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**Human Rights Council**

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Agenda item 3

**Promotion and protection of all human rights, civil,**

**political, economic, social and cultural rights,**

**including the right to development**

Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Tajikistan[[1]](#footnote-2)\*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the promotion and protection of freedom of opinion and expression on his visit to Tajikistan from 3 to 9 March 2016. The Special Rapporteur identifies major concerns with the Government’s repression of the freedom of opinion and expression: intimidation of the media; the censorship and surveillance of the Internet, including the blocking of websites and the repeated shut-downs of telecommunications services during times of public protest; its draconian restrictions on opposition voices; and the squeezing of civil society. In the year since the visit, the situation has only deteriorated, such that freedom of expression, once in crisis, is difficult to identify as a value promoted or protected by public authorities. Though the Special Rapporteur proposes discrete and specific recommendations, he believes that the time for specifics has passed; the Government is obligated under human rights law to reconsider its entire approach to restricting the opposition, the media, the Internet, and civil society as a whole.

Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Tajikistan[[2]](#footnote-3)\*\*

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I. Introduction

1. Pursuant to Human Rights Council Resolution 25/2, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression undertook an official visit to Tajikistan from 3 to 9 March 2016. The Special Rapporteur’s aim was to gather information, engage in a dialogue with the Government and other actors concerning freedom of expression in the country, and offer recommendations to the Government and other stakeholders.

2. The Special Rapporteur expresses his gratitude to the Government for its invitation and support in the preparation of meetings with officials, and he underlines his desire to continue the dialogue initiated during his visit. The Special Rapporteur met with the Minister of Justice, the Minister of Culture, and the Human Rights Ombudsman, as well as senior representatives from the Ministry of Foreign Affairs, Ministry of the Interior, Parliament, Supreme Court, Constitutional Court, Office of the Prosecutor General, State Committee for National Security, State Committee on Communications Services, State Committee on Television and Radio and Khovar News Agency.

3. The Special Rapporteur met with representatives from the United Nations Country Team, the Organization of Security and Cooperation in Europe (OSCE) and others in the international community. He thanks the UN Office in Dushanbe for its invaluable support.

4. As with any country mission, the views and testimonies of those most affected by restrictions are critical to have a full picture of the human rights situation. The Special Rapporteur thus met NGO representatives, journalists, media associations, families of individuals detained, and lawyers. He thanks all those who shared their perspectives and often painful stories with him over the course of his visit.

5. The Special Rapporteur notes that his visit took place at a time of increasing repression of the freedom of expression in Tajikistan. It is true that the exercise of the freedom of expression is guaranteed by the Constitution of Tajikistan, a point of pride highlighted by members of the Supreme Court. The country acceded to the International Covenant on Civil and Political Rights (ICCPR) and enacted several laws that ostensibly promote freedom of expression. After the Special Rapporteur’s visit, Tajikistan accepted a number of recommendations made during its recent Universal Periodic Review of the Human Rights Council relating to the promotion and protection of the right to freedom of expression.[[3]](#footnote-4) Yet despite these important legal obligations and commitments, multiple additional laws, decrees, and policies—particularly those concerning terrorism, extremism, and national security—are deeply eroding the protection of the right to freedom of expression.

6. In particular, since 2015, interlocutors from across civil society and international organizations and NGOs note with alarm the sharp increase in the restrictions on dissent. The Special Rapporteur noted these same trends, and yet evidently the situation has continued to deteriorate in the period between his visit and the writing of this report. During this time, a constitutional referendum was conducted, which banned the establishment of political parties based on religion or nationalism and consolidated the president’s hold on power; various members of the leadership of the country’s main opposition party, the Islamic Renaissance Party of Tajikistan (IRPT), were sentenced to lengthy prison terms; and a number of human rights lawyers and other critical voices remained detained or continued facing legal and extra-legal threats.

7. Despite grave concerns about the future of free expression in Tajikistan, the Special Rapporteur hopes that the willingness of Government authorities to engage in dialogue with international human rights mechanisms portends a change in law, policy and practice. But the trend is not hopeful. Nonetheless, this report was prepared with the aim of furthering the discussions initiated during the Special Rapporteur’s visit, not only by identifying areas of very serious concerns, but also providing recommendations on the way ahead.

II. International Legal Standards

8. Article 19(1) of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Tajikistan on 4 January 1999, guarantees everyone’s right to hold opinions without interference. The right to freedom of opinion is not subject to derogation in ordinary circumstances or during states of emergency (see General Comment 34, para. 5). Article 19(2) protects everyone’s right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, through any media. In accordance with Article 19(3), any restriction imposed on this right must be provided by law and be necessary and proportionate to protect the rights or reputations of others, national security or public order, or public health and morals. Article 20 calls for the prohibition of advocacy of national, religious or racial hatred that constitutes incitement to violence, hostility or discrimination; restrictions on the basis of Article 20 must also meet the conditions laid down by Article 19(3) (see General Comment 34, para 50).

9. The rights to freedom of opinion and expression also include religious opinion and expression. Further, Article 18 protects everyone’s right not only to freedom of thought, conscience and religion but also the manifestation of religious belief in worship, observance, practice and teaching, collectively or individually (see Report of the Special Rapporteur on freedom of religion or belief, [A/HRC/31/18](https://www.ohchr.org/Documents/Issues/Religion/A-HRC-31-18_en.pdf).) The ICCPR establishes a narrow scope for permissible restrictions to the right to freedom of religion, providing in Article 18(3) that the manifestation of one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

10. The rights to freedom of peaceful assembly and of association are often crucial vehicles for the collective exercise of the right to freedom of expression. The freedom of peaceful assembly under Article 21 and freedom of association under Article 22 are likewise subject only to narrowly permissible limitations based on the principles of legality, necessity and proportionality.

11. Tajikistan is also party to other international human rights treaties containing provisions relevant to the right to freedom of expression, including the International Covenant on Economic, Social and Cultural Rights (acceded to on 4 January 1999), the International Convention on the Elimination of All Forms of Racial Discrimination (acceded to on 11 January 1995) and the Convention on the Rights of the Child (acceded to on 26 October 1993). It is also a member of the Organization for Security and Co-operation in Europe (OSCE), which emphasizes and promotes the values of freedom of expression and media freedom in particular.

III. Tajikistan’s Constitutional Framework

12. The Constitution of Tajikistan guarantees the right to freedom of expression.[[4]](#footnote-5) Article 30 of the Constitution is explicit:

“Everyone shall be guaranteed the freedom of speech, publishing and the right to use means of information. Propaganda and agitation, kindling the social, race, national, religious and language enmity and hostility shall be prohibited. State censorship and prosecution for criticism shall be prohibited. Law shall specify the list of information constituting a state secret”.

Specific implementing laws have the purpose of ensuring these protections. Freedom of association and freedom of religion are also contemplated by the national constitution. Article 26 enshrines the right to express religious beliefs freely through participation in religious customs and ceremonies. Article 28 further guarantees the right to associate and form political parties.

13. Despite constitutional protections, recently adopted constitutional amendments combined with several additional national laws create significant risks to the protection of the rights to freedom of expression as well as to the rights to freedom of association and freedom of religion.[[5]](#footnote-6) During the visit of the Special Rapporteur, a wide range of interlocutors raised concerns about the then-proposed amendments. On 22 May 2016, a referendum resulted in the adoption of forty-one amendments to the Constitution. The amendments were subject to a package vote such that citizens could only vote in favor or against the whole set of proposals.

14. The amendments resulted in a Constitution that eliminated the term limits for the incumbent President, using his new statutory designation as “Founder of peace and national unity – the Leader of nation”. They prohibit political parties “of nationalist and religious character”. This latter restriction on political parties appears to be in conflict with Article 28 of the Constitution, which provides, “The citizen shall have the right to participate in the creation of political parties, including parties of democratic, religious and atheistic character”.

15. Moreover, the amendments make a potentially significant modification of Article 14, which previously provided, “The limitation in implementing rights and liberties of citizen shall be allowed only to ensure the rights and liberties of others, public order, and to safeguard the constitutional structure and the territorial integrity of the republic.” This statement of limitations, while vague in part, is largely consistent with human rights law . The amendments, however, replace “constitutional structure” with  “basics of the constitutional structure, state security, defense of the country, behavior of the community, population health”. In the absence of further information about the meaning of these terms, the Special Rapporteur is concerned that they could be used to limit fundamental freedoms in ways that go beyond what is permitted under human rights law.

16. Below, this report addresses domestic legal constraints. But it also bears noting here that several major pieces of domestic legislation have broad implications for the exercise of the right to freedom of expression across many areas of public and private life. Among the most important are those dealing with terrorism and extremism, which have an impact on media, opposition politics, civil society activism, and other legitimate exercises of freedom of opinion and expression. The *Law on Combating Terrorism* (1999) and the *Law on Fighting against Extremism* (2003) broadly define “terrorism” and “extremism” and give extensive powers to the Government to conduct counter-terrorism activities in ways that severely curtail freedom of expression. For example, Article 3 of the *Law on Combating Terrorism* defines “terrorism” as “violence or threat of violence against individuals (…) legal entities (…) the destruction of or threat to destroy property and other material objects (…) which threaten to cause loss of life, significant damage to property, or other socially dangerous consequences and are implemented with a view to violating public security, intimidating the population, or influencing the adoption by state organs of decisions advantageous to terrorists, or satisfying their unlawful material and (or) other interest (…) In Article 3 of the *Law* *on Fighting against Extremism*, extremism is defined as “the manifestation by legal entities and physical persons of expression of extreme forms of the actions calling for destabilization, change of the constitutional system in the country, seizure of power and assignment of its powers, incitement of racial, race, social and religious strife.” Amendments signed into law on 14 November 2016 to the Criminal Code provide for imprisonment from three to ten years for the public justification of terrorist or extremist activity. Similarly, the use of mass media or Internet for the same purpose is punished with imprisonment from ten to fifteen years. The law defines “public justification of terrorist and extremist activity” as “public propaganda on the recognition of the correctness of the ideology and practices of terrorism and extremism and inviting people to follow or support it”.

While the Special Rapporteur is cognizant of the real threat of violent extremism and religious radicalization facing Tajikistan, he is concerned that the legislative framework that is currently in place is counter-productive to meet these challenges.

IV. Restrictions on media freedom

A. Legal framework

17. Tajikistan’s domestic laws provide for the protection of the right of access to information and for the freedom of the media. LawNo. 411 *On Access to Information* (2008) “creates legal conditions for the realization of the right of every citizen to free exercise of search and retrieval of information.”[[6]](#footnote-7) The law covers both “mandatory dissemination of information to the public” and “the satisfaction of personal and collective requests for information.”[[7]](#footnote-8) This access includes a requirement that each state agency hold a minimum number of press conferences each year. The Special Rapporteur was told that by presidential instruction in September 2011, the number was reduced from a minimum of four to a minimum of two press conferences each year.

18. Law No. 961 *On the Periodical Press and other Mass Media* (2013) provides basic freedom of the press, precluding censorship by providing in Article 2:

“The press and other mass media in the Republic of Tajikistan shall enjoy freedom. Each citizen of the Republic of Tajikistan shall have the right to freely express convictions and hold opinions, to impart them in any form through the press and other mass media. No censorship of the mass information shall be allowed.”[[8]](#footnote-9)

19. The Mass Media Law builds on the Access to Information law and establishes protections for journalists and owners of media outlets by recognizing Tajikistan’s obligations as a party to the ICCPR to promote and defend freedom of expression, establishing a legal recourse for media outlets that are refused access to information by the Government.[[9]](#footnote-10)

20. According to officials with whom the Special Rapporteur met, the Government in the summer of 2015 issued a directive ordering all officials to share information only with state-run news agency Khovar, which would then be the main channel for further distribution of information to all other outlets in the Tajik media. The National Association of Independent Media alleged the directive violated constitutional guarantees to equal access to information. The Special Rapporteur emphasizes that providing Khovar with a gatekeeper function for information restricts the public’s right of access to information on grounds not evidently rooted in permissible limitations under the ICCPR.

B. Pressure against journalists and media outlets

21. Despite formal legal protections, journalists and independent media workers reported legal and extra-legal pressures exerted by government officials in order to limit reporting and criticism. A number of interlocutors shared with the Special Rapporteur their deep concern about the ability of the media to report on government actions, to conduct investigations into matters of high public interest (such as the alleged military mutiny in September 2015), and to provide a forum for the dissemination of critical ideas. As an umbrella concern repeatedly raised with the Special Rapporteur, largely undefined restrictions based on “extremism” and support for terrorism are having a significant chilling effect on journalism, the ability of reporters safely to cover stories of public interest, and the willingness of publishers and editors to authorize such reporting. Meanwhile, the Government’s blocking of foreign social media and search websites has drastically constrained the public’s access to information beyond the frontier of Tajikistan.[[10]](#footnote-11)

22. The Special Rapporteur received credible reports of harassment of journalists arising over the past several years, focused on pretexts such as fraud, extortion, organized crime or extremism. Journalists covering the political situation in the country and investigating corruption seem to be particularly affected by harassment. Journalists told the Special Rapporteur that the Government attempts to discredit them to their colleagues. Some journalists noted that they have been invited to speak with the Prosecutor General’s office, where they were intimidated and ordered to stop their reporting. Other journalists claimed of being followed, threatened online, or telephoned with threats towards themselves or their families.  Editors reported being pressured to fire reporters who wrote critical articles.

23. Over the last year, the Special Rapporteur has received reports on the use of journalist accreditation procedures to exercise pressure. According to reports, on 25 November 2016, six employees of Radio Liberty lost their accreditation to report news in Tajikistan after having reported on the appointment of the President’s daughter to the country’s Foreign Ministry. However, their accreditation was restored 10 days later after Radio Liberty protested this decision.[[11]](#footnote-12) Additionally, a Radio Ozodi employee lost his accreditation, and a BBC correspondent was threatened with losing hers, eventually being forced to refrain from publishing for one month.

24. In 2016, the Parliament considered amendments to the Law on the Media which would modify when media outlets may be suspended. After a strongly negative reaction by journalist and media organizations, the Parliament opened consultations on the proposed amendments. In May 2016 the Parliament adopted the amendments which, despite some modifications, established the capacity of the Prosecutor General or the body authorized to regulate registration to request from a court an order to suspend the activities of a mass media outlet.[[12]](#footnote-13)

25. Journalists indicated to the Special Rapporteur that registration requirements had been used against media outlets critical of the government even before the adoption of amendments to the Law. Sources informed the Special Rapporteur that at least two independent news outlets closed down recently as the result of difficulties associated with the current climate for journalism in Tajikistan. In November 2016, the independent newspaper *Nigoh* closed its print edition reportedly because of a pattern of reporting said to be disliked by official authorities.[[13]](#footnote-14) Reports say that the paper was under extreme pressure due to critical pieces about the situation involving the IRPT and about the trial of their lawyer, in addition to reporting deemed to be insulting the President. The news agency, *Tojnews*, was shut down two weeks later without official reason, but self-censorship has reportedly increased further among journalists and news outlets after financial and other threats by the Government.

26. The Special Rapporteur also received information concerning the blocking of access to the news sites *Asia Plus*, *Radio Free Europe/Radio Liberty*, and *Ozodagon* – all allegedly at the request of authorities. Though the Government denied complicity, the Special Rapporteur heard credible reports of the Government’s instruction to block the sites, and they reportedly remained unavailable in Tajikistan even in the beginning of 2017.[[14]](#footnote-15) The Special Rapporteur received further allegations concerning the blocking, intimidating and threatening of independent media in the build-up to the referendum of May 2016.[[15]](#footnote-16) These actions resulted in a lack of access to information and a general suppression of dissenting voices.

C. Criminal Defamation

27. The Parliament decriminalized defamation in 2012, a positive step to bring domestic law into accord with international human rights standards. Nonetheless, Articles 137 and 330 of the Penal Code continue to include the criminal offense of defamation and insult of the President and State officials. Public insult of the President, through the press or mass media, is still punishable by jail terms of up to 5 years.[[16]](#footnote-17) On 26 October 2016, the lower house of the Parliament endorsed a new law “On the Founder for Peace and National Unity – Leader of the Nation”. The law, in particular, grants President Rahmon the status of 'The Founder of Independent Tajikistan'. On 8 November 2016 Upper House of Parliament adopted amendments to the Criminal Code through the adoption of Article 137 (1) and criminalized insulting the Leader of the Nation. The law came into force on 17 November 2016. According to changes, [publicly insulting the Leader of the Nation through mass media and internet or slander addressed at him is punishable by up to five years in prison.](http://news.tj/en/news/tajikistan/power/20161103/232837)

Such special protection against criticism in not aligned with international standards. The Human Rights Committee underlines in General Comment 34 that laws should not provide for more severe penalties solely on the basis of the identity of the person and that the value placed by the ICCPR upon uninhibited expression is particularly high in cases involving public or political figures. Thus, the mere fact that forms of expression are considered to be insulting to these figures is not sufficient to justify the imposition of penalties.

28. Civil defamation is stipulated in the Civil Code and reportedly frequently used to harass journalists and critical voices.[[17]](#footnote-18) Article 174 protects honour, dignity and business reputation and provides for compensation for “moral damages”. The provision requires the defendant to provide the truthfulness of her statement. The civil defamation provisions provide for excessive financial compensation for defamatory statements. Articles 171 and 1116(2) provide that, when determining the amount of compensation, the court must take into account the extent of the moral suffering of the victim and the violator’s guilt, as well as principles of reasonableness and fairness. Article 1115(2) states that moral damage is compensated “regardless of the guilt” if “damage is inflicted by disseminating information defaming honour, dignity and business reputation”. Numerous interlocutors raised concerns that the civil defamation provisions impose high costs on the ability of reporters to investigate matters of public interest, especially such issues as corruption and the multifarious business and government networks of the President’s family.[[18]](#footnote-19) The Special Rapporteur is concerned at the chilling effect of these provisions on the exercise of the freedom of expression, and on the work of journalists, in particular their reporting on public figures and government affairs.

V. Restrictions on Internet and Mobile Communications

29. The amended Law on the State of Emergency authorizes the government to block mobile services and access to the Internet without a court order following the announcement of a state of emergency. Amendments to the Law on Combating Terrorism adopted in 2015 allow for blocking the Internet and telecommunications systems during "counterterrorism operations," particularly if these mediums are spreading “forbidden information".[[19]](#footnote-20)

30. Neither Internet nor mobile access is legally protected in Tajikistan. Despite Tajikistan’s obligations under the ICCPR to guarantee freedom of expression regardless of frontiers and through any media, the government’s blocking of mobile services and internet access is legal under domestic legislation and, according to reports confirmed by at least one senior security official during the Special Rapporteur’s visit, occurs frequently. On 11 November 2016, the Single Communications Switching Centre (or Nexus) was established by means of Presidential Decree 765, allowing the government complete control over domestic communications without legal safeguards.[[20]](#footnote-21) The Switching Center provides that all internet and mobile communication be run through a single, state-owned telecom provider (Tojiktelecom). Decree 765 bolsters the Government's power to shut down and block services without obtaining the assistance of service providers.[[21]](#footnote-22)

31. The Single Communications Switching Center also enhances the ability of the Government to surveil domestic and international communications. The Special Rapporteur received allegations that the Government is already regularly conducting surveillance of domestic communications. The Switching Center will allegedly enable surveillance to be conducted without making requests of service providers or telecommunications companies, as the Government will have direct access to the communications networks.

32. The Special Rapporteur notes with concern the many reports he received about the blocking of multiple websites and social media and search platforms (such as Facebook, Vkontakte, YouTube and Twitter), particularly those that officials consider to be promoting “extremism.” Though some government agencies told the Special Rapporteur that website shutdowns were the result of technical difficulties, others admitted that the Government affirmatively blocks certain sites. Other reports suggest the Government has justified shutdowns on behalf of reports from “concerned citizens.”  One security official told the Special Rapporteur that security agencies would like to be more discriminating and block only offending or unlawful posts or videos, but he claimed it does not have the technical expertise to do so. It is simply “easier”, he said, to block entire sites, even if it infringes on human rights. While targeted and time-limited restrictions may be justified in specific circumstances demonstrating necessity and proportionality, blanket shutdowns of entire social media sites are neither necessary nor proportionate to protect public order or national security.

33. TeliaSonera, the owner of mobile provider TCell, has reported that the Government requested the blocking of at least 84 websites in June 2015[[22]](#footnote-23). The Special Rapporteur has also learned of numerous instances in which mobile services were blocked on orders of the Government. For instance, in October 2014, the Government reportedly ordered the blocking of all SMS messaging just as a political organization was calling for peaceful public protests.[[23]](#footnote-24) Similarly, beginning on 4 September 2015, citizens reportedly were denied internet access to some sites for three weeks[[24]](#footnote-25).

34. Since the visit of the Special Rapporteur, it has been reported that mobile phone operators in Tajikistan have begun re-registering all SIM cards in accordance with amendments to the Electronic Communications Law[[25]](#footnote-26) as part of a strategy to combat terrorist threats.[[26]](#footnote-27) Government officials expressed concern that citizens are purchasing SIM cards and giving or selling them to members of extremist groups; however, re-registration could have a significant and widespread effect on the freedom of expression in the country. Re-registering requires citizens to bring their passports and SIM cards to an official service center. If a SIM card is not re-registered within a year, it will be deactivated. Such mandatory sim-card registration undermines the right to communicate anonymously, particularly for those who access internet through mobile technology, and it provides the Government the capacity to monitor individuals and journalists beyond legitimate government interest (A/HRC/29/32).

VI. Restrictions on opposition voices

35. Throughout the Special Rapporteur’s visit, the prevailing concern of nearly all interlocutors outside Government was the nature of restrictions, followed by criminalization, of the opposition parties, especially the Islamic Renaissance Party of Tajikistan (IRPT) and Group 24. The space for political opposition voices in Tajikistan had already come under severe threat in recent years. The dismantling of the most important political opposition force, the IRPT, and the persecution and criminalization of its members as well as of other potentially independent political forces highlight the lack of space for opposing the ruling authorities. This deterioration is hastened by legal changes further restricting the functioning of political parties and paving the way for the perpetuation of the current leadership in power. The detention and intimidation of lawyers further stimulate a widespread sense of insecurity among all critical voices in the country.

A. Legal restrictions on political parties

36. The constitutional amendments were a source of significant anxiety during the Special Rapporteur’s visit, and their adoption on 22 May 2016 formalized the repressive political landscape.[[27]](#footnote-28) The results of the referendum narrowed the space for political expression by amending Article 8 of the Constitution. Article 8 already prohibits social associations that encourage nationalism, racism, and religious enmity, as well as those that advocate the forcible overthrow of Constitutional structures and the formation of armed groups. The Constitutional amendment’s new ban on political parties based on religion is especially relevant as it directly affects the constituency previously represented by the IRPT, which was the only religiously-affiliated political party in existence in Tajikistan or in any of the post-Soviet successor States in Central Asia. In fact, the introduction of the ban in the Constitution reversed the result of another referendum in 2003 which ratified the legalization of political parties based on religion (and the participation of IRPT in elections and in the country legislature), consolidating the peace agreement which ended the civil war that affected the country in the previous decade.

B. Investigation, prosecution and imprisonment of opposition leaders

37. Reports of direct attacks against opposition parties and their leaders became particularly frequent over the two years prior to the Special Rapporteur’s visit. In the elections of March 2015, the IRPT lost its remaining few seats in Parliament. At the time, monitors from the Organization for Security and Cooperation in Europe’s Office for Democratic Institutions and Human Rights (ODIHR) reported concerns about government intimidation and ballot stuffing in this process. According to its final report, ODIHR observed that “the 1 March parliamentary elections took place in a restricted political space and failed to provide a level playing field for candidates,” and “restrictions on the right to stand, freedoms of expression and assembly, and access to media limited the opportunity to make a free and informed choice.” [[28]](#footnote-29)

38. In March 2015, IRPT leader Mr. Muhiddin Kabiri left the country to attend a conference. Soon after, the Prosecutor General’s office announced that it would be launching an investigation into a sale of property that Mr. Kabiri had been involved in fifteen years earlier. Party leadership saw this as a move to discredit the IRPT, and decided that Mr. Kabiri’s return to Tajikistan would be too risky.[[29]](#footnote-30) In June 2015, videos of IRPT members reporting that they were abandoning the party allegedly appeared online.[[30]](#footnote-31) It was further reported that those appearing in the videos were intimidated and harassed by officials.

39. Just as they have imposed a pall over the media, the counter-terrorism and extremism laws noted above played a central role in the dismantling and criminalization of the relevant political opposition forces in the country. Based on the definitions of terrorism and extremism in these laws, the Prosecutor General and the Supreme Court have declared that the IRPT and the political collective known as “Group 24” were extremist or terrorist organizations and launched criminal proceedings against their members and, in some case, also against their lawyers and relatives. During his visit, the Special Rapporteur was particularly disturbed by the recurrent use of extremism and terrorism concerns as a justification for numerous measures limiting freedom of expression and intimidating political dissent, especially due to the vague definitions of what constitutes “extremism” or “terrorism.”

40. According to multiple reports, on 9 July 2015, the Prosecutor General’s Office made an official statement about the IRPT alleging a series of crimes committed by its members and claiming that the group no longer qualified as a political party as it had closed down many of its offices. In August 2015, the Ministry of Justice ordered the closure of IRPT, stating that it did not have the sufficient number of members to qualify for official registration, and giving the party ten days to shut down its activities.

41. In September 2015 the Government accused the party of being linked to armed clashes between government forces and armed groups which allegedly took place in Dushanbe on 4 September 2015. On 29 September 2015, the Supreme Court officially declared IRPT a terrorist organization and banned all future activities by the party under the Law on Combatting Terrorism. According to the ruling, distribution of any newspapers, videos, audio recordings, literature and leaflets connected to the IRPT is prohibited. The party's website has been blocked since that time.

42. At least thirteen members of the IRPT leadership and its lawyers were detained in a wave of arrests beginning 16 September 2015. During his visit, the Special Rapporteur was informed that they were charged with various offenses such as participation in a criminal group, incitement of national, racial or religious hatred, murder, terrorism, appeals to violent change of the constitutional order, illegal possession or transfer of weapons, and armed rebellion. Others, including allegedly at least ten relatives of Mr. Muhiddin Kabiri, have been detained and later released.

43. The Special Rapporteur made repeated requests to visit the detained members of the IRPT, as well as their lawyers. He made this request to officials in the Ministry of Foreign Affairs, the Supreme Court, and the Prosecutor General’s office. He greatly regrets that the Government did not respond to his requests to undertake such visits, in contravention with the mandate he enjoys from the Human Rights Council.

44. The trial of IRPT members commenced closely to the time of the Special Rapporteur’s visit. Proceedings took place in secrecy, reportedly inside a pre-trial detention centre of the State Committee for National Security. With regard to the secrecy surrounding this process, the Special Rapporteur also recalls that Article 14(1) of ICCPR, which guarantees the right to a fair trial and provides that all court judgments, with a few listed exceptions, must be made public.

45. On 2 June 2016, about three months after the Special Rapporteur’s visit, the detained leaders of the IRPT were sentenced. Mr. Saidumar Husaini and Mr. Mahmadali Hayit, the first deputy and deputy chairman of the party, were sentenced to life in prison, while other party leaders, Mr. Rahmatulloi Rajab, Mr. Sattor Krimov, Mr. Kiyomiddini Azav, and Mr. Abdukahhori Davlat, were sentenced to 28 years in prison. Others received a variety of sentences, the shortest of which was received by IRPT legal advisor Mr. Zarafo Rahmoni, who was sentenced to two years in prison. In protest of these pending sentences, on 2 June 2016, the spouses of party officials held a peaceful protest walk to the local UN office. They were reportedly stopped on their march by local police and fined for “failure to obey police.”

46. The intimidation of political activists through the harassment of family members was also reported in other occasions. Journalist Shukhrati Rahmatullo’s father, in prison on charges related to the IRPT, was allegedly placed in solitary confinement and beaten; he was then told that it was due to his son’s reporting and that his son’s silence was the price for the end to his ill-treatment. Mr. Vaisdiddin Odinaev, an activist, protested against the Government in Prague on 1 December 2016; five days later, Mr. Odinaev’s 75-year-old grandfather was reportedly interrogated in Tajikistan for 5 hours about his grandson, despite not seeing him in years. Prominent IRPT member, Mr. Ilhomjon Yakubov, was featured in a video about human rights filmed in Poland. Since then, several of his relatives’ homes have been confiscated and they have been forced to flee after threats of violence by other community members.

47. The Government has also placed substantial pressure on other political leaders. Already in 2013, former Minister of Industry, Mr. Zayd Saidov, was arrested shortly after he announced the establishment of the New Tajikistan Party. Following a closed trial, Mr. Saidov was convicted and sentenced to 29 years in prison on charges of sexual offences and corruption.

48. The case of Mr. Umraili Kuvvatov, the leader of the political movement Group 24, is another case of grave nature. On 23 December 2012, Mr. Kuvvatov was arrested in Dubai on charges of fraud at the request of Tajik authorities. Mr. Kuvvatov created Group 24 as a movement in opposition to the current Government’s leadership, and alleged that the fraud accusations against him were “a direct consequence” of his battle against the government. Following his release in September of 2013, Mr. Kuvvatov went into exile in Turkey but continued to build support for Group 24.[[31]](#footnote-32) After he called for his supporters to assemble on 10 October 2014 in a main Dushanbe square to demand free elections, websites such as YouTube and Facebook were disabled throughout Tajikistan.[[32]](#footnote-33) Group 24 was declared “extremist" and persons accused of association with the group also became subject to investigation, potential criminal charges, and detention. On 5 March 2015, after receiving several death threats, Mr. Kuvvatov was murdered in Turkey. The Prosecutor General's Office indicated to the Special Rapporteur that it had not opened an investigation to determine if the killing was connected to persons in Tajikistan. Another member of Group 24, Mr. Safarali Hasanov, was sentenced in May 2016 to 5 years in prison on charges of “organization of activity of an extremist group” for participating in a meeting calling on Tajik labor migrants to demonstrate against the Tajik government.[[33]](#footnote-34)

C. Detention and intimidation of lawyers

49. During his visit, the Special Rapporteur learned of several cases in which lawyers defending dissenters or opposition figures themselves came under intimidation and threat. For instance, the cases of Mr. Buzurgmekhr Yorov and Mr. Nuriddin Mahkamov, two human rights lawyers involved in the trial of the IRPT leaders, raise serious concerns about the Government’s commitment to due process and independent legal mechanisms. The charges against the lawyers included fraud, “arousing national, racial, local or religious hostility” and extremism. Mr. Yorov was arrested on 29 September 2015, shortly after he agreed to represent IRPT members who had been arrested days before. On 22 October 2015, Mr. Mahkamov, a lawyer who worked for the same law firm as Mr. Yorov, was also arrested after he sought to represent Mr. Yorov. Mr. Yorov’s brother, Mr. Jamshed Yorov, was arrested between August and Septmber 2016 on charges of “disclosing state secrets,” after being accused of having publicized the secret sentence of the IRPT leaders. In October 2016, Mr. Yorov and Mr. Mahkamov were sentenced to 21 and 23 years in prison respectively.

50. During Mr. Buzurgmekhr Yorov’s trial, he allegedly read aloud a Persian poem that made reference to ‘fools’, triggering further charges against him of contempt of court and insulting a government official. On 15 March 2017, his sentence was extended by two additional years to 25 years after he was found guilty of these charges.

51. In January 2015, Mr. Shukhrat Kudratov, a prominent human rights lawyer and also the deputy head of the Social Democratic Party, was sentenced to nine years in prison. In previous cases Mr. Kudratov had represented the independent news agency *Asia Plus* and was defense counsel for Mr. Zayd Saidov, the detained leader of the New Tajikistan Party. Mr. Kudratov reported on irregularities in Mr. Saidov’s trial and also reported violent threats made against him and other lawyers involved in Mr. Saidov’s defense. Two other lawyers involved in Mr. Saidov’s case were also reportedly intimidated: Mr. Fakhriddin Zokirov who was arrested in 2014 and fined and Mr. Ishkok Tabarov.

52. The Special Rapporteur had the chance to meet with Mr. Tabarov during the visit. Tabarov was the only member of Mr. Saidov’s legal team not facing criminal charges. However, his son Mr. Firuz Tabarov was arrested on 3 July 2015, and was reportedly tortured and forced to make a false confession for promoting anti-state propaganda. On 11 February 2016, Mr. Firuz Tabarov was sentenced to more than thirteen years in prison for various crimes, including “extremism” and “facilitating mercenary fighters”. Reports indicate little credible evidence to support the charges, which appear to be in response to his father’s work. On 14 March 2016, Mr. Daler Tabarov, Mr. Iskhok’s other son, was arrested on charges of failing to report a crime. He was sentenced to six months in prison on 2 June 2016. Mr. Tabarov, who throughout the pressure on his sons maintained that they were charged for political reasons and to persecute him, died as a result of a stroke just ten days after the sentencing of Mr. Daler Tabarov.

53. According to a number of lawyers and activists with whom the Special Rapporteur met, the *Law on Lawyers’ Activities and Advokatura*, adopted in 2015, put further pressure on the independence of lawyers. The law empowers the Ministry of Justice to act as a licensing body requiring all lawyers to renew their accreditation and go through a new examination process, which must be redone every five years. It was reported that the test contained subjects unrelated to law, including political and historical questions. Due to the legislation, reportedly only approximately 30% of the lawyers practicing before the law was passed are currently still in practice.

VII. Narrowing the space for activism and civil society organization

54. All members of civil society with whom the Special Rapporteur met expressed grave concerns about the future of non-governmental activism in Tajikistan. They pointed first to a deteriorating legal framework. The 2014 Law on Public Meetings, Demonstrations, and Rallies imposes a number of restrictions that appear to be incompatible with the international standards for the right to peaceful assembly.[[34]](#footnote-35) Article 10 bans persons with a record of administrative offenses (i.e., non-criminal infractions) under Articles 106, 460, 479 and 480 of the Code for Administrative Offences, from organizing gatherings.[[35]](#footnote-36) Article 12 of the law establishes that organizers must obtain permission fifteen days prior to organizing a mass gathering. Additionally, Articles 14 and 15 limit the time and place permitted for gatherings, restricting mobilizations in areas close to government buildings, historical and cultural monuments, national parks, and cemeteries, and banning protest at night entirely.

55. These legal developments and practices put significant pressure on civil society actors, narrowing the space for civil society organizations and peaceful demonstrations in the country. The exaggerated advance notice requirements and the limitations of protests to certain areas and hours of the day disproportionately limit the ability of individuals to express their dissent in coordination with others. These provisions make it almost impossible for protesters to lawfully achieve their purpose of making their voices heard by authorities and the general public.

56. Following recommendations of the Financial Action Task Force on Money Laundering, amendments to the *Law on Public Associations* entered into force in August 2015.[[36]](#footnote-37) These amendments require NGOs to notify the Ministry of Justice about all funds received from international sources prior to using the funds. This could impede the NGOs from continuing to function if they cannot access those funds as needed. The implementing regulations of 27 April 2016 and 9 June 2016 elaborated that organizations must inform the Ministry of the source and nature of the funds and specifics on how and when they will be used. They must do so within ten days of receipt of funds. The Ministry of Justice can then verify the information and request inspections. This provides for Ministry access to a vast amount of the NGOs’ activities, which could result in chilling their expression.[[37]](#footnote-38)

57. Certain NGOs that have disclosed their funding sources have been questioned or pressured by the Government in situations where those funding sources have ties to foreign organizations or movements. The Special Rapporteur’s concerns about changes in the legal framework are heightened by the reported increase in other intrusive inspections on numerous NGOs by authorities from multiple bodies, including the State Committee on National Security, the Tax Committee, the Ministry of Justice, and the Prosecutor General’s office. Various interlocutors noted that official inspections recently became more frequent and intrusive, generating a climate of fear that has a powerful chilling effect, particularly affecting human rights organizations.

58. Even before the adoption of the amendments of 2015, NGOs had their work affected by official interference. For example, in 2013 the Association of Young Lawyers, Amparo, was dissolved by a court order after allegedly failing to comply with the Ministry of Justice’s auditing process. The Special Rapporteur’s predecessor and other UN experts have previously expressed their serious concerns regarding the lack of transparency and clear procedural guidelines regarding the conduct of the audit that led to the dissolution of the NGO.[[38]](#footnote-39)

VIII. Limiting religious expression

59. Freedom of expression in the religious sphere is under serious threat. Government officials noted the relevance of Article 26 of the Constitution, which guarantees religious freedom, but they asserted a need to limit certain religious activities. They argued that a number of religious manifestations have destabilizing effects on public order in Tajikistan or provide fertile ground for extremist ideology. Requiring religious organizations to register and giving the government regulatory powers over religious activities is justified by the Government as a way to combat the threat of radicalization and extremism. Part of the Government strategy in this regard is to control and monitor when, where, and under what circumstances religious expression and religious education is permissible.

60. During the Special Rapporteur’s visit, Government officials specifically cited the threat of the Islamic State of Iraq and Syria (ISIS) as a growing concern and justification for the increased restrictions on religious practices. While the Special Rapporteur is cognizant of the security situation that Tajikistan faces, he is especially concerned that the approaches taken not only violate the rights to freedom of expression and freedom of religion but also may contribute to further radicalization due to the progressive and arbitrary alienation of certain groups and their leaders.[[39]](#footnote-40)

61. Government policy is implemented by the Committee on Religious Affairs and the Council of Ulema. The Committee on Religious Affairs is responsible for overseeing and implementing laws relating to religion–including registration of religious groups and oversight of mosques and churches. The Council of Ulema is a nominally independent body that guides the Tajik Muslim community and presents a state-approved interpretation of Islam. The Committee on Religious Affairs and Council of Ulema have issued several regulations and religious orders that limit the space for Islamic expression. For example, the Committee on Religious Affairs regulates mosques in Tajikistan, and government appointed Imams are only permitted to read specific sermons prepared by the Council of Ulema.[[40]](#footnote-41) Pursuant to Article 11 of the 2009 Law on Religion, Imams and Imam-Khatibs are elected “in coordination with” appropriate state bodies in charge of religious affairs. Article 20 of the 2009 law restricts the rights of Muslims to pray, allowing worship at only four locations: a mosque, a cemetery, at home, or at a holy shrine. A number of prayer spaces have also been forcibly shut down, as they were not officially recognized as mosques. In 2009, the Tajikistan Supreme Court declared the Salafi School of Islam an extremist group.[[41]](#footnote-42) Any member of the Salafi School is thus subject to arrest or detention as a member of an extremist group under the Counterterrorism Law.[[42]](#footnote-43)

62. Repression of religious activity also seems to have increased over the last two years. On 7 June 2016, seven men in southern Tajikistan were sentenced to imprisonment for being members of the Muslim Brotherhood, which was banned in Tajikistan in 2006 and declared a terrorist group.[[43]](#footnote-44) Since the beginning of 2016, courts reportedly handed down prison sentences of up to sixteen years to at least fifty-five men, many of whom were accused of participating in the activity and spreading the teachings of the Salafi movement.[[44]](#footnote-45)

63. Women and children, moreover, face even further restriction. A 2004 ruling issued by the Council of Ulemma prohibits women from praying in mosques.[[45]](#footnote-46) Minors under the age of 18 are not permitted to enter mosques pursuant to Article 8 of the 2011 Law on Parental Responsibility. The Ministry of Education forbids women from wearing the hijab in schools and universities.

64. On 20 July 2016 the head of the Department on Religious Affairs in the Sughd province stated during a press conference that all five regional madrasahs (schools offering religious education) in the province had been closed down, having previously been suspended from teaching students in June 2013 for failure to receive a license from the Ministry of Education and Science. According to officials, the Ministry of Education has not granted licenses for resumption of functioning of the madrasahs because their rules do not meet requirements set by the government for studying in madrasahs under article 12 of the 2009 Law on Religion.

65. The Special Rapporteur received further allegations concerning the direct harassment of multiple religious men and women, including the forcible shaving of beards and removal of hijabs by law enforcement. On 26 May 2016, a man was reportedly sentenced for recording video of the Tajik police forcibly removing the hijab from two women. He received a sentence of one year in jail after being charged with “provocation of enmity based on nationalism, regionalism, and religion” for posting the video online.[[46]](#footnote-47)

66. In May 2016, five imams were arrested for allegedly promoting extremist ideas and recruiting young people from extremist groups abroad. These arrests came after a tip from 3 other clerics arrested in April, and between January and April of 2016 the government arrested 15 Muslim clerics on similar charges.

67. The practices of other religions have also been restricted. Because the Law on Religion requires religious groups to register with the State Committee on Religious Affairs, the state has control over what religions can officially organize in the country. Jehovah’s Witnesses, for example, expressed their concerns over the cancelation of their registration in a submission to the Universal Periodic Review in 2016.[[47]](#footnote-48) The decision to cancel legal registration in turn exposes unregistered religious groups to detention and harassment for engaging in religious activities. Participants in a legally sanctioned Holi celebration in May 2016 were reportedly detained because of their painted faces for “disturbing the public order.”[[48]](#footnote-49) Moreover, the offense of producing, distributing, importing or exporting religious literature and items of a religious nature which have not passed through the compulsory prior state religious channels is punishable under Article 474-1 of the Code of Administrative Offences.

IX. Conclusion and Recommendations

68. **Tajikistan faces a serious and, in some respects unusual, security environment. It shares a border with Afghanistan that is approximately 1300 kilometres long, often porous and difficult to guard. Recently, regional concerns with extremism were increased with the emergence of ISIS. Yet the disproportionate emphasis of Government officials on the often arbitrary and violent repression of critical voices in political and religious movements risks worsening the existing risks. The repression of freedom of expression and other rights identified in this report may be undermining the very security and public order goals the Government purports to be pursuing.**

69. **Tajikistan suffered through civil war at the very moment of its independence and exit from the Soviet domination, contributing to the creation of a political system in which its leading members prize stability over any other value, even over human rights and economic development. The Government established through the peace accords, which included the partial acceptance of the political participation of former opposition sides from the civil war, played an important role in the protection of space for political opposition. That system has frayed particularly since 2012, as the Government has accumulated ever more authority.**

70. **The Special Rapporteur urges the Government to reconsider its approach to security and public order. Its current approach focuses on repression – repression of independent media, access to information online, the space for civil society, the capacity of democratic opposition voices, to name some leading human rights concerns. The following specific recommendations are offered in a spirit of engagement and cooperation, and the Special Rapporteur emphasizes his genuine eagerness to work with the Government to improve the situation for freedom of opinion and expression in the country. But the overall point is that Tajikistan has entered a phase in which law and policy are working against fundamental freedoms and thus creating major and growing pockets of fear and alienation while at the same time offering little by way of economic well-being.**

71. **In offering these recommendations to the Government of Tajikistan, the Special Rapporteur also strongly encourages the Human Rights Council and Member States to take appropriate steps to assist Tajikistan in meeting its obligations under human rights law.**

A. Reverse restrictions on political opponents and other critical voices in society

72. **The Special Rapporteur recalls the fundamental importance of ensuring that every restriction imposed on the right to freedom of opinion and expression be fully compatible with paragraph 3 of Article 19 of ICCPR. In this regard, the Special Rapporteur is particularly worried by the broad use of accusations of “terrorism” and “extremism” in the adoption of a number of repressive measures, including the detention and sentencing of multiple political opponents, lawyers as well as other critical voices in the country. The Law on Combating Terrorism should be revised in order to provide more clear and precise legal definitions of, and clarify what evidence is sufficient to prove, what would constitute “extremism” and “terrorism”, with a view to avoid arbitrary application and leaving broad discretion to those charged with their application.**

73. **The Special Rapporteur urges Tajikistan to release all political activists, lawyers or journalists allegedly detained on arbitrary grounds. The constitutional banning of parties established by religious groups is incompatible with international norms and should also be revoked as a step towards fostering a culture of political plurality. The recent trials of IRPT members as well as their lawyers, particularly in the light of their secrecy, did not seem to meet fair trial standards and should be annulled.**

74**. The recent increase in repression of critical voices in the country is further worrying considering the allegations on the lack of independence of judges and lawyers. The harassment and arbitrary detention of lawyers must be ended and thoroughly investigated. Without an independent judiciary all possible legal and institutional progresses regarding the protection of freedom of expression and other freedoms are seriously compromised. In this regard, the Special Rapporteur urges Tajikistan to receive the UN Special Rapporteur on the independence of judges and lawyers.**

B. Review legislation and revoke all arbitrary restrictions to the freedom of the media and journalists

75**. The Special Rapporteur calls upon Tajikistan to align its national law to international standards by fully decriminalizing defamation and repealing Articles 137, 137 (1) and 330 of the Criminal Code. Judicial procedures defining the scope of the application of civil defamation cases and the fines to be paid must also be carefully revised.**

76. **Registration requirements for media groups as well as the accreditation of journalists must be completely insulated from Governmental interference. In line with international standards, Tajikistan must ensure that legislative and administrative frameworks for the regulation of the mass media are consistent with the provisions of paragraph 3 of Article 19. The criteria for the application of regulations should be reasonable and objective, clear, transparent, and non-discriminatory.**

77. **The Special Rapporteur also urges the Government to ensure that journalist accreditations are not arbitrarily revoked – in this regard, it also recalls that State systems of registration or licensing of journalists are incompatible with paragraph 3 of Article 19.**

78. **The alleged harassment of journalists must be investigated and strongly condemned by State officials. Without protection from violence and harassment of judicial authorities it is impossible for journalists to perform their central role in providing public access to information in the country.**

C. Ensure free and secure access to the internet and other sources of communication and information

79. **The Special Rapporteur urges Tajikistan to revise its current regulations and policies for telecommunications and internet, paying particular attention to the recurrent allegations regarding the blocking and monitoring of communications and the blocking of websites. In particular, the Special Rapporteur calls upon Tajikistan to dismantle its Single Communications Switching Centre given the clearly disproportional and uncontrolled Governmental access to communications traffic and data enabled by the system. The Special Rapporteur also calls for the full clarification on the official positions regarding the alleged blocking of communications during moments of political relevance and the blocking of certain websites in the country.**

80. **Private sector representatives and civil society must be consulted and included in the promotion of a new regulatory system. Ensuring a safe and reliable communication infra structure is not only an obligation in accordance to human rights norms, but also crucial requirement for sustainable social and economic development. In the same spirit, the Special Rapporteur recalls Human Rights Council resolution (A/HRC/RES/32/13) which affirms that the same rights that people have offline must also be protected online, in particular freedom of expression, and condemns unequivocally measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law, and calls upon all States to refrain from and cease such measures.**

D. Enable broad space for civil society

81**. The Special Rapporteur calls upon the Government to revise the recentamendments to the *Law on Public Associations* andthe 2014 *Law on Public Meetings* in order to ensure that these do not impose restrictions to the right to peaceful assembly and freedom of association which are incompatible with the international standards.**

82. **In this regard, the Special Rapporteur recalls that registration requirements for NGOs should be clear, simple and transparent, and designed to foster an environment conducive to the establishment of a vibrant civil society. The Special Rapporteur further underlines his concerns regarding the use of recurrent inspections of civil society organizations on administrative and fiscal grounds and the possible use of these inquiries as an intimidatory tool.**

83. **The Special Rapporteur furthermore urges the Government, as part of its strategy to prevent violent extremism and religious radicalization, to strengthen civil society, including strengthening its cooperation with human rights defenders and civil society institutions.**

E. Undo the limitations on religious expression

84. **The Special Rapporteur is deeply concerned by the allegations on the undue interference of Government authorities in manifestation of religious expression and education. The Special Rapporteur is particularly disturbed by the allegations on the repression against individuals based on their apparent adherence to certain religious groups.**

85. **In this regard, the Special Rapporteur calls upon the Government to recognize, both in law and practice, the expression of religious freedom as an individual right, subject only to those restrictions that are permitted under international human rights law. The Special Rapporteur urges the authorities to revise counter-terrorism legislation and its implementation to prevent its application on the legitimate exercise of freedom of religion as a private or collective matter. The Special Rapporteur equally urges the authorities to bring the 2009 Law on Religion and the Law on Parental Responsibility into line with the standards of international human rights law.**

1. \* The present report was submitted after the deadline in order to reflect the most recent developments. [↑](#footnote-ref-2)
2. \*\* Circulated in the language of submission and in Russian only. [↑](#footnote-ref-3)
3. Report of the Working Groups of the Universal Periodic Review of Tajikistan, A/HRC/33/11, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/152/34/PDF/G1615234.pdf?OpenElement> [↑](#footnote-ref-4)
4. The Constitution, without the 2016 amendments, may be found at <http://www.president.tj/en/taxonomy/term/5/28>. Citations to the Constitution in the text are to this version. [↑](#footnote-ref-5)
5. Text of amendments in English may be found at <http://www.anrt.tj/index.php/en/news/714-amendments-and-supplements-to-the-constitution-basic-law-of-the-republic-of-tajikistan>. Citations to the amendments in the text are to this version. [↑](#footnote-ref-6)
6. English translation of the law is available at: <http://right2info.org/resources/publications/tajikistan-ati> [↑](#footnote-ref-7)
7. Ibid, Article 7. [↑](#footnote-ref-8)
8. Article 2, Law No. 961, unofficial translation available at: <http://www.nfoic.org/tajikistan-media-law>. [↑](#footnote-ref-9)
9. Ibid, Article 27. [↑](#footnote-ref-10)
10. European Journalism Observatory, 18 August 2016, available at http://en.ejo.ch/media-politics/press-freedom/tajikistan-new-moves-to-censor-critical-news-media [↑](#footnote-ref-11)
11. Radio Free Europe, 6 December 2016, available at: https://pressroom.rferl.org/a/28144378.html [↑](#footnote-ref-12)
12. Tajikistan News Agency, 8 July 2016, available at: <https://www.news.tj/ru/news/v-tadzhikistane-uporyadochili-protsess-zakrytiya-smi> [↑](#footnote-ref-13)
13. Radio Free Europe, 5 November 2016, available at: https://www.rferl.org/a/independent-tajik-newspaper-suspends-operations/28098259.html [↑](#footnote-ref-14)
14. International Partnership for Human Rights, 3 March 2017, available at: http://iphronline.org/declining-civic-space-tajikistan-20170303.html [↑](#footnote-ref-15)
15. Reporters Without Borders, 21 May 2016, available at : <https://rsf.org/en/news/rsf-condemns-continuing-harassment-independent-media-tajikistan>. [↑](#footnote-ref-16)
16. <https://www.state.gov/documents/organization/265762.pdf>; https://www.news.tj/en/news/tajikistan/power/20161108/5-years-of-imprisonment-for-insulting-the-nations-leader-in-tajikistan [↑](#footnote-ref-17)
17. Submission to the UN Universal Periodic Review of Tajikistan by Article 19, English Pen and Pen International, 21 September 2015, available at: <https://www.upr-info.org/sites/default/files/document/tajikistan/session_25_-_may_2016/js1_upr25_tjk_e_main.pdf> [↑](#footnote-ref-18)
18. See also OSCE Report of March 2017, available at: OSCE Report of March 2017, available at: <http://www.osce.org/fom/303181?download=true> [↑](#footnote-ref-19)
19. Tajikistan News Agency, 16 November 2015, available at : <https://news.tj/en/news/tajikistan/power/20151116/tajik-government-proposes-amendments-country-s-law-combating-terrorism> [↑](#footnote-ref-20)
20. Reporters Without Borders, 28 November 2016, available at: <https://rsf.org/en/news/rsf-reinforces-alliance-partner-tajikistan> [↑](#footnote-ref-21)
21. Telia Company, 8 June 2016, available at: <https://www.teliacompany.com/en/news/news-articles/2016/respecting-freedom-of-expression--information-about-and-telia-company-view-on-new-legislation-in-tajikistan/> [↑](#footnote-ref-22)
22. https://www.teliacompany.com/en/news/news-articles/2015/update-6-july---freedom-of-expression---major-event-as-to-service-limitations-in-tajikistan-9-october-2014/ [↑](#footnote-ref-23)
23. Access Now, 10 October 2014, available at: <https://www.accessnow.org/access-decries-sms-blocking-and-online-repression-in-tajikistan/>, Human Rights Watch, World Report 2015, available at: https://www.hrw.org/world-report/2015/country-chapters/tajikistan [↑](#footnote-ref-24)
24. <https://freedomhouse.org/sites/default/files/NIT2016_Tajikistan.pdf> [↑](#footnote-ref-25)
25. Justice Ministry, available at: http://www.adlia.tj/show\_doc.fwx?rgn=126004 [↑](#footnote-ref-26)
26. Eurasianet, 2 November 2016, available at : <http://www.eurasianet.org/node/81136> [↑](#footnote-ref-27)
27. Radio Free Europe, 23 May 2016, available at: https://www.rferl.org/a/tajikistan-referenmdum-approved-rahmon-increasing-power/27751364.html [↑](#footnote-ref-28)
28. http://www.osce.org/odihr/elections/tajikistan/158081?download=true [↑](#footnote-ref-29)
29. Interview with Muhiddin Kabiri in The Diplomat, 1 May 2017, available at : http://thediplomat.com/2017/05/exiled-tajik-opposition-leader-speaks/ [↑](#footnote-ref-30)
30. https://www.hrw.org/world-report/2016/country-chapters/tajikistan [↑](#footnote-ref-31)
31. Tajikistan News Agency, 9 January 2013, available at: https://news.tj/en/news/tajikistan/laworder/20130109/tajikistan-sends-official-extradition-request-uae-umarali-quvvatov [↑](#footnote-ref-32)
32. Radio Free Europe, 10 October 2014, available at <https://www.rferl.org/a/tajikistan-sms-internet-group-24-quvatov-phone-message-blockage-dushanbe/26630390.html>. [↑](#footnote-ref-33)
33. Tajikistan News Agency, 5 May 2016, available at: https://news.tj/en/news/one-more-member-group-24-jailed-tajikistan [↑](#footnote-ref-34)
34. See Central Asia-Caucasus Analyst, 26 November 2016, available at: <https://www.cacianalyst.org/publications/field-reports/item/13094-tajikistans-parliament-imposes-restrictions-on-demonstrators.html>; OSCE, Elections Observation Report, 1 March 2015, available at: <https://www.osce.org/odihr/elections/tajikistan/158081?download=true> [↑](#footnote-ref-35)
35. These provisions concern the hampering of gatherings (Article 106); disorderly conduct (Article 460); disobedience to police (Article 479); and violation of rules of conducting gatherings (Article 480). [↑](#footnote-ref-36)
36. Russian version of the law, available at: <http://base.spinform.ru/show_doc.fwx?rgn=78602> [↑](#footnote-ref-37)
37. Civicus, 28 February 2017, available at: <https://monitor.civicus.org/newsfeed/2017/02/28/worsening-conditions-independent-dissent-tajikistan/>; UN High Commissioner for Human Rights, briefing notes, 3 August 2015, available at: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16288&LangID=E [↑](#footnote-ref-38)
38. Communication by the Special Rapporteur to the authorities of Tajikistan, of 29 August 2012, [TJK 3/2012](https://spdb.ohchr.org/hrdb/22nd/public_-_UA_Tajikistan_29.08.12_(3.2012).pdf); and of 20 November 2012, [TJK 4/2012](https://spdb.ohchr.org/hrdb/22nd/public_-_UA_Tajikistan_20.11.12_(4.2012).pdf) [↑](#footnote-ref-39)
39. Radio Free Europe, 12 March 2017, available at <https://www.rferl.org/a/tajikistan-deadly-export-islamic-state-suicide-bombers/28365044.html>; Global Risk Insights, 19 March 2017, available at: <http://globalriskinsights.com/2017/03/under-the-radar-tajikistan-on-track-to-be-the-next-afghanistan/>. [↑](#footnote-ref-40)
40. US Commission on International Religious Freedom, Annual Report 2017, available at: http://www.uscirf.gov/sites/default/files/Tajikistan.2017.pdf [↑](#footnote-ref-41)
41. Forum 18, 23 January 2009, available at: http://www.forum18.org/archive.php?article\_id=1243 [↑](#footnote-ref-42)
42. Forum 18, 19 May 2016, available at: http://www.forum18.org/archive.php?article\_id=2180 [↑](#footnote-ref-43)
43. Eurasianet, 6 August 2016, available at: http://www.eurasianet.org/node/78141 [↑](#footnote-ref-44)
44. US Commission on International Religious Freedom, Annual Report 2017, available at: http://www.uscirf.gov/sites/default/files/Tajikistan.2017.pdf [↑](#footnote-ref-45)
45. Radio Free Europe, 20 October 2004, available at: https://www.rferl.org/a/1055440.html [↑](#footnote-ref-46)
46. Global Voices, 30 May 2016, available at: https://globalvoices.org/2016/05/30/russian-citizen-imprisoned-for-filming-police-detaining-hijab-wearing-women-in-tajikistan/ [↑](#footnote-ref-47)
47. EAJCW - European Association of Jehovah's Christian Witnesses Submission to the Universal Periodic Review, 17 September 2015, available at: https://www.upr-info.org/sites/default/files/d ocument/tajikistan/session\_25\_-\_may\_2016/eajcw\_european\_association\_of\_jehovahs\_christian\_witnesses\_upr25\_tjk\_e\_main.pdf [↑](#footnote-ref-48)
48. International Partnership for Human Rights, 3 March 2017, available at: http://iphronline.org/declining-civic-space-tajikistan-20170303.html [↑](#footnote-ref-49)