subjected to the brutality of law enforcement: the woman was constantly harassed, insulted and humiliated, and threatened that if her husband did not confess the crime the child would be sent to an orphanage. As a result of constant interrogations, the child suffered a great deal of psychological trauma and developed nervous enuresis (urinary incontinence).

Based on the received information, a criminal case was initiated against officers of the Tursunzade Internal Affairs Department Sherali Azizov, Saadi Davlatmurodzoda, Eradj Naimov, for using torture and ill-treatment against Yedgorov and his family members. The first trial was held in July 2019 in the Supreme Court of Tajikistan. Nevertheless, on January 16th 2020, the judge decided to return the case for additional investigation due to the fact that "... there were a number of flaws and violations of procedural norms..." In particular, the judge stated that the criminal investigation should be initiated not only against the police officers who had committed the torture, but also against the judge in Tursunzade city court, who had tried the case of administrative detention, the leadership of the Internal Affairs Department and the Ministry of Internal Affairs, who have failed to exercise proper control over the actions of their officers.³³⁵

To the date there is no information about the course of the investigation.

Case of Mastona Zainiddionva and Mariam Sodikova

On December 16th 2017, officers of the Internal Affairs Department of the Shohmansoor district of Dushanbe detained Mariam Sodikova and two of her minor children, in connection with the search for Sodikova's husband, accused of stealing a large sum of money. According to the woman, she was subjected to electric shocks in an attempt to obtain information about her husband's whereabouts. The torture continued for three days, during which the children were held at the police station and allowed to sleep on chairs. In addition, the police also detained Mastona Zainiddionva, wife of the suspect's brother, with her and she was also subjected to beatings and humiliation.

One year later, the General Procurator's Office initiated criminal proceedings against Shohmansur district police officer Nurhonov F. and other persons under six articles of the Criminal Code, including the use of torture.

On December 16th 2019, the Dushanbe court handed down a verdict in which the defendants were found guilty on all charges and received the following punishment: Nurhonov F. - 17 years' imprisonment, Sabzaev A.- 9 years' imprisonment, Wakhobov U. - 7.5 years of imprisonment, and Ikroriddin Akhliddin - 9 years of imprisonment.³³⁶

³³⁵ Freedom from Torture, Press Release, August 2019, <https://notorturetj.org/news/press-reliz-0>

³³⁶ Radio Ozodi, Policemen accused of torture received from 7 to 17 years in prison, December 2019, <https://rus.ozodi.org/a/30328153.html>

Violence against female sex-workers

In addition, female sex workers are often victims of abuse by law enforcement agencies. Under article 130 of the Code of Administrative Offences, prostitution was only an administrative offence and was punishable by a fine or administrative detention for ten to 15 days. However, the police have used various methods of pressure against sex workers, including verbal abuse, inhuman and degrading treatment and arbitrary detention. At the same time, police officers visit sex workers and demand free sexual services, using their position, violence and blackmail.³³⁷

Social and family stigmatisation

Often, the suffering caused by sexual violence by public officials goes 'beyond the suffering caused by classical torture', as victims usually find no support from either society or family members, which often leads to her isolation.³³⁸ In the context of Tajik society, very often families, including parents and husbands, abandon victims of sexual violence, condemning them to destitution and poverty.

Victims of sexual violence face a high level of stigma. It can take place at the individual level as well as within the family or community and at the institutional level, including the judiciary. Guilt and shame, fueled by traditional prejudices, often discourage victims from talking about their experiences.

The cases, mentioned above clearly demonstrate lack of support from the state and judicial bodies. Women who are victims of torture face a number of difficulties. According to the national legislation, they must independently prove that they are victims of torture, which includes various expert examinations, the gathering of evidence, the filing of complaints and many others, which is almost impossible without the qualified assistance of a lawyer, which is not always available, especially in rural areas. Moreover, female detainees who are victims of rape face major obstacles when seeking justice. The procedures required to pursue a complaint can often lead to the re-traumatisation of the victim.

In addition, complaints about torture and ill-treatment are often not investigated effectively because the investigating institutions are not sufficiently independent. No separate and independent mechanisms capable of carrying out effective criminal investigations and prosecutions have been set up in Tajikistan despite recommendations by the CAT, the Human Rights Committee (HRC) and the Special Rapporteur on torture.

In Tajik society, there is special discrimination against women who are single parents or divorced women. Often victims of violence complain of rough treatment, even in the prosecution system, where she is branded 'beva' (divorced or widowed), which gives an excuse to treat her roughly and/or impolitely. In colloquial speech, the word is used for the purpose of humiliation.

In addition, victims of torture are usually criminal suspects, which creates negative social attitudes towards them. Unfortunately, the presumption of innocence is often forgotten, and a detained or suspected citizen is already subjected to negative treatment and may be subjected to cruel treatment for the purpose of punishment.

³³⁷ Shah-Aiym Network NGO and Apeyron NGO, Joint submission for the Pre-sessional Working Group for the 71st session of the CEDAW Committee to generate list of issues to the Sixth Periodic Report of the Republic of Tajikistan, Condition of sex workers in Tajikistan, CEDAW, January 2018, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/TJK/INT_CEDAW_NGO_TJK_30029_E.pdf

³³⁸ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, A/HRC/7/3, para 36.

Coalition's efforts to fight against torture and impunity

Since 2011, the Coalition has documented over 1,000 cases of torture. While most victims of torture are still waiting for justice and perpetrators enjoy impunity, the Coalition and its lawyers sometimes are the only hope for the victims of torture and their family members. Apart from the legal consultations, the Coalition also represents the victims and their relatives in the courts for claiming compensation for the physical and moral harm and as a result of Coalition's litigation in court, financial compensation was provided to nine of victims. The Coalition helped change laws and increase levels of public awareness about the responsibilities of the state and the rights of victims. The Coalition also engaged in dialogue with authorities on improving conditions in closed institutions, including prisons, psychiatric institutions and military units. Members of the Coalition, together with the Ombudsman carry out human rights monitoring in the penitentiary facilities - in light of there being no independent access for the International Committee of the Red Cross. The Coalition also engaged in meaningful process with the state on improving the quality of forensic examination of allegations of torture. Furthermore, the Coalition is promoting rehabilitation services for victims, including psychological assistance. While these are all positive trends towards breaking the cycle of silence by victims, non-action by state actors and impunity for the perpetrators, a lot remains to be done to remove some of the most persistent obstacles to end torture in Tajikistan.

Conclusion

According to Oynihol Bobonazarova, one of the prominent human rights activist in Tajikistan and a member of the Coalition of Civil Society against Torture and Impunity in Tajikistan, the widespread use of torture is *"a consequence of the failure to combat torture in a country where, in most cases, perpetrators of torture enjoy impunity. This gives investigators a sense of untouchability and permissiveness."*³³⁹ It was therefore necessary to constantly promote a policy of zero tolerance for torture in the country and to ensure that all perpetrators were brought to justice.

The Coalition welcomes recent positive developments in which Tajikistan's courts have begun to draw attention to investigative shortcomings as well as broadening the circle of those responsible for torture and ill-treatment (Yodogorov case). However, there is also a need to ensure that criminal investigations and trials address all forms of violence and ill-treatment against women and girls, including through the lens of gender discrimination.

Recommendations for the Government of Tajikistan:

1. Various strategic documents in the area of human rights and freedom from torture, including the National Human Rights Strategy until 2030 and its Action Plan for 2021-2023, and the Draft Law on Non-Discrimination, are currently being developed. It is very important to take a gender perspective in the development of any strategies.
2. There is also a need to conduct educational activities for investigative bodies on the specifics of conducting criminal cases against women victims of torture and ill-treatment.
3. A State programme for the rehabilitation of torture victims, with a special focus on women, should be developed, as well as rehabilitation centres where women victims of torture could receive psychological assistance and rehabilitation.

³³⁹ Evening, Abuse and Torture Against Women: What Women Choose to Stay silent about, Vecherka, April 2020, <https://vecherka.tj/archives/42131>



9. Low women's political participation in Tajikistan: Will the anti-discrimination law be a solution?

By Dilbar Turakhanova³⁴⁰

Setting the scene: gender (in)equality in Tajikistan

Among Central Asian countries, Tajikistan rates lowest in internationally comparable indices of gender equality. With the score of 0.626 in the Global Gender Gap ranking of the World Economic Forum (WEF) Tajikistan ranked 137 of 153 countries in 2020.³⁴¹ This index is a composite measure of four dimensions: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Tajikistan ranks highest in health and survival (72 of 153 countries) followed by educational attainment (123 of 153 countries). In political empowerment, Tajikistan ranks 128.³⁴² The lowest of the four sub-indices is the dimension of economic participation and opportunity, where Tajikistan ranks 134 of 153 countries.³⁴³ In socio-economic development indicators, which make up the Gender Development Index (GDI), the United Nations Development Programme's (UNDP) ranking of human development, values for the Human Development Index (HDI) of women and men differ substantially. In 2019, the HDI value for men was 0.712 and 0.586 for women showing particular gaps in expected years of schooling (12.6 years for men and 10.7 years for women); mean years of schooling (11.3 years for men and 10.2 years for women) and Gross

³⁴⁰ Dilbar Turakhanova is an independent consultant with over 15 years of extensive experience in researching gender equality issues in Tajikistan (native country), Central Asia, South Caucasus and others. Dilbar has several academic and non-academic publications in the areas of gender, migration, gender-based violence. Her research interests include gender, migration, Central Asia. *Image UNDP in Europe and CIS by under (CC).*

³⁴¹ World Economic Forum. 2020. Global Gender Gap Report. P.329

³⁴² World Economic Forum. 2020. Global Gender Gap Report. P.329

³⁴³ World Economic Forum. 2020. Global Gender Gap Report. P.329

National Income (GNI). Women's GNI of \$1,440 USD is four and half times lower than for men whose GNI in 2019 was \$6,427.³⁴⁴

These rankings, while not exhaustive, demonstrate that in Tajikistan women lag behind men in all spheres, including education, economic participation, health and political participation. Women in Tajikistan experience various forms of discrimination in merely all spheres, including Violence Against Women (VAW) as one of the extreme examples and many others. The legislation of Tajikistan does not yet address comprehensively discrimination in all forms and does not prohibit discrimination on all possible grounds in line with the international human rights obligations that Tajikistan voluntarily acceded to, especially the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW).

Legal gaps in protection from discrimination in all forms and on all grounds in Tajikistan resulting in gender neutral legislation on women's political participation³⁴⁵

Tajikistan as a signatory to a number of international human rights treaties, including CEDAW established in its Constitution in Article 17 guarantees equality of all before the law and the courts. Human rights and fundamental freedoms are guaranteed by the State for all without distinction based on nationality, race, sex, language, religion, political convictions, and education, social or material status. It also stipulates that men and women have equal rights. Such provisions are replicated in the numerous codes and laws of Tajikistan.

In terms of discrimination based on sex, Tajikistan has adopted the special Law on the State Guarantees of Equal Rights of Men and Women and Equal Opportunities of their Enjoyment (hereinafter, referred to as Gender Equality Law) in 2005. This is the only Law that defines the notion of discrimination. It is defined as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition of equal rights of men and women in the political, economic, social, cultural, civil or any other field. The notion is not inclusive of direct and indirect discrimination and the Law does not protect from intersectional discrimination.³⁴⁶ Besides, the Law has several critical gaps: it fails to prohibit workplace discrimination; introduce temporary special measures and prohibit violence against women as a form of gender-based discrimination.³⁴⁷ It has no measures on elimination of existing social and cultural patterns on role of women that perpetuate discrimination against women.

The Article 17 of the Constitution as well as definition of discrimination established by Gender Equality Law are not compliant with the CEDAW intersectionality concept that links discrimination based on sex and gender with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity.³⁴⁸ While the text of CEDAW adopted in 1979 referred to sex-based discrimination, in 2010 the Committee on Elimination of Discrimination Against Women explained that Article 1 of the CEDAW (on discrimination) when read together with Articles 2 (f) and 5 (a) covers gender-based discrimination, thus, calling state

³⁴⁴ UNDP.2020. Inequalities in Human Development in the 21st Century Briefing note for countries on the 2019 Human Development Report Tajikistan, <http://hdr.undp.org/en/countries/profiles/TJK>

³⁴⁵ While Article 7 of CEDAW regards political participation of women as a right: (a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; (b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; (c) to participate in non-governmental organisations and associations concerned with the public and political life of the country, in this article only the following rights are assessed: (a) right to be elected and (b) right to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.

³⁴⁶ CEDAW. Concluding observations on Tajikistan 2018. CEDAW/C/TJK/CO/6, paragraph 11 (a).

³⁴⁷ CEDAW in its General Recommendation No.25 noted that such measures are a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices, such as outreach or support programmes; allocation and/or reallocation of resources; preferential treatment; targeted recruitment, hiring and promotion; numerical goals connected with time frames; and quota systems. (paragraph 22)

³⁴⁸ CEDAW, General Recommendation No.28 on the core obligations of States parties under Article 2 of the Convention on Elimination of All Forms of Discrimination Against Women, CEDAW/C/GC/28, paragraph 18, 2010, <https://digitallibrary.un.org/record/711350?ln=en>

parties for explicit legal recognition of intersecting forms of discrimination and their prohibition.³⁴⁹ In Tajikistan, Lesbian, Gay, By-sexual, Transgender, Queer, Intersex (LGBTQI) rights are not recognised.³⁵⁰ So as the rights of disadvantaged groups of women and girls such as refugee women, migrant women, women left behind by male migrants, widows of male migrants, stateless women, women and girls with disabilities, women living with HIV/AIDS, women in prison and former women inmates, and rural women are not fully considered in legislation.³⁵¹

The Constitution stipulates that any citizen who reached the age of 18 has a right to participate in the political life and administration of the state directly or through representatives, they have a right to vote and be elected upon reaching eligible age (Article 27). Similar equality guarantees are provided in the constitutional laws and laws establishing a right to participate in elections to parliament and local municipalities, civil service and judiciary.

Tajikistan has a bi-cameral Parliament, *Majlisi Oli*. The Lower Chamber (*Majlisi namoyandagon*) is directly elected for a five-year term. Nationals of Tajikistan who reached 30 years and have a higher education have a right to run for the post of the member of the Lower Chamber of the Parliament (Article 49). The elections are administered by the Central Commission on Election and Referenda which supervises district election commissions and precinct election commissions. Elections are conducted in accordance with the Constitutional Law on Elections to *Majlisi Oli* (High Assembly) that in line with Article 17 of the Constitution ensures the right to vote regardless of ethnicity, race, sex, language, beliefs, political convictions, social status, education and property (Article 4). There are two requirements for running for elections: 1) an election deposit that has to be paid by candidates during registration process, and 2) higher education. Both are gender neutral requirements, but in fact they place women into disadvantaged position compared to men.³⁵² The deposit shall be paid from the personal means of the candidates and it equals to ten units used for calculation (in 2020, the deposit amount was 5,800 Tajik Somoni or USD \$600). The deposit is returned if candidate obtains at least ten per cent of votes. The Committee on Elimination of Discrimination Against Women recommended to withdraw a deposit fee for women to increase their political participation.³⁵³ In general, the deposit fee is too high given Tajikistan economic situation and poverty levels, especially for women, whose economic activity is much lower compared to men and the gender wage gap in Tajikistan.³⁵⁴ OSCE regards that a requirement of a higher education is overly restrictive and recommends to fully remove it for both male and female candidates. So as the Committee on Elimination of Discrimination Against Women considers that such a requirement contravenes the CEDAW even if applied to both women and men, because it may have a disproportionate impact on women.³⁵⁵ In Tajikistan, where women have a restricted access to higher education such a requirement places women in more disadvantaged position compared to men.

Do women equally enjoy rights to political participation in Tajikistan?

Back in 1995, the Beijing Platform for Action (BPfA) noted that despite a call of UN Economic and Social Council to reach 30 per cent target of women's political participation by 1995 that is also termed as "critical mass", the progress to achieve it was modest.³⁵⁶ The BPfA called for a balanced political participation and power-sharing between women and men in decision-making as

³⁴⁹ Ibid.

³⁵⁰ CEDAW. Concluding observations on Tajikistan 2018, CEDAW/C/TJK/CO/6, paragraphs 11 (b), 39 (c), (e).

³⁵¹ CEDAW. Concluding observations on Tajikistan 2018, CEDAW/C/TJK/CO/6, paragraph 12 (c).

³⁵² OSCE ODIHR, Republic of Tajikistan Parliamentary Elections 1 March 2015 OSCE/ODIHR Election Observation Mission Final Report p.11, 2015, <https://www.osce.org/files/f/documents/a/6/158081.pdf>

³⁵³ CEDAW, Concluding observations on Tajikistan 2007, CEDAW/C/TJK/CO/3, paragraph 26.

³⁵⁴ OSCE ODIHR, Republic of Tajikistan Parliamentary Elections 1 March 2020 ODIHR Needs Assessment Mission Report, p.7, 2020, <https://www.osce.org/files/f/documents/c/9/443983.pdf>

³⁵⁵ CEDAW, General Recommendation No.23: Political and Public Life, paragraph 23, 1997,

https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_4736_E.pdf

³⁵⁶ Ibid, paragraph 16.

internationally agreed target.³⁵⁷ Statistical data on women's participation in politics and decision-making demonstrates that 1995 target of 30 per cent is out of reach in 2021 in Tajikistan.

In the Parliament, despite progress compared to 2015 elections (when women made up 14.5 per cent of all members of the Upper Chamber and 19 per cent of all members in the Lower Chamber), in the 2020 elections, in the Upper Chamber (where members are appointed) women made up 25.8 per cent and in the Lower Chamber women made up 23.8 per cent of all members.³⁵⁸ Currently, two of the nine committees of the Lower Chamber of the Parliament are chaired by women.³⁵⁹ One of the three deputy chairmen of the Lower Chamber of the Parliament is a woman. There are no special measures to promote women candidates in political parties.³⁶⁰ In Tajikistan, there is no any women's fraction or coalition of women members of Parliament.³⁶¹

At the decision-making level, 30 per cent representation is out of reach. As to high level positions, women are usually appointed to posts of ministers responsible for social issues. Recent appointments in the Government resulted in appointment of a woman on a post of the Deputy Prime Minister on social affairs. Among 18 Ministers, women hold two posts: the Minister of Labour, Employment and Migration, and the Minister of Culture.

In the civil service, the share of women among civil servants decreased from 35.2 per cent in 2013 to 23.8 per cent in 2019. As to senior level in the civil service, women made up 19.1 per cent of all managers in 2020. At the local level, women made up 26.7 per cent of all civil servants and 21.5 per cent of all managers. Three women were chairing districts (equivalent to head of local government at the district level).³⁶² In 2017 the amendment was introduced to Decree of the President on Procedure of Competitive Recruitment for the Positions of Civil Service that provided women participating in the competitive recruitment for positions of civil service for the first time with additional three scores during exams.³⁶³ This measure is aimed at encouraging young women to enter the civil service. However, the analysis of impact of this measure has not been conducted as yet.

Since its independence, Tajikistan did not have any female President, Prime Minister, governors of provinces, ambassadors or representatives of Tajikistan to international bodies. As to the defence and security sector, share of women working in law enforcement bodies: office of the Prosecutor General, Ministry of Interior, Ministry of Defense, Agency on Anti-Corruption and Financial Control, Drug Control Agency, State Committee on National Security, and Customs Service, is not disclosed. Women have not been appointed to the positions of Ministers or Chairpersons of these bodies in Tajikistan.

While one woman was appointed to the position of the Chairperson of the Supreme Economic Court, share of women among judges is far below 30 per cent target. In the Constitutional Court, only one position of the seven posts of judges is occupied by a woman. In the economic courts, women make up 15.8 per cent of all judges. In the courts of general jurisdiction, women hold 19 per cent of all posts of judge.

³⁵⁷ United Nations. 1995. Beijing Declaration and Platform for Action, Critical Area G, "Women, Power and Decision-Making".

³⁵⁸ According to data of the Committee on Women's and Family Affairs under the Government of Tajikistan published in 2021.

³⁵⁹ Both women MPs head the traditional for women areas: one of the two committees deals with education, health, culture and youth policy and another one focuses on social issues, family and protection of health; available at: <https://parlament.tj/ru/kumitaho>

³⁶⁰ IPU Parline, Tajikistan, House of Representatives, https://data.ipu.org/node/169/data-on-women?chamber_id=13538

³⁶¹ Mamadazimov, A and Kuvatova, A. 2011. Political Party Regulations and Women's Participation in Political Life of Tajikistan, National Association of Political Scientists of Tajikistan, p. 46.

³⁶² Committee on Women's and Family Affairs under the Government of Tajikistan. 2021. Analysis of Implementation of the National Strategy on Advancement of Role of Women for 2011-2020.

³⁶³ European Union. 2018. European Union – Tajikistan Civil Society Seminar on Practical Implementation of the Gender Equality Principles in Tajikistan, Seminar Report, p.17

Another (good) law: will the political participation of women improve?

Tajikistan did not establish an environment conducive for improvement of participation of women in political life and decision-making and it does not establish neither in law nor in practice temporary special measures to remedy the situation. In 2018, Government established a working group to draft a comprehensive anti-discrimination law in line with the recommendations it received during two cycles of the Universal Periodic Review on Human Rights (UPR) and respective National Action Plans (NAPs) adopted to implement these recommendations. The draft law was prepared in 2020 and was submitted to the Government for the review. The draft law establishes a comprehensive definition of discrimination and includes list of grounds upon which discrimination may take place, including sex, sexual orientation and gender identity and covers all spheres where discrimination may occur. It further defines direct and indirect discrimination and calls for adoption of positive measures, including temporary special measures. Would this law if adopted be a solution to currently low political participation of women? Most probably not, because exclusion of women from political participation is a result of combination of factors, including social and political discourses; political structures and institutions; and socio-cultural and functional constraints that limit women's individual and collective agency.³⁶⁴

Since 1999 Tajikistan has taken a strong strand in ensuring gender equality when the President adopted a Decree on advancement of the role of women in Tajikistan that was followed by the adoption of the State Programme 'On Main Directions of National Policy on Provision of Equal Rights and Opportunities of Men and Women in the Republic of Tajikistan for 2001-2009' (hereinafter, the State Programme) in 2001 and the Gender Equality Law in 2005. However, the rhetoric on gender equality, especially, on political participation of women was declarative, because some of the measures institutionalised a 'glass ceiling'. The 1999 Decree while focused on the promotion of women to senior management positions in government at the national and local levels, judiciary, prosecutor's bodies, and educational institutions, it explicitly restricted such appointment to the positions of only Deputy Minister and excluded their appointment to the positions of Deputy Ministers of Defense and Internal Affairs.³⁶⁵ Since 2000, the Government adopted a targeted state programme to promote women in leadership. It is called a State Programmes on Education, Selection and Appointment of Talented Women and Girls to Management Positions that initially covered the period of 2007-2016 and, then, 2017-2022. The programme has an ambition of 30 per cent representation of women in public bodies. However, the fulfilment of such an ambition remains out of reach.

Since 2009, Tajikistan further rolled back in conceptualising gender equality when the International Women's Day celebrated on March 8th was renamed to the Mother's Day using explicitly nationalist and anti-feminist explanations. The Mother's Day was proclaimed to praise a woman mother, creator of life, educator of generations, mentor of young boys and youth on kind path, and sustainable founder of the family.³⁶⁶ It was further linked to the three thousand-old tradition of Aryan men to honour mothers and wives during spring season. In majority of his annual addresses to the Parliament, the President underlines the role of women in implementation of social policy, their role as mothers and educators of daughters as main guardians of families and traditions.³⁶⁷ These narratives are particularly disempowering for women and girls given the already prevalent perception in the Tajikistan's society about the role of woman as a wife and a mother and, respective, high burden of unpaid care work.³⁶⁸ The nationwide time use survey was not conducted

³⁶⁴ Bari, Farzana. 2005. Women's Political Participation: Issues and Challenges. p.3.

³⁶⁵ Kasymova, S. 2007. Transformation of Gender Order in Tajik Society, p.51.

³⁶⁶ Decree of the President of the Republic of Tajikistan "On Mother's Day" adopted on 6 March 2009, No.632, http://www.adlia.tj/show_doc.fwx?Rgn=14361

³⁶⁷ President of the Republic of Tajikistan, see website: <http://president.tj/ru/taxonomy/term/5/69>

³⁶⁸ Kasymova, S. 2007. Transformation of Gender Order in Tajik Society, p.52.

in Tajikistan to assess engagement of women in unpaid care work. However, the Labour Force Survey (LFS) conducted in 2016 clearly demonstrated that women regardless of their economic activity and employment status are extensively engaged in unpaid work related to household duties; care after sick and disabled members of the family.³⁶⁹ Besides, families in Tajikistan are still an extended family with several generations sharing one household and young women – daughters, including daughters-in-law – holding the lowest position in family hierarchy with restricted agency to making decisions over their access to education; health, including reproductive health and rights; marriage and their engagement to public domains.³⁷⁰

Thus, ideologically, Tajikistan's political landscape is not supportive of the meaningful political participation of women and approaches towards gender equality are contradictory. The legislation on elections while gender neutral, in reality, imposes excessive requirements for women preventing them from political participation and does not take into account their low economic and educational status compared to men. Strong gender stereotypes that put women in subordinate position compared to men prevent women from playing more active roles in public domains and gaining necessary networking and social capital required for running for elections and promotion of their careers.

While adoption of anti-discrimination law will be an important step in recognising intersectional discrimination in all forms and in all spheres of life, it is unlikely that law alone will remedy current low participation of women in political life in Tajikistan. To amplify the impact of the adoption of anti-discrimination law the following considerations should be taken into account to boost the political participation of women:

- Introduce quotas for political participation of women as a fast-track strategy to improve political participation of women in all branches of state power;
- Narrow gaps in economic participation and opportunities of women and educational attainment, especially at the level of higher education;
- Implement large scale communication, information and education campaigns to change gender stereotypes and promote women's participation in public domains; and

Establish a caucus of current and former women in power (covering all branches of state power) for the purpose of networking and building collective power and agency of women, and link them with younger generations of women, promote leadership and role models among young women.

³⁶⁹ Agency of Statistics under the President of Tajikistan. 2017. Situation in the Labour Market in the Republic of Tajikistan (Report on findings of the labour force survey conducted from 20 July to 20 August, 2016), p.94; 96.

³⁷⁰ Temkina, A.2006. Subordination to Older vs. Deconstruction of Patriarchy: Women's Sexuality in Marriage (North of Tajikistan), Journal of Social Policy Studies, 4 (4), p.446.



10. Human rights of people living with HIV in Tajikistan

By Larisa Alexandrova³⁷¹

HIV is a disease that affects various spheres of people's life, including healthcare, legal, labour and other aspects. Tajikistan, being a rule of law based secular and social state, adopted development programmes to address priority problems in the legal and social sphere. To address HIV-related issues, the Government of Tajikistan periodically adopts relevant National Programs every three years.

In 2020, the Government of Tajikistan approved the National Programme to Combat the Human Immunodeficiency Virus (hereinafter HIV) and Acquired Immunodeficiency Syndrome (hereinafter AIDS) Epidemic in the Republic of Tajikistan 2021 - 2025, along with the overall budget and Action Plan which includes the SDGs and other international human rights and HIV instruments.³⁷²

According to the data presented in the National Program, the total number of officially registered HIV cases in the country is 11,986, of which 7,698 people (64.1 per cent) are men and 4,288 people (35.8 per cent) are women. However, it is estimated that the number of people living with HIV could be 13,000.

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³⁷² The National Program to Combat the Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Epidemic in the Republic of Tajikistan 2021 - 2025. This programme was approved by the decree of the Government of the Republic of Tajikistan No. 50 dated November 27, 2020.

In 2019, 1,320 new cases of HIV infection (adults and children) were registered in Tajikistan, which roughly corresponds to the number of cases in 2018 and 2017 (101 cases less than in 2018 and 115 cases more than in 2017). Of these new HIV cases registered in 2019, 772 were men (58.5 per cent) and 548 women (41.5 per cent). In recent years, there has been a general trend towards an increase in the proportion of women among all new HIV infections, from 30.9 per cent in 2011 to 41.5 per cent in 2019. Overall, the cases in the country amount to 14.5 per 100,000 population.

The Constitution of Tajikistan enshrines the fundamental human and civil rights and freedoms that are equally binding for all persons living in Tajikistan, with some exceptions for foreign citizens and stateless persons.³⁷³ Persons living with HIV, based on the principle of non-discrimination, have all the rights and freedoms provided for all in Chapter Two of the Constitution - the right to life, judicial protection, education, physical and mental health and social protection, information, privacy and others.

In 2016, Tajikistan ratified the 'Political Declaration on HIV and AIDS: speeding up the fight against HIV and ending the AIDS epidemic by 2030'. In 2017, the Health Code was adopted, which in Chapter 24 pays attention to the issues of HIV treatment and prevention, and prohibits discrimination against people living with HIV (PLHIV) in all fields of life. It defines the rights of PLHIV in receiving free qualified and specialised medical care, including medication, in public healthcare institutions, and recognises the principle of voluntary HIV treatment, as well as confidential and voluntary medical examinations for HIV. PLHIV, upon disclosing their medical diagnosis of HIV, have the right to compensation for moral and material damage. Children with HIV under the age of 16 receive a food allowance, and parents or legal representatives of children born to mothers infected with HIV have the right to receive breast milk substitutes from the moment they are born until the time they are finally diagnosed with HIV, with the aim of further reducing risk of HIV infection.

Despite these progressive provisions in Tajik legislation, practice has shown that PLHIV unfortunately continue to be discriminated against in all spheres of life. The reasons for such discrimination are different, ranging from: false ideas/knowledge of the disease; low qualifications of doctors, judges, and law enforcement officers; low legal awareness in the general population including PLHIV themselves; gender stereotypes; contradictions between healthcare laws and criminal and administrative legislation; discriminatory provisions of the Criminal Code and the Code of Administrative Offences; new discriminatory by-laws adopted, which are better implemented in practice than laws; and generally weak law enforcement.³⁷⁴

The new National Programme also underlines the existence of barriers for creating an enabling environment to support the development of programmes for counteracting the epidemic, including the need for legislation to mitigate the high level of stigma and discrimination against people living with HIV and other key populations. Unfortunately, there is currently no single and comprehensive anti-discrimination law in Tajikistan.

The Criminal Code of the Republic of Tajikistan has a separate *corpus delicti* for HIV infections. In accordance with Article 125 of the Criminal Code, criminal liability is provided for the infecting of someone with HIV/AIDS, as well as for knowingly leaving someone at risk of being infected with HIV. At the same time, the legislation does not take into account exceptions in the form of informed consent of the other sexual partner (regardless of whether there was the risk of HIV infection), or whether the virus carrier is taking precautions.³⁷⁵ In addition, the legislation does not define the

³⁷³ Article 16 of the Constitution

³⁷⁴ HRC, Assessment of the legal and regulatory environment in the field of HIV/AIDS in the Republic of Tajikistan, February 2020, <https://hrc.tj/archives/325>; E. Maron, L. Aleksandrova. "Assessment of the Legal and Regulatory Environment in the Field of HIV/AIDS in the Republic of Tajikistan. Dushanbe. 2019r.

³⁷⁵ Such as wearing a condom.

form of warning a partner should take about their status. Thus, all persons living with HIV who have sexual intercourse can be prosecuted, thereby violating their right to sexual health. When a criminal case is initiated under this Article, the status of both the suspect and the victim is simultaneously opened.

Thus, the wording of 125 of the Criminal Code leads to the situation whereby law enforcement agencies initiate criminal cases only on the basis of endangering HIV infection and HIV infection. Article 125 has already become a 'routine Article' for law enforcement agencies. In 2018, and for four months of 2019, law enforcement agencies identified 138 cases of deliberate infection of people by HIV-infected persons. 33 criminal cases were initiated against 26 HIV-infected persons therein in 2018, and 39 criminal cases were initiated against 32 HIV-infected persons in 2019.

In addition, Article 162 of the Health Code gives doctors the right to disclose the status of HIV patients at a simple request from the investigating authorities without providing a justification for it. Some criminal cases under Part 1 of Article 125 were initiated after the AIDS Center disclosed information on HIV to law enforcement agencies. During the investigation and trial, the accused's right to confidentiality over their HIV status is not ensured because the investigators, officers, court clerks and judges are able to request medical information under provisions of the health code without conditions.

At a roundtable organised by the Public Organisation Human Rights Center (PO HRC) on December 1st 2020, dedicated to the problem of HIV criminalisation, one of the representatives of the PLHIV community in Tajikistan stated: *"One gets the impression that law enforcement agencies are fighting not the infection, but rather the PLHIV."*

Amendments to the Family Code, adopted as a Government Decree on August 23rd 2016 (No.374), violate the right of PLHIV to voluntariness and confidentiality of HIV testing. In particular, the amended Article 14 now requires every future spouse to submit to a compulsory medical examination as a mandatory condition for marriage, and this was. The rules indicate that the examination includes, among other things, an enzyme-linked immunosorbent test (HIV/AIDS) and the couples must be familiarised with the results of each other's examination. Without a medical document proving such examinations, the registry office does not have the right to register a marriage.³⁷⁶ This requirement violates the right to privacy of everyone who wishes to marry. For PLHIV and other persons who have the disease Hepatitis B, C, drug addiction, in case of refusal to voluntarily disclose information about their disease to a partner, a medical certificate is not issued, so the marriage shall not be registered. A medical certificate is also not issued to persons who have drug addiction, Hepatitis B and C, mental illness, until they are cured and pose a threat to the life and health of another person who is getting married. Treatment is carried out at the expense of patients and after treatment they must undergo a repeated examination.

In turn, Articles 119 and 120 of the Code of Administrative Responsibility of the Republic of Tajikistan provide for an administrative penalty in the form of a fine for refusing to have mandatory medical examinations and HIV treatment, as well as for concealing the source of HIV infection, which is a significant barrier for PLHIV to receive ARV therapy.

There is a free legal hotline for these groups at the PO HRC. Over the period from November 2018 to December 2019, 167 calls were received by the hotline, of which 67 were from men and 100 from women. From January to December 2020, 415 calls were received, 163 from men, 214 from women,

³⁷⁶ REPORT FOR THE UNIVERSAL PERIODIC REVIEW FROM THE NGO RULE OF LAW AND ACCESS TO JUSTICE NETWORK. 39th session of the UPR Working Group, October-November 2021

and 38 from government agencies. The calls were associated with various violations of rights against PLHIV.

In 2019 to 2020, legal assistance was provided for cases such as:

- 11 initiated criminal cases under Part One of Article 125 (deliberate exposure to the risk of HIV infection);
- Two criminal cases under Part Two of Article 125; and
- Three criminal cases under Part Three of Article 125.

Most of the criminal cases were brought against women. Many of the calls to the hotline are by the employees of public organisations who work directly with communities. They complain that police officers detain them, demanding them to disclose the status of all their beneficiaries with whom they work on adherence to HIV treatment, and threaten to initiate a criminal case against them under Part One of Article 125 of the Criminal Code of the Republic of Tajikistan. They also demand to write receipts stating that they undertake not to infect HIV, which means for them not to have an intimate relationship.

In 2019, the PO HRC conducted an analysis of the criminal procedure legislation of Tajikistan. Within the framework of this analysis, law enforcement practice was also taken into account in connection with which 13 criminal cases under Article 125 were covered. The analysis revealed the following problems:

- When considering cases under Part One of Article 125, there is a lack of direct evidence. The accusation is based not on facts, but on the words of a person, which are often impossible to verify. As a rule, the court takes the side of the one who was put at risk.
- Another difficulty comes from prejudice and poor awareness. For example, in Tajikistan, representatives of the local judicial system do not yet have a complete understanding of the characteristics of the disease, and regularly do not distinguish HIV from AIDS. There is no Resolution of the Plenum of the Supreme Court on such categories of cases that would explain to the courts what is meant by putting under the risk of HIV. Guidelines for these categories of cases to prosecutors have not been adopted.
- At the first medical examination for HIV after determining a positive diagnosis in accordance with the guidelines for diagnosis, treatment and dispensary observation for HIV infection (for adults and adolescents) requires infected persons to sign a paper stating that they have been warned of criminal liability for infecting another person with HIV. The fact that a person is aware of their HIV infection does not necessarily imply that they are also aware of the ways of passing of the virus. As PLHIV themselves note, in practice they are faced with low quality of information before and after the test consultation, or lack of it. As a rule, the signing of documents often occurs after people learn about their incurable disease for the first time when they are in state of confusion or shock. The issue of adapting a HIV-positive person to their own diagnosis is very acute. In other countries, there is practice on how to show the partner their HIV-positive status. Among the proposed forms are a statement, a verbal announcement in the presence of witnesses or a doctor, in a self-help group. At the same time, these recommendations are not stipulated anywhere in the legislation of Tajikistan, and their implementation is difficult due to psychological barriers. Psychological services are not provided free of charge at HIV/AIDS centers.
- The right to receive documents (resolution on the initiation of a criminal case, indictment, sentence and others) of criminal proceedings in a language accessible to the accused and convicted, in particular in Russian and Uzbek, is violated. The right to testify in an accessible language for Russian-speaking and Uzbek-speaking suspects and detainees is also being violated. Translators are not present during the inquiry, and the suspects are forced to sign

explanations recorded from their words in Tajik on their behalf. The indictment is not served in a language accessible to the accused in accordance with Part One of Article 250 of the Criminal Procedure Code of the Republic of Tajikistan.

- State lawyers who are involved by investigators in fulfilling their duties to protect PLHIV are reluctant, or because of ignorance of HIV, and they overlook many important points.
- Most cases under Part One of Article 125 are initiated according to the data of the HIV/AIDS centers without signs of a crime, but only on the basis of information about the HIV disease. Patients with HIV are called to the interrogator, and they are openly asked: "Who are you sleeping with?" This is also facilitated by Article 162 of the Health Code, which allows doctors to disclose a patient's HIV diagnosis at the request of the investigating authorities without any conditions.
- Attention is drawn to the fact that only two criminal cases out of 13 were initiated on the basis of the victims' statements. Eight out of 13 criminal cases are private prosecution cases under Part One of Article 125, which are initiated in the presence of claims from victims. The study of all 13 sentences showed that under Part One of Article 125, nine victims and under Part Two of of Article 3 of the victims had no claims against the convicted. In 2018, there were no criminal cases terminated by the courts on the basis of Articles 72-75 of the Criminal Code (exemption from criminal liability in connection with reconciliation with the victim, sincere repentance, etc.), which is provided by the Criminal Procedure Code for Part One of Article 125. Despite the fact that in one of the cases the so-called victim in court declared: *"I have no complaints against the defendant, I love her, please set her free."* As a result, the court pronounces a sentence of one year and two months in prison. The cassation and supervisory instance courts did not find any irregularities or omissions in the trial.
- According to Part Three of Article 24 of the Criminal Procedure Code, cases under Part One of Article 125 are initiated upon the claim of a person who has suffered from a crime. In the event of reconciliation of the person who suffered from the crime with the accused, and compensation for the harm caused to the victim, the proceedings are terminated. According to Article 147 of the Criminal Procedure Code if the case is of particular public importance or if the victim is in a helpless state, dependent on the accused or for other reasons is unable to defend their rights and legitimate interests, the prosecutor has the right to initiate a criminal case even in the absence of a victim's statement. But unfortunately, the legislation does not provide an explanation of the wording 'special public importance' and the prosecutors interpret it based on their personal understanding. There were cases when criminal cases were initiated under Part One of Article 125 by the police without a victim's statement, and the courts did not pay attention to this.
- Complaints against the verdict of the first instance in accordance with the norms of the Criminal Procedure Code are submitted through the court of first instance, and the judge who passed the verdict, who is appealed, prepares the case and the complaint and sends it to the higher cassation court. The supervisory appeal is considered by the same court as the cassation appeal, only in a different composition of judges, but in essence it is the same court. Accordingly, there is a risk that the court will not be objective in this matter and will not take a positive decision on the complaint against itself. In this connection, lawyers repeatedly apply in a supervisory manner to the Supreme Court of the Republic of Tajikistan, which delays the consideration of complaints.
- There is a lack of coordination between the doctors of HIV/AIDS centers and temporary detention centers, which leads to the fact that PLHIV do not have access to Antiretroviral Therapy (ARVT) drugs, which entails a violation of their right to health.
- In cases involving people who inject drugs, and at the same time have been participants in the opioid substitution therapy programme for many years, the courts additionally prescribe compulsory drug addiction treatment under Article 101 of the Criminal Procedure Code, without clarifying how it can harm the convict and what is opioid substitution therapy.

According to Article 194 of the Health Code, substitution therapy is considered to be one of the types of assistance, and Article 101 of the Code of Criminal Procedure also contradicts the Article 203 Health Code. It states that compulsory treatment is applied by a court verdict to persons who have committed a crime, including persons who have committed administrative offenses and who at the same time need treatment for a confirmed neurological illness, when they refuse voluntary treatment. But in our case, our beneficiaries do not refuse substitution therapy, which is an alternative treatment, as it is stated in Articles 194 and 197 of the Health Code.

- Attention is drawn to the fact that in Tajikistan there are more children infected with HIV via an unknown route than children infected with HIV via the vertical route. Moreover, the Ministry of Health is not taking the necessary measures to find out how children are infected. When a child is diagnosed, when both parents are healthy, doctors at HIV/AIDS centers do not send information to prosecutors for proper investigation. Moreover, in the proceedings of the PO HRC there is a case where a lawyer defends the interests of a girl, currently ten years old, who was infected when she was 20 months old. The case has already been initiated for several times and terminated due to lack of evidence. The lawyer petitioned for a re-examination, request for information about the donor, the plasma that was transfused to the girl, and other investigative actions that enable a high-quality investigation. But this petition was never approved, and the case was again terminated. Unfortunately, the judicial practice does not have any positive precedents yet. But if the fact of HIV infection in state medical institutions is proven, the state will be obliged to pay benefits to PLHIV for a lifetime, as well as compensate for material and moral damage, and provide them with housing.

In addition to problems with access to justice in the criminalisation of HIV, PLHIV also face social problems, which can be expressed in the absence of implementation of the principle of rule of law.

Thus, the Health Code provides for the right for parents of children born to mothers with HIV to receive breast milk substitutes from the moment of their birth until the time they are finally diagnosed with HIV. Statistics show that cases of HIV detection among children born to HIV-infected mothers in 2017 were 60 children, 53 children in 2018, and 45 children in 2019.³⁷⁷ There is also a problem with the realisation of this right, when not all parents of children born to mothers with HIV have access to breast milk substitutes. This is due to the fact that the mechanism for implementing this norm has not yet been developed, funding is not provided in the state budget, and funds for these needs are not always allocated from the local budget.

Government Resolution No. 232 dated May 10th 2010 provides for the issuance of benefits for children with HIV up to 16 years of age. There are bureaucratic mechanisms for granting benefits, from the moment of filing an application until its permission, which can take more than a year, the parents of children are forced to provide information to local authorities that the children are alive and while the information is being checked the issuance of benefits is suspended.

Resolution No. 475, dated September 25th 2018, defines the List of Diseases, which subsequently does not give people living with HIV the right to study in educational medical institutions, nor the right to adopt a child, be their guardian or custodian.

³⁷⁷ The national programme to combat the HIV/AIDS epidemic for the period 2021-2025 was approved by Government Decision 50 of 27 November 2020.

The Health Code provides for free treatment and examination of all types of medical and drug assistance in public health institutions. However, in practice, except for ARV therapy, all other services are paid for by patients, and in practice this norm practically does not work.

A HIV test is also required for employment, even when opening a retail outlet for small entrepreneurs, and there is a practice of refusing to hire a HIV-positive person. PLHIV do not appeal against this illegal practice for fear of disclosing their status, since PLHIV mostly live in small areas, villages where everyone knows each other and it is impossible to keep information about the disease a secret.

In labour relations, when hiring and subsequently when working, according to the Labour Code and other by-laws of the Republic of Tajikistan, an HIV test is required only for medical workers in the surgical field (including surgeons, dentists, obstetrician-gynecologists, etc.); those working in blood transfusion services; specialists in infectious diseases; and departments in which there is an increased risk of infections.

In practice, this requirement is not observed and the HIV test in particular, and the results of medical examinations in general, is demanded in the hiring process for any type of work and position, even when opening a retail outlet for small entrepreneurs. There are cases of refusal to hire a HIV-positive person. PLHIV do no appeal against this illegal practice for fear of disclosing their status, since they mainly live in small settlements, where everyone knows each other and it is difficult to keep information about the disease a secret.

In 2019, the Government tested children for HIV in schools in pilot districts. The testing took place while parents were not present, mandatory consulting was not provided before and after the test, and the result was disclosed to the school administration. There were even statements regarding the exclusion of a child from school due to their positive HIV status.

Representatives of civil society regularly communicate with various state bodies to improve the situation with the rights of PLHIV in Tajikistan. Civil society has proposed amendments to the new Criminal Code, which is currently being developed by a working group approved by the decree of the President of the Republic of Tajikistan. The proposals are aimed at decriminalising the first part of Article 125 of the Criminal Code. The good news is that the working group on the development of the new Criminal Code has included a footnote to Article 125, which provides for the exemption from criminal liability of HIV-positive people in the case of the informed consent of the sexual partner.

In addition, within the framework of advocacy activities, work is underway to develop a draft Resolution of the Plenum of the Supreme Court of the Republic of Tajikistan on the consideration of cases related to the criminal prosecution of PLHIV, including an explanation of Article 125. The Supreme Court has already analysed about 100 court cases, which were considered over the period 2018-2020.

Also, as it was noted above, the National Programme was adopted and it has already been approved by the Resolution of the Government No. 50 (dated November 27th 2020). According to the recommendations of the civil society, all the problems mentioned above were also included in this programme. We hope that all the initiatives undertaken by the civil society will result to an improvement in the situation with the observance of the rights of PLHIV in Tajikistan.

In this connection, the following recommendations for solving problems are offered:

On the criminalisation of HIV:

- To decriminalise Article 125, and to criminalise and prosecute only for intentional HIV infection within the framework of the general article causing harm to health of moderate severity;
- To people living with HIV in cases related to HIV infection, to provide obligatory participation of a lawyer in criminal cases at the expense of the state;
- It is advisable to clarify the issue of protecting the confidentiality of the diagnosis and provide that in order to obtain data on the state of health and HIV status, a petition from the prosecutor and a court order is required. For this, appropriate amendments should be made to the Law on Operational-Investigative Activities and Articles 49 and 162 of the Health Code, expressly indicating that data constituting a medical secret can be disclosed to the bodies of inquiry or investigation only with the approval of the court;
- Exclude compulsory treatment for PWID as an additional measure of punishment, amend the Criminal Code with the possibility of prescribing alternative treatment for PWID, instead of compulsory treatment. Include in the Criminal Code or Criminal Procedure Code the concept of alternative treatment and the procedure for its appointment;
- Given that there are many myths and stigmatising attitudes regarding HIV, people living with HIV and those affected by the epidemic, it is imperative to ensure regular training of police officers, prosecutors and judges on HIV, including the latest scientific and medical data on HIV infection as a chronic disease, risk of transmission, effects of antiretroviral therapy and precautions, etc., and the importance of maintaining confidentiality of diagnosis and privacy;
- To develop and adopt the Resolution of the Plenum of the Supreme Court on cases related to Article 125, taking into account modern scientific advances in HIV treatment before the abolition of this article; and
- For investigative bodies and prosecutors to develop instructions for conducting criminal cases under Article 125, as well as oversight in HIV prevention.

For voluntary HIV testing:

- Given the concentrated nature of the HIV epidemic in Tajikistan, replace the mandatory medical examination for HIV of persons entering into marriage with voluntary and confidential HIV testing, and with the provision of pre- and post-test consulting;
- To reform all legislation, taking into account the observance and non-discrimination of the rights of PLHIV; and
- To strengthen the responsibility of doctors, medical personnel, and government officials, who have access to information on the presence of HIV, regarding the disclosing of confidential information without any connection with aggravating consequences and for refusing medical care and services.

On issues of violation of other rights of PLHIV:

- Adopt the Government Resolution on the issue of infant formula for children born to HIV-infected mothers, and provide funding for these purposes, both in the local budgets of Tajikistan and at the state level in the case of subsidised financing of subsidised districts;
- Simplify the procedure for granting benefits to children with HIV and amend the Health Code, increasing the age of children eligible for benefits to 18 years old;
- To terminate the widespread practice of HIV testing upon admission to school, vocational educational institutions and upon employment in all types of work; and
- The Ministry of Labour will strengthen its work with employers on the observance of safety measures at the workplace, including clarifications on HIV prevention and prohibition of discrimination against PLHIV.



11. Conclusions and recommendations

By Adam Hug³⁷⁸

Tajikistan's dissent into full authoritarianism has taken place gradually, but inexorably since the end of the Civil War as the President has consolidated power into his own hands and those of his family and close associates. The limited freedoms and political competition of the immediate post-war era have given way, particularly since 2014, to a brutality that seeks to repress dissent, irrespective of how minor or impotent, with overwhelming force that can destroy wider families and communities. Tajikistan now finds itself close to the bottom of the global freedom rankings for political competition, civic space, media and religious freedom as the regime has effectively deployed its multi-track approach of 'suppress, acquiesce and incorporate' to neutralise alternative voices. It is also the least economically developed country in Central Asia and on some measures the 22nd poorest country in the world.³⁷⁹ So there are real challenges about deciding whether, when and how to engage with the country (and therefore the regime), which come with difficult trade-offs for those involved, where development and human rights imperatives do not always align in the short-term.

This publication does not have a magic answer to resolve these tensions, particularly as the scope for international leverage is more limited than even in some of Tajikistan's neighbours. It lacks Uzbekistan's and Kazakhstan's desire for international recognition or their opportunities for investment, and the civic space that is narrowing but still remains in Kyrgyzstan has almost

³⁷⁸ Adam Hug became Director of the Foreign Policy Centre (FPC) in November 2017. He had previously been the Policy Director at the FPC from 2008–2017. His research focuses on human rights and governance issues, particularly in the former Soviet Union. He also writes on UK and EU foreign policy. *Image by Kalpak Travel under (CC).*

³⁷⁹ Avery Koop, Mapped: The 25 Poorest Countries in the World, Visual Capitalist, April 2021, <https://www.visualcapitalist.com/mapped-the-25-poorest-countries-in-the-world/>; Tajikistan's position is slightly better when it is ranked by purchasing power parity.

completely closed in Tajikistan. This does not mean however that there is nothing that can be done to help respond to the retreating rights situation in Tajikistan.

Firstly, as the contributions from Larisa Alexandrova, Dilbar Turakhanova, Xeniya Mironova, Favziya Nazarova and Nigina Bakhrieva show there is still some difference between ‘almost completely closed’ and closed. Some areas remain where limited, incremental change can be made (even case by case) by human rights NGOs working in hugely challenging circumstances, provided they do not directly stray into addressing the fundamental issues of political power in the country. It is not unreasonable to believe that there may continue to be scope for limited progress in chipping away at Tajikistan’s endemic problems with domestic violence; or that local advocacy can help address certain issues around torture and mistreatment (in cases without a significant political dimension); and that concerted international protest, particularly when supported by Western Embassies, can sometimes push the regime to reverse itself as they did in the case of Khairullo Mirsaidov or Sharoffidin Gadoev.³⁸⁰

Some authors in this collection point out areas for potential reform including: publishing and debating town masterplans; abolishing the *propiska* registration system; providing greater support for women in employment and seeking to be involved in public office;³⁸¹ removing compulsory medical examinations for those seeking to get married and the widespread requirement for HIV tests for employment; improving treatment for torture victims and educating the police and security services about the impact of torture; and many other pragmatic and incremental suggestions made in detail in their essays. While it still may be very much an uphill struggle to achieve even these modest objectives it is not entirely fanciful to believe it may be possible for some of them to be achieved, at least in part. However, clearly there is only so much that can be done by local groups on the ground given the general state of Tajikistan’s civic space.

When it comes to international involvement on the ground careful thought must always be given as to whether the local presence is able to deliver quantifiable outcomes that directly improve the lives of local people in a way that goes over and above the compromises needed to obtain access. Tajikistan’s particular history gives it a higher legacy presence of NGOs and media outlets than the current level of repression would normally allow, given the approach of a government that has provided the option of self-censorship as an alternative to being forced out. However, international presence should not be simply maintained for its own sake, on the basis of the Micawber principle that ‘something will turn up’, if the same organisations and funding could instead be more active in providing support to the people of Tajikistan from outside the country.

Where development outcomes are clearly identifiable and money is able to bypass state systems as much as possible, albeit recognising the penetration of the ruling elite across all sectors of society, a clear rationale for continuing such work exists. However, there would seem to be a strong case for reviewing funding mechanisms that provide budget support under normal circumstances to the Government of Tajikistan, given that efforts at capacity building come with huge risks of corruption (either directly or by freeing up other funding that can be used for corrupt ends).³⁸²

There are a particular set of questions here for the International Financial Institutions (IFIs), notably the World Bank, European Bank for Reconstruction and Development (EBRD) and the Asian Development Bank that have explicit responsibilities in relation to supporting good governance, democracy and human rights. Given the extent of the regime’s penetration of the private sector it is extremely challenging to find local partners that are truly able to be independent. For example, in

³⁸⁰ Realistically this in cases without a link to the IRPT.

³⁸¹ Bluntly given the nature of politics in Tajikistan the quotas for women candidates proposed by Dilbar Turakhanova could be achieved by amending the party rules of the People’s Democratic Party of Tajikistan without the need to formally enshrine this in law.

³⁸² Excluding emergency COVID-related relief.

2018 the chief executives of EBRD's local partners Arvand Bank and Imon International, institutions with comparatively good local reputations, were forced to quit in moves seemingly aimed at reducing competition with family controlled alternatives.³⁸³ Similarly, partnerships with the state and municipalities, including Rustam Emomali's Dushanbe, create significant challenges around potential cronyism and the displacement of other funds to corrupt ends even if the projects themselves are well managed. If the IFIs are going to continue to invest in Tajikistan, something that should itself potentially be reconsidered except for projects with urgent development outcomes, there needs to be greater conditionality that relates to wider governance and human rights reforms beyond the scope of specific projects.

There is scope for IFIs and major donors to improve consultation with local and international civil society about where the benefits of such projects can outweigh their drawbacks, including the risk of further legitimating the regime. There is a strong case for undertaking a further review of all IFI spending in Tajikistan, particularly schemes that involve close collaboration with or direct funding of state structures.³⁸⁴ At a local level, as Shoira Olimova argues, it is important to make sure information is available in Tajik about all major donor funded projects to improve accountability and to increase the overall amount and detail of project information that is made publically available. Also there is a need for greater support for local NGO-led initiatives such as the 'Early Warning System' that help to improve local transparency and accountability.

Similarly, international efforts to support Tajikistan's security sector need to be considered in the context of the systemic brutality applied by the security services to critics of the regime. The West should try to use what little political capital it has to try to address the root causes of radicalisation, in particular the governance of the country, rather than merely treating the symptoms in a way which may help strengthen institutions that can themselves generate resentment and instability. However, there may be an alternative role, and opportunities, for security cooperation through OSCE border assistance in the context of the border between Tajikistan and Kyrgyzstan, though CSTO involvement may be preferred in Dushanbe.

While Russia and China remain far and away Tajikistan's most important international partners, Tajikistan is conscious of the need (as other Central Asian powers are) not to become totally reliant on either or both of them. Tajikistan's desire to maintain at least a semblance of a multi-vector foreign policy does provide some limited opportunities for other players to have influence at the margins.

At present negotiations to 'enhance' the existing EU-Tajikistan Partnership & Cooperation agreement remain stalled, despite a decision on formally opening talks being due since the second half of 2020.³⁸⁵ Given the grim situation on the ground in Tajikistan it would make sense for this process to remain on pause, not least because due to the state of repression any eventual deal would likely struggle to pass a European Parliament that has been rightly more willing to flex its muscles and block the ratification of deals with more egregious human rights abusers in recent years. The EU has also had initial discussions with Tajikistan over membership of its special incentive arrangement for Sustainable Development and Good Governance (GSP+) that supports vulnerable developing countries who have ratified 27 international conventions on human rights, labour rights,

³⁸³ RBRD, Faizobod water and wastewater project, May 2021, <https://www.ebrd.com/work-with-us/project-finance/project-summary-documents.html?1=1&filterCountry=Tajikistan>; Eurasianet, Breaking Tajikistan's banks: The north falters as ruling family cements position, April 2018, <https://eurasianet.org/breaking-tajikistans-banks-the-north-falters-as-ruling-family-cements-position>

³⁸⁴ The World Bank, Projects Tajikistan, https://projects.worldbank.org/en/projects-operations/projects-list?lang=en&countrycode_exact=TJ&os=0

³⁸⁵ European Commission, New EU-Tajikistan partnership & cooperation agreement – authorisation to open negotiations, June 2020, <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12389-Authorisation-to-open-negotiations-and-negotiate-an-Enhanced-Partnership-and-Cooperation-Agreement-with-Tajikistan>

environmental protection and climate change, and good governance.³⁸⁶ While Tajikistan has a quite good record of signing up to international treaties its compliance with them has been woeful. Taking significant steps towards resolving that compliance failure should be a prerequisite for bringing the country into the scheme.

Tajikistan would seem not to be top of the priority list in Central Asia for the UK to convert the existing EU Partnership and Cooperation Agreement into a bilateral arrangement (as it has with Uzbekistan). However, the UK should consider what benefits such a formal framework would bring and ensure that existing EU-Tajikistan human rights provisions are mirrored rather than dropped in any bilateral arrangement. As with the EU it should not seek to develop an agreement with enhanced benefits for Tajikistan without significant changes on the ground. Given Tajikistan's position at or near the floor of most international human rights rankings there are strong arguments in favour of adding Tajikistan to the UK's list of Human Rights Priority Countries, a list which currently contains its neighbours Uzbekistan and Turkmenistan.³⁸⁷

Though the US Government is not overburdened with good options when it comes to exploring post-Afghanistan bases in Central Asia (for the purposes of them continuing to provide external security assistance to that country), Tajikistan would not seem to be the right fit. This is not only for reasons of human rights and governance but on the basis that both Russia and China already have a military presence on the ground in the country.

As noted in the introduction, the previous leaders of the OSCE's human rights mechanisms were blocked from reappointment by Tajikistani opposition to their candidacies, but the fear that this may happen again must hopefully not influence the decision-making of their successors. It is important for the OSCE, both institutionally and its member states, to actively stand up for the rights of citizens of Tajikistan to speak openly at ODIHR's Human Dimension conference without fear for their safety or for that of their families. Similarly, with Tajikistan due for its Universal Periodic Review (UPR) on November 4th 2021, proactive measures will need to be taken to ensure activists are able to engage fully with the UN process.³⁸⁸ International partners should consider using the UPR as a stepping off point to push Tajikistan hard on a more narrowly targeted set of priority issues, cherry-picking from the smorgasbord of issues usually raised by countries through the mechanism.

Finding ways to tackle corruption in Tajikistan are central to assisting both with the country's development challenges and for any hope of reforming its system of governance. While efforts at reform on the ground will be hampered by the role played by 'the family' across political and economic life, international action may still be able to help. Although, as noted in the introduction London is not a major focus of illicit Tajik funds, there is still more that needs to be done to prevent the UK's overseas territories being a conduit for opaque company formation linked to key Tajik players. However, there should be scope for both the UK and US to consider using Magnitsky sanctions, either through the human rights or corruption routes, and other mechanisms to tackle those responsible for abuse in Tajikistan. On the face of it, given the wider corruption and civil society context, the decision of the Extractive Industries Transparency Initiative (EITI) to lift Tajikistan's suspension in January 2020 seems baffling.³⁸⁹

³⁸⁶ Tajikistan is already a participant in the EU's basic 'Generalised scheme of preferences' providing easier market access for developing countries.

³⁸⁷ FCO and FCDO, Corporate report: Human rights priority countries: ministerial statement, January to June 2020, Gov.uk, November 2020, <https://www.gov.uk/government/publications/human-rights-priority-countries-autumn-2020-ministerial-statement/human-rights-priority-countries-ministerial-statement-january-to-june-2020>

³⁸⁸ United Nations Human Rights Council, Universal Periodic Review, <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

³⁸⁹ EITI, The Board agreed that Tajikistan has made meaningful progress overall in implementing the 2016 EITI Standard, January 2020, <https://eiti.org/board-decision/2020-02>; Or perhaps put more charitably they have taken a somewhat narrowly focused assessment of their formal criteria than might have been merited given wider circumstances.

Oleg Antonov, Edward Lemon and Parviz Mullojonov note in their essay there is a need for caution when engaging with Tajikistan's universities given the extent of pressure potential local partners are under. They argue that faced with this situation, external academic partners should engage selectively and raise human rights concerns, using an approach of critical engagement.³⁹⁰ This is of particular relevance given the context in which those in the education system are forced or induced to participate in the organised trolling of political opponents.

When thinking about the 'Factory of Answers' there is more that social media providers can be doing to support victims of state organised trolling and smear campaigns, including the targeting of those based in the diaspora. This includes finding ways to expand access to moderation in Tajik, identifying fake accounts, improving internal redress mechanisms to enable victims to receive swifter action, (particularly for those who have been victims of repeated abuse) and improving sensitivity to the use of sexual smears and other tactics particularly targeted at women. Donors need to consider what additional support can be given to victims of such targeting including psychosocial support and assistance with documenting cases of abuse.

Western countries need to do a better job in responding to the needs of Tajiks seeking refuge from pressures at home. The Poland-Belarus border, that can be reached by travel overland from Russia, has been a significant source of problems with Tajiks being prevented, sometimes for months, from crossing into Poland to claim asylum and subsequently being deported from Belarus back to Tajikistan once the security services had caught wind of what was going on.³⁹¹ The case of Hizbullo Shoalizoda, deported from Austria unlawfully according to the belated ruling of its Supreme Court, highlights the clear need for Interior Ministries and Immigration Services in these countries to properly understand the human rights situation in Tajikistan, particularly the ways in which claims of 'extremism' are used to target political opponents and how it has abused Interpol's red notice system in the past. While recognising that general rules on family reunification are getting tighter in a number of countries, including the UK, it is important that Western Governments are fully aware of the pressures that family members of activists can face and they need to find new ways to allow relatives to join those in exile when families themselves are targeted. There also needs to be greater recognition amongst European asylum systems about the dangers posed, even for ordinary citizens, in returning to Tajikistan, particularly when the person is religiously observant.

Western security services need to be aware of the ways in which Tajikistan works extra-territorially to apply pressure and target those in the diaspora. This includes not only the well-documented cases of violence committed against exiled activists, but the ways in which pressure is put on other members of Tajikistan's diaspora (often by pressuring their families back home) to harass those activists.³⁹² Though stretching somewhat beyond the scope of this publication, it is clear that efforts need to be redoubled to attempt to restore Russia's (previously patchy but now dramatically reduced) compliance with its obligations to the European Court of Human Rights, particularly as it relates to respecting Rule 39 interim measures to halt cases of the rapid deportations of Tajiks in breach of Russian and international law.

³⁹⁰ See also John Heathershaw and Edward Schatz, *Academic freedom in Tajikistan endangered: what is to be done?* openDemocracy, February 2018, <https://www.opendemocracy.net/en/odr/academic-freedom-in-tajikistan-endangered/>; Here also are two articles that put forward the case for continuing broader local engagement. Karolina Kluczewska, *Academic freedom in Tajikistan: western researchers need to look at themselves, too*, openDemocracy, February 2018, <https://www.opendemocracy.net/en/odr/academic-freedom-in-tajikistan/>; Malika Bahovadinova, *Academic freedom in Tajikistan: why boycotts and blacklists are the wrong response*. openDemocracy, February 2018, <https://www.opendemocracy.net/en/odr/academic-freedom-in-tajikistan-boycotts/>

³⁹¹ See Adam Hug (ed.), *Closing the Door: the challenge facing activists from the former Soviet Union seeking asylum or refuge*, FPC, December 2017, <https://fpc.org.uk/publications/closing-the-door/>

³⁹² Exeter University Central Asian Studies Network, Central Asian Political Exiles (CAPE) database <https://excas.net/projects/political-exiles/>

So overall Tajikistan, after almost 30 years of independence, finds itself in a very difficult place, combining extreme poverty with a political system that brooks no dissent and a civic space that has dramatically shrunk. Western international actors have limited opportunities to influence the situation in a positive direction, but it is important that they seek to use what leverage they have to resist further backsliding and put pressure on the regime to curb its excesses. Money remains the most important lever, whether that is looking at what more can be done to condition or review international aid, investment and lending, or taking action where corrupt financial flows from the Tajik elite penetrate the international financial system. Beyond the country there is a lot more to do to protect activists in exile from harassment and extradition by a regime that does not see national borders as a barrier to its repression.

Recommendations

In light of the research and analysis set out in this publication, this author seeks to make a number of possible recommendations for action.³⁹³

For the Government of Tajikistan

There are a great many areas where the Government of Tajikistan needs to reform to comply with the international commitments it has signed up to, far more than can be reasonably included here. However, below is a broad selection of some of the things that it should seek to do. It should:

- End the harassment of regime critics at home and abroad and the use of torture in its penal and criminal justice systems;
- Remove the sections of the criminal code that prohibit the ‘insult’ of the President and public officials;
- Limit the application of anti-extremism legislation to widely recognised violent groups and individual acts of violence, preventing its abuse against political opponents;
- Address widespread corruption at the heart of the state and take steps to reduce conflict of interest for state officials;
- Restore political pluralism by allowing independent parties to register, lowering signature requirements to stand for public office, while allowing independent candidates to stand;
- Reform the office of the Ombudsman and create new independent mechanisms for investigating torture and abuse of power by police and security officials;
- Improve training for investigative bodies on conducting investigations of torture and ill-treatment and develop a comprehensive rehabilitation programme for torture victims with a particular focus on women;
- End mandatory medical examination for every citizen seeking to get married and the use of HIV tests as a *de facto* requirement for many jobs and for access to education;
- Cease the blocking of websites of independent news outlets and citizens groups;
- End the *propiska* system of internal movement registration and restrictions;
- Make the General Plans of Dushanbe and other cities more accessible and involve citizens in their development;
- Reform and expand the listing process for properties and areas of architectural and heritage value with input from local citizens;
- Develop measures to promote women’s participation in employment and public office; and
- Tackle domestic violence, sexual harassment and abuse of the LGBTQ community.

³⁹³ While some of these recommendations build on the analysis and suggestions made by individual essay contributors they are the sole responsibility of the publication’s editor. He is extremely aware that some of the recommendations to the Government of Tajikistan, particularly the initial requests, are somewhat aspirational in nature given the current circumstances.

For Western Countries and international organisations

They should seek to:

- Review investments by IFIs and aid schemes that provide budget support to the Government of Tajikistan;
- Implement Magnitsky sanctions and other anti-corruption measures against those in the system responsible for human rights abuses and graft;
- Provide better support for victims of state organised trolling campaigns and urge social media companies to improve content moderation in Tajik and streamline complaints procedures;
- Pause EU efforts to create a new Enhanced Partnership and Cooperation Agreement and to add Tajikistan to the GSP + scheme;
- Add Tajikistan to the UK's list of Human Rights Priority Countries; and
- Improve access to asylum and temporary refuge for Tajiks at risk, including measures to assist family reunification where the relatives of activists have been targeted for abuse.

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