



*The November presidential elections, in which incumbent President Rakhmonov secured his hold on power, were characterized by a lack of genuine choice. © OSCE/Crozier*

Longtime Tajik President Imomali Rakhmonov secured his hold on power in the November 2006 elections characterized by a lack of competition and meaningful choice for voters. As none of the country's major political opposition parties took part in the elections, the election campaign was largely invisible and did not feature any real debate about political alternatives.

The inability of the political opposition to challenge the incumbent president reflected its weak and marginalized position, resulting from a persistent crackdown pursued by the government in recent years, as well as internal strife and divisions. The media landscape continued to be strictly controlled by the government, and there was little space for independent reporting.

Due process violations and widespread use of torture and ill-treatment remained major problems, and draft laws on NGOs and religious practice under consideration in parliament gave rise to serious rights concerns.

Although notable progress has taken place in terms of economic and social reconstruction in the country in the past decade, there was still a strong legacy of the 1992-1997 civil war, in which at least 40,000 people died and nearly a million were displaced to neighboring countries. As a result of pervasive poverty, as many as one million of the country's seven million citizens were estimated to be working abroad, primarily in Russia.

According to the Tajik constitution, international treaties to which Tajikistan is a party are an integral part of the country's legal system and are to be given priority over national legislation. The application of this provision was, however, limited and the Constitutional Court rarely reviewed the conformity of domestic legislation with international human rights law.

### **Elections**

In the 6 November presidential elections President Rakhmonov won more

than 76% of the vote, with his closest opponent winning only 7%.<sup>1</sup> Amendments to the constitution adopted in 2003 allowed Rakhmonov to stand for re-election although he had already served two full terms.<sup>2</sup>

An OSCE mission monitoring the elections concluded that they were characterized by “a lack of genuine choice and meaningful pluralism.”<sup>3</sup> The country’s major opposition political parties, including the Islamic Revival Party (the only legal Islamic party in post-Soviet Central Asia), did not participate in the elections and none of the candidates challenging the incumbent president offered any real choice to his policies. Thus, there was almost no political debate among candidates during the election campaign. The country’s state-controlled media provided extensive coverage to President Rakhmonov (see also the section on freedom of expression and free media, below).<sup>4</sup>

The elections were conducted in a calm and peaceful atmosphere, but numerous irregularities were reported on election day, including widespread proxy and multiple voting, as well as counting procedures in violation of international standards.<sup>5</sup>

### **Right to life**

A moratorium on the death penalty introduced in 2004 remained in force, and there were no prisoners on death row as all death sentences in force at the time of the entry into force of the moratorium were commuted into prison sentences in 2005.<sup>6</sup>

However, the death penalty had yet to be fully abolished. The IHF and the Bureau on Human Rights and the Rule of Law (BHRL) called on the Tajik government to ratify and implement the Second Optional Protocol to the International Covenant on Civil and Political Rights, which prohibits the death penalty, as a matter of priority.<sup>7</sup>

Prison conditions for long-term prisoners remained of concern.

### **Right to liberty and security**

National legislation regulating the arrest and detention of persons had serious deficiencies, and human rights violations were frequently reported in connection with arrest and detention procedures. It was of particular concern that the law did not require that the exact time of the arrest of a person be registered, and in practice several hours, or even days, could elapse from the time of de facto arrest until an arrest record was drawn up. The BHRL registered a considerable number of cases in which such violations took place.

When examining the record of Tajikistan, the UN Committee against Torture (CAT) expressed concern that the lack of a legal obligation to promptly register detainees also resulted in restrictions of detainees to enjoy access to legal counsel, doctors and relatives in the period immediately following arrest.<sup>8</sup>

According to government representatives, due consideration would be given to amending legal provisions on the conduct of arrests during the ongoing process of amending the criminal code.

### **Torture and inhuman treatment**

In November, CAT examined the first state report submitted by Tajikistan under the Convention against Torture. The report was ten years late and only covered part of the reporting period (1995-2006).

CAT criticized the fact that the definition of torture included in the Tajik criminal code did not fully correspond to the definition of torture established by article 1 of the torture convention.<sup>9</sup> The relevant provision (a footnote to Criminal Code article 117) described torture as “causing physical or moral suffering for the purpose of forcing a person to confess, or to do other actions against his will, or for the purpose of punishing another person.” Thus, while it contained two of the major elements covered by article 1 of the torture conven-

tion (the infliction of pain or suffering and the existence of a specific purpose of such actions), it omitted a third one (the infliction of pain or suffering by, at the instigation of, or with the consent or acquiescence of a public official or other person acting in an official capacity).

The committee also expressed concern about “numerous allegations” of the “widespread” practice of torture by law enforcement officials, as well as of the use of statements obtained under torture as evidence in legal proceedings. It pointed out that the absence of legislation expressly prohibiting the admission of evidence extracted under torture facilitated the continued use of such evidence.<sup>10</sup> It, further, deplored that no effective measures had been taken to prevent torture and ill-treatment, such as by organizing trainings for officials, and that there apparently had been only few convictions for torture and ill-treatment.<sup>11</sup>

The use of torture and ill-treatment was not monitored or documented in any comprehensive way in the country. The number of complaints about the use of torture filed with the authorities was not registered, and complaints about the use of torture received by NGOs, as well as figures provided by the Ministry of Health concerning the number of individuals seeking medical assistance who alleged bodily injuries inflicted by law enforcement officials, provided some insight into the occurrence of abusive practices but did not reveal the full picture. While there also were no official statistics regarding the number of criminal cases on torture charges, the low number of criminal proceedings initiated against police officers in 2000-2004 indicated that accountability for abuse was rare.

According to NGOs, many victims of torture and ill-treatment were reluctant to report their experiences to police because they feared that these complaints would not be dealt with in a due fashion. They also believed that the pressure to effec-

tively combat crime placed on law enforcement authorities, such as those dealing with drug crimes, contributed to perpetuating abusive practices.

CAT also criticized reports according to which there was no systematic review of places of detention in the country, by either national or international bodies, and voiced concern about the high rate of deaths in custody. It urged the Tajik government to ensure that monitoring bodies can carry out regular, independent, unannounced and unrestricted visits to all places of detention and to, to this end, establish transparent administrative guidelines and criteria for access.<sup>12</sup>

### **Freedom of expression and free media**

During the campaign leading up to the November presidential elections, state-controlled TV-stations provided strong backing to President Rakhmonov, while providing only limited coverage to his nominal opponents.<sup>13</sup>

The government crackdown on independent media continued. A few weeks prior to the presidential elections, access to a number of independent news websites were blocked, allegedly because they contained information that “undermines state media policy.”<sup>14</sup> Following pressure from NGOs and the international community, access was restored.<sup>15</sup>

Publication of the opposition weekly *Adolat* was temporarily banned in the run up to the elections, while the opposition newspapers *Nerui Sokhan*, *Ruzi Nav* and *Odamu Olan* remained out of print throughout the year. Only a few independent newspapers with small circulation continued to be published.<sup>16</sup>

New arrests of political opposition members were carried out during the year, and several prominent opposition leaders remained imprisoned. Among them was Mahmudruzi Iskandarov, head of the opposition Democratic Party, who was sentenced

to 23 years in prison on terrorism and other charges in 2005. Prior to his arrest in Moscow in late 2004 and his subsequent extradition to Tajikistan, Iskandarov had announced intentions to run in the 2006 presidential elections.<sup>17</sup> In August, a Moscow court rejected a request from the Tajik authorities to extradite Khabibulo Nasrulloev, former Tajik trade minister and member of the People's Front of Tajikistan party, on apparently politically motivated charges.<sup>18</sup>

### Freedom of association

In the aftermath of the so-called color revolutions in a number of countries of the former Soviet Union, the Tajik authorities stepped up their efforts to control the activities of NGOs, in particular those that receive funding from abroad.

A new draft law on NGOs presented in December 2005 granted tax and law enforcement authorities far-reaching powers to review the activities of NGOs and introduced new registration and reporting obligations for NGOs.<sup>19</sup> At the end of 2006, the draft law was still pending in parliament.

### Freedom of religion

The Tajik government put forward a highly repressive draft law on religion at the beginning of 2006. This draft law, *inter alia*, introduced compulsory registration for all religious groups; established high thresholds for the number of community members required to qualify for registration; prohibited proselytism; restricted the number of mosques allowed; and banned foreigners from leading religious communities in the country.<sup>20</sup> Following criticism from different religious communities as well as international organizations, a spokesperson of the government committee in charge of the preparation of the draft law announced in May 2006 that the law would not be adopted "in the near future," but did not specify when consideration of it would continue.<sup>21</sup>

## Rights of the child

### Disabled children

At the beginning of the year, thirteen children died in a fire at a home for disabled children in the capital Dushanbe, while more than 50 children reportedly had to be taken to hospital.<sup>22</sup> This incident sparked a broader debate about the conditions of disabled children in the country, with concern being expressed about the deplorable state of many institutions for the handicapped as well as the scarce allocation of resources to such institutions.<sup>23</sup> Following an investigation into the fire, the director of the home was sentenced to 15 years in prison on charges of negligence and eight other defendants – including the custodian of the home – were given prison sentences ranging from two to 12 years.<sup>24</sup>



*Cell phone photos from a home for mentally disabled children in northern Tajikistan. A fire at a similar home in early 2006 attracted attention to the deplorable conditions of disabled children in Tajikistan.*

## SOURCES FOR FURTHER INFORMATION:

- ◆ Tajik Bureau on Human Rights and the Rule of Law, email: Bhr.taj@gmail.com

### IHF documents:

- ◆ *Central Asia, Closer To Becoming A Death Penalty-Free Region?*, 2 February 2007, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=58&d\\_id=4368](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4368)
- ◆ "Tajikistan: Time to move from death penalty moratorium to abolition," 29 August 2006, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=58&d\\_id=4291](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4291)
- ◆ OSCE Human Dimension Implementation Meeting in Warsaw, 02-13 October 2006 - *Interventions and Recommendations by the International Helsinki Federation for Human Rights*, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=58&d\\_id=4307](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4307)
- ◆ *Central Asia: Human Rights Groups Facing Increasingly Restrictive Legislation*, 13 February 2006, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=4193](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4193)
- ◆ Additional publications are available at the website of the IHF, at [www.ihf-hr.org/documents/?sec\\_id=58](http://www.ihf-hr.org/documents/?sec_id=58)

### Other information:

- ◆ *Conclusions and Recommendations of the Committee against Torture: Tajikistan*, 20 November 2006, at [www.ohchr.org/english/bodies/cat/docs/AdvanceVersions/CAT.C.TJK.CO.1-new.pdf](http://www.ohchr.org/english/bodies/cat/docs/AdvanceVersions/CAT.C.TJK.CO.1-new.pdf)
- ◆ Committee to Protect Journalists, "Government controls on news compromise vote in Tajikistan," 3 November 2006, at [www.cpj.org/news/2006/europe/tajik03nov06na.html](http://www.cpj.org/news/2006/europe/tajik03nov06na.html)
- ◆ Forum 18, "Most repressive religion law in Central Asia drafted," 22 March 2006, at [www.forum18.org/Archive.php?article\\_id=749](http://www.forum18.org/Archive.php?article_id=749)
- ◆ "Overview of human rights issues in Tajikistan," in *Human Rights Watch World Report 2007*, at [www.hrw.org/wr2k7/index.htm](http://www.hrw.org/wr2k7/index.htm)

## Endnotes

- <sup>1</sup> BBC News, "Tajik president wins third term," 7 November 2006, at <http://news.bbc.co.uk/2/hi/asia-pacific/6119752.stm>.
- <sup>2</sup> See the chapter on Tajikistan in IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2004 (Events of 2003)*, at [www.ihf-hr.org/cms/cms.php?sec\\_id=71](http://www.ihf-hr.org/cms/cms.php?sec_id=71).
- <sup>3</sup> OSCE Election Observation Mission, *Statement on Preliminary Findings and Conclusions on Presidential Elections, Republic of Tajikistan*, 6 November 2006, at [www.osce.org/documents/odihr/2006/11/21981\\_en.pdf](http://www.osce.org/documents/odihr/2006/11/21981_en.pdf).
- <sup>4</sup> Ibid.
- <sup>5</sup> Ibid.
- <sup>6</sup> See also IHF, *Central Asia, Closer to Becoming a Death Penalty-Free Region?*, 2 February 2007, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=4368](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4368).
- <sup>7</sup> See "Tajikistan: Time to move from death penalty moratorium to abolition," 29 August 2006, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=58&d\\_id=4291](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4291).
- <sup>8</sup> *Conclusions and Recommendations of the Committee against Torture: Tajikistan*.
- <sup>9</sup> Ibid., par. 5.

- <sup>10</sup> Ibid., par. 6 and 19.
- <sup>11</sup> Ibid., par. 6, 14, 17.
- <sup>12</sup> Ibid., par. 16.
- <sup>13</sup> Committee to Protect Journalists, "Government controls on news compromise vote in Tajikistan," 3 November 2006, at [www.cpj.org/news/2006/europe/tajik03nov06na.html](http://www.cpj.org/news/2006/europe/tajik03nov06na.html).
- <sup>14</sup> International Freedom of Expression Exchange (IFEX), "Government orders blocking of various websites," 10 October 2006, at [www.ifex.org/da/layout/set/print/content/view/full/78143/](http://www.ifex.org/da/layout/set/print/content/view/full/78143/).
- <sup>15</sup> "Overview of human rights issues in Tajikistan," in *Human Rights Watch World Report 2007*, at [www.hrw.org/wr2k7/index.htm](http://www.hrw.org/wr2k7/index.htm).
- <sup>16</sup> Committee to Protect Journalists, "Government controls on news compromise vote in Tajikistan," 3 November 2006.
- <sup>17</sup> See the chapter on Tajikistan in IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2006 (Events of 2005)*, at [www.ihf-hr.org/cms/cms.php?sec\\_id=71](http://www.ihf-hr.org/cms/cms.php?sec_id=71).
- <sup>18</sup> IHF, "Moscow court defends due process, denies extradition for former Tajik minister," 30 August 2006, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=58&d\\_id=4292](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4292).
- <sup>19</sup> See IHF, *Central Asia: Human Rights Groups Facing Increasingly Restrictive Legislation*, 13 February 2006, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=4193](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4193).
- <sup>20</sup> Forum 18, "Most repressive religion law in Central Asia drafted," 22 March 2006, at [www.forum18.org/Archive.php?article\\_id=749](http://www.forum18.org/Archive.php?article_id=749); Zoya Pylenko, Central Asia – Caucasus Institute, "Tajikistan Mulls New NGO, Religious Laws," 19 April 2006, at [www.cacianalyst.org/view\\_article.php?articleid=4174&SMSESSION=NO](http://www.cacianalyst.org/view_article.php?articleid=4174&SMSESSION=NO).
- <sup>21</sup> Forum 18, "Has controversial religion bill been postponed," 7 June 2006, [www.forum18.org/Archive.php?article\\_id=795&printer=Y](http://www.forum18.org/Archive.php?article_id=795&printer=Y).
- <sup>22</sup> BBC, "Children die in Tajikistan blaze," 8 January 2006, at <http://news.bbc.co.uk/2/hi/asia-pacific/4591952.stm>; Radio Free Europe/Radio Liberty (RFE/RL) "13 Children killed in Tajik Orphanage Fire," 8 January 2006, at [www.rferl.org/featuresarticle/2006/01/2b8798b3-9dc5-47e8-8c0d-4ed2275cbb6a.html](http://www.rferl.org/featuresarticle/2006/01/2b8798b3-9dc5-47e8-8c0d-4ed2275cbb6a.html).
- <sup>23</sup> Institute for War and Peace Reporting, "Tajik School Deaths Prompt Debate," *Reporting Central Asia*, No. 434, 10 February 2006, at [www.iwpr.net/?p=rca&s=f&o=259501&apc\\_state=henirca2006](http://www.iwpr.net/?p=rca&s=f&o=259501&apc_state=henirca2006).
- <sup>24</sup> RFL/RL, 16 May 2006.