

# Tajikistan

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*Capital:* Dushanbe  
*Population:* 6.6 million  
*GNI/capita:* US\$1,560

The social data above was taken from the European Bank for Reconstruction and Development's *Transition Report 2007: People in Transition*, and the economic data from the World Bank's *World Development Indicators 2008*.

## Nations in Transit Ratings and Averaged Scores

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

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

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

## EXECUTIVE SUMMARY

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In June 2007, Tajikistan commemorated a decade of peace. Ten years earlier, an accord signed in Moscow between the government of Tajikistan and the Islamist-led United Tajik Opposition, brokered by Russia, Iran, and the United Nations, had led to the formal ending of a brutal civil war between the forces of the formerly Communist government and a coalition of Islamists, “democrats,” and nationalists. Much progress was seen during this decade: The economy grew at an impressive rate (an average of 8.5 percent from 2003 to 2007), and poverty fell, albeit slowly (from a high of 83 percent in 1999 to an estimated 55 percent by the end of 2007). Macroeconomic stability was achieved owing to the maintenance of peace and security. The government did away with armed militias and bands that had festered in major cities and harassed the public. And as part of the peace accord, the ruling administration lifted the ban on most political opposition, including the Islamic Renaissance Party, which currently remains the only legal Islamic party in the Commonwealth of Independent States (CIS).

There have been setbacks, too. As the economy grew and stabilized, the country was beset by massive income disparity and corruption. The government turned a blind eye to human rights violations. Law enforcement bodies and the courts continue to function in an archaic and unjust manner. And despite the many prisoners granted amnesty since independence in 1991, detention conditions are rife with disease and abuse, and authorities have blocked prison visits by the International Committee of the Red Cross. Land reform, urged by international financial institutions, has instead become “land grab,” and the blatant takeover of private property by city governments without adequate compensation is now routine. Despite government denials, vestiges of the Communist past are alive and well. For instance, the push for cotton production continues in spite of poverty-ridden cotton-farming communities and rising prices for grain and food.

**National Democratic Governance.** President Emomali Rahmon and the pro-government Peoples’ Democratic Party (PDP) took the 2006 presidential victory as a mandate to further consolidate their power base. The partial political pluralism that was seen over half a dozen years in the post-peace accord period has largely faded, with the government exerting pressure on opposition parties and sacking former opposition figures from key government positions. During 2007, the government emphasized economic matters, in an attempt to attract foreign capital to several large-scale development projects. The government also focused on a series of cultural and nationalistic issues, some of which have been labeled by critics as distractions from more important topics, such as the population’s access to justice,

land reform, and the fight against corruption. *There was no evidence that political pluralism, stability, and democracy either improved or worsened during 2007. Thus, the rating for national democratic governance remains unchanged at 6.25.*

**Electoral Process.** Observation missions sent by the Organization for Security and Cooperation in Europe (OSCE) to monitor the 2005 parliamentary and 2006 presidential elections described them as having “failed to meet many key OSCE commitments and other international standards on democratic elections.” During 2007, by-elections of the lower house of Parliament were held and informal monitoring by international organizations raised concerns, among them the existence of family and multiple voting, and undue influence by the pro-government PDP. Despite the fact that the OSCE has provided a comprehensive list of recommendations for amending the electoral legislation to conform to international standards and help ensure fair and pluralistic elections, there were no noticeable movements by the government’s Central Election Commission or the Parliament in favor of amending the law. *Given the less than democratic procedures of the 2007 by-elections and the lack of progress by government organs and the Parliament toward increased pluralism and conformity with international standards, the rating for electoral process remains at 6.50.*

**Civil Society.** Two draft laws on civil society and freedom of association were reconsidered by the government in 2007: The Law on Civil Society Organizations was approved by the government in May, and the Law on Freedom of Conscience and Religious Associations was still to be voted on at the end of the year. The two laws restrict the freedoms of association, speech, and belief and contradict international agreements ratified by Tajikistan, including the International Covenant on Civil and Political Rights. The Law on Civil Society Organizations required all existing nongovernmental organizations (NGOs) to re-register with the Ministry of Justice. Anecdotal evidence shows that some NGOs were asked for inordinate and arbitrary information and illegal payments by the authorities. *Given the new Law on Civil Society Organizations, which has increased pressure on existing NGOs, and given the introduction of a draft Law on Freedom of Conscience and Religious Associations, which appears to restrict and even ban the activities of some religious associations, the rating for civil society worsens from 5.00 to 5.50.*

**Independent Media.** Like civil society entities, media outlets were required to re-register with the government in 2007. Despite this requirement, the year saw an overall loosening of what had become highly problematic pressure tactics and even closures of some outlets in previous years. No media outlet was reportedly closed by the authorities in 2007, while several new outlets were able to secure operating licenses. More important, the year saw a bolder approach in reporting by journalists with no major repercussions reported. Reporters Without Borders considered Tajikistan to have had the second freest press in Central Asia in 2007, ranking it 114 out of 169 countries surveyed. *More benefits than liabilities for Tajikistan’s*

*media were observed in 2007, with several new outlets receiving permission to operate and bolder and less restricted reporting by journalists. Given an apparent loosening of controls by the government, the rating for independent media improves from 6.25 to 6.00.*

**Local Democratic Governance.** Sixteen years into independence and 10 years after the signing of the peace accord, Tajik citizens are not yet able to elect their own leaders at subnational levels (that is, province, district, city, town, and *jamoat*). Instead, local leaders are selected via patronage and are accountable solely to the chain of command. During 2007, residents of the capital, Dushanbe, and outlying areas experienced harassment by the local government, which unilaterally redesigned the city's urban plan and began confiscating the property of mostly poor and middle-class residents with woefully inadequate compensation. Local courts sentenced ordinary citizens who refused eviction orders to jail terms. Though some local communities saw progress in infrastructure projects and economic development, such advancements were not necessarily a result of local democratic governance. Rather, they reflected the work of top-down Soviet-style command, direct intervention and funding by the president of the republic, and the normal benefits of an ongoing efficient distribution of wealth by nearly a million migrant workers (mostly working in Russia) sending regular remittances to families in Tajikistan. *An accelerated deterioration in citizens' property rights and the lack of legal protection were an added setbacks for local democratic governance during 2007, which worsen the rating from 5.75 to 6.00.*

**Judicial Framework and Independence.** Justice in Tajikistan is bought and sold. It is widely acknowledged that in the majority of court cases, receiving favorable verdicts requires illegal payments transferred to the prosecutor, judge, and intermediaries by advocates (many of whom work as "brokers" rather than lawyers). During 2007, there was some evidence that a government working group overseeing planned reforms to Tajikistan's criminal procedures code only remained active due to pressure—as well as technical and financial assistance—from the international community. Despite the rhetoric of reform, real progress during 2007 was nonexistent. Law enforcement agencies, nearly all of them under the tutelage of the Ministry of the Interior, remained unreformed and possibly responsible for violations of human rights abuses, especially in police-controlled temporary isolation cells. Similarly, pre-trial detention and prison conditions, under the control of the Ministry of Justice, continued to be off-limits to independent national and international observers (notably the International Committee of the Red Cross), with anecdotal reports of corruption and abuse, as well as the spread of tuberculosis and other diseases. *Owing to the lack of reform in the justice system, including the existence of endemic corruption in the courts and violations of detainee rights, Tajikistan's rating for judicial framework and independence worsens from 5.75 to 6.00.*

**Corruption.** In January 2007, the government created the State Financial Control and Anticorruption Agency, which claimed to have unraveled 300 corruption cases—albeit only low- and middle-level—and in the process was able to recover US\$24 million of state funds during the year. One reason for the widespread corruption among government organs is the meager public salaries—the average monthly wage was the equivalent of US\$53 in June 2007. Aside from petty corruption, allegations of high-level corruption and cronyism continue, particularly in the cotton and aluminum sectors (together making up 80 percent of Tajikistan’s exports), both of which are plagued by intermediary companies that many claim illegitimately siphon off much of the profits. *Tajikistan’s rating for corruption remains at 6.25.*

**Outlook for 2008.** Tajikistan is at a crossroads. The economy has shown impressive growth, poverty is slowly receding, and the government has also been able to improve the business climate by sticking to International Monetary Fund–recommended policies and putting into force strict regulations on banking. Significantly higher amounts of foreign investment have also been seen. The improving business climate, however, has not witnessed a concurrent improvement in political pluralism, improved human rights conditions, or a rising level of democratization. Thus, the challenge facing Tajikistan in 2008 is a widening economic gap is leading to a slowdown in democratic reforms that could in turn, lead to social and political instability. A concerted effort is needed by the government to bridge increased ethnic (Tajik) nationalistic rhetoric by the authorities; lack of progress in allowing the free functioning of existing and new political parties; and stagnation in human rights, including unfair trials and continued allegations of prisoner abuse.

# MAIN REPORT

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## National Democratic Governance

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

In 2007, Tajikistan celebrated the 15th anniversary of the appointment of Emomali Rahmon as president, an event that marked a turning point in the country's ethno-regionalist politics. Prior to 1992, Tajikistan had been run for half a century by Moscow-appointed technocrats from the northern Leninobod (now Sughd) province. Since 1992, however, southerners have held the reins. The power base in Tajikistan comprises traditional, patriarchal clan-based figures relying on patronage and networks of common ancestral ties.<sup>1</sup> President Rahmon, an ex-Communist who won three controversial elections in 1994, 1999, and 2006, has indulged in the same tradition. He has appointed a disproportionate number of individuals from Kulob, his home region, to key governmental positions. At the same time, other ethnic groups, such as the country's substantial Uzbek population, have been largely left out of the central and regional governments.

President Rahmon has nonetheless continued to enjoy a relatively high degree of popularity and legitimacy. One can even argue that he would probably legitimately win his current position if genuinely free and fair elections were held. Rahmon is liked by the population for several reasons but most of all for his role in achieving peace and stability after the civil war. In June 1997, the government led by Rahmon was able to secure a historic peace accord with the armed Islamist-led United Tajik Opposition, ending a five-year brutal civil war. As a result of the accord, the government lifted the ban on several political parties and their associated media, including the Islamic Renaissance Party (IRP), which remains the only Islamic political party in the former Soviet Union and Eastern Europe.

The partial political pluralism that existed in the post-peace accord period has now faded, with the government exerting pressure on opposition parties and sacking former opposition figures from key government positions. Concurrently, the opposition, which like all politics in Tajikistan tends to be personality-based, lacks direction and unity. A lack of alternatives to President Rahmon's rule and the pro-government Peoples' Democratic Party (PDP) is yet another reason for his popularity. The chances of a liberal so-called color revolution remain rather slim, as the population is generally depoliticized: some enjoying their economic gains and others worrying about daily subsistence. Also, the terrifying memories of the civil war are still fresh.

Hopes that Rahmon, secure in power after the November 2006 election, would implement major democratic policy changes in the post-election period have been

dashed, although there have been tentative commitments to tackle corruption and rhetoric to reform the justice system, including a proposal to introduce a human rights ombudsman. The government has instead focused increasingly on Tajik culture and issues of national identity. As part of an ongoing streak of nationalism, in March 2007, for example, the president de-Russified his surname (changing it from Rahmonov to Rahmon). Though this practice has not been made into law, gradually more government officials have followed the president's lead in de-Russifying their family names as well. Other recent edicts of Tajik national identity have been the naming of 2006 as the "Year of the Aryans" and 2008 as the "Year of the Tajik Language." Some argue that such decisions promote a national identity that unites the population; other experts claim the government's "Tajik Aryan myth" is part of the overall "ethnicization of discourses on identity" currently taking place throughout Central Asia.<sup>2</sup>

Among other measures in 2007 was a May 30 parliamentary bill regulating ceremonies and celebrations, such as funerals, weddings, and even birthdays. As a result of the new law, *inter alia*, one cannot invite more than 150 guests to a wedding and no participants other than family members to a birthday party. Violators can be fined up to US\$3,000. This law, though undemocratic in nature, has been well received by the population, as many felt social pressure to spend exorbitant sums on traditional ceremonies. The government estimates that regulation of ceremonies will save Tajikistan citizens hundreds of millions of dollars annually. Additionally, the Ministry of Education reinstated a previous order for students to wear proper clothing, which the authorities have interpreted as a ban on miniskirts, Islamic garb, and excessive jewelry for females. The president also banned the use of mobile phones and private cars for university students, arguing that such goods are signs of excess materialism. Some have argued that these new laws and regulations act as distractions from serious issues, such as lack of access to justice and endemic corruption.

The government has identified several key threats to the country's security, including "Islamic extremism." To combat the perceived threat, in April 2007 the authorities closed down several unauthorized mosques and religious centers in Dushanbe. Police have also been deployed to mosques to prevent attendance by youth (who, it is argued, should be in school). The government has also worried about the potential spread of extremism via outlawed groups, such as the Islamic Movement of Uzbekistan (IMU) and Hizb ut-Tahrir (Freedom Party). In recent years, there are estimates of hundreds of mostly young men who have been accused of membership in the groups, being arrested and hastily tried, and sentenced to long prison terms. The Islamic Renaissance Party (IRP) has claimed that the government has sought to equate piety with extremism. At least some of those arrested are likely to have been either innocent or merely sympathetic rather than outright militants. Several unexplained explosions during 2007, one killing a security guard, were labeled as acts of terrorism with possible connections to the IMU.

Tajikistan remains the poorest of the Central Asian republics, with real per capita income just one-tenth of Kazakhstan, the richest of the republics.<sup>3</sup> Toward the end

of 2007, as a reaction to global markets, consumer prices saw a massive increase. The near doubling of bread prices intensified the argument for changing much of the country's agricultural production from cotton to wheat. At the national level, authorities have continued to emphasize the "strategic" nature of cotton, despite the large-scale poverty associated with cotton farmers, lack of transparency in deals made by cotton and other agricultural intermediary companies, and Tajikistan's resulting massive cotton debt (approaching US\$500 million).

#### Electoral Process

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

Though observers from the Commonwealth of Independent States (CIS) region endorsed both the February 2005 parliamentary and the November 2006 presidential elections, the OSCE was critical in its assessments, concluding that the 2005 elections "failed to meet many key OSCE commitments and other international standards on democratic elections" and were "not conducted fully in accordance with domestic law."<sup>4</sup> Regarding the November 2006 presidential election, the OSCE had similar comments, stating that it did "not fully test democratic electoral practices...due to a lack of genuine choice and meaningful pluralism, and revealed substantial shortcomings."<sup>5</sup> However, the OSCE also reported some positive elements of the elections. The fact that six political parties and many self-nominated candidates participated in the parliamentary elections was noted as positive, as were the use of transparent ballot boxes and the lack of election-related violence.

During both election processes, the ruling party held a disproportionate advantage over the opposition. The opposition, in turn, either did not field candidates for the presidential election (for instance, the IRP and Communist Party [CP]) or boycotted the election altogether (as did the Democratic Party [DP] and the Social Democratic Party [SDP]). The 2005 parliamentary elections resulted in the PDP gaining 75 percent of the votes and consequently control of 52 seats (out of 63) in the Council of Representatives (*Majlisi Namoyandagon*, the lower house of Parliament). Of the other parties running, only two won seats, the CP with 4 seats and the IRP with 2. There were also five independent candidates, some or all of whom were likely closet-PDP members.<sup>6</sup> A similar disproportionately large victory occurred during the 2006 presidential election, where the incumbent President Rahmon was re-elected for the third time with over 79 percent of the vote, with a reported voter turnout exceeding 90 percent.

Prior to the parliamentary and presidential elections, the government took steps to ensure its party's dominance at the polls, including arresting potential presidential rival Mahmadrusi Iskandarov, leader of the DP. Iskandarov, who had criticized the electoral legislation, was arrested by Russian authorities in Moscow

in 2004 on a Tajik warrant for alleged criminal charges, mysteriously renditioned to Dushanbe, and tried and sentenced to 23 years in prison. The authorities also obstructed independent media, aided the splitting up of opposition parties, and blocked the registration of new parties. Possibly fearing real or imaginary plots favoring regime change, the government's Central Election Commission (CEC) threatened de-registration of parliamentary candidates receiving financial support from abroad. Soon after the 2006 presidential election, some in the opposition unsuccessfully lodged an appeal with the CEC to rerun the poll in Dushanbe.

The 2006 presidential election was referred to by some experts as an “exercise in virtual politics,” as the four candidates running against the incumbent were largely unknown figures and possibly brought together on an ad hoc basis to demonstrate an illusion of plurality. Despite the SDP's lack of a popular base, bold criticisms of the political system were issued by its leader, Rahmatullo Zoirov, and have been problematic for the regime.<sup>7</sup> In April 2007, the Justice Ministry announced its intention to seek a six-month suspension of the SDP for failing to file its party papers on time but later dropped the charges.<sup>8</sup>

In 2007, by-elections were held in March and May for five vacated seats in the lower house of Parliament, all of which were won by PDP candidates. The IRP contested the outcome in the southern Hamadoni district, where its candidate reportedly received just 2 percent of the vote. PDP candidates generally received around 90–95 percent of the vote, and voter participation was officially said to have been above 80 percent. But informal observers from international and Western diplomatic missions estimated voter participation to have been no more than 50 percent in most precincts.<sup>9</sup> Also, about 25 percent of registered voters conducted family or multiple voting (where an individual votes on behalf of all members of a household), which is illegal under electoral law. Family voting is likely the result of pressure by authorities on precinct heads to produce high turnout rates in order to lock in election results.<sup>10</sup>

#### Civil Society

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

In February 2007, Tajikistan's Parliament approved a new Law on Civil Society Organizations, which many consider to be a threat to the freedoms of association and speech and a means for the government to restrict and control civil society groups. As is the case with many other laws in Tajikistan, this one is nearly identical to a similar law passed by the Russian Federation. Some of its provisions contradict international law and can be used to limit fundamental freedoms; some even contradict one another. Furthermore, the new law defines a public association as being an “initiative of the majority of residents at the place of residence” and thus discriminates against entities formed by a minority of citizens in a given locality.

Under a new re-registration requirement, the number of registered local nongovernmental organizations (NGOs) decreased in 2007 by nearly two-thirds, from 3,500 to 1,040. Registered foreign NGOs also fell, from 110 to 50.<sup>11</sup> The decrease was nonetheless expected, as most registered NGOs had existed only on paper. The new law, however, gives authorities undue powers of intervention, as it permits them to, among other things, sit in on the meetings of registered groups. Furthermore, as a means of control or harassment, the registration process allows the authorities to demand inordinate and arbitrary amounts of information from civil society entities. To re-register before the end of 2007, for example, one NGO was required to provide all of its project reports for the past seven years.

At the same time, a large proportion of NGOs operate primarily for personal gain, and cases of fraud among the NGO community are known to exist. NGOs also lack focus. In 2007, for example, one NGO sought funding from the same donor for a project on public legal assistance and another project on beekeeping.<sup>12</sup> Based on a 2007 study, a large proportion of the country's population has no knowledge about the activities of NGOs, and despite the presence of a relatively large number of potential donors, NGOs often see one another as competitors.<sup>13</sup>

Aside from the Law on Civil Society Organizations, Tajikistan revived its intention to adopt a highly restrictive Law on Freedom of Conscience and Religious Associations in 2007. Until recently, Tajikistan had been relatively tolerant of religious practices and groups, and its 1994 Law on Religion is considered to be quite liberal. One theory for the shift in the government's attitude toward religious groups has to do with the country's recent years of political stability and economic growth, which have allowed Tajikistan to take its post-independence nation-building project more seriously. The new trend toward restrictions on religious groups also has to do with the increasingly successful activity of (overwhelmingly Christian Protestant) missionary groups, which many local Muslim leaders and followers find offensive. Tajikistan remains a predominantly traditional society, and changing one's religion, although legal by law, remains a taboo. Though the proposed Law on Freedom of Conscience and Religious Associations does not ban individual conversions, it does forbid proselytizing.

The draft law also bans individuals who hold positions of authority in religious organizations from standing for elected office and, more importantly, in what may be a preparatory move to ban the IRP, it prohibits the formation of religiously-affiliated political parties. It also disallows religious education in private houses, a condition that could prevent the many minority religions with insufficient physical infrastructure from conducting their normal educational and devotional activities. The law also bans religious education for children under the age of seven and for children older than seven if it is against their will, thus taking away parental authority on religious matters.

Though the Law on Freedom of Conscience and Religious Associations was not yet ratified by the end of 2007, in October the Ministry of Culture banned the activities of Jehovah's Witnesses owing to the group's allegedly incomplete registration. Later, in a propaganda piece on state television, the authorities called

Jehovah's Witnesses "traitors," attacking their unwillingness to serve in the militaries of their respective countries. Foreign and local branches of Islamic groups have also been under scrutiny. During 2007, the authorities shut down a number of mosques. This prompted the leader of the IRP, Muhiddin Kabiri, to write an open letter to the president claiming that in its campaign to clamp down on religious extremism, the government is instead pursuing a policy of "secular extremism."<sup>14</sup>

### Independent Media

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

Nearly all forms of existing media in Tajikistan were introduced during the Soviet era, as prior to the Bolshevik Revolution the majority of the population was illiterate. According to the government, as of the end of 2006, there were 79 newspapers (mostly weeklies, with no daily papers available) and 101 journals and periodicals published, though the figures are likely exaggerated.<sup>15</sup> Radio broadcasting in Tajikistan commenced in 1932, and television made its debut in 1959. Today, there are around 30 radio and television stations, most privately owned, but no private television stations are allowed to broadcast in the capital city.

And while Tajikistan was the last country among the former Soviet Union and Eastern Europe to connect to the World Wide Web (by the mid-1990s), it currently has as many as a dozen Internet service providers. Still, given the continued economic turmoil, a deemphasis on scholarship in the post-independence era, and a quasi-authoritarian system that discourages independent investigation, the proportion of the population having access to and regularly reading the press is likely far lower than in the Communist era.

After the November 2006 presidential election, the authorities appeared to soften restrictions on the media. Notably, several new media outlets were approved in 2007, and no newspapers were shut down during the year. In its 2007 Worldwide Press Freedom Index, Reporters Without Borders considered Tajikistan to have the second most free press in Central Asia, assigning it a score of 37 (an improvement over 2006) and ranking it 114 out of the 169 countries surveyed (neighboring Kyrgyzstan ranked 100 and Russia 144, while Turkmenistan ranked among the worst at 167).<sup>16</sup>

Freedom of expression is guaranteed by the Law on Press and Other Mass Media, and Article 36 establishes liability for individuals forcing a journalist to disseminate (or to prevent from disseminating) information. Still, independent media in Tajikistan face many challenges, some owing to imperfect laws. Article 135 of the criminal code, for instance, makes defamation a criminal offense in cases where the dissemination of false information offends the honor and dignity of a person; and Article 137 stipulates a maximum of five years' imprisonment for defaming or insulting the president.

In July 2007, the Dushanbe Office of the Prosecutor General launched a criminal defamation case against the editor in chief and two correspondents of *Ovoza* (Rumors), a 'yellow press' weekly, involving an item published about the singer Rayhona, who in turn lodged a formal complaint over the unflattering coverage of one of her concerts. Though the case had yet to be decided by the end of 2007, what was of concern was the possibility that the journalists involved would be found guilty and face criminal conviction, exorbitant fines, and even prison sentences. Several international observers have rallied in the past for the decriminalization of defamation and insult. In 2007, however, the Parliament also passed an amendment to the libel and defamation legislation to include the Internet. Subsequently, both the Committee to Protect Journalists and Tajikistan's National Association of Independent Media unsuccessfully called on President Rahmon to veto the new amendment.

Taxes on media are another source of pressure; some outlets report taxes of between 30 and 50 percent of revenue. Journalists claim that they pay as many as 17 different taxes and fees (aside from the allegations that tax inspectors often ignore tax code violations in exchange for unofficial payments). Currently, Tajik media are generally considered unprofitable, and a 2007 OSCE study found that as much as 97 percent of all Tajik print media are unsustainable. High paper and printing prices are two reasons behind this, with an estimated 21 percent of the cost of print media going to purchasing paper, 20 percent for printing, 8 percent for taxes, and 25 percent for salaries and wages. Since revenues from sales account for 95 percent of print media's overall revenue, only three papers, which print over 10,000 copies on a weekly basis (*Asia Plus*, *Digest Press*, and *Reklamnaya Gazeta*), were thought to be financially sustainable.<sup>17</sup>

Not all problems related to Tajikistan's media are the fault of the government. In general, the profession of journalism has been significantly affected—not always positively—by the country's economic transition. The expansion of the economy has prevented standard practices and conflict-of-interest guidelines from taking root. In Tajikistan, print media follow the general pattern of the region, where editors and journalists often run paid or de facto public relations coverage, a violation of international codes of journalism ethics and a form of corruption. The average monthly salary of journalists is about the equivalent of US\$100, and though above the country's average wage, it is still an unacceptable living standard.

Despite the availability of a variety of news sources, the public appears to be mostly passive in responding to specific events, demonstrating a withdrawal from public space, a condition likely due to a combination of factors ranging from the preoccupation of the average household with daily subsistence (with the average cost of a print weekly at one somoni, equivalent to the cost of *non*—the typical Central Asian bread); the fascination of much of the public (especially youth) with the material and nonpolitical benefits of globalization; fear of repercussions from the authorities; and continued mass trauma resulting from the civil war.

Tajikistan's Law on Press and Other Mass Media guarantees the right of minorities to use their mother tongue in the media of their choice. Aside from

media outlets in Russian, which is the de facto second language for many and the lingua franca for Tajikistan, other minorities have few, if any, media outlets. Tajikistan is a multiethnic state; based on the official 2000 census, ethnic Tajiks make up 80 percent of the population, ethnic Uzbeks about 15 percent, and other ethnicities another 5 percent (including at least 5 percent ethnic Pamiris, which the government classifies as Tajiks although they speak what can be categorized as three separate languages).<sup>18</sup> Regardless of the country's ethnic diversity, the government has utilized a nation-building policy of propaganda to portray the state as a single ethnical unit. For example, 2006 was named the "Year of the Aryans" (according to the government, the Aryan type, or race, is ethnic Tajiks' progenitor). Right or wrong, the government's concentration on the supposed Aryan-ness of the Tajik population by default excludes and infringes upon on the rights of non-Tajik minorities.

#### Local Democratic Governance

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

Local governments in Tajikistan are not directly elected, and many claim they have little or no legitimacy. Local government leaders are normally political appointees, picked for their allegiance and loyalty rather than administrative and management capabilities. Many are incapable of running an efficient city, municipality, or district and are perpetually short of funds, with large arrears in public employee wages. More important is the lack of democracy at the local level. Though provincial and district assemblies are elected by law, nomination of candidates is highly political, with many obstacles put in the way of opposition candidates or those who are not pro-regime or pro-PDP. Cronyism, incompetence, and corruption are widespread, given the lack of legitimacy and democracy at the local level. In nearly all districts, for example, there are illegal sales of agricultural lands, often to benefit local leaders.<sup>19</sup>

In the Soviet era, Communist planners created a series of political institutions responsible for social mobilization. This strategy assisted in Tajikistan's ensuing economic development and interethnic peace.<sup>20</sup> Among the institutions were territorial and administrative units. During pre-revolutionary Russia, when the territory of today's Tajikistan was part of the greater Turkistan under Russian tutelage, the region was divided mostly into *oblasti* (provinces; *viloyatho* in Tajik) and *volosti* (districts). The Soviets modified the old system, adding new entities, and Tajikistan's post-Communist Constitution of 1994 confirmed the Soviet administrative divisions, with Article 6 devoted to local administration and governance. Today in Tajikistan, there are 22 cities, 47 towns, 354 villages, and 3,570 settlements, and the country is divided into four provinces, with each province being subdivided into *rayoni* (districts; *nohiyabo* in Tajik). Three provinces (Khatlon, Sughd, and

Badakhshan) support their own regional governments and elect, at least on paper, the majority of their regional parliamentarians. The capital, Dushanbe, and a series of surrounding districts are equivalent to two additional provinces.

The subdivision within each district is known as the *jamoat*. According to the Law on Local Self-Governance in Towns and Villages, *jamoats* are institutions for “organizing public activities...autonomously and at their own discretion...directly or through their representatives.” The president appoints provincial and district heads in consultation with governors and *jamoat* leaders through the head of their respective district *hukumat* (government). Though district council members can veto appointments, they seldom do. Not surprisingly, central government political organizations, such as the ruling PDP apparatus, almost always dominate provincial, district, and *jamoat* bodies. Local election commissions of the 2005 parliamentary and 2006 presidential elections, for example, were composed mainly of pro-government PDP members. Each *jamoat* normally comprises a number of settlements (*posiolki*) and villages (*qishloqho*). Below this level is where the semiformal entity of *mahalla* (neighborhood) lies.

*Jamoats* by law must be provided with “financial resources...to be used independently,” but in reality they lack funds and independence. Many agricultural workers in the *jamoat* territory live under conditions described as “bonded labor” and “financial servitude.” As such, local democratic governance for rural folk, who form the majority of Tajikistan’s population, is in an extremely poor state or nonexistent. Local governments face serious budgetary constraints and have difficulty raising revenue through taxation owing to a lack of know-how, low income of rural citizens, and corruption. *Jamoats* are fully dependent on the district administrations and private donors, including *dehqon* (private) farmers, to fulfill their budgets.<sup>21</sup>

During 2007, the city of Dushanbe began forced confiscation of houses as part of a non-transparent urban-planning scheme, which envisages the forced removal of thousands of households and the sale of their properties to domestic and foreign developers, without consultations and with only limited compensation to those affected by the plan.<sup>22</sup> The Dushanbe government and its unelected powerful mayor have refused to publicly share its “genplan” (the new general plan for Dushanbe). Similar scenarios are playing out in other towns and cities across the country. According to NGOs specializing in legal assistance, cases of property disputes—both among civilians, and between civilians and local governments involved in unilateral urban renewal plans—surged in 2007. In the latter instance, the country’s justice system and courts have nearly always taken the side of the local governments, with severe penalties and even imprisonment for civilians unwilling to comply with eviction orders.

Local communities in Tajikistan do not lack mobilizing capacities or even a tradition of volunteerism; both traits exist in the people’s mostly Islamic faith and were reinforced by 70 years of communism. The population does, however, suffer from a “loss of direction, passivity, and the absence of economic resources.”<sup>23</sup> According to a prominent local expert, the long-term solution to local mismanagement is

the introduction of democratic elections for leaders and the consolidation and reformulation of districts and municipalities (given the low population density of many districts). Furthermore, local governments must introduce economic incentives to attract capital for investment in manufacturing and industry to supplement their mostly agrarian (and remittance-based) economies. Much of the outlying areas of Tajikistan are virtually cut off from the country's electricity grid during energy shortages in the winter. Local governments and communities have the potential to become economically self-sustaining via the production of much of their own energy requirements (such as the use of solar and hydropower).

#### Judicial Framework and Independence

1999	2001	2002	2003	2004	2005	2006	2007	2008
5.75	5.75	5.75	5.75	5.75	5.75	5.75	5.75	6.00

The 1994 Constitution is the main legal reference of Tajikistan, though it is poorly implemented. Tajikistan's criminal code, dating back to the Soviet era of 1961, is also problematic. Today, the public perception is that human rights violations are frequent, and the notion of "guilty until proven innocent" is commonly held.<sup>24</sup> Based on anecdotal evidence, toward the end of 2007, the prevalent human rights complaints in Dushanbe were violations of property rights, lack of access to lawyers, lack of fair trials, and violation of women's rights (nonpayment of alimony and violations of economic rights related to divorce, separation, and abandonment). In the northern part of the country, abuse by authorities (especially in police temporary holding facilities under the Ministry of the Interior) has been of public concern. Complaints related to agricultural land use and reform were also common. Many farmers, for example, tell of insufficient income and threats by authorities if they do not sow cotton.<sup>25</sup>

The most important problem facing Tajikistan's judicial system, one that brings about or is inextricably linked to other problems, is corruption. In judicial processes, this includes bribery and extortion as well as political influence on decisions by the executive and legislative branches of government.<sup>26</sup> Given Tajikistan's skewed economic development and low wages in the public sector, much of the prevalent corruption in the country is inevitable. With regard to the justice system, the state is obliged to pay public advocates representing clients in criminal cases, but such payments rarely occur or are insufficient. Law enforcement officials and judges can be intimidating and punitive or highly lenient, depending on the financial enticements. Consequently, trust in the judiciary remains low. According to a 2006 International Finance Corporation survey of small and medium-sized businesses, less than one percent of entrepreneurs in Tajikistan have used the court system to solve economic disputes. This is likely due to the belief that court processes are unfair, non-transparent, costly, and time-consuming.

In its legal and judicial reform agenda, released in summer 2007, the government announced its intention to: improve the abilities of the Constitutional Court; enhance citizen rights, including equal rights of court participants; require a court order for arrests, confiscation of property, and wiretapping; increase judicial powers to consider complaints against law enforcement bodies and prosecution; adopt a law of third-party arbitration; adopt new criminal procedure, civil, and family codes; and improve the material conditions of the courts, including higher pay for judges and court employees. Despite minimal progress, according to the UN Special Rapporteur on Independence of Judges and Lawyers, some “backward reform” has taken place in recent years, such as the increase of powers to the prosecutor manifested in the modified Law on the Office of the Prosecutor General.<sup>27</sup> According to the Constitution, judges are independent and interference in their activity is prohibited, but the notion of separation of powers in Tajikistan is nonexistent.

Under communism, judges and courts were subordinate to the executive branch. And today, the justice system takes its cues from the centers of power, including the executive and the wealthy. Judges are appointed by the executive branch and have a practical and financial dependence on it; this dependence negatively affects their objectivity. There also remains a gross inequality between the prosecutor and the defense counsel during the investigation phase and in court. This inequality is demonstrated in the low level of acquittals, estimated at only 0.5 percent.<sup>28</sup> The Constitution stipulates that individuals have the right to a lawyer of their choice from the moment of their arrest. In reality, one may be arrested, interrogated, tried, and sentenced to a multi-year prison term without proper legal representation.

Since independence, Tajikistan has ratified a plethora of international covenants, conventions, and agreements, including the Convention Against Torture (CAT, 1994) and the International Covenant on Civil and Political Rights (1999). There is no record, however, of a Tajik court nullifying a confession allegedly extracted under torture, and most victims are reluctant to report abuse to the police. In 2006, the UN committee overseeing the implementation of the CAT criticized Tajikistan for not providing satisfactory data and not having a proper definition of torture in its domestic legislation that would fully conform to CAT articles.<sup>29</sup>

In an April 2007 speech, President Rahmon expressed support for the creation of the institution of the human rights commissioner or ombudsman. Many international and civil society organizations agree that Tajikistan is not ready for such an institution. Critics argue that with the present state of affairs—when pluralism, power sharing, freedom of expression, and access to information and justice are heavily restricted, with the government treating the international and local communities’ human rights concerns with disregard (such as rebuffing the request of the International Committee of the Red Cross to be granted access to detention centers and prisoners)—the role of a human rights ombudsman will be mere window dressing, serving as a muzzle on international criticism of rights violations. By the end of 2007, the draft Law on the Ombudsman was being reviewed

by a pro-government, president-appointed working group and was expected to be approved by the Parliament in early 2008.

### Corruption

1999	2001	2002	2003	2004	2005	2006	2007	2008
6.00	6.00	6.00	6.00	6.25	6.25	6.25	6.25	6.25

Corruption is widespread in Tajikistan. A 2006 UN-implemented survey by the Strategic Research Center conducted under the auspices of the president of Tajikistan found the public perceived corruption as widespread, identifying the courts, local administration, and law enforcement bodies as the most corrupt institutions. According to Transparency International's 2007 Corruption Perceptions Index, Tajikistan received a score of 2.1 on a scale of 0–10, with 10 indicating “highly clean.” Requests for illegal payments are common, especially from civil servants, traffic police, tax officials, and even teachers, doctors, and prosecutors.

In January 2007, the government approved the creation of the State Financial Control and Anticorruption Agency, which consolidated nearly all anticorruption functions previously exercised by the State Tax Committee, the Office of the Prosecutor General, and other law enforcement bodies. The former head of the Committee on Constitution, Legislation, and Human Rights of the lower house of Parliament, Sherkhon Salimov, was assigned as its head, and by mid-2007, the agency had hired a staff of nearly 500. Despite shortcomings, the formation of this new agency marks a significant step forward in the fight against corruption in Tajikistan.

Prior to the newly formed State Anticorruption Agency, the State Tax Committee's anticorruption branch included only 47 investigators with 50 criminal cases in 2006. During 2007, the new agency claims to have initiated a total of 300 corruption cases and on the whole, put US\$24 million back into government coffers. Criminal cases were opened against 14 employees of the State Tax Committee, 20 police officers, and several court employees. At the same time, in December 2007, the State Anticorruption Agency announced that 4 of its own employees had been penalized for corruption. It refused, however, to identify the individuals or the type and amount of corruption involved.

Allegations of corruption are not always clear-cut, as there are believed to be cases where innocent individuals are set up by officials. Anecdotal evidence suggests that a number of successful businesspeople may have run up against corrupt stakeholders who used allegations of bribery and other methods to eliminate them as business competitors.<sup>30</sup> Much of the corruption in Tajikistan is due to low public sector wages. Even the State Anticorruption Agency has complained about its low staff salaries, which range between 300 and 1,200 somonis (US\$87–350) per month—yet, this is still much higher than the average wage in the country.<sup>31</sup>

Corruption allegations also revolve around the country's dual export commodities of cotton and aluminum, which together constitute over 80 percent

of Tajikistan's export earnings. While in 2007 aluminum exports were estimated at just over US\$1.1 billion and cotton fiber exports likely reached US\$120 million, the economic benefit and impact of these commodities on the population is uncertain. Cotton farmers, for example, are known to be poorer than farmers involved in food production, and the cotton debt by the end of 2007 was estimated to be near US\$500 million.<sup>32</sup> While the negative consequences of this debt will likely remain for a decade or two, a handful of local intermediary companies dealing with loans to cotton farmers continue to enrich themselves by acting as monopolies and monopsonies.

In recent years, the Tajikistan Aluminum Company (Talco, formerly TadAZ) has had a business relationship with Norway's Hydro Aluminum, which delivers raw alumina to Tajikistan and in return purchases processed aluminum. In between, however, there is a front company, Talco Management Ltd. (TML), that is registered in the British Virgin Islands and is owned 70 percent by the Tajik government and 30 percent allegedly by wealthy Tajik citizens. Another company of similar nature is CHD, which is also registered in the Caribbean and provides Talco with raw material and mechanical parts.<sup>33</sup> The World Bank reportedly stated in June 2004 that Talco "is not governed by a board of directors or any other type of executive committee [and] is under the sole command of its director, who reports only to the Tajik President...." The International Monetary Fund, in turn, reportedly indicated in April 2007 that Talco receives below one-fourth the international benchmark price from exports of its aluminum.<sup>34</sup> To dispel allegations of corruption against the aluminum industry, the government reportedly hired a British public relations firm in 2007.

Drug trafficking is another major source of corruption. Since the overthrow of the Taliban by U.S.-led forces in late 2001, there has been a massive upsurge in the cultivation and consequent trafficking of drugs from Afghanistan through Tajikistan en route to Russia and Europe. Ninety-three percent of the world's supply of illicit opiates, mostly in the form of heroin, originates from Afghanistan—where in 2007, over 7,000 tons of opium poppy were cultivated, a 17 percent rise over 2006. Given its nearly 1,400 kilometers (870 miles) of porous borders with Afghanistan, Tajikistan has one of the highest rates of drug trafficking and interception in the world. Like its Central Asian neighbors, soon after independence, Tajikistan ratified the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. And in 2004, the Tajik Parliament ratified the 1999 International Convention for the Suppression of the Financing of Terrorism and the 2000 UN Convention Against Transnational Organized Crime (aka Palermo Convention). Tajikistan is also a member of the Eurasian Group, a regional financial task force aimed at creating the legal and institutional framework to assist in preventing money laundering and combatting the financing of terrorism. In mid-2007, the World Bank and the UN Office on Drugs and Crime attempted to persuade Tajikistan to formulate a Financial Intelligence Unit, a governmental body gathering critical data on drug trafficking and terrorism financing for the purpose of sharing information. But, like other Central Asian republics (except Kyrgyzstan), Tajikistan has yet to set up such a unit.

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