

## **Tajikistan (Tier 2)**

The Government of Tajikistan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Tajikistan remained on Tier 2. These efforts included prosecuting significantly more traffickers, assisting more victims in the state-run trafficking shelter, adopting a law to provide residency to 20,000 vulnerable stateless persons, and continuing prevention activities against the use of child labor in the cotton harvest. However, the government did not meet the minimum standards in several key areas. Endemic corruption contributed to the transport of victims across borders, yet the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Courts issued weak sentences for some traffickers, the government did not provide victims with any form of witness protection, and gaps remained in the implementation of the victim protection law.

### **PRIORITIZED RECOMMENDATIONS:**

Adopt and implement standard operating procedures for identifying trafficking victims and referring them to care. • Train law enforcement to screen for signs of trafficking among vulnerable groups, including adults in commercial sex and foreign migrant workers. • Ensure victims are not penalized for crimes committed as a direct result of being subjected to trafficking. • While respecting due process, vigorously investigate and prosecute suspected traffickers, including officials complicit in trafficking. • Sentence traffickers to significant prison terms and ensure convicted traffickers serve those sentences in practice. • Continue to contribute funding and in-kind support to provide comprehensive care to victims. • Continue to monitor the prohibition of forced child labor in the cotton harvest and hold those in violation accountable. • Encourage victims' assistance in the investigation and prosecution of traffickers either directly or via partnerships with NGOs. • Ensure the screening of children returned from Iraq and Syria for child soldiering indicators and provide identified victims with rehabilitation and reintegration support. • Improve the collection of anti-trafficking law enforcement data. • Continue to provide anti-trafficking training or guidance for diplomatic personnel and other government employees, including law enforcement officers, border guards, and customs officials, to prevent their engagement or facilitation of

trafficking crimes. • Monitor private employment agencies for recruitment fees charged to workers and take steps to eliminate employee-paid fees.

## **PROSECUTION**

The government maintained its anti-trafficking law enforcement efforts. Article 130.1 and Article 167 of the criminal code criminalized labor trafficking and sex trafficking and prescribed penalties of five to eight years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Article 167 defined child trafficking broadly to include illegal adoption without the purpose of exploitation. The government investigated 18 cases involving 23 suspected traffickers in 2019, compared to 21 cases involving 38 suspected traffickers investigated in 2018. The government continued to pursue a 2017 investigation of four private employment agencies that facilitated the trafficking of Tajikistani victims in Saudi Arabia. An investigation of a suspected Tajikistani trafficker allegedly residing in Germany also remained ongoing. The government prosecuted 20 criminal cases in 2019 involving 35 defendants, compared with nine cases involving 18 suspects in 2018. The courts convicted four traffickers; two received sentences of eight years' imprisonment and two were sentenced to five years' imprisonment, though courts later reduced those sentences to two years' probation for each individual. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Endemic corruption facilitated transport of victims across borders and through inspection points. Women in commercial sex, some of whom may have been unidentified trafficking victims, reported instances of sexual violence by law enforcement officials. The Ministry of Internal Affairs (MIA) continued to conduct training on human trafficking for new staff as part of its training academy curriculum. In partnership with NGOs, the government trained border guards, investigators, prosecutors, and judges on the 2014 victim protection law, victim-centered approaches, investigative techniques, and the national referral mechanism.

## **PROTECTION**

The government increased protection efforts. The government identified 53 trafficking victims in 2019, the same number as reported in 2018. The government did not provide additional information, such as the victims' nationality, gender, or

type or location of exploitation. An international organization reported assisting 24 victims of transnational trafficking, 19 of whom were referred by Tajikistani law enforcement (an increase from 11 in 2018), four by NGOs, and one by a foreign embassy; 21 were Tajikistani citizens and three were Vietnamese. Of the 24 victims assisted, 13 were adult males, 11 were victims of forced labor, and 13 were victims of sex trafficking. The government continued to implement the 2014 victim protection law, which set forth the provision of victim services; formalized the roles of agencies tasked with providing services; established government standards for service delivery among providers, including governmental agencies and NGOs; and mandated a national referral mechanism. However, gaps remained in the implementation of the victim protection law; some victims not referred to the government or an international organization lacked adequate access to attorneys during the investigation process and criminal proceedings. Tajikistani law enforcement agencies have not developed procedures to provide a legal status to victims, and some victims had to pay for legal and medical services that otherwise should have been provided by the government.

Most notably, authorities remained without a formal system for identifying trafficking victims and referring them to services. The government did not provide an update on whether the draft guidelines for victim identification, developed by a legislative reform working group and submitted to the government for approval in 2018, were adopted. Due to a lack of formal identification procedures, authorities may have penalized some unidentified victims for unlawful acts traffickers forced them to commit. Law enforcement officials routinely deported foreign migrant workers and did not attempt to identify trafficking victims proactively among men and women in commercial sex or forced labor. Officials also sometimes temporarily detained sex trafficking victims with their traffickers but later released and referred victims for assistance.

The government continued to operate the country's sole trafficking shelter. The government contracted an NGO to provide victim services and provided 242,000 somoni (\$25,080) for the shelter's operating costs, medical assistance for victims, legal consultations, and partial funding of staff salaries, an increase compared with 190,000 somoni (\$19,690) in 2018. The shelter assisted 20 victims in 2019, compared with six in 2018. Article 30 of the trafficking law mandated the creation of governmental and private institutions to directly aid victims with food and shelter, as well as social, legal, and reintegration assistance; however, outside of

the funding for the shelter, an international organization funded most victim protection services.

Despite provisions in the 2014 law for security measures for trafficking victims, the government did not keep victims' personal information confidential or provide protection for victim witnesses or their advocates. The law provided foreign victims the right to request temporary residency, which could be extended for one year following the completion of a criminal case based on the victims' cooperation with law enforcement agencies, although no such cases were reported in 2019. There was no formal policy encouraging victims' voluntary participation in legal proceedings; the 2014 victim protection law did not link other benefits to a victim's participation in a trial and provided services regardless of legal status or prior consent to participate in subsequently identified trafficking crimes.

## **PREVENTION**

The government maintained efforts to prevent human trafficking. The 2014 law established a framework for the government to address human trafficking and a national anti-trafficking commission tasked with coordinating the government's anti-trafficking efforts and developing a national plan. In December 2019, the anti-trafficking commission, in partnership with an international organization, held a national stakeholder dialogue in Dushanbe. In March 2019, the president signed the National Action Plan (NAP) for Counteracting Trafficking in Persons for 2019-2021. Civil society organizations, in coordination with trafficking victims, contributed to the NAP, and the government tasked state ministries to provide implementation updates every six months. The government operated a 24-hour hotline for potential victims; the government reported identifying 19 cases from calls in 2019 and referring the victims to an international organization, compared with 11 in 2018. In 2019, the Committee on Women and Family Affairs and the Committee for Youth Affairs and Sports continued to conduct awareness campaigns, including disseminating booklets and holding discussions on combating and preventing trafficking, especially among youth. The government continued to conduct anti-trafficking courses for officials, school administrators, and law students.

The Ministry of Education continued to disseminate letters to local governments highlighting prohibitions against the use of child labor in the cotton harvest. Government-funded campaigns targeted potential victims, local officials responsible for preventing trafficking, and school authorities who had previously

mobilized children in the cotton harvest. The government assigned an unspecified number of inspectors to conduct monitoring for child labor in the cotton harvest, continuing a practice begun in 2010, originally in cooperation with NGOs. NGOs continued to independently monitor the fields on an informal basis for forced labor concerns. The Ministry of Labor invited the ILO to conduct independent inspections during the 2019 cotton harvest season, but due to the lack of funding, ILO did not conduct these inspections.

Tajikistani law required entities engaged in recruitment of workers for employment abroad to obtain licenses from migration authorities and provided punitive measures for violations; however, Tajikistan is not a member of the ILO Convention on Private Employment Agencies and did not monitor for illegal recruitment fees. The government reported four ongoing investigations against labor recruitment firms suspected of trafficking. The Ministry of Labor operated four pre-departure counseling centers in different regions of the country that provided migrants with information on the risk of trafficking prior to travel abroad. The government followed a road map for reintegrating returning migrants banned from re-entering Russia and sought to assist migrant workers diversify geographical options for work abroad. The stateless population in Tajikistan, mostly consisting of former Soviet citizens, was at risk for trafficking. In December 2019, parliament adopted a draft law providing amnesty to 20,000 stateless persons and enabling them to obtain a five-year residence permit and benefit from the same rights as Tajikistani citizens. The government did not report anti-trafficking training for its diplomatic personnel. The government made no efforts to reduce the demand for commercial sex.

## **TRAFFICKING PROFILE**

As reported over the past five years, traffickers exploit victims from Tajikistan abroad, and to a lesser extent, traffickers exploit domestic and foreign victims in Tajikistan. Extensive economic migration exposes Tajikistani men, women, and children to the risk of human trafficking. Labor traffickers exploit Tajikistani men and women in agriculture and construction in Russia, United Arab Emirates (UAE), Kazakhstan, Saudi Arabia, and to a lesser extent, in other neighboring Central Asian countries, Turkey, and Afghanistan. Labor traffickers exploit men in agriculture, construction, and at markets in Tajikistan; there are limited reports of domestic sex trafficking of men. Sex traffickers exploit women and children from

Tajikistan primarily in Turkey, UAE, Russia, and also in Saudi Arabia, Kazakhstan, and Afghanistan, as well as within Tajikistan.

Traffickers increasingly target women and minors. In some cases, migrant workers abandon their families, increasing the trafficking risk for women as sole providers for their families. The Russian re-entry ban has changed the nature of labor migration in Tajikistan. As of February 2019, 240,000 Tajikistani migrants remained banned, and although government data indicate a decline in the departure of prospective male labor migrants, Tajikistani women are departing in search of work at an increased rate. From 2015 to 2016, there was a 27 percent increase observed among women. Other migrants prefer to stay in irregular status in Russia and face greater risks of exploitation and deportation rather than risk being banned after visiting family in Tajikistan. International organizations estimate the number of Tajikistani citizens living and working in Russia is approaching one million. Some women who traveled to Syria or Iraq with promises of marriage were instead sold into sexual slavery. Children of Tajikistani ISIS combatants in Iraq and Syria were at risk for child soldiering. Traffickers transport Tajikistani women and girls to Afghanistan for the purpose of forced marriage, which can lead to sex trafficking and forced labor in domestic service and forms of debt-based coercion. Traffickers exploited Tajikistani children in sex trafficking and forced labor, including forced begging, in Tajikistan and Afghanistan. Tajikistani children and adults may be subjected to forced labor in agriculture, mainly during Tajikistan's fall cotton harvest—and in dried fruit production. The government may have subjected some citizens to participate in manual labor, such as cleaning roads and park maintenance. Some Afghan and Bangladeshi citizens are victims of forced labor in Tajikistan, including in the construction industry. In some cases, sex traffickers exploit LGBTI persons.