



Research on Internal Trafficking in Persons in Tajikistan



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INTERNAL TRAFFICKING IN PERSONS IN TAJIKISTAN

A qualitative study: context, findings and recommendations on how to prevent internal trafficking, protect victims and vulnerable groups and bring the perpetrators to justice.

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I. Executive Summary

Tajikistan has undertaken numerous steps to combat Trafficking in Persons (TIP) in the last fifteen years. It has criminalized Trafficking in Persons, adopted and implemented several National Action Plans to Combat TIP focusing on prevention, protection and prosecution with partnership as a key cross-cutting principle, created an inter-ministerial commission on TIP at the national level and commissions at the local level, is cooperating with civil society organizations and international organizations at numerous levels, including victim referral for assistance, awareness raising and capacity building of practitioners.

Internal trafficking – that is domestic trafficking, carried out within a country's borders - has so far, however, not widely been discussed or been in the focus – with the exception of the prevention of child labor and forced labor of pupils and students, the only form of internal trafficking explicitly mentioned in the National Action Plan. Thus, there is still little official data in relation to internal trafficking. So far there has been no investigation or prosecution of internal cases of trafficking – be it for sexual or for labor exploitation – under the Trafficking in Persons article, Art. 130¹ of the Criminal Code of the Republic of Tajikistan (CC). Instead internal trafficking cases seem to be prosecuted under other criminal code provisions, such as in the case of sexual exploitation, Art. 238 CC (Involvement into Prostitution), which criminalizes involuntary, coercive prostitution, or to a lesser extent Art. 132 (Recruitment of human beings for exploitation). Internal cases of labor exploitation related to TIP do not seem to have reached the courts at all yet under the relevant articles of the Criminal Code (such as Articles. 130¹, 130², 132 or 153).

150 key informants from government, civil society and the international community contributed to this study in individual or group interviews/focus groups. The interviews showed that most respondents are aware that internal trafficking occurs across the country and many indicated that traffickers apply the same mechanisms of coercion and deceit as in transnational cases: fake promises (of a particular work or payment or even a relationship), deception, coercion, blackmail, threats, violence, the abuse of an individual's vulnerable position – be it poverty, no support network, stigmatized by the community, lack of decent work opportunities. Most cases of internal trafficking shared by respondents related to women and girls sexually exploited and/or living in servitude or slavery like-conditions. Cases related to labor exploitation reported by respondents revealed that in particular in the construction and agricultural sectors workers were often hired informally, without being issued a work contract and without work accident insurance, sometimes not being paid or paid less than promised, working 10-12 hours without any days off, with daily or monthly earnings which often did not allow them to support their families and have a decent living. Sometimes, workers also received in kind items (wheat, fruits) instead of money for their work. It was the lack of decent alternative and the struggle to make a living that forced them to accept and remain in exploitative working conditions.

Victim support organizations and local authorities have tried to assist individual cases of sexual and labor exploitation that they have come in touch with to their best capacities and, at times, with exceptional commitment. Often, however, they felt they could offer little, especially the most serious and complex cases that need urgent, comprehensive and mid-to long-term support, including housing and psychological support. Respondents across professional groups highlighted the urgent need of a shelter in each regional capital for women victims (and their children) that offers short-mid and long-term safe accommodation and allows the victims to escape the exploitative situation and recover. Also access to free legal assistance and representation was highlighted as crucial both for victims and vulnerable groups to be able to claim their rights and access justice, to reduce vulnerability and deter offenders. In terms of prevention, many respondents highlighted the need for education and decent work for men and women as well as continued efforts to combat all forms of violence against and discrimination of women, including stigmatizing, blaming and shaming women, female victims and women in vulnerable situations. Finally, respondents also highlighted existing good practice across the country that can also be applied in the fight against internal trafficking, such as national and local coordination mechanisms, victim referrals between local authorities and victim support organizations, outreach work to vulnerable groups and public information campaigns, specialized female law enforcement officers, vocational training courses, educational scholarships, and business grants for vulnerable groups and victims, State grants for NGOs to help the government to provide victim support and awareness raising as well as capacity building for all involved stakeholders.

II. Introduction

Trafficking in Persons (TIP) is a global challenge, from which no country is immune. While transnational cases have been at the centre of attention of national and international stakeholders for nearly two decades, internal trafficking – also referred to as domestic trafficking – has only received attention more recently.¹ The 2016 UNODC Global Report on Trafficking in Persons, published in December 2016, highlights that nowadays countries are clearly detecting more trafficking cases that are domestic, that is, carried out within a country's borders.²

There are a number of reports on Trafficking in Persons in Tajikistan, with some briefly making note of internal trafficking as phenomena or looking at particular sectors or groups within the country vulnerable to trafficking.³ The 2010 IOM study on *The Scale of Human Trafficking in Central Asia*, a study which looked at the quantitative scale of TIP, including internal trafficking in the countries in the region, estimated that around 19,000 people are trafficked within Tajikistan annually.⁴ The study also estimated that the average share of families who had relatives trying to find work in other regions of the country amounted to 16%.

This study is a qualitative research, a first in-depth analysis of internal trafficking in the country from a comprehensive perspective that aims at facilitating a better understanding of the nature of the phenomenon in the country, with particular focus on assistance and protection needs of victims and vulnerable groups. The researchers collected qualitative – and to the extent possible also quantitative – information on cases, actors, resources, mechanisms, knowledge, attitudes, vulnerabilities and needs.

¹ For one of the early assessments of domestic Trafficking in Persons in a country see the U.S. Human Smuggling and Trafficking Center's 2008 report *Domestic Human Trafficking*. Available from www.state.gov/documents/organization/113612.pdf (accessed on 3 August 2017).

² UNODC, *Global Report on Trafficking in Persons 2016*, (Vienna, 2016), p. 6. Available from www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf (accessed 1 August 2017).

³ See, for example, IOM, *The Scale of Human Trafficking in Central Asia* (2010). IOM, *Fertile Fields: Trafficking in Persons in Central Asia*, (Vienna, 2005). Available from http://publications.iom.int/system/files/pdf/fertile_fields.pdf (accessed 1 August 2017). IOM, *Migrant Vulnerabilities and Integration Needs in Central Asia: Root Causes, Social and Economic Impact of Return Migration, Regional Field Assessment in Central Asia* (Astana, 2016). Available from www.iom.kz/en/publications (accessed 1 August 2017). Report by the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Madina Jarbussynova, following her visit to the Republic of Tajikistan from 8 to 11 June 2015, SEC.GAL/112/16 (Vienna, 8 July 2016). UNODC, *Global Report on Trafficking in Persons 2016*, (Vienna, 2016), Country Profile Tajikistan. Available from www.unodc.org/documents/data-and-analysis/glotip/Glotip16_Country_profile_E_EuropeCentral_Asia.pdf (accessed 1 August 2017). IOM, *Monitoring of Child Labour Use in the Cotton Fields* (Dushanbe, 2011), IOM, *Child and Forced Labour Exploitation in Tajikistan's Cotton Harvest: 2015 Annual Monitoring Report* (Dushanbe, 2016). Shah-Aiyim Network NGO, Alternative Follow-up Report on the Follow-up Concluding Observations to the Combined Fourth and Fifth Periodic Reports of Tajikistan at the 56th CEDAW Session, October 2013 (January 2016). Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/TJK/INT_CEDAW_NGS_TJK_22799_E.pdf (accessed on 10 August 2017).

⁴ IOM, *The Scale of Human Trafficking in Central Asia* (2010), 54.

The study engaged a wide range of stakeholders in the data collection: 150 interlocutors from government, civil society and the community as well as international organizations were interviewed for the research.

The study examines laws, statistics, cases, contextual issues as well as good practice and challenges to address internal trafficking and includes recommendations for further action for all stakeholders. It is hoped that this analysis, findings and recommendations will facilitate a comprehensive understanding of internal trafficking and related vulnerabilities, underlying dynamics and contexts as well as help reflect on and strengthen resources and tools needed to address and prevent the phenomena.

IOM and the researcher would like to thank all interlocutors for sharing their experience, expertise, insight and time. Without their contribution and commitment to the topic and to working to improve people's lives, this study would not have been possible.

III. Research Methodology

The research for this study was conducted between June and August 2017. As part of the research, 150 stakeholders were interviewed – practitioners and experts from government and civil society, workers/migrants/women from communities across the country and representatives of international organizations working in Tajikistan.

The field research included the capital Dushanbe and travels to all four regions in the country, Gorno-Badakhshan Autonomous Oblast (GBAO), Khatlon, Sughd and the Districts of Republic Subordination (RRS).

Meetings either took the form of individual interviews, group interviews or focus group meetings. A framework of questions for interviews was adapted to each stakeholder group as well as to the expertise/function of the respective respondent/s and served as guidance for the semi-structured interviews and focus group discussions. In addition, questionnaires were developed for interviews with workers in sectors prone to exploitation. Informed consent and confidentiality were agreed at the outset for all interviewees.

An extensive desk review, including laws, policy documents, statistical information, case summaries, project reports, research papers and media articles complemented the field research. Data were triangulated through cross analysis of interview reports, findings from the desk review and direct observations during the field travel. A validation workshop, held on 29 August 2017 in Dushanbe, which brought together over 50 key stakeholders from government, civil society and the international community allowed to conclude data collection, verify the findings and discuss the reports' recommendations in a participatory manner.

IV. Definitions, context and frameworks

i. International and regional

The internationally recognized legal definition of Trafficking in Persons stems from Art. 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (thereinafter Palermo Protocol) adopted in 2003:

„(a) Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.“

This definition includes all forms of Trafficking in Persons, transnational and national, connected to organized crime or not. As UNODC clarifies in its Model Law on Trafficking in Persons a transnational nature or involvement of an organized criminal group are not required elements of the definition of the offence (see Palermo Protocol Art. 3 and Art. 5, para 1). UNODC emphasizes that „national laws should establish trafficking in persons as a criminal offence, independently of the transnational nature or the involvement of an organized criminal group (see the Convention, article 34).⁵

Internal trafficking is also covered by key regional standards on Trafficking in Persons, such as the Council of Europe Convention on Action against Trafficking Human Beings

⁵ The Model Law does not distinguish between provisions that require these elements and provisions that do not, in order to ensure equal treatment by national authorities of all cases of trafficking in persons within their territory. See UNODC, Model Law against Trafficking in Persons, Art. 4, p. 8 (Vienna, 2009). Available from www.unodc.org/documents/human-trafficking/UNODC_Model_Law_on_Trafficking_in_Persons.pdf.

(thereinafter Trafficking Convention) adopted in 2005: Article 2 expressly notes that the Convention shall apply to all forms of trafficking in human beings, whether national or transnational, whether or not connected with organized crime.⁶ The Trafficking Convention is considered the most comprehensive legal agreement on TIP, and it is open for accession by non-member States of the Council of Europe - Belarus, for example, ratified it in 2013.⁷ In terms of political commitments relevant to Tajikistan, the OSCE Action Plan to Combat Trafficking in Human Beings is based on the Palermo Protocol definition of Trafficking in Persons and inclusive of all forms of trafficking, including internal trafficking.⁸

The 2016 Global Report on Trafficking in Persons – issued by UNODC, the guardian of UNTOC and the Palermo Protocol - emphasizes that the Palermo Protocol does not require any movement or cross-border movement of victims in its definition of the trafficking crime and summarizes the particular context in which internal trafficking occurs as the following: „[...] A person does not need to cross an international border; on the contrary, victims may be exploited in their home community and still be considered victims of trafficking in persons. That said, many cases of domestic trafficking involve victims who have been moved from poorer areas of the country to richer areas, from rural zones to cities or tourist centres, or from villages to industrial or economic hubs. [...] There are also cases in which the recruitment and exploitation take place in the same location. For instance, victims may be recruited in a suburb to be exploited for street begging in the same city, or girls may be recruited in school for prostitution just around the corner. [...] As the cases show, most traffickers leverage an element of vulnerability to attract victims. This is often the socio-economic condition victims live in and their hope for a better situation. Most of the time, the better opportunities happen to be located somewhere other than the victims' home.’⁹

Lack of availability and access to resources and opportunities in relation to education, decent work, housing and livelihood in general, exposure to violence, discrimination and social marginalization, lack of rule of law and no access to rights and an ineffective justice system are all factors that make people vulnerable to abuse and exploitation – the essence of Trafficking in Persons – and constitute the context and framework that needs to be considered and addressed in the fight against trafficking. This is true for transnational trafficking and internal trafficking. It is often the same mechanisms – deception, psychological or physical violence, abuse of vulnerability – that are used in transnational and internal cases, often it is the same vulnerable groups and

⁶ See Council of Europe, Explanatory Report to the Council of Europe Convention against Trafficking in Human Beings. Available from <https://rm.coe.int/16800d3812> (accessed 3 August 2017)

⁷ For the updated list of signatories and ratifications see www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197 (accessed on 3 August 2017).

⁸ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Commentary to the OSCE Action Plan to Combat Trafficking in Human Beings and its Addenda (Vienna, 2015). Available from www.osce.org/secretariat/210391?download=true (accessed 3 August 2017).

⁹ UNODC, Global Report on Trafficking in Persons 2016, pp. 40-41.

sometimes even the same people who find themselves exploited and vulnerable to trafficking first abroad and then internally or vice versa.¹⁰

Also, victims of trafficking (internal and transnational) often find themselves in violation of administrative or criminal law regulations as a consequence of being trafficked – be it illegal border crossing, the lack of a residence title ('propiska'), violations of labor, health or tax regulations, involved in activities that are illegal (prostitution, drugs, theft, etc.). Grey areas of the economy are particularly attractive for traffickers as those exploited are even more vulnerable and less likely to ask for assistance and to be assisted as investigations often focus on these minor offences in which individuals find themselves visible caught up rather than the exploitation and violence that is hidden. As a result they fear - sometimes also based on threats made by their traffickers to hand them over to police - punishment (fines, arrest or deportation) rather than trust the authorities to identify and assist them as victims of a crime.

States have recognized in various international and regional policy frameworks that TIP – like other phenomena which attack the core human values, such as domestic violence or sexual abuse - is a phenomenon that needs cross-sectoral and multi-agency responses across key sectors of society: social protection, decent work, justice, education and livelihood. This holistic approach is most recently reflected in the framework of the Sustainable Development Goals (SDGs) that member states of the United Nations have set themselves, with three SDGs making explicit reference to TIP: 5 (Gender equality), 8 (Decent work and economic growth) and 16 (Peace, justice and strong institutions).¹¹

ii. National¹²

The Republic of Tajikistan has undertaken numerous steps in the fight against Trafficking in Persons over the last two decades. In 2003 it introduced the offence of Trafficking in Persons for the first time into the Criminal Code, in 2004 it adopted its first Anti-Trafficking Law and in 2006 its First Comprehensive Programme on Combating Trafficking in Human Beings (2006-2010).

Internal trafficking as such is not explicitly mentioned as phenomenon or term in national laws or policy documents. It is, however, covered by the legal and policy documents in force. The 2014 Anti-Trafficking Law makes an indirect reference to it by stating: „State policy in the sphere of counteracting trafficking in persons is developed with reference to the internal and international situation around trafficking in per-

¹⁰ See IOM, Migrant Vulnerabilities and integration needs in Central Asia. See also interviews with respondents.

¹¹ For the regional level see OSCE Action Plan on Combating Trafficking in Human Beings and related Permanent Council decisions. For the international level see the UN Sustainable Development Goals, <http://sdg.iisd.org/sdgs/> (accessed on 3 August 2017). For more interlinkages between the SDGs and TIP in the global context see, UNODC, UNODC and the Sustainable Development Goals (Vienna, 2016). Available from www.unodc.org/documents/SDGs/UNODC-SDG_brochure_LORES.pdf (accessed on 3 August 2017).

¹² Unless otherwise indicated, all translations of national legal provisions and policy documents included in this study were done by independent, freelance translators and are unofficial translations.

sons, as well as the current state, overall tendencies, and forecasts for the further developing of this particular type of crime“ (Art. 4, 1.). The national policy documents also make it clear that the state commits to combat all types of trafficking in persons comprehensively –in terms of criminalization and punishment of offenders, prevention and victim support.¹³ The only specific form of internal trafficking explicitly mentioned in national policy documents so far is forced labor of pupils and students in the context of the agricultural sector of the country.¹⁴

As noted above, internal Trafficking in Persons is covered by Tajikistan’s Criminal Code provision on Trafficking in Persons, Art. 130¹ - the transnational nature of a TIP case constitutes an aggravating circumstance:

Article 130¹ Trafficking in persons¹⁵

1) Trafficking in persons constitutes acts enacted with the goal of exploitation (exploitation in the form of prostitution or other forms of sexual exploitation, forced labor or the forced provision of services, slavery or practices similar to slavery, servitude, or the removal of organs or human tissues), including recruiting, moving, transferring, hiding, or receiving individuals through the use of threats of violence or its implementation, or through other forms of coercion, abduction, fraud, deceit, the misuse of power or an individual’s vulnerable state – or by way of bribing through the provision of payment or other value to receive the agreement of the individual in control of another person. This act is punishable by incarceration for a period of five to eight years (Law No. 339, 05.01.2008).

2) Acts covered by the first point of the current Article, if committed:

- a. By a group of individuals according to a prior agreement;
- b. In relation to two or more individuals;
- c. With the use violence or its threat;
- d. With the aim of removing and trafficking the organs or other human tissues for the purposes of transplantation;
- e. By a government official or representative through the use of his or her official position, or by another individual who is fulfilling managerial functions in a commercial or other organization;
- f. With the movement of the victim across the international border of the Republic of Tajikistan;

¹³ See, for example, 2014 Anti-Trafficking Law, Section 2, Article 5, paragraph 2.

¹⁴ See, for example, 2011-2013 National Action Plan, Action No. 12 and 2016-2018 National Action Plan, Action No. 11.

¹⁵ The translation of this CC article – like all translation in this study unless otherwise noted - is unofficial and was made available by the IOM Mission in Tajikistan.

Are then punishable by incarceration for a period of eight to twelve years (Law No. 965, 13.06.13)

3) If acts covered by points one and two of the current Article are also:

a. The cause of the death of the victim of trafficking in persons or the cause of other felony crimes or major consequences; b. Committed by an organized group; c. Committed by a particularly dangerous repeat offender; They are then punishable by incarceration for a period of twelve to twenty years.

The Criminal Code also includes a provision entitled Trafficking in Children, Art. 167, which also covers internal cases; the transnational nature of a case again constitutes an aggravating circumstance.

Article 167. Trafficking in Children

1) Trafficking in underage individuals constitutes the purchase or sale of individuals clearly under the age of majority irrespective of the methods and form of coercion involved, and is punishable by incarceration for a period of five to eight years (Law No. 965, 13.06.2013).

2) If acts covered by point one of the current Article are also committed:

a. Repeatedly;

b. By a group of individuals according to a prior agreement;

c. In relation to two or more underage individuals;

d. With the use of violence or the threat of violence

e. With the aim of removing the organs or other human tissues for the purposes of transplantation;

f. By a government official or representative through the use of his or her official position, or by another individual who is fulfilling managerial functions in a commercial or other organization;

g. With the movement of the victim across the international border of the Republic of Tajikistan;

They are then punishable by incarceration for a period of eight to twelve years (Law No. 965, 13.06.2013).

3) If acts covered by points one and two of the current Article are also: a. The cause of the death of an underage victim of trafficking in persons or the cause of other felony crimes or major consequences; b. Committed by an organized group;

c. Committed by a particularly dangerous repeat offender;

Then they are punishable by incarceration for a period of twelve to fifteen years (Law No. 965, 13.06.2013).

Art. 167 CC can, however not be seen as a full child trafficking provision as it does not cover all the acts of the Palermo Protocol definition - it only includes the 'purchase or sale' as an act, and it does not include the element of exploitation as purpose. It has been noted before in other research that the criminal code should be amended to ensure that child trafficking is adequately criminalized – either by amending Art. 130¹⁶ or by amending Art. 167 CC accordingly (see above).

Relevant in the context of child trafficking is also Art. 166 CC (Recruitment of underage individuals into committing antisocial deeds)¹⁷, which amongst others foresees punishment if an adult recruits a minor into prostitution (or begging or drug taking, for example). The punishment for this criminal offense – which in fact can amount to trafficking for sexual exploitation or forced begging - ranges from correction work up to one year to imprisonment up to five years and thus is significantly lower than in Art. 130¹. In addition, Art. 464 of the Administrative Code¹⁸ includes again a similar offence – also entitled Recruitment of underage individuals into antisocial deeds, but without use of force or threat of it as an aggravating circumstance – with only a penalty as punishment.

The Tajik Criminal Code also includes several other articles, which can be relevant to internal trafficking cases, in particular: Art. 130² (The use of slave labor), Art. 132 (The recruitment of human beings for exploitation) and Art. 238 (Involvement into prostitution). The section on Investigation and Prosecution in chapter IV of this study will look at how the individual criminal code articles and other legal provisions are being used to punish and deter traffickers in internal cases.

¹⁶ Palermo Protocol legislates that in the case of child trafficking the offence is completed also without the use of any of the means established in subparagraph (a). See Art. 3(c) of the Palermo Protocol.

¹⁷ Art. 166 CC reads 1) Recruitment of underage individuals into consuming alcohol drinks, regular consumption of non-medical highly effective substances and other intoxicating substances, or prostitution, vagrancy, begging committed by a person, whose age reached eighteen years old, - punishable through correctional works for the period of up to one year or incarceration for two years. 2) If this act is committed by parents, teacher or another person legally entrusted with the responsibility of educating the underage individuals, - punishable through incarceration for three years with deprivation from the right to occupy certain positions or engagement with certain activities for up to three years or without it. 3) Acts foreseen by the first and second parts of this article, if: a) committed against two or more underage individuals; б) committed with violence or threat of using it, в) committed repeatedly,- punishable through incarceration for up to five years with deprivation from the right to occupy certain positions or engagement with certain activities from two to five years or without it.

¹⁸ Art. 464 Administrative Code reads: 1. For the recruitment of underage individuals by parent or other persons into begging, prostitution, consumption of substances or items not considered as narcotics or psychotropic substances, but could adversely impact their apprehension abilities, while no sign of crime is available, - punishable through applying penalty from two to three account indicators. 2. For leading the underage individuals into drunken condition while no sign of crime is available - punishable through applying penalty from five to seven account indicators. 3. For selling alcohol drinks to underage individuals, punishable through applying penalty from five to ten account indicators. (Criminal Code of the Republic of Tajikistan dated 29.12.10 №650)

V. Research findings

i. Awareness and understanding

The interviews show that there is awareness among national stakeholders across the country – government, civil society and the community - that exploitation and trafficking also happen internally, within the country, and an understanding of the mechanisms exploiters use, which sectors are more prone to exploitation and what makes persons and particular groups more vulnerable to exploitation.

“There is trafficking in persons also inside the country. Especially since the economic crisis many men go from one place or region to another to work and sometimes do not receive their salary. Or women get into sexual exploitation. [...] Those who exploit them treat them as not humans, slaves.’ (Interviewee)

Numerous stakeholders, however, pointed out that the terminology, trafficking in persons, so far has rarely been used in Tajikistan for internal cases. Most stakeholders described internal trafficking scenarios rather using the language of labor exploitation/forced labor and sexual exploitation or phrased them in more general terms as violence and abuse. This is, in part, a reflection of the fact that policy documents, training seminars and tools, awareness raising campaigns, the media and also identification, assistance, prosecution and prevention efforts in Tajikistan have so far focused on transnational cases of trafficking. Thus, TIP is by many still equaled to transnational trafficking or exploitation of Tajik migrant workers abroad as the most identified and known form of the phenomena in Tajikistan to date.

The interviews revealed that many stakeholders interviewed – government, civil society and community members – have directly or indirectly come in touch with situations of internal trafficking. Many stakeholders also showed familiarity with vulnerable groups and victims in their area of responsibility and highlighted individual situations and cases related to labor or sexual exploitation they had encountered. Only few stakeholders were not familiar with internal trafficking cases and scenarios. Even those stakeholders that had not yet come across internal trafficking cases acknowledged the importance to explore the issue and to need to raise awareness about, address and prevent internal trafficking.

Several factors creating vulnerability to exploitation and internal trafficking were highlighted by respondents: the closure of factories that in the past had provided employment to large parts of the population, which affected men and women; the forced return of many labor migrants from Russia (re-entry ban) and the need of these returned workers to earn a living in the country combined with absence of sufficient regular and decent work opportunities at the local labor market; widespread lack of effective access to education, vocational training and good employment/work for women and girls, in particular in the regions; lack of women’s effective access to resources (education, work, housing, inheritance) and their widespread dependance on husbands and/or other family members and others outside the family for access to basic life resources.

ii. Cases: characteristics, dynamics, vulnerabilities.

The research also examined what type of cases of internal trafficking scenarios interlocutors had come across and which sectors and groups/persons were mostly affected or considered most vulnerable and why. As noted earlier, desk review and interviews showed that the dynamics and purposes identified in internal cases are similar to those already known from transnational cases. Several interlocutors highlighted that many of the identified victims of transnational trafficking, in particular for sexual exploitation, had been trafficking and exploited also internally, within Tajikistan, before being trafficked abroad.

The research found no particularities specific to only one region or area, cases for sexual and labour exploitation were reported across all regions and reported cases showed similarities in their dynamics – with the exception of the fact that certain sectors are more predominant in some regions than in others and/or differently organized in different regions/areas/cities.¹⁹

The most frequent mechanisms or ‘means used’ mentioned by respondents, include:

- fake promises of a certain work, a certain pay or a relationship (deceit/fraud);
- physical, sexual and/or psychological coercion: beatings, being drugged, rape, restriction of freedom of movement, threats, blackmail/“shantazh”, stigmatization/shaming, no freedom to make decisions him/herself or to say no;
- abuse of power or position of vulnerability: no or insufficient means of subsistence, no home/place to live, no family or no supportive family, working in the informal/unregulated economy, abusive family members, no legal/registry documents or written work contract, low education and/or no job opportunities, no alternatives, previous experience of violence/abuse, no effective access to support, rights and justice, discriminated group in society.

The most severe cases of trafficking mentioned by respondents were related to trafficking for the purpose of sexual exploitation of women and girls in prostitution, including cases where acquaintances or relatives had abused their trust and offered them work or they had been promised and lured into a relationship (‘loverboy syndrome’), cases of domestic servitude whereby women ended up being abused and treated as slaves by their husbands, in-laws or other household members; young girls or women without family support in need of income and a place to stay (for them and their children) with no access to housing, social support, education, decent work who are lured or forced into relationships with abusive men that promise a roof over the head and food; women and girls forced into prostitution as the only survival mechanism. In terms of male victims, the reported cases are mainly related to agricultural

¹⁹ For example, in areas with high agricultural activities more cases of labour exploitation in the agricultural sector were reported. Also, it was reported that, for example, prostitution is organized differently in different regions or in big/small town/the country side.

work, work in construction or day laborers at markets („mardikor“). However, also a few cases of men and boys sexually exploited or lured/forced into prostitution were reported, including cases of men lured into sexual relationships with other men and forced to remain in prostitution through blackmail.

The single most vulnerable group highlighted by respondents were women, in particular women stigmatized by the society for one or the other reason: women with their husband absent (wives of labor migrants, second wife), being abroad or unmarried; girls whose family members had left or died; girls from abusive families.

“The problem is that there is no regular work. I don’t get any support. Sometimes the places where we work don’t give us money for our work but kick us out or pay less money than promised. I went to the Center for Employment for assistance in finding a job, but they said they don’t have work. I would like to continue my education or get a specialization to find a job. I would love to work as a hair dresser in a beauty salon.” (Interviewee, 27 year old woman, widowed).

What clearly came out from the interviews was that one factor that makes women and girls very vulnerable to sexual exploitation and abuse is that generally the society in Tajikistan still stigmatizes victims of sexual violence while the perpetrators, men, often are neither punished nor morally held responsible for their wrongdoing. Society attaches the blame and stigma rather to the women and girls who suffered abuse (‘woman of light character’) than to those who commit it. The whole discourse around sexuality and sexual violence is highly gendered and contributes to violence and discrimination against women. This is also reflected in how prostitution is regulated and dealt with in the country. The gendered taboos and stigma surrounding both issues, in practice help offenders to continue perpetrating violence and abuse without impunity and contribute to the fact that victims and their families often don’t want to report abuse to the authorities. Increasing, on one side, vulnerability and allowing impunity on the other contributes to abuse and also trafficking.

As part of the field research also 59 Tajik citizens across the country - from early 20s to late 50s, mostly men, but also several women - working in sectors vulnerable to exploitation, such as construction, agriculture, in private homes or at the bazaar were interviewed and asked about their working and living conditions and experiences in relation to exploitation in particular.

The following key findings highlight numerous issues that are relevant to protection, prosecution and prevention measures in relation to internal trafficking:

- Only a handful of workers ever had a written work contract or longer-term employment in their lives.
- None ever had a work accident insurance and only few would get paid if sick or injured.

- Most worked more than eight hours a day, with many 10-12 hours, or from early morning to sunset with often no holidays when working (only off when without left without work/in search of work) or only on public holidays.
- Nearly all noted that what they earned was not able to have a decent life and support their family. Income was as little as 15 TJS to 80 TJS per day, with most having a monthly income between 600 and 1800 TJS per months (with a few earning less and a few more than that), but only but a handful noting that their current income was by far not sufficient to cover the basic costs of living and support a family. Most stated the payment they received for their work was not fair, but acknowledged they had no choice but to accept the conditions the employer sets as there were no opportunities for better work.
- A couple of interviewees had or had had an employment in a public institution, but noted that their salary as teacher or cleaner was not sufficient to cover the basic living costs.
- Most thought that asking their employer for an increase in payment or for improving the work conditions would not lead to any improvement but more likely result in no or negative consequence, such as a violent reaction, being fired and remaining without work.
- Nearly one third reported having not having been paid the amount promised or not being paid at all for the work done, having been otherwise deceived about the working conditions (amount of work, food provided or not) and/or having suffered psychological and/or physical abuse and violence from employers.
- Several shared particular situations of abuse, violence and exploitation (see case summaries earlier).
- Several also reported knowing about cases of non-payment and other exploitation and/or violence and abuse by employers (physical or psychological);
- A few also said they had experienced violence, but did not want to talk about it.
- Most said they did not know what to do or/and which state/government institutions or civil society organization to contact for assistance in case they experienced abuse, violence and exploitation at work. Several said they would contact the police or NGOs, few the Center for Employment, local government (Hoximat, Committee on Women's Affairs) or the Prosecutor's Office.
- In relation to improvements at the work place, the most wishes mostly expressed included: more work opportunities, in particular longer-term/permanent, a fair/good salary, better safety and health measures at work (such as shower facility, provision of a meal during long working days) at work, ensure that employers are responsible and treat workers humanly, government investment into creating work places and increasing job security for the population (production facilities, factories, industry).

The following cases, collected through the research, exemplify some of the dynamics and scenarios in which exploitation and trafficking occurs in the country and can help raise awareness about and develop legal, policy and practical measures to address the phenomena.

Case 1

A young man, A. (21), abused the trust and mental vulnerability of B. (13) a young girl who knew him as neighbor and distant relative (from the in-laws side), raped her and sold her to other young men from the community and the neighboring areas with the words 'You can practice on her'. A. would sometimes give B. ice-cream or pocket money. The young girl understood that she was being abused, but felt helpless and not able to stop the abuse and violence. Many people in the community knew about this case. B.'s mother learned about the violence and exploitation when her daughter disappeared for several days and she asked an NGO for help in finding her. Both mother and daughter were afraid to bring the case to court as the perpetrator was a relative and they feared negative consequences for themselves. Out of fear her husband would throw her and her children out of the house and they would become destitute, B.'s mother also did not tell her husband, B's stepfather, about the violence B. suffered.

B. has received support by an NGO who identified her needs and provided her with medical and psychological assistance, vocational training and assistance in dealing with administrative issues (ID documents, disability certificate). A. left the village.

Case 2

A young male student, S. arranged for sex with a minor girl, R., through a pimp. The agreed payment to be given to R. was around 20 TJS. When he refused to pay R. after the sex, she took his mobile phone and left.

S., represented by a lawyer, filed a case against her for robbery, the first instance court convicted R. to three years imprisonment for robbery. S. had had no lawyer until then. A lawyer representing R. challenged the decision of the first instance court and filed a case against S. on sexual exploitation of a minor. The court cancelled the 1st instance decision against R. and sentenced S. to the payment of a fine under Art. 141 CC (Sex and other acts of sexual nature with an individual under the age of 16). An NGO helped the victim to complete mandatory school and start vocational education.

Case 3

R. organized a brothel with women and girls. Amongst others, R. abused the position of vulnerability of M., who was economically dependent on her and forced M. into prostitution. R. was prosecuted under Art. 238 and Art. 239 of the Criminal Code of the Republic of Tajikistan and given a two- year prison sentence.

Case 4

L., a young woman, moved from the country side to the city and started working at the bazaar for a man named R. He sexually exploited her and then he introduced her to F., an old man, who offered her to work for him and stay at his house, but then did not pay her and also sexually exploited her. F.'s children were also also beating her.

Case 5

X. forced B. into prostitution using blackmail and threatening to distribute 'disgraceful' information about her. X. was prosecuted under Art. 238 of the Criminal Code and sentenced to pay a fine of 520 account indicators.

Case 6

One day, L. and his friend were approached by two men promising them money and clothes. L. and his friend were taken by men to another region and disappeared for two weeks when they were 12 years old. There they were sexually abused and exploited by wealthy men. When they returned to their home town, L. did not talk for some time after his return as he was traumatized. Medical examinations also showed that the two boys had lots of anal injuries due to the sexual violence suffered. L.'s mother is homeless, she raised her three children by herself, begging and doing chores at the bazaar.

Case 7

B., a middle aged married man with five children, has been working as 'mardikor', day laborer, in construction for many years. He and other 35-40 workers were hired for one big project, the construction of a stadion. The recruiter promised the workers 500 TJS per month. He did not provide the workers with a written contract, only an oral agreement was made. Time passed, the workers worked for three months, from 8 am to 8 pm, seven days a week, with only one meal provided per day. The stadion was finalized, the employer ('brigadier') had kept promising to pay the workers, but never did, even after the workers had complaint to them and demanded their pay. B. had encountered such cases before in Russia. The workers contacted an NGO for help which they knew from counselling on re-entry bans. The NGO demanded the payment of the promised salaries from the employer. Thanks to the negotiations led by the NGO, the employer finally paid all outstanding salaries (1500 TJS per worker).

Case 8

L. is a 47 year old man, who originally worked as a primary school teacher in his home town and later as a construction worker in Russia. He left Russia as he was exploited and not paid by the employers there. Since then he works as a 'mardikor' in Tajikistan,

harvesting wheat. For a week's work he will receive around 50-60 TJS from the private company owner and a meal per day. The employer does not pay for medical treatment in case of work accidents. L. says that he and his colleagues in the field would work for whatever they get as there is no fair alternative. Sometimes they get only paid in wheat and from the wheat they get they would make flour in the village mill. L. adds: "My sister's husband died in Russia, and my sister and her two small children stay with me too. We fought for alimony for the children, but it is very little, 100 TJS."

Case 9

When R. was 10 years old, her mother was left without husband and her and her two brothers without father. Her brothers went to live with their father's family, she stayed with her mother, her grandmother from the mother's side and her mother's brother and his family. There were often arguments with the wife of her mother's brother who claim that this was their house. Therefore her mother was married off soon again – to an older man. Her stepfather started abusing her when she was 13 years old. When R. told her mom about the abuse, she would not believe her, but blamed her for provoking her step-father and was only worried that they would end up without home again. When R. was 18, her mom got pregnant again and R. was forced to marry a distant relative or otherwise leave the family and house. R. decided for the latter and moved to the regional center on her own. There she met a girl who let her live with her and invited to work in a cafeteria with her. When she was working at the cafeteria she met a man, M., who started to court her and promised to marry her. She moved in with him. One day he asked R. to let him show her something special. He injected her drugs and started to also abuse her sexually. M. forced her into prostitution with other men in his apartment. It turned out that M. was a drug dealer. R. was only given one dose per day, and this was what she lived for. She escaped several times, but whenever she escaped, M. called the police. They would look for her, make raids, beat her and bring her back to M. who would ask her: 'What is better, being beaten up or staying with me, sleep with 5-6 guys a day and get your dose?' One day, M. died of an overdose and she managed to escape. A 'Mama Rosa' contacted her and offered her accommodation and food in exchange for working as prostitute without being paid. For R. this already was an improvement. But clients would get very violent, hitting her not stop and being continuously violent even when she asked to stop. The Mama Rosa would not help her. She would blackmail her, saying 'You have no papers, you are a drug addict, your mom does not know where you are. I can kill you tomorrow.' A couple of times, R. approached the police, but they beat her up, blaming and shaming her 'Look at you, you are a drug addict, you deserve this.' She now completely distrusts the police and has given up on herself. R. sees no other option than to remain at Mama Rosa's place. She hopes that one day an overdose will end it all.

Case 10

S., a female university student, was lured by an acquaintance to come with her to a village celebration. During the travel, the acquaintance drugged her which made her pass out. S. fled. When she returned home, she was shaming and blamed for her 'indecent, easy behaviour' by parts of the local community and excluded from some activities. S. is afraid to talk with the police about the details of what happened to her.

Case 11

N., a 20 years old student, befriended a 16 year old girl, B., courted her and promised to marry her. One day, he asked her to come with him to his student dormitory. There, he drugged and raped her. B. ran away and told her mother who filed a court case with the help of an NGO lawyer. N. was sentenced under Art. 121 CC. The judge gave N. a conditional sentence under the condition he would marry B. when she reaches 18 years of age, which he had promised at the hearing. N. has not respected the conditions of the court judgement, he has not married B., he is still free and is now blaming and shaming B.

Case 12

F., a young woman whose husband had died, works in other people's home (such as carpet washing, gardening, cooking) to make a living. For a day's work she gets 20-25 TJS. Sometimes she is paid in kind with food products. Her monthly income is between 100 and 200 TJS. She experienced deception and psychological violence by an employer once she was offered work in the house of a wealthy family, as house help (cooking, waitress) during a wedding, but in the end she was given only a pack of dry bread. She does not have her own place to live. After her husband died, she returned back to her parent's house and has been living with her mum and her five brothers since. She feels pressure to start a new family, but is afraid nobody will marry her because she is poor. She would like to continue her education and get a more permanent job, but can't afford to pay for school/vocational training. She contacted the Center for Employment to find work, but they said they cannot help her.

Case 13

R., a 58 year old woman, whose husband died, has five children, the oldest of which is a labor migrant abroad. Since her husband's death nearly 30 years ago, she had to take care of her five children by herself. Her children and she were kicked out of her husband's home by his family. She was left without a home and had to move back to her parents' house where she has lived since. After her husband's death, she has been working as a day laborer at the bazaar, doing various chores for businessmen. For a 9-10 hours working day, she would sometimes get 20-30 TJS and sometimes food prod-

ucts (such as wheat, potato, onion) or clothes for the children. Per month, generally she has managed to make 300-350 TJS. She has experienced violence and abuse, including not receiving any payment for her work by some business people. She would like to have a decent income and be able to support her children with their education.

Case 14

S., a 37 year old man, married with three children works as a day laborer, mainly at the bazaar or in agricultural fields. For a 9-10 hours a day of work he can get up to 50 TJS, but he does not find work every day. He lives with his family in a rental apartment, which costs 150 TJS per month. He is not able to financially support family. He experienced threats and violence from employers and group leaders. Sometimes he has not been paid for the work he did. He says: "I have heard about trafficking in persons and forced labor from newspapers and TV. Inside the country it's people like me."

Case 15

N. is a 25 year old woman, divorced and with one baby daughter. Before marriage she studied at university (finished 2nd year), but after she got married her parents-in-law would not allow her to continue her studies. She faced violence at her husband's home. Her sister-in-law would make fun of her, abuse and even beat her. She decided to flee this abuse and ran away with her baby daughter. She now lives again with parents, in total there are ten people at the family home. She tries to earn a living. First she worked in a cafeteria as dishwasher and earned 25-30 TJS every day, per month around 800-900 TJS, but then the cafeteria closed and she lost her job. She experienced psychological violence at work. When she worked at the cafeteria, the owner wouldn't let the workers take a break the whole day and they had to stay on their legs from morning until the end of the work. Since the cafeteria closed she started working in other people's homes (washing, house work) whenever there is an opportunity. Sometimes she gets 25-30 TJS per day, sometimes food products. All the money she earns, she spends on her child. With the help of an NGO and their lawyer, she was able to receive alimony for her child. She would like to continue her education, graduate, find a good job and to raise her daughter well. But for this, she would need support or work that provides her with a monthly income of 1500 TJS so that she could save money and return to university.

Case 16

M., a 37 year old man, married with two children, tries to earn money as a handyman coming to the bazaar every day. Before he worked in the cotton fields in this village and was paid only 15-25 TJS for 15-16 hours of hard work in the field. Now that he goes for work to the city's bazaar, he can get from 35 -50 TJS for one day of work. If he finds work every day, he might be able to earn 1000 TJS in one month. Every morn-

ing he walks six kilometres to the city and after work, when he has some money, he returns by taxi (which costs him six TJS). He lives with his wife, his children, his parents and his two brothers (one is currently doing military service, the other going to college). He thinks that a monthly salary of 2000-2500 TJS would allow him to provide for his family and send his children to school. It happened that he agreed with his employer for a certain amount, but in the evening he would not get paid the amount promised. He does not think he can do anything an employer who does not pay him or less than promised or is violent. He also does not think any state institution or NGO would be able to help in such case. When he was a migrant worker in Russia, he once asked his employer for his salary as his child was sick and he needed money for medical treatment. In response the employer took him to the police.

Case 17

L. a 52 year old man, married with four children

I graduated from a technical college, and during the Soviet time I worked as a seller in a shop, I was able to lead a normal life. I worked in Russia for several years, but when I went to the hospital to get a medical check up, I was reported to the police and deported. Since then I have not had a constant job. I am going to the handyman bazaar every day and looking for work. If I find work, which is not very likely as there are many people like me looking for work, I get between 30-50 TJS for a 9-10 hour working day. If I am lucky and find work every day, I can make 1000 TJs per month. If I can't find work, I help unloading and selling potatoes or watermelons. For this work I get four kg of potatoes and two watermelons, and I sell the watermelon for 4 TJS, buy some bread with that money and go home to my family. If someone does not pay me or is violent towards me, there is nothing I can do. I am unemployed and would do any work for any money. Sometimes we get hired as a group for cutting wheat but in the end of the day we get a bag of wheat instead of the promised money. And this is not fair to us and our work. If we say this to the employer, he says either you want to take this or you won't get even anything. I am registered with the city hall, I am registered with the Center for Employment, but I never received anything. I live with my wife and children. My eldest daughter is divorced and also lives with her two children in my house. '

Case 18

R., 54 year old man, married with three children.

I specialized as gas worker in the Soviet Professional Technical college, but since the civil war I have been unemployed. I go to the handyman bazaar every day to find work. I have to accept any work as my wife is sick and we took a loan from the bank and are paying interests now. For plumbing work in people's houses, which I currently mainly do, I get 60-70 TJS. If I find work every day, I can earn 1300 TJS in one month. If I was able to make 2500 TJS per month, I could support my family, send the children

to school and pay back the bank loan. Sometimes by the end of the day the customer pays very little and less than agreed. I feel I cannot do anything and leave silently, as we don't have a written agreement. I also feel I cannot report to anyone because I only have an oral agreement. But I feel it's a violation of my rights. I have seen reports on TV about human trafficking about kidnapping children and women, but human trafficking is also that we don't always get paid for our work. I often go to job fairs to get a job in my specialization, gas work, but so far without success.

Case 19

J., 58 year old man, married with two children.'

'I finished secondary education. For the last twenty years I have been a bazaar boy ('arobakash'), carrying products for people in my cart ('aroba'). I rent the cart from the owner of all carts at the bazaar. He gets 10 TJS a day for the cart from each of us and the rest, around 40TJS, is ours. On holidays I can make up to 100 TJS a day. If I work every day, all day, I can get around 1200 TJS per month. Sometimes the customers, for whom I carry the products, pay very little, 3-5 TJS. It happened that you are carrying a big package of products across the whole city and a client only pays 5 TJS. But if I complain, the Aroba owner will take away my cart and not rent it to me anymore. I live with my wife, daughter and three grand children. If I received a good pension, at least 500 TJS per month, this would also help.'

Case 20

S., a 45 year old man, married with three children:

'I graduated from the polytechnic college as a car fitter. But I have been working as a builder. I used to be an external migrant, now I am an internal migrant. Sometimes my colleagues and I look for work for months. I get paid 20 TJS per meter of foundation built, and I generally work from 8 to 18 o'clock. The money I earn is not even enough for food. If I ask my employer for more money, he just says 'If you don't want to eat, there are others who will do this work for that money'. If I get injured at work and I am unable to work, the employer will not have me treated or pay me. He will just tell me that I should have been more careful and that it's my fault. I would like that the government provides all citizens with a decent job and fair salary.'

Case 21

Y., a 27 year old single man:

'I graduated from polytechnic college, specialized as operator and in computers. But I am working as a handyman. I have worked as an electrician, plasterer, and for 25-30 TJS I can do any type of work. Per month, I usually earn 250 to 300 TJS. Not long ago,

we were taken by one microbus to a village to work in the fields. We worked a full day, but never got paid. We have not reported this so far to anyone, because we don't know to whom to report. Also my father experienced violence at work when he worked in the cotton fields. We want to get a fair salary for our work. It would be good if the government would create work places.'

Case 22

R., a 58 year old man, married.

'I graduated from polytechnic college as electrician. But I have been working as a handyman for many years now. For 25-30 TJS per day, sometimes also breakfast and lunch is provided, but not all employers provide for this. Generally, I am working from 7 am till 6-7 pm. Sometimes it happens that employers give less than agreed, 20 TJS instead of 25 or 30 TJS. Often we do not know the real volume of work before accepting it. When we arrive at the work site, we realize that it's more work than for the agreed money. But if we ask to check the work site – which is often far away - before accepting and we reject the offer because it is too low for the amount of work, then the employer kicks us out without return transport and we have to walk back. Recently, we worked one full day until evening in a field and after work the employer transported us back, but not to our village, they dropped us in the middle of nowhere and ordered us to walk home. We requested the payment for the work done, they said, we will get it tomorrow, but we never received a penny. My son also experienced violence when working in the fields to collect wheat.'

Case 23

F., an 48 years old man:

'I graduated from polytechnic college as tractor driver, but I have been working as handyman for many years. Per day, I earn between 20-30 TJS plus breakfast and lunch. But I cannot find work regularly as there are many handymen looking for a job. I had problems and suffered violence at work, but I don't want to talk about it. I would like to find a job as a security man, with a fair salary and a fair employer. My teenage children also faced violence and exploitation at work. Recently, a minivan drove by and picked up people for working in a cotton field. My daughter and son worked there for two days, but they never got paid.'

Case 24

U., a 40 years old man, married:

'I graduated from polytechnic college, but I have been doing agricultural work. I usually work from 6 am to 10 pm, and I get 30-50 TJS for a day's work. I have suffered violence at work, psychological violence. Middlemen would lie. They would take more

money. Sometimes I would get paid late, sometimes less than promised. I would like employers to get punished for lying to handymen.'

Case 25

Z., a 23 year old man, married:

'I studied one year as mechanic at college. I have been working as handyman, mainly doing agricultural work. For a day's work (11 hours) I would get 25-30 TJS, sometimes lunch would be provided. I am disabled, and it is difficult for me to find work. Because of my disability, I receive 150 TJS per month from the state. I have experienced psychological violence and abuse. I have also faced other problems at work because of my disability – I was kicked out and not paid the promised money. I wanted to report to the police, but I am scared. I would like life to change for the better – so that there would be work places and people wouldn't have to leave.

iii. Victim support and rights' protection

Tajikistan has adopted a number of laws and regulations over the last years to enhance victim support and create the basis and set standards for victim referrals to assistance, related to trafficking in persons and other violent crimes, such as domestic violence.²⁰

Over the last decades, civil society organizations and lawyers across Tajikistan have been able to build their expertise in relation to providing support – shelter, psychological counselling, rights information and legal assistance - to victims of violent crime, in particular trafficking in persons and domestic violence. Many respondents – including government stakeholders – highlighted how important the civil society's contribution to the fight abuse and exploitation, including trafficking, is. Respondents also emphasized that victim referrals to victim support organizations from law enforcement and other government bodies has significantly increased over the last years and that cooperation between the two has been established in many areas. Since ten female police inspectors have been appointed across the country to deal with cases of domestic violence, referrals related to domestic violence have also increased.

So far, direct victim support – in particular, shelters, psychological assistance and legal assistance/representation - has been funded to a large extent by and dependent on international donors. The two main shelters for victims of trafficking in the country – run by the NGO Femida and the NGO Women and Society have not been operational (besides basic maintenance and ad hoc assistance in a few individual cases) since mid 2016 in the absence of an agreement between the donor and the government on a more sustainable solution. With the Dushanbe shelter for victims of trafficking basically unfunded and not operational, there is currently no shelter in the country which ac-

²⁰ See the 2014 Anti-Trafficking Law and the Law on Prevention of Violence in the Family adopted in 2013.

cepts *male* victims of trafficking or other forms of exploitation and abuse. Albeit from the research it is clear that the need for shelter of female victims is bigger compared to male victims, it is important to have a shelter mechanism in place also for male victims to be able to adequately assist when cases are identified.

There are a few available shelters for women, victims of violence, which in principle could also be accessed by victims of internal trafficking - but so far have rarely been as there has been no focus on identifying victims of internal trafficking, most are limited to victims of domestic violence and their overall capacity in terms of available beds is very limited. In Dushanbe, the Committee on Women's and Family Affairs manages a shelter ('Light of Protection') for women under the age of eighteen, which accommodates girls in need for up to a year and more, and also provides psychological counselling and vocational training for women, victims of violence. Referrals to the shelter come mainly from other Women's Committees across the country, sometimes in cooperation with local NGOs. Currently the government does not run a shelter for women over the age of 18. Recently maternity wards in hospitals across the country have equipped one room for women victims in need of emergency support (maximum one month) – it is not clear, however, how many victims and what type of cases are being assisted in these wards.

There are currently three NGO managed shelters for women operational in the country for women: the NGO Gulrukhsor based in Kujand, mainly specialized on domestic violence cases and with twelve beds (three rooms) and a maximum stay of forty days per client; the NGO Caravan of Hope based in Dushanbe, which works with women victims of violence and has a handful of places available in the shelter; and a crisis center run by the NGO Ghamkhori in Qurgontepa, which offers short-term accommodation (14 days maximum) for women in need, mainly victims of domestic violence. All three shelters are project based and to a large extent dependent on international donors. The shelter premises in Khujand are government owned (renovated by the Organization for Security and Cooperation in Europe in 2015), the NGO Gulrukhsor has, however, to pay rent for the use of the premises as shelter and for victim support.

Several NGOs have started initiatives/partnerships to diversify their funding sources with the objective of becoming more locally supported and sustainable. For example, the NGO Gulrukhsor has entered a partnership and is supported also by the National Association of Business Women of Tajikistan, and the NGO Caravan of Hope runs a social business (café, production of peanut butter and handicrafts) to be able to generate some income for their victim support activities.

Numerous respondents pointed out that there is a need for more safe houses for female victims of violence and exploitation, in particular also offering long-term shelter and support and targeted to the needs of the victims. Some regions (GBAO and RRS) have no shelter at all, Sughd and Katlon only shelters focus on domestic violence for short-term stay (14 days, 40 days).

While some of the shelters focusing on domestic violence or women victims of violence have also worked with victims of internal trafficking, in particular for the pur-

pose of sexual exploitation, they would need additional financial resources and, to some extent, also capacity building, to be able to do so systematically. Several respondents noted that complex cases, that is, for example adult women victims of internal trafficking exploited in prostitution and/or with infectious diseases or drug addictions, currently often remain outside the realm of shelters, assistance and rehabilitation measures. While it might not be realistic to establish specialized shelters for victims of trafficking, including internal trafficking, in each region, it will be important to have a safe place for victims of violence and exploitation, at a minimum for girls and women, in each region, which can establish first contact and refer, when needed VOTs to a specialized shelter (which also takes in male victims) in the capital.

Particular adult women in difficult situations often have nowhere to go to with property (and with it, homes) often still being passed on from men to men in families and marriage still the prevalent (and often only) real possibility for women to access housing. This makes women dependent on their husbands and/or their husband's family, and forces them to remain in an abusive situation or face destitution should the marriage end. Interviews and previous research highlight that it is especially such dependencies and the risk of destitution outside of marriage that make women (and their children) vulnerable to exploitation and abuse. Civil society organizations and lawyers have been assisting women to access basic rights – from ID documents and other registry certificates, to filing a divorce and related property and/or alimony rights in an abusive and violent marriage. Practice shows that even with legal assistance and representation women often still are afraid to file criminal cases concerning against their violent and abusive husbands or in-laws as they fear – not unfoundedly as there have been numerous cases of revenge and vindication – that this will lead to even more aggression and violence against them and their children. In addition, police is often still seen and perceived as taking the men's side. Equally, society is stigmatizing divorced women and their children and children of women who brought a criminal case against their abusive and violent husband ('children of a convict').

Many respondents viewed the lack of sufficient shelters for victims of violence, including trafficking, in the country as the single biggest obstacle to effective victim support and rights protection. Interviews and desk research confirmed that without access to a mid to long-term safe place and support on all related legal, medical and social issues, victims often are not able to escape the abusive and exploitative situation, recover, claim their rights and rebuild their lives – 'They have nowhere to go!' (Interviewee). Cases across the country show that in the absence of sufficient safe accommodation in each region, women and children have remained in exploitative situations and/or continued to live on the streets and civil society representatives and local authorities have struggled to find ad hoc solutions in individual cases, sometimes also using their private resources. As highlighted above, safe housing is a particular concern for and need of women victims as housing/accommodation is traditionally passed on from men to men and men are less likely to remain without housing (and less vulnerable to violence, including sexual violence), in case they find themselves on the street.

The Tajik government has started to provide grants to civil society organizations for raising awareness and conducting outreach and rights information campaigns for victims and vulnerable groups. For example, the anti-trafficking NGO Femida, based in Dushanbe, has received a grant of approx. 20,000 USD for prevention activities. This is seen as a good practice by many respondents that could also be replicated by other Ministries and governmental bodies and also applied to funding victim support, including shelters.

Interviews and research also highlight that in particular female victims of violence – sexual exploitation, domestic violence - still stigmatized and even blamed, for the violence they suffered, being referred to as ‘easy woman’, ‘immoral’, ‘not responsible’ or ‘bringing shame’ by relatives, community members, authorities and in some cases also by victim support providers. This creates obstacles for victim identification and support and helps create an environment of impunity for offenders. Numerous respondents reported that victims sometimes still face unprofessional behaviour, disrespectful treatment and even abuse and violence as well as corruption from law enforcement, prosecution, judges and other state actors. This is particularly true for women in prostitution which continue to face outright sexual violence from some law enforcement officers (‘free Saturday’).

iv. Justice Response / Prosecution

There is little official data in relation to the investigation or prosecution of internal trafficking cases or the victims.²¹ The 2016 Global Report on Trafficking indicates, quoting the General Prosecutor’s Office of the Republic of Tajikistan as source, that 32 internal victims, that are Tajik nationals were trafficked internally and identified between 2012 and July 2015.²² Interviews confirm, however, that so far there has not been an investigation or prosecution under Art. 130¹ CC in relation to an internal trafficking case – be it for sexual or labor exploitation. Neither has there been an investigation or prosecution of a case of slave labor under the relatively newly introduced Art. 130² Use of Slave Labor.

Interviews and desk research indicate that instead internal trafficking cases are prosecuted under other criminal code provisions, such as in the case of sexual exploitation, Art. 238 CC (Involvement into Prostitution), which criminalizes involuntary, coercive prostitution, and to a lesser extent Art. 132 (Recruitment of human beings for exploitation)²³. Internal cases of trafficking for labor exploitation that could be related to TIP do not seem to have reached the courts at all yet under any of the relevant articles (such as Art. 130¹, 130²).

²¹ The statistics on TIP related cases collected by the Tajik authorities do not disaggregate whether a case has been internal or transnational.

²² Nine in 2012, thirteen in 2013, eight in 2014 and two between January and July 2015. See 2016 Global Trafficking Report, Country Narratives: Tajikistan.

²³ Art. 132 has been much disputed in the past as it seemed to allow to qualify and punish crimes which fulfilled all elements of TIP as a lesser crime. It is planned that Art. 132 will be deleted in the ongoing revision of the Criminal Code.

Art. 238, however, unlike trafficking in persons, is not located under Section VII. Crimes against Personal Freedom, honor and dignity (as is trafficking), but under Section X. Crimes against the social and moral order with a punishment that can range from a fine to supervised confinement to a maximum of two years imprisonment.²⁴ In the context of internal trafficking for sexual exploitation it is important to analyze the function and application of this provision in practice. It is also important to know that Art. 130 of the Administrative Code makes the exercise of prostitution an administrative offence for the sex worker (there is no punishment for the 'client' in Tajikistan – with fines from 500 to 1000 TJS²⁵ for first time offenders and higher fees or administrative arrest from 10 to 15 nights for repeat offenders.²⁶ This puts persons – in Tajikistan prostitution is exercised to a large extent by women, even though male prostitution is also present²⁷ - who are exploited in prostitution into an even more vulnerable situation and more reluctant to report abuse and exploitation as they will be seen and punished as offenders by law enforcement if they step forward. In the context of understanding internal trafficking for sexual exploitation it will be important to identify and implement policies and measures that help address this challenge.

Many respondents have reported that prostitution is to a large extent highly abusive and exploitative in the country, with women in prostitution getting as little as a couple of US Dollars or a meal from clients. Interviews and desk research indicate that many women in prostitution have been lured, deceived or forced into prostitution and often suffer economic, psychological, physical and sexual violence from their clients and pimps but also from authorities ('free sex', 'bribes').

Statistics show that the number of prosecutions under Art. 239 CC (organization of prostitution) from 2012- first half of 2017 amounts to 1088 while the number of cases prosecuted under Art. 238 (Involvement into prostitution) over the same period amounts to nine (9).²⁸ This points to the fact that the authorities are not – or only to a very minimal extent - detecting and addressing the elements of violence, abuse and exploitation existing within the prostitution sector in the country. The fact that there have been no prosecutions of trafficking for the purpose of sexual exploitation within the country also points towards in this direction.

Equally, in the context of domestic servitude, forced marriages or sexual violence/exploitation also criminal code provisions on physical and/or sexual assault/rape can be relevant to the prosecution of internal trafficking scenarios. In the

²⁴ Equally, the production, distribution and use of child pornography are not categorized as crimes against persons (Section VII), but crimes as the social and moral order (Section X).

²⁵ 9 Tajik Somoni (TJS) is around 1 USD.

²⁶ Article 130. Engagement into prostitution, 1. Engagement into prostitution entails imposition of a fine amounting from ten to twenty indicators for settlements. 2. The same action as provided in the part 1 of this article, committed repeatedly within one year after the application of the administrative penalty, - entails imposition of a fine in the amounting from twenty to forty indicators for settlements or administrative arrest for a period of ten to fifteen days. (Law No. 1234 of 23.11.15).

²⁷ Male prostitution in the country is often referred to as 'Men who engage in sex with Men', in short 'MSM'.

²⁸ Statistical data provided by the Tajik National Training Center for Combating Trafficking in Persons.

context of labor exploitation, related legal provisions also include Art. 153 (Violations of the legislation on labor) of the Criminal Code of the Republic of Tajikistan (Chapter 19 Crimes Against the Constitutional Rights and Freedoms of Persons and Citizens)²⁹ and Art. 94 (Violations of the legislation on labor) of the Code of the Republic of Tajikistan on Administrative Legal Violations (Section II, Chapter 6, Administrative Legal Violations connected with the Rights and Freedoms of Persons and Citizens)³⁰.

The Criminal, Administrative and Labor Code include a wide range of provisions that can help to punish abuse and exploitation, protect those vulnerable and exploited and prevent internal trafficking and exploitation in all its forms and along the whole continuum of exploitation - from less severe to most severe cases. Several respondents noted that a (non-exhaustive) list with crimes and other offences potentially relevant to internal trafficking scenarios could be useful for law enforcement and prosecution that is issued as guidance in their work. The development of a list of crimes connected with trafficking in persons is foreseen by in the 2016-2018 National Action Plan for Counteracting Trafficking in Persons in the Republic of Tajikistan (thereinafter National Action Plan). The implementation of this measure - Activity #23 - is, however, still pending. Before the adoption of a new Law of the Republic of Tajikistan on Counteracting Trafficking in Persons and Providing Support to Victims of Trafficking in Persons in 2014 (Anti-Trafficking Law), such a list was in force (it had been issued within the framework of the Anti-Trafficking Law adopted in 2004). The fact that a new list of crimes is currently under development represents a good opportunity to include additional legal provisions that had previously not been added, including those particularly relevant to internal trafficking, newly adopted provisions and also relevant administrative, labor code and other violations. Such a comprehensive overview could also facilitate interagency and inter-departmental cooperation and referrals.

Many respondents also highlight that victims still do not report cases to police because they fear negative retribution from family, the community. Sometimes they also do not trust or even fear the police as some police exponents have been seen to be insensitive to the victims needs or tolerating or implicated in violence, abuse and bribery.

²⁹ Article 153, Criminal Code: The clearly illegal dismissal of an individual from work, the failure to fulfill a court decision about the return of an individual to his or her previous place of work, as well as other deliberate and significant violations of the legislation of the Republic of Tajikistan on labor – Are punishable by a fine in the amount of one to two thousand calculative indices or by incarceration for a period of up to three years (Law of the Republic of Tajikistan No. 35, 17.05.04; Law of the Republic of Tajikistan No. 422, 06.10.2008).

³⁰ Article 94, Administrative Code reads: “1. Violations of the legislation on labor, including:

- Unwarranted cancellation of a work contract with an employee; - Hiring an employee without signing a work contract or failing to observe the age minimum established for hiring; - Unilateral refusal on the part of the employer to conduct collective bargaining; - Unwarranted refusal to provide work leave to employees, and also failing to provide other guarantees that are provided for in the legislation of the Republic of Tajikistan on labor – Entail a fine imposed on employers in the amount of twenty to thirty calculative indices. 2. The repetition of acts of the administrative legal violations outlined in the first point of the given Article, if occurring within a year following the first imposition of an administration fine – Entail a fine imposed on employers in the amount of forty to fifty calculative indices.”

The cases reported and analyzed show on one side the urgent need to provide victims with lawyers as without lawyers their rights are not adequately protected in the justice system. While offenders often have lawyers, victims mostly don't and if they do, the chance that their voices are heard and justice is done are significantly higher. On the other side, the criminal justice system needs to become (and seen to be) capable and committed to protect victims' rights. Only when victims can trust law enforcement, prosecution and judges, they will be willing to come forward and help in the pursuit of justice. Trainings on victims's rights and law enforcement, prosecutors and judges' obligations in relation to victims of crime is needed together with a policy of no tolerance and disciplinary measures in cases of corruption, abuse, violence and discrimination. The training and appointments of specialized female investigators within the police force across the country is an important first step in this direction concerning cases of violence against women. But they will only be successful if the system at all levels – police, prosecutors, judges, social protection, male and female, local and national - is trained and committed to respecting, protecting the rights of and assisting victims.

A case in point, which demonstrates this is Case 2, in which the victims' lawyer managed to overturn the sentence of the first instance court and have the offender prosecuted, albeit only to a fine. The victim's lawyer in this case was first met with reluctance at the Prosecutors' Office ('An advocate for the victim?'), where an investigator refused to issue the advocate with an act to be able to represent the victim – as would be his role in accordance with Art. 45 (Representation of complainants, civil plaintiffs, and private accusers) and Art. 49 (Defense attorney) of the Criminal Procedure Code of the Republic of Tajikistan (CPC). Instead – and despite being referred to these two articles by the advocate, the investigator ordered the advocate to go to a notary's office in order to be authorized. Respondents also reported cases in which criminal justice actors – police, prosecutors, judges – treated victims (women) in a disrespectful, and unethical manner, passing personal judgment and siding with the alleged offenders (men). These might be isolated cases, but it shows how important it is to ensure – thorough training, guidance and disciplinary measures in case of non-compliance – that justice system actors are not just well informed about the laws, but also implement them with due diligence and are committed to and do their part to protecting the procedural and other rights of victims. One police officer, one prosecutor, one judge who treats a victim of crime disrespectfully and is allowed and seen to do so without disciplinary measure, will discredit the whole professional group and deter the population from coming forward, reporting crime and cooperating with the criminal justice actors.

There is little information in relation to how effectively victims of trafficking can access their right to compensation and how police, prosecutors and judges enable victims to access this right. The research was able to learn about two compensation claims related to Trafficking in Persons cases, both in relation to transnational cases, initiated by the victim's advocates and in the form of civil suits. Information received indicates that in none of the cases, the compensation awarded by the court (10,000 TJS in one case and 30,000 TJS in the other case) has actually been paid out to the vic-

tims.³¹ Research also indicates that prosecutors, who by some respondents are seen as guarantors of the victim's rights in criminal proceedings, so far have not taken an active role in informing victims about their right to claim compensation or in initiating/collecting evidence to substantiate compensation claims.

v. Prevention

Respondents highlighted that awareness raising and rights information of vulnerable parts of the population is important, but equally important is legal education and awareness raising of potential offenders with a clear message of zero tolerance of abuse, exploitation and violence. Only if authorities investigate and prosecute crimes and identify and assist victims and are known to do so, will potential perpetrators be deterred from committing these offences. Equally a zero tolerance policy on corruption and lack of due diligence on behalf of the authorities needs to be communicated internally and to the public and implemented, including through disciplinary measures and criminal prosecutions.

Importantly, reintegration assistance – such as training or grants for returning migrant workers, including those exploited and trafficked abroad – has shown positive impact and helped to increase livelihood and can be considered as good practice that can also be replicated in internal trafficking cases. Also, community based business initiatives – such as the local production and sale of dairy products, initially by (abandoned) wives of labor migrants– have been able to create work and livelihood in communities so far only depending on labor abroad and remittances.

The moral attitude of the public, family, society and authority generally is very one-sided and biased against women – in particular in cases of sexual violence and prostitution - who attach wrongdoing, blame and stigma - if not wholly then partly - to the victims and not to the offenders – be it violent family members, acquaintances or strangers. This bias is also used and plays into the hands of traffickers, exploitative pimps and clients. Women (and men) in the sex industry are often threatened and blackmailed (shantazh). Respondents also highlight that the current legal regulation of prostitution – that the person who provides a sexual service for money is being punished – is likely to have negative impact on the reporting of violence and exploitation that people in the sex industry suffer.

The reluctance to report violence and abuse to the police can also be seen in other sectors where workers struggling to make a living find themselves in an illegal limbo – no work contract, no tax registration -- which is created and exploited by individual employers and companies vulnerable positions: day labor ('mardicor'), agriculture, construction. What is in fact a responsibility of the employer – the provision of a written contract – in practice turns against the weaker link, the worker who have to fear to be punished for evading tax in case they approach authorities for help.

³¹ Information on compensation claims received from IOM.

Several interviews highlighted patterns still prevalent in some families and communities across the country that expose discrimination, violence and stigmatization towards women from their young lives ('need to be taken out of school when they are 17 to be prepared to become a wife and housewife, if not married by 22 their value diminishes and they become 2nd category and are only marriable to old men or become second wives'). Respondents also highlight how these same patterns put pressure also on young men who are not ready to be married and/or unable to provide for a wife and family. In the end, these patterns imposed by social pressure are unhealthy and damaging for the families themselves: a marriage into which both the prospective bride and groom are pressured into, where the newly married wife becomes a servant to the mother in law and the husband's family and often has to take over agricultural work, domestic work and child care, where men albeit working are still barely able to provide for the family (but are already married and with kids) and decide to have second wives (,younger', ,did not chose the first one anyhow') and the first wives and kids are kicked out of the family or escape this situation of abuse. In the best case, the women can return to her parents, in the worst case, they end up destitute and on the street. Families, which see a daughter return from a failed marriage, often end up having to financially support not only their returning daughter, but also their grandchildren – in addition to sometimes still being indebted from the the organization of the marriage in the first place:

‘They married her off to have a mouth less to feed, but end up with not one, but two or three mouths to feed’ (Interviewee).

Respondents highlighted that currently, in the regions many family's only start to allow or support their daughters to get higher education once her marriage fails. Interviews also showed that there are families that start realizing that it is important to also invest into education and work opportunities for their girls - in particular as men often no longer are able to earn a proper income for the whole family or/and decide to have two wives and are not able or willing to provide for both. Several respondents also highlighted that in the past it was normal that women also were in employment and that one reason for less women in employment over the last twenty years has also been fewer employment opportunities in general and particular for women, with the closure, - after the end of the Soviet Union - of factories, farms and industries in the region in which women traditionally worked. The creation of employment by the government, in particular also for women, is seen as a crucial measure to reduce the vulnerability of women to exploitation and violence and increase the welfare of the whole family.

VI. Conclusions

Tajikistan has undertaken numerous measures to combat trafficking in persons over the last decades. The Tajik criminal law provision on TIP covers internal trafficking, and the criminal code includes a number of provisions that can be used to prosecute traffickers and associated crimes. So far internal trafficking cases have only rarely reached the courts and when they have, they have not been prosecuted under the trafficking provision (which often has led to lower sentences as compared to transnational trafficking cases).

The issue of internal trafficking has so far not been widely discussed in Tajikistan and the terminology of trafficking is still mainly used for transnational cases. National stakeholders, from government and civil society, are, however, aware that internal trafficking occurs in the country and that its dynamics are similar to transnational cases. There are little official data on internal trafficking. Most cases of internal trafficking identified so far are related to girls and women trafficked for sexual exploitation or/and treated as disposable or living in servitude or slavery like conditions.

Vulnerability is not something innate to any person, woman or man, but created by social and structural realities that empower or disempower certain persons or groups. Prevention in the context of trafficking needs to improve access to resources and opportunities for education, decent work and wellbeing for women and men.

In today's Tajikistan, women often are more vulnerable than men. They are still often disadvantaged and dependent on men, husbands or the husband's family in their access to rights and resources, in particular in the regions, not just when it comes to access to decent work, but access to basic rights and freedoms, such as effective access to education, registry documents and proceedings, freedom from forced marriage and the right to divorce, freedom from violence, effective access to property rights and alimony, access to inheritance on equal terms with male family members. Women (and their children) therefore are also those who often have nowhere to go if they want to leave an exploitative situation and need safe accommodation and comprehensive long-term support to be able to escape abuse and trafficking. Sufficient and countrywide safe houses, psychological support and legal assistance as well as comprehensive and targeted (re-)integration measures (including housing) are crucial to enable victims of internal trafficking to come forward and recover.

Women in particular also still face a high level of victim blaming and shaming as well as stigmatization from society and, to some extent also from institutions and support services. The most vulnerable women - women in prostitution, with sexually transmitted diseases (STDs) or drug addictions, women living on the streets - are sometimes barred from accessing support services and are most at risk of abuse from the hands of law enforcement.

Civil society organizations and lawyers have accumulated huge expertise in victim support and assistance. Often they are the institutions most trusted and first contact-

ed for help by victims. Cooperation between government and civil society actors in the identification, referral and assistance of victims and vulnerable groups has been developed in many regions and has shown good results.

Systematic monitoring of sectors vulnerable to exploitation and outreach to and empowerment of workers in these sectors is needed to identify and assist victims, punish exploitative employers and traffickers and prevent further exploitation and abuse. In Tajikistan, these include, but are not limited to, the prostitution sector, agriculture, construction and bazaars. The provision of educational scholarships, vocational training and business grants for vulnerable groups and victims as well as the support of community based businesses has shown to be an important measure to reduce vulnerability to exploitation and enhance livelihood. To guarantee a bigger part of the population with decent work opportunities, such measures need, however, to be complemented by systemic reforms in the labor market that create regular employment and ensure the implementation of labor standards.

VII. Recommendations

Protection

Step up government financial or in-kind support for victim support, including shelters for victims of (internal and transborder) trafficking, exploitation and violence. This could include for example, providing state owned premises for free to NGOs for providing shelter and victim support.

Support/Open a safe house for women victims of violence, exploitation and rights abuse, including internal trafficking, in each region to be able to offer short-, medium- and long-term support to victims. Reopen the specialized VOT shelter in Dushanbe, which can accommodate both female and male VOTs and to which the shelters in the regions can refer individual cases that cannot be adequately supported in the regions. . Use the expertise and skills of existing victim support NGOs and their specialists to run the shelters in Dushanbe and in the regions.

Provide training on victim-sensitive, non-discriminatory support / service provision to all stakeholders – government and NGO – who come in contact and work with VoTs and vulnerable groups. Also build der capacity to identify and assist victims of internal trafficking and other forms of violence, exploitation and rights abuse.

In order to ensure sustainability, funding should come at least in part from the public budget – either in kind through the provision of premises, the coverage of utilities or the provision of grants to fund shelter costs and direct assistance. International donors and government could agree on a 3 to 5 year transition plan that would foresee progressive increase of funding from the national and/or local government budget. Train victim support NGOs in developing social business plans, diversifying sources of funding and writing grant proposals.

Support outreach work to women in prostitution to identify victims of abuse and exploitation and offer referral paths and assistance. Provide education and work opportunities to women who want to leave prostitution.

Support network of lawyers specialized on cases of TiP, sexual violence, violence against women and labor exploitation to enable victims to claim their rights through the courts and access justice, including compensation. Ensure victims of violent crimes and vulnerable victims have access to free legal aid.

Increase efforts and resources to implement and monitor labor standards to ensure safe and decent work and prevent labor exploitation and trafficking.

Support outreach and assistance to workers in vulnerable sectors of the economy. Inform them about their rights, including through brochures on workers' rights and awareness raising programs on TV/radio programs. Step up efforts to enhance the implementation of labor standards by employers, including by informing employers / businesses about their obligations and a zero tolerance policy in cases of exploitation.

Build on and increase across the country the good practice of local stakeholders – Hukumats (local authorities), Women’s and family affairs committees, NGOs – to offer free advice/counselling in the communities. Expand the actors engaged in local information and counselling sections to include labor inspectors and departments.

Continue and increasing government grants to civil society organizations for awareness raising and make grants available also for the provision of victim support.

Review shelter regulations and referral procedures and train shelter staff to ensure certain victim groups, such as victims with STDs or drug addictions are not discriminated and barred from safe housing and can fully access victim support.

Ensure that victims are offered emergency and long-term support. Long-term support in finding sustainable solutions related to housing, work, education, family and in relation to psychological and/or legal assistance, targeted to the needs of the individual victim, will help (re-)integration and prevent further victimization and re-trafficking.

Prevention

Make the fight against internal trafficking part and parcel of anti-trafficking measures, including the next National Action Plan on TIP, TIP coordination meetings and the National Referral Mechanism.

Enhance girls’ effective access to higher education and job training, including through specific scholarships.

Continue and enhance measures at the local level that raise better understand of healthy and respectful family relationships and the importance of providing both girls and boys with education and work opportunities for the wellbeing of the family and the individual.

Monitor and effectively act against all forms of exploitation and rights abuse in vulnerable sectors of the economy – irregular and regular - along the whole spectrum of exploitation, from less to most severe forms.

Raise awareness on labor rights, employers’ obligations and labor standards every worker is entitled to. Support and raise awareness about centers where workers can get information, counselling and legal assistance on their labor complaints. Develop and disseminate similar brochures on rights, obligations and assistance as were developed for workers vulnerable to TIP abroad, but adapted to Tajik law and mechanisms.

Enhance women’s access to the local labour market. Work with the communities at the local level to raise awareness about the benefits for the whole community of including women in the labor market.

Provide women in prostitution with leaflets about their rights and available assistance and support contacts, including on how to safely file complaints against abusive or corrupt law enforcement officers.

Ensure justice actors are aware of local victim support organizations and refer victims and vulnerable persons to victim support.

Raise awareness on women's rights, zero tolerance of violence against women and criminal provisions punishing physical, psychological, sexual and economic violence and abuse.

Continue providing and increase educational scholarships, vocational training and business grants to women across the country, with particular focus on vulnerable groups and victims of violence and abuse.

Increase number of self-employment / business grants for men and women across the country.

Identify change makers and multipliers from the different key groups within the population (teachers, doctors, husband, mothers-in-law, religious leaders, working women).

Continue awareness raising sessions with young boys and men from different sectors in society (such as business men, teachers, law enforcement, unskilled workers, pensioners, imams, politicians, local government officials) on women's rights and engage them into public information and awareness raising campaigns.

Raise awareness about the fact that individuals who abuse others (sexually, physically, economically, psychological) in the name of traditions are ethically wrong and also not protected by the law.

Raise awareness and promote healthy family relationships, free of violence and based on equal rights and obligations violence mutual consent and the common interest to build and care for a family, including the extended family.

Justice response / Prosecution

Train and provide guidance to law enforcement and prosecution agencies, labor inspectors working on TIP and associated crimes – such as the TIP unit, the Unit on Moral Order, the unit responsible for monitoring, investigation and prosecuting labor law related criminal offences – to identify cases of internal trafficking and start joint investigations as a pilot project. Ensure units include also female investigators.

Train justice system actors (law enforcement, prosecutors, judges, advocates) on international and national legal provisions related to a victim-centered approach, including victims' rights (including compensation) and needs their role in the protecting them standards and good practice on how to work with victims of crime, in particular vulnerable and traumatized victims. Focus: Victims of violence and sexual exploitation.

Raise the awareness of and train all justice system actors on the international and national standards, laws mechanisms and case scenarios relevant to internal trafficking.

Develop and disseminate a leaflet/brochure for internal victims of trafficking and exploitation, which outlines their rights as victims of crime in criminal proceedings as well as assistance and support available on relevant issues (such as access to shelter, psychological assistance, legal assistance, vocational training).

Raise public awareness about the fact that blackmailing ('shantazh') is a criminal offense and promote a zero tolerance policy for blackmailing.

Ensure justice actors are aware of local victim support organizations and refer victims and vulnerable persons to victim support.

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Annexes

Annex I. Excerpts from national laws

LAW OF THE REPUBLIC OF TAJIKISTAN

ON ADOPTING AND INTRODUCING THE CODE OF THE REPUBLIC OF TAJIKISTAN ON ADMINISTRATIVE OFFENSES

Article 130. Engagement into prostitution

1. Engagement into prostitution entails imposition of a fine amounting from ten to twenty indicators for settlements.
2. The same action as provided in the part 1 of this article, committed repeatedly within one year after the application of the administrative penalty, - entails imposition of a fine in the amounting from twenty to forty indicators for settlements or administrative arrest for a period of ten to fifteen days. (Law No. 1234 of 23.11.15).

Article 138. Illegal recruitment and employment of citizens of the Republic of Tajikistan abroad or that of foreign citizens and stateless persons in the Republic of Tajikistan

1. Illegal recruitment or employment of citizens of the Republic of Tajikistan abroad, - entails imposition of a fine on individuals amounting from thirty to fifty, on officials amounting from seventy to one hundred and on legal entities amounting from one hundred to two hundred indicators for settlements.
2. Recruitment or employment of foreign citizens and stateless persons in the Republic of Tajikistan, - entails imposition of a fine on individuals amounting from thirty to fifty, on officials amounting from seventy to one hundred and on legal entities amounting from eight hundred to one thousand indicators for settlements.
3. Employment of foreign citizens and stateless persons in the territory of the Republic of Tajikistan without special permission, - entails imposition of a fine on individuals amounting from twenty to thirty indicators for settlements.

Article 139. Failure to comply with the requirements of the state body responsible for monitoring the compliance with labor legislation

Failure to comply with the prescribed terms by the employer of the instructions and orders of the state body for monitoring the compliance with labor legislation provided for in accordance with the legislation of the Republic of Tajikistan -

entails imposition of a fine on officials amounting from twenty to thirty and on legal entities amounting from seventy to one hundred indicators for settlements.

LABOR CODE OF THE REPUBLIC OF TAJIKISTAN

Article 154. Obligations of the employee for compliance with the norms, rules and instructions related to labor protection

The employee is obliged to comply with requirements of the rules, regulations and instructions for labor protection, as well as the employer's orders for safe work, make use of the received personal protective equipment, immediately notify his/her immediate supervisor (foreman, master, chief of the area) of any situation, which in his/her opinion, creates an immediate threat to the life or health of people, as well as any accident that occurred during work or in connection with it.

For non-compliance with the specified duties the worker can be engaged into disciplinary and material responsibility, and in cases provided by the legislation of the Republic of Tajikistan, shall be involved into criminal liability.

Article 155. Recording and investigating the occupational accidents

The employer is obliged to immediately investigate the causes of the occupational accident, draw up an act in the prescribed form and organize maintaining timely records of occupational accidents.

At the request of the victim, the employer must provide him/her with a certified copy of the act concerning the occupational accident not later than three days after the investigation ends.

If the employer refuses to draw up an act about the occupational accident, or if the victim disagrees with the circumstances of the occupational accident stated in the act, the victim has the right to apply to the appropriate representative body of the organization's employees or to the court.

CRIMINAL CODE OF THE REPUBLIC OF TAJIKISTAN

Article 122. Forced extraction of human organs or tissues for transplantation

1) Forced act to remove organs or tissues of the victim for transplantation, committed with the use of violence or with the threat of its use towards him/her or his/her loved one, or the threat of destruction of his/her property -

shall be punishable through deprivation from liberty for a term of up to three years, with deprivation of the right to hold certain positions or engage into certain activities up to three years. **(Law of the Republic of Tajikistan dated May 17, 2004, under No. 35)**

2) The same act committed:

a) against a person, deliberately known to the perpetrator as being in a helpless condition or in material or other dependence on the perpetrator;

b) against a person known to be a minor;

c) against two or more persons, -

is punishable through confinement for a term ranging from three years to five years with deprivation of the right to hold certain positions or engage into certain activities up to three years.

3) An act provided for in part one or two of this Article, committed:

a) by a group of persons or a group of persons by prior agreement;

b) an organized group or criminal community (criminal organization), -

shall be punishable through confinement for a term ranging from five to ten years, with deprivation of the right to hold certain positions or engage into certain activities for five years. **(Law of the Republic of Tajikistan dated May 17, 2004, under No. 35)**

Article 139. Violent acts of a sexual nature

1) Sodomy, lesbianism or other acts of a sexual nature with the use of violence or the threat of its application to the male victim (female victim) or to their relatives or using the helpless state of the male victim (female victim), -

shall be punishable through deprivation of liberty for a term ranging from five to seven years.

2) The same act:

a) committed repeatedly or by a person who previously committed rape;

b) committed by a group of persons or a group of persons by prior conspiracy;

c) committed with particular cruelty towards the male victim (female victim) or their relatives;

d) entailing infection of the male victim (female victim) with a venereal disease;

e) committed against a deliberately underage (minor), -

shall be punishable through deprivation from liberty for a term ranging from seven to ten years.

3) The same acts committed:

a) against two or more persons;

b) against a close relative, -

shall be punishable through deprivation from liberty for a term ranging from ten to fifteen years.

4) The acts provided for in parts one or two of this Article, if they are committed:

a) against a person who is known to have not attained the age of fourteen;

b) with a particularly dangerous recurrence;

c) with an organized group;

d) using the conditions of a general disaster or in the course of mass riots, -

shall be punishable through deprivation of liberty from fifteen to twenty years. (**Law of the Republic of Tajikistan dated May 17, 2004, under No. 35**)

Article 140. Coercion towards the acts of sexual nature

Forcing a person to sexual intercourse, sodomy, lesbianism or other acts of a sexual nature by the acts of blackmailing, threats of destruction, damage or seizure of property or using the official, material or other dependence of the victim, -

shall be punishable by a fine amounting from five hundred to seven hundred *indicators for settlements*, correctional labor for up to two years, or imprisonment for up to two years. (**Law of the Republic of Tajikistan dated 6/10/08, under No. 422**)

Article 164. Obstruction of Obtaining the Basic Mandatory General

(Nine-year) education

Obstruction by an individual in any way, obtaining the basic obligatory general (nine-year) education, -

Is punishable by a fine in the amount of from one thousand to two thousand indicators for calculation, or restriction of freedom for up to two years, or arrest for up to six months. (Law of RT 06.10.08., № 422)

Article 167. Trafficking of minors

1. Trafficking of minors is the purchase or sale of a person deliberately known to be a minor, regardless of the means and forms of coercion,-

shall be punishable through deprivation from liberty for a term ranging from five to eight years. (**Law of the Republic of Tajikistan dated 13.06.13, under No. 965**)

2. Acts provided for by part one of this Article, if committed:

a) repeatedly;

b) by a group of persons through prior agreement;

- c) against two or more minors;
- d) with the use of violence or threat of its use;
- e) with the purpose of removing the organs or tissues of the victim for further transplantation;
- f) by an official or a representative of the authority with the use of his/her official position or other person performing managerial functions in a commercial or other organization;
- g) with the movement of the victim across the state border of the Republic of Tajikistan, - shall be punishable through deprivation from liberty for a term ranging from eight to twelve years. (**Law of the Republic of Tajikistan dated 13.06.13, under No. 965**)

An act provided for by parts one or two of this Article, if they:

- a) entailed the death of a victim of trafficking of minors or other grave consequences;
- b) committed by an organized group;
- c) committed with a particularly dangerous recurrence, - shall be punishable through deprivation from liberty for a term ranging from twelve to fifteen years. (**Law of the Republic of Tajikistan dated 13.06.13, under No. 965**)

Note:

A person who committed an act specified in parts one and two of this Article, voluntarily notified the appropriate authorities and released a victim of trafficking of minors, shall be released from criminal liability if his/her actions do not contain the composition of another crime. (**Law of the Republic of Tajikistan dated 01.08.2003, under No. 33**)

Article 168. Extradition of a girl under the age of marriage

The marriage of a girl who has not reached marriageable age, parents or guardians, or persons to whom she is subordinate, as well as mediation or assistance for marriage, Punishable by corrective labor for up to two years, or restraint of liberty for up to five years, or arrest for up to six months. (Law of RT 10.12.1999 No. 877)

Article 169. Conclusion of marriage in relation to a person who has not reached the age of marriage

The conclusion of the marriage agreement in respect of a person who has not reached the age of marriage, as well as the marriage with that person, Is punishable by a fine in the amount of one to two thousand indicators for settlements or corrective labor for up to two years, or by restraint of liberty for a term of up

to five years or by arrest for up to six months. (Law of RT 10.12.1999 No. 877); (Law of RT. 17.05.04 04. N35); (Law of RT 06.10.08., № 422)

Article 170. Bigamy or polygamy

Bigamy or polygamy, that is, cohabitation with two or more women with a common household -

Is punishable by a fine in the amount of from one to two thousand indicators for calculations or correctional labor for a period of up to two years, or by restraint of liberty for a term of up to five years or by arrest for a period of three to six months. (SR 10.12.1999 No. 877); (Law of RT 06.10.08., № 422)

Article 171. Substitution of a child

1) Substitution of a child, -

shall be punishable by a fine amounting from five hundred to one thousand **indicators for settlements**, or restriction of liberty to four years, or imprisonment for up to three years. (**Law of the Republic of Tajikistan dated 06.10.08, under No. 422**)

2) The same act, committed from mercenary or other low-minded motives, -

shall be punishable through deprivation from liberty for a term up to five years.

Article 172. Illegal adoption

Illegal actions to adopt children, to ensure their transfer to trusteeship (guardianship), or to foster them in the families of citizens, committed from mercenary or other low-minded motives, -

shall be punishable by a fine amounting from five hundred to eight hundred **indicators for settlements**, correctional labor for up to two years, or arrest for up to six months. (**Law of the Republic of Tajikistan dated 06.10.08, under No. 422**)

Annex II. Selected media articles relevant to internal trafficking in persons³²

Known Tajik lawyer Fayzinisso Vohidova posted on her Facebook a call from Khujand prison that the prison administration forces prisoners for work and beat and torture those who refuse. According to the call, the prison administration forces prisoners to clean onion for a private company, which later export dried onion. The lawyer says, zero diram is paid to prisoners for the work.

https://www.facebook.com/permalink.php?story_fbid=686446644847932&id=100004478071911

Ба ваколатдори ҳуқуқи инсон, созмонҳои ҳуқуқи инсон ва эътилофи мубориза алайҳи шиканча!

Имруз аз муассисаи ислоҳии 3/3-и шаҳри Хучанд хабар расид, ки (анонимный звонок) масъулини муассиса махбусонро ба кори иҷбори чалб намуда, дар ҳолати саркаши намудан мавриди лату куб қарор медиҳанд. Маълум гардид, ки муассиса бо қадом як соҳибқори ватани шартнома баста, дар асоси он махбусон ҳамаруза пиез тоза карда, пиезро реза намуда, хушк карда, тоҷир онро ба хоричи кишвар экспорт мекунад. Ба махбусон барои ин кори зарарнок ба саломати ягон дирам пардохт намекунад. Аз соати 6- и сахар онҳоро иҷборан ба тоза кардани пиез чалб карда, дар як руз зиёда аз 12 соат қор мекунад. Имруз як махбус бо номи Олим бинобар бемор буданаш аз ин кори сангину хатарнок саркаши намудааст. Масъулини муассиса уро мавриди лату кубӣ шадиди ҷисмони қарор медиҳанд. Махбус аз ин дарди ҷисмони, азобу шиканча тоқат накарда, бо алмос шикамашро буридааст. Роҳбарияти муассиса ба ҷои расонидани кумаки тиббӣ махбусро ба утоқи ҷаримаӣ (ШИЗО) ҷойгир кардааст. Аслан дар тирамоҳ ҳамасола иҷборан ва ройгон барои тоза кардани пиез чалб кардани махбусон қанд сол аст, ки ба ҳукми анъана даромада, борҳо ба сурогаи мо аз номи махбусон шикоят ворид шудааст. Чандин бор ман ба прокурори вилояти Сугд мурочиат карда будам. Барои санҷиш масъулини прокуратура ба муассиса равон карда шуда, посух доданд, ки вҷҳҳои мо тасдиқ нашуданд. Баъди санҷиш махбусон шикоят ҳам карданд, ки маъмурияти зиндон онҳоро дар ҳусуси шикоят накардан маҷбур карда, баъди рафтани прокурор ҷунон онҳоро заданд, ки аз ба мо хабар доданашон пушаймони карда буданд. Аз ин ру ман ба мақомоти прокуратура мурочиат накардам, ҷунки дар ин мақомот масъулинош як диагнози хроникӣ доранд: "ваҷҳҳои шумо тасдиқи ҳудро наефтанд". Ба назар ҷунин мерасад, ки дар ин мақомот ин диагноз як лозунг, рамзи мақомот бошад. Ҳозир низ аз омбудсмении тоҷик ҳеч умеди надорам, ҷунки ҳуқумат ин ниҳодҳо барои ҳифзи ҳуқуқи мардум не, чиновникҳои давлати созмонҳои додааст. Агар масъулини ниҳодҳо заррае эҳтиром ба ин миллат доранд,

³² These articles and summaries are taken from the IOM Media Monitoring Reports collected by IOM Tajikistan.

бигузор бо иштироки намояндаии чомеаи шахрванди санчиш гузаронанд, хар як харфи худро исбот мекунам. Агар ба холи худашон гузорем, боз хамон Ахмади порина ва анкариб посухи онхо ба ман маълум аст: "вачхҳои шумо тасдиқи худро наефтанд". Охир дубинка забон надорад, ки дуруги масъулинро фош кунад. Агар вичдон надоранд, пас хаволашон ба Худо! Хадди акал дар вақти бознишаста шуданашон холашонро мебинем, Иншо Аллох! Ногофта намонад, ки дар тули ин солҳо Хеле дидем, ки пояшонро бурриданду, барои гаштан пой наефтанд, аз забон монданду, дар чогах....

Худо хидоят кунад!

Tajik authorities informed about 14 cases of selling newborn babies. But experts say, hundreds of newborn babies are being sold annually in Tajikistan. Mostly young girls, who give birth outside of marriage, sell the babies, says the report. Clients are mostly childless families, who have no time and energy to go through difficult bureaucratic procedure of taking a child from an orphanage.

<https://goo.gl/G3Mtl4>

Продажа новорожденных детей в Таджикистане

В 2015 году МВД Таджикистана официально зафиксировало 14 случаев торговли новорожденными. Причем в роли продавцов выступали сами матери.

Правозащитники утверждают, что в реальности счет идет на сотни, так как большинство сделок не зафиксированы правоохранительными органами.

«В основном, продают тех детей, которые рождаются вне законного брака. Я даже знаю случаи, когда детей продавали за 500 сомони (около 60 долларов)», - говорит житель Душанбе Зеваршо Давлатов.

Материальное положение толкает матерей к продаже собственного чада. В группе риска оказываются девушки в возрасте от 16 до 24 лет, у которых нет образования и надежды на хорошо оплачиваемую работу.

Правозащитница Файзинисо Вохидова подчеркнула, что 167 статья Уголовного кодекса Таджикистана предусматривает наказание за торговлю детьми от 10 до 15 лет.

Но это не останавливает покупателей. В основном, покупателями новорожденных детей выступают бездетные семейные пары, которые стремятся обойти бюрократию.

Для того, чтобы усыновить ребенка в Таджикистане, требуется собрать около 20 различных документов, а также обычно выждать очередь на усыновление около года. Кроме того, что важно, не каждая семья гарантированно может усыновить ребенка, так как законом предусмотрены определенные критерии.

Понимая проблему и отмечая, что в стране около 40 тысяч сирот, в прошлом октябре правительство республики отменило госпошлину на усыновление ребенка.

Но неизвестно, сможет ли эта мера остановить продажу новорожденных в Таджикистане, которая, судя по всему, уже поставлена на поток.

Миджгона Халимова, журналист из Душанбе.

The news is about the numer of slaves in Tajikistan according to the stats published under the “Global Slavery Index 2016”. It says there are about 55,000 Tajik citizens live in in slavery condition.

<http://www.ozodagon.com/26555-pazhish-54-azoru-100-toikiston-dar-oli-ulomiyand.html>

Пажӯҳиш: 54 ҳазору 100 тоҷикистонӣ дар ҳоли ғуломиянд

Тоҷикистон дар раддабандии ҷаҳонии сатҳи ғуломдорӣ - “Global Slavery Index 2016” миёни 167 кишвар дар мақоми 19-ум қарор гирифтааст.

Ин раддабандӣ, аз сӯи Созмони австралиягии ҳомии ҳуқуқ “Walk Free Foundation” омода шуда, сатҳи ғуломдорӣ дар беш аз 167 кишвари дунё таҳлил шудааст.

Бар асоси гузориши “Global Slavery Index 2016” Тоҷикистон 8 миллиону 482 ҳазор аҳоли дорад, ки аз ин 54,1 ҳазор нафараш ғуломвор умр ба сар мебаранд. Соли 2013 ин нишондод ба 23 ҳазору 802 нафар баробар буд.

Миёни кишварҳои Осиёи Марказӣ Узбекистон зинаи аз ҳама аввалро соҳиб аст, ки 1 миллиону 236 ҳазор аҳолияш дар ҳоли ғуломӣ умр ба сар мебаранд ва дар умум миёни кишварҳои ҷаҳон баъд аз Кореяи Шимолӣ дар ҷойи дуюм меистад. Тибқи ин пажӯҳиш дар Қазоқистон 81,6 ҳазор, Қирғизистон 27,7 ҳазор ва дар Туркменистон 15,8 ҳазор нафар дар шароити ғуломӣ зиндагӣ мекунанд.

Теъдоди умумии аҳолии ҷаҳон, ки дар шароити ғуломӣ умр ба сар мебаранд 45,8 миллион нафар арзёбӣ шудааст, ки ин нишондод нисбат ба соли 2014 28 фисад афзудааст. Дар раддабандӣ оид ба ғуломдорӣ дар ҷаҳон номи Кореяи Шимолӣ, Узбекистон, Камбоҷа, Ҳиндустон ва Қатар дар сархат қарор гирифтаанд.

Гузоришгарон Люксембург, Ирландия, Норвегия, Дания, Швейтсария, Австрия, Шветсия, Белгия, Иёлотҳои Муттаҳидаи Амрико, Канада, Австралия, Зеландияи Навро аз кишварҳои мубориз бо ғуломӣ арзёбӣ кардаанд, ки иқтисоди рушдқарда ва сиёсати устувор дар ин самт доранд.

Qurghonteppa city court fined some 36 women for disobeying police during an order against sex workers. Some got 5 to 7 days of jail, others were fined for

120TJS=USD15. Women told reporter that they fight back police when are humiliated by the officers.

<http://www.ozodi.org/content/dosens-women-accused-of-prostitution-fined-in-south-tajikistan/27672376.html>

Мӯҷозоти 36 зани "танфурӯш" барои саркашӣ

Додгоҳи шаҳри Қўрғонтеппа даҳҳо занро, ки дар ҷараёни амалиёти зидди танфурӯшон аз иҷрои амри кормандони пулис саркашӣ кардаанд, ҷазо додааст.

Дар маркази маъмурии вилояти Хатлон 36 зан барои итоат накардан ба амри кормандони пулис, мӯҷозот шудаанд. Таъи ду ҳафтаи ахир мақомоти ҳифзи ҳуқуқ дар кўчаву хиёбон ва тарабхонаю дискотубҳою Қўрғонтеппа ба манзури боздошти занони танфурӯш, рейд ва ё санҷишҳо роҳандозӣ карда ва даҳҳо занро боздошт намуданд. Ба иттилои додгоҳи Қўрғонтеппа, мӯҷозоти ин занон тибқи шикояти маъмурони пулиси ин шаҳр сурат гирифтааст.

Ба иттилои додгоҳи шаҳри Қўрғонтеппа, алайҳи 4 тан аз ин занон бар асоси моддаи 479, қисми яки ҳуқуқвайронкунӣ, яъне итоат накардан ба амри кормандони пулис, парванда боз шудааст. Ҳамчунин 12 нафар ба муддати аз 5 то 7 рӯз ба ҳабси маъмурӣ маҳкум гардида ва боқимонда ҳар яке ба маблағи 120 сомонӣ, мӯҷозот шудаанд.

Сирочиддин Саидвалӣ, раиси додгоҳи шаҳри Қўрғонтеппа рӯзи 13 апрел дар сўҳбат ба Радиои Озодӣ гуфт: "Гоҳо маст ҳастанд, ки итоат намеkunанд, баъзеи инҳо, ки ҷарима ва ҳабси маъмурӣ шуданд, кўдакҳои ноболиғ низ доранд. Ин занҳо дар дискотубҳо буданд. Кори инҳо маълум аст. Дар ҷараёни рейдҳо ба кормандони милиса итоат накардаанд."

Аммо бархе аз ин занон, ки дар ҷараёни рейдҳо боздошт шудаанд, мегўянд, ба ҷарима шудан ва пешгирии фоҳишагарӣ зид нестанд, вале тарзи сўҳбат ва муносибати пулис бо онҳо нигаронкунанда аст.

Зайтуна, як зани 35-сола, ки 3 фарзанд дорад, низ дар миёни онҳое мебошад, ки аз сўи додгоҳ ба маблағи 120 сомонӣ мӯҷозот шудаанд. Вай дар сўҳбат ба Радиои Озодӣ гуфт, ки "пулис моро ҳақорат ё сўхани қабеҳ намегўяд, вале пайваста моро "ҳаром" ва "ифлос" мегўяд, ки ин сўҳбаташон хуб нест. Вале шахсан ман аз инки ҷарима меkunанд ва мехоҳанд, ки шумораи моро кам kunанд, зид нестам, чун дар ҳақиқат кори мо ифлос аст."

Занони фоҳиша мегўяд, вақте, ки бо онҳо муносибати бад сурат мегирад, онҳо низ дар ҷавоб рафтори бад меkunанд.

Аммо нозири пулиси яке аз маҳаллаҳои шаҳри Қўрғонтеппа ба Радиои Озодӣ гуфт, ки онҳо бо ин занон муносибати хуб доранд, аммо онҳо "пуррӯ ё нотарс" шудаанд ва дигар сўхани кормандони ҳифзи ҳуқуқро ба инобат намегиранд ва намехоҳанд, ки барои бозпурсӣ ба шўъба бираванд.

Ин нозири пулис гуфт, ки занони гумонбар ба танфурӯшӣ муносибати бад доранд ва бинобар ҳамин онҳо маҷбур мешаванд барои пешгирӣ аз фоҳишагарӣ, ба мақомоти додгоҳӣ муроҷиат кунанд: "Ин танфурӯшҳо гапи ҳеҷ касро гӯш намекунад, мегӯяд, ки барои мо кор пайдо кунед, баъд аз ин роҳ мегардем, мегӯем, ки дар бозор кор кунед, аммо онҳо кор намекунанд."

Идораи кор бо занон ва оилаи вилояти Хатлон мегӯяд, ки омори дақиқи занони фоҳиша дар ихтиёри онҳо нест, вале заноне, ки дар ҷараёни рейдҳои ҳафтаинаи онҳо боздошт мешаванд, 30 нафар ва гоҳо аз ин ҳам зиёд аст. Аксарияти онҳо аз шаҳру навоҳии вилоят Хатлон дар шаҳри Қўрғонтеппа ҷамъ мешавад ва даст ба танфурӯшӣ мезананд.

Тибқи иттилои расмӣ, занони дигаре, ки ба фоҳишагӣ даст мезананд, дар ҷодаҳо, истгоҳҳо ва дар алоҳидагӣ барои худ муштарӣ пайдо мекунад, чунки намехоҳанд дар амалиёти зидди занони танфурӯш боздошт шаванд.

Як созмони иҷтимоӣ, ки дар миёни занони танфурӯш бар зидди бемориҳои сироятӣ табиғот мебарад ва дар се маҳаллаи Қўрғонтеппа дафтари корӣ дорад, мегӯяд, ки ин занон аксаран аз нодорӣ ва пайдо накардани ҷои кори муносиб ба ин роҳ мераванд ва дар ниҳоят бархе аз онҳо ба бемориҳои муҳталифи сироятӣ гирифта мешаванд. Чанде пеш дар Хатлон барои ин занон дарси ахлоқ баргузор карда шуд, ки ҳадафи он пешгирӣ аз фоҳишагӣ ва ҷалби занони танфурӯш ба масири дурусти зиндагӣ, гуфта мешавад.

Қонунҳои Тоҷикистон барои танфурӯши муҷозот таъйин кардааст. Парлумони Тоҷикистон рӯзи 15-уми октябр бо қабули тағйири иловаҳо ба Кодекси муурофияи ҳуқуқвайронии маъмурӣ ҷазо барои танфурӯширо шадидтар кард ва ҳамчунин маблағи ҷаримаро барои ин қонуншиканӣ ду баробар боло бурд.

Бар пояи ислоҳи ин қонун дар давоми як сол агар танфурӯш бори дуввум барои ин гуноҳ боздошт шавад, аз 800 то 1600 сомонӣ ҷарима ва ё аз 10 то 15 рӯз ҳабси маъмурӣ хоҳад шуд. Ин ҳам дар ҳолат, ки то кунун кормандони тиҷорати фаҳшо бо супоридани 400 то 800 сомонӣ раҳо мешуданд. Зеро дар қонунгузори кишвар танфурӯшӣ на ҷиноят, балки қонуншикани маъмурӣ ба ҳисоб меравад.

Вале кодекси ҷиноии Тоҷикистондаллағӣ, ҷалби афрод ба танфурӯшӣ, қочоқи инсон ва ташкили фоҳишахонаро ҷиноят мешиносад ва барои чунин аъмол муҷозоти сангинтарро пешбинӣ кардааст.

Series of Radio Vatan programs on human trafficking sponsored by DFID through IOM Tajikistan:

Baby selling: Reasons forcing Tajik mothers to sell their babies, fate of sold kids, and involved criminal groups are in this program. <https://goo.gl/yGUozm>

Series of Radio Payvand programs on human trafficking sponsored by USAID through IOM Tajikistan:

Children's rights: Using children for hard work and forcing them to earn money for home is not rare in Tajikistan. The following programs were devoted to rights of children. The programs contain a real story of a child forced to work, and explanation of legislation in relation to forcing children to work. The programs also reveal types of exploitation of children. <https://goo.gl/Ng846Q>

The Tajik MIA registered around 2,000 sex workers in 2016 and the age breakdown is as follow: 9 is underage, 1,565 are less than 30 years old, and 417 are above 30. Also, around 300 brothels were revealed and most of them were located in Sughd province and Dushanbe city. The news says, four Tajik women were returned to the country from sexual exploitation in 2016.

<http://www.ozodagon.com/index.php?newsid=29024>

Омори бозори танфурӯшӣ: Сабти 9 фоҳишаи ноболиғ, 1565 то 30-сола ва 417 солхӯрда
Вазорати умури дохилии Тоҷикистон соли 2016 дар кишвар 1991 зани танфурӯшро сабт кардааст, ки миёнашон 9 нафар ноболиғ мебошанд.

Ин оморо Рамазон Раҳимзода, вазири умури дохилии Тоҷикистон имрӯз, 20-уми январ зимни нишастии матбуотӣ дар Душанбе ироа кард.

Ба гуфтаи вазир миёни занони бадахлоқ 1565 нафарашон аз 18 то 30-сола ва 417 нафари дигарро аз 30-сола боло ташкил медиҳанд.

Раҳимзода илова намуд, ки тайи соли 2016 дар кишвар 288 фоҳишахона ба қайд гирифта шуданд, ки аз ин 100 адад ба вилояти Суғд, 98 ба Душанбе, 52 ба Хатлон ва 38 адад ба навоҳии тобеи марказ ба қайд гирифта шуданд.

Дар мавриди ҷалби занони тоҷик ба истисмори шахвонӣ дар хориҷ вазири умури дохилӣ иттилоъ дод, ки соли гузашта 4 нафар зан, ки аз ҷониби шахсони алоҳида бо роҳи фиреб дар хориҷи кишвар маҷбуран ба фоҳишагарӣ ҷалб гардиданд, ба Ватан баргардонда шуданд.

ВҚД мегӯяд, тайи соли сипаришуда дар ҷумҳурӣ 716 ҷинояти ахлоқӣ ба қайд гирифта шудааст.

A Russian human rights NGO "Memorial" published a report on impact of labour migration to children of migrants. The report says, the most negative impact from

this phenomenon goes to children, who can't see fathers for months and years, drop out of schools, face violence, and sometimes to leave homes for orphanages because of poverty of family. The NGO says, Tajik children have no good life in Russia too.

<http://www.ozodi.org/a/28249529.html>

"Калтаки муҳоҷиратро кӯдакони тоҷик меҳӯранд"

Созмони "Мемориал" дар Русия дар як гузориши тозаи худ гуфтааст, ки муҳоҷирати корӣ беш аз ҳар каси дигар ба вазъи кӯдакон дар Тоҷикистон таъсир гузоштааст. Масъулони ин созмон мегӯянд, ба далели муҳоҷирати волидон, кӯдакон аз дидори онҳо барои моҳҳо ваё солҳо маҳрум буда, "аз таҳсил дур мешаванд", "хушунат мебинанд" ва гоҳо аз тангдастии аъзои дигари хонавода ба хона-интернат меафтанд. Созмони "Мемориал" ин гузориши худро ҳамчун "алтернатива" ба ҳисоботи ҷониби Тоҷикистон дар иҷлосияи 76-уми Кумитаи ҳуқуқи кӯдаки Созмони Милали Муттаҳид омода кардааст. Ин иҷлосия моҳи сентябри имсол баргузор шуда, тарафи Тоҷикистон дар бораи вазъи кӯдакон дар солҳои 2010 – 2015 гузориш хоҳад дод.

"Гузориши алтернативӣ"

Бояд ҷониби Тоҷикистон аз Русия талаб кунад, ки ҳаққи кӯдакони муҳоҷирро риоя карда, ба таҷрубаи ҷудо намудани кӯдак аз волидонашон хотима диҳад. Бояд Душанбе ба таҳқиқи марги Умаралӣ Назаров пойфишиорӣ кунад"

Аммо ҷаласаи машваратии пеш аз ин нишаст то ду ҳафтаи дигар баргузор мешавад. Дар вебсайти Созмони Милали Муттаҳид таъкид шудааст, ки гузориши аввалияи ҷониби Тоҷикистонро аз 6 то 10 феввали имсол баррасӣ хоҳанд кард. Ҳоло маълум нест, мақомоти тоҷик дар бораи вазъи кӯдакон дар кишвар чӣ хоҳанд гуфт. Вале созмони "Мемориал" мегӯяд, дар гузориши "алтернативӣ" таваҷҷӯҳи худро бештар ба таъсири муҳоҷирати тоҷикон болои кӯдаконашон равон кардааст.

"Вазъи кӯдакони тоҷик дар Русия ҳам хуб нест"

Масъулони ин созмон гуфтанд, бино ба таҳқиқи онҳо, муҳоҷирати хонаводаҳо ба никоҳҳои барвақтӣ ва афзоиши талоқи духтарони ҷавон дар Тоҷикистон ҳам сабаб шудааст. Аммо, ба гуфтаи онҳо, вазъи бисёре аз кӯдаконе, ки ҳамроҳи волидонашон дар Русия ҳастанд, низ "чандон хуб нест". Ба қавли онҳо, "кӯдаконе, ки ҳамроҳи волидон ба муҳоҷират рафтаанд, низ аз меҳрубонӣ ва нигоҳубин маҳруманд, чун волидонашон маҷбуранд тамоми рӯз кор кунанд. Онҳо дар шароити риққатбор зиндагӣ доранд."

Ин созмони ҳомии ҳуқуқи муҳоҷирон дар идома гуфтааст, агар волидон дар қаламрави Русия қоидаҳои будубошро риоя накунанд ваё ба ягон мушкил печанд, боз калтаки аввал ба сари кӯдаконашон зада шуда ва ҳатто дар баъзе ҳолат бо марг хоҳад анҷомид. Дар ин маврид ҳомиёни ҳуқуқ аз марги Умаралӣ Назарови панҷмоҳа ёдоварӣ кардаанд, ки ба далели риоя накардани қоидаи

будубош модараш боздошт ва ӯ аввал ба идораи пулис ва сипас ба бемористон интиқол ёфта, ҷон додааст.

Чанд тавсияи "Мемориал" ба мақомоти тоҷик

Созмони "Мемориал" дар баҳши охири гузоришаш ба мақомоти Тоҷикистон тавсия додааст, ки ба нақзи ҳуқуқи кӯдакони муҳоҷири тоҷик дар Русия бетараф набошад ва воқуниш кунад. "Бояд ҷониби Тоҷикистон аз Русия талаб кунад, ки ҳаққи кӯдакони муҳоҷирро риоя карда, ба таҷрубаи ҷудо намудани кӯдак аз волидонашон хотима диҳад. Бояд Душанбе ба таҳқиқи марги Умаралӣ Назаров пойфишиорӣ кунад", - таъкид кардааст созмони "Мемориал".

Дар ҳоли ҳозир то як миллион сокини Тоҷикистон дар муҳоҷирати корӣ ҳастанд ва фарзандони аксари онҳо ё ҳамроҳи модари худ дар кишвар истодаанд, ё ҳамроҳи бобову бибӣ. Қаблан, Бунёди кӯдаки Созмони Милали Муттаҳид ё ЮНИСЕФ бо анҷоми як таҳқиқот фарзандони муҳоҷиронро ба далели дурии падар аз хонавода "саркаш, осебпазир ва таҳдиде ба ояндаи субот дар ҷомеа" унвон карда буд.

Дар ин таҳқиқоти ЮНИСЕФ, ки чор соли қабл анҷом шудааст, вазъи 5 ҳазор нафар аз хонаводаҳои муҳоҷирон пурсида шудааст. Аксаран фарзандони то 15-сола гуфтаанд, ки худро танҳову азёдрафта ва бепуштибон эҳсос мекунанд ва азият мекашанд. 33 дарсади хонаводаҳои пурсидашуда гуфтаанд, ки муҳоҷират ба рӯҳияи кӯдаконашон таъсири бад гузоштааст.

This material cites IOM Tajikistan that the main reasons Tajik women fall victims of sexual exploitation are poverty and gender-based discrimination.

Основной причиной сексуальной эксплуатации женщин являются бедность и гендерная дискриминация, — таджикистанский эксперт

<http://ca-news.org/news:1193763>

A study revealed that Badakhshan district has the highest level of use of child labor in Tajikistan, which is more than 53%. Throughout of the country, more than 23% of Tajik children ages of 5 to 17 were victims of child labour in the country.

<http://asiaplus.tj/ru/news/issledovanie-v-gbao-samyi-vysokii-uroven-ispolzovaniya-detskogo-truda>

Исследование: в ГБАО самый высокий уровень использования детского труда

В ГБАО из всех других регионов Таджикистана самый высокий уровень использования детского труда. Подобное мнение прозвучало 11 августа в Хоробе на «Тренинге по искоренению детского труда в сельском хозяйстве и внедрению

Национального плана по искоренению наихудших форм детского труда (НФДТ) для работников фермерских хозяйств ГБАО».

Организатор тренинга, координатор проекта Международной Организации Труда (МОТ) (агентство ООН) по искоренению детского труда в Таджикистане Мухайё Хосабекова объяснила участникам тренинга - представителям структур местных органов власти по правам ребёнка и фермерских хозяйств региона, что понятие детского труда, его последствия и статистику, обратила их внимание на проведенное три года назад в РТ исследование по данным вопросам.

Она отметила, что масштабное и глубокое национальное исследование детского труда, в сотрудничестве госструктур и общественности, проведенное в 2012-13 гг. по более 6 тыс. домохозяйствам страны, показало, что из проживающих в стране 2 млн. 231 детей от 5 до 17 лет, 503 тыс. или 23,4% заняты детским трудом.

По ее словам, национальное исследование выяснило, что в процентном соотношении, самый высокий уровень детского труда наблюдался в ГБАО – 53,1%, в Хатлонской области - 37,7, РПП - 15,6, Согдийской области - 14,8, а самое меньшее в Душанбе – 1,9%.

Из общего числа работающих детей в сельском хозяйстве заняты 82,8%, в обрабатывающей промышленности - 3,3, электроэнергии, водоснабжении - 6,0, строительстве – 2,8, оптовой и розничной торговле 4,4 и других сферах 0,7%.

Распределяя работающих детей по статусу, она уточнила, что 4.1% из них наёмные работники, 3% - заняты индивидуальной работой, 5% - заняты в производственных кооперативах, а 75,5% - неоплачиваемых работников в семье. По месту работы 65,5% заняты домохозяйством, 22% в фермерских хозяйствах, остальные в чужих домах, сфере торговли, обслуживании.

Однако, как выяснилось в ходе дискуссии организаторов и участников тренинга, любая детская работа по дому, помощь по хозяйству, в том числе привлечение детей к сбору урожая, на строительстве собственных домов и т. д. согласно международным актам тоже входят в категорию детского труда.

Было также отмечено, что около половины работающих детей заняты в опасных или неблагоприятных для здоровья условиях, в результате чего ребенок может погибнуть или получить увечья (часто необратимые) или заболеть.

В ходе тренинга, также были заслушаны и обсуждены вопросы защиты прав работающих детей мигрантов, система мониторинга детского труда в ГБАО, в частности города Хорога и Шугнанского района, и целях Всемирного дня борьбы с детским трудом, отмечаемого сегодня, 12 августа.

Организаторы и участники тренинга, с использованием интерактивных методов, ознакомились и обсудили вопросы о роли работодателей фермерских хозяйств области в искоренении детского труда и в имплементации Национального Плана по искоренению НФДТ в Республике Таджикистан на 2015-2020 гг.

Также были обсуждены вопросы оценки рисков и опасностей, которым подвергаются работающие дети в сельском хозяйстве, как бизнес может быть причастен к детскому труду, интеграция мер в цепочке поставок в сельском хозяйстве ГБАО для искоренения детского труда, а также система мониторинга детского труда и работодателей фермерских хозяйств, как механизм для выявления детского труда, его искоренения и отслеживание результатов.

Тренинг был организован МОТ, в сотрудничестве с Министерством труда и занятости населения и Союзом работодателей Республики Таджикистана.

Cotton pickers in Bokhtar district of Khatlon province complained to their representative in the parliament for being not paid in-time.

<http://news.tj/ru/news/tajikistan/economic/20160916/230918>

Сборщики хлопка из Бохтара пожаловались депутату на неоплату своего труда

Депутат нижней палаты парламента Таджикистана Тохир Джобирзода сегодня в рамках встреч с электоратом побывал на хлопковых полях района Бохтар Хатлонской области и провел беседу со сборщиками хлопка.

Сборщики хлопка пожаловались народному избраннику, что своевременно не получают плату за свой труд. «На сегодняшний день нам обещают выплатить по 40 дирамов за каждый собранный килограмм хлопка-сырца, - рассказали дехкане. - Перед началом уборочной кампании нам объявили, что плату за свой труд мы будем получать ежедневно, после завершения рабочего дня. Но данное обещание не часто выполняется. Кроме того, необходимо пересмотреть в сторону увеличения размер оплаты за каждый собранный килограмм сырца».

Хлопкоробов интересовали вопросы, связанные с оказанием им бесплатной медицинской помощи, а также с образованием и социальной защитой.

Депутат пообещал, что все пожелания дехкан будут переданы правительству страны, профильным министерства и ведомствам республики.

Отметим, что согласно прогнозам Минсельхоза Таджикистана, до конца года в стране планируется собрать 368 тыс. тонн хлопка.

В этом году хлопком было засеяно более 162,5 тыс. гектаров: свыше 155,5 тыс. га в Хатлоне, около 44,2 тыс. га – в Согде и более 2,8 тыс. га – в районах республиканского подчинения.

Напомним, в прошлом году в Таджикистане хлопчатник был засеян на площади около 160 тыс. гектаров. По итогам года планировалось собрать с этой площади около 390 тыс. тонн. Однако таджикским хлопкоробам удалось собрать всего чуть более 270 тыс. тонн урожая, что на 99 тыс. тонн меньше показателя 2014 года.

Хлопок является вторым экспортным товаром Таджикистана после алюминия.

Head of the Committee of Women and Family Affairs informed that the numer of brothels in Tajikistan is dcreased, but the number of sex workers is increased. Ms Qosimzoda in her press conference said, in 2015 some 157 brothels were found, while this number was 120 in 2014. She also said, the number of revealed sex workers in 2015 was 2,066 which is higher for 414 persons in comparison to 2014.

<http://www.ozodagon.com/25105-raisi-kumitai-zanon-foisha-ziedu-foishahona-kam-shudast.html>

Раиси Кумитаи занон: Фоҳиша зиёду фоҳишахона кам шудааст

2 феврал 2016, 11:18

Идигул Қосимзода, раиси навтаъини Кумитаи кор бо занон ва оилаи Тоҷикистон мегӯяд, дар кишвар теъдоди фоҳишаҳо зиёду шумораи фоҳишахонаҳо кам шудааст.

Қосимзода имрӯз, 2 феврал зимни нишастии хабарӣ дар Душанбе гуфт, соли 2015 дар Тоҷикистон 157 адад фоҳишахона сабт шудаанд, ки нисбати соли пешӣ 37 адад кам мебошад. Ба гуфтаи раиси Кумитаи занон соли гузашта дар кишвар 2066 фоҳиша сабт шудаанд, ки нисбати соли пешӣ 414 нафар зиёд мебошад.

Гузориши Кумитаи занон аз афзоиши теъдоди фоҳишаҳо дар Тоҷикистон дар ҳолат, ки Вазорати умури дохилии Тоҷикистон мегӯяд, соли 2015 дар кишвар 852 ҳолати фоҳишагӣ ба қайд гирифта шудааст, ки нисбати нишондоди соли пешӣ 161 адад кам мебошад.

Тибқи иттилоии ин ниҳод тайи соли 2015 инчунин 219 ҳолати даллагӣ ё занҷаллобӣ сабт шудаанд.

Вазорати умури дохилӣ изҳори нигаронӣ мекунад, ки бархе аз танфурӯшҳо мубталоии бемориҳои сироятӣ буда, ин бемориҳоро байни мизоҷонашон паҳн мекунанд. Мақомоти умури дохилӣ аз ҷумла аз ифтитоҳи парвандаи ҷиноӣ алайҳи 3 зани танфурӯш хабар доданд, ки мубталоии касалиҳои сирояткунанда буда, дар паҳн намудани ин маризиҳо даст доштаанд.

Тибқи меъёри нави қонунгузорӣ, ки моҳи октябри соли 2015 қабул шуд, агар фоҳиша бори аввал боздошт шавад, аз 10 то 20 нишондиҳанда барои ҳисобҳо (400-800 сомонӣ) ҷарима мешавад: “Агар ин нафар бори дуюм давоми як сол барои фоҳишагӣ боздошт гардад, нисбати ӯ ҷарима аз 20 то 40 нишондиҳанда (800-1600 сомонӣ) ё ҳабс ба муҳлати аз 10 то 15 шабонарӯз татбиқ хоҳад шуд”.

Khujand court in north of Tajikistan sentenced six women for ten days of administrative jail for prostitution; one more sex worker was obliged to pay 400TJS fine.

<http://www.ozodi.org/archive/news/20160316/538/538.html?id=27616025>

Ҳабси шаш зани муттаҳам ба танфурӯшӣ

16.03.2016 09:12

Додгоҳи Хучанд шаш зани муттаҳам ба танфурӯширо ба даҳ рӯз ҳабси маъмурӣ маҳкум карда, як зани дигарро “барои амалҳои бадахлоқонааш” ба пардохти 400 сомонӣ ҷарима муваззаф намудааст. Манобеи додгоҳ гуфтанд, ки ин занон аз 23 то 40 сол дошта, аз сӯи маъмуриони пулис дар яке аз маҳаллаҳои маркази вилояти Суғд дастгир шудаанд.

Мақомоти Тоҷикистон дар солҳои охир аз афзоиши танфурӯшӣ бонги изтироб мезананд ва Вазорати корҳои дохилии Тоҷикистон соли 2014 барои муайян ва боздошти ин гурӯҳи занону духтарон амалиёти густурдае анҷом дод. Дар пайи танҳо се рӯзи рейди милиса ва танҳо дар пойтахт беш аз 500 танфурӯш дастгир шуданд, ки гуфта мешуд, 450 тани онҳо ба бемориҳои мухталифи зӯҳравӣ гирифтанд.

Дар идомаи ин иқдом парламони Тоҷикистон ҳам ҷазои танфурӯширо шадидтар ва барои онҳо аз 10 то 15 рӯз ҳабси маъмурӣ пешбинӣ кард. Пештар занони танфурӯш баъд аз боздошт маъмулан бо ҷарима халос меҳӯрданд.

The article says income of sex workers in Tajikistan is decreasing due to decrease in clientele.

<http://www.pressa.tj/article/krizis-va-fokhishakho-daromadi-onkho-kham-kam-shudaast>

Кризис ва фоҳишаҳо: даромади онҳо ҳам кам шудааст?

Mar 18, 2016

Ба гуфтаи масъулони Кумитаи кор бо занон ва оилаи кишвар имрӯз дар Тоҷикистон 157 фоҳишахона амал карда, дар онҳо 2066 фоҳиша “фаъолият” доранд.

Тибқи иттилои расонаҳои хабарӣ, Рамазон Раҳимзода, вазири корҳои дохилии Тоҷикистон зимни нишастии матбуотӣ теъдоди танфурӯшонро дар кишвар 2066 нафар гуфта буд, ки аз ин миён 51 тани онҳо нобилиғон будаанд. Аз фоҳишахонаҳои ошкоршуда 76 ададаш дар шаҳри Душанбе амал мекард. Дар ҳамин ҳол бояд афзуд, ки парламони Тоҷикистон рӯзи 15-уми октябр бо қабули тағйиру иловаҳо ба Кодекси муҳофизати ҳуқуқвайронкунии маъмурӣ ҷазо барои танфурӯширо шадидтар кард ва ҳамчунин маблағи ҷаримаро барои ин қонуншиканӣ ду баробар боло бурд. Бар пояи ислоҳи ин қонун дар давоми як сол агар танфурӯш бори дуввум барои ин гуноҳ боздошт шавад, аз 800 то 1600 сомонӣ ҷарима ва ё аз 10 то 15 рӯз ҳабси маъмурӣ хоҳад шуд.

Ин ҳам дар ҳолист, ки то кунун кормандони тиҷорати фаҳшо бо супоридани 400 то 800 сомонӣ раҳо мешуданд. Зеро дар қонунгузори кишвар танфурӯшӣ на ҷинойат, балки қонуншикани маъмурий ба ҳисоб меравад.

Дили одаткарда балои ҷон?

Асаран солхӯрдагон як масалро ба забон меоранд: “Дили одаткарда балои ҷон”. Имрӯз ба ҷон доштани ин ақидаҳои онҳо итминон ҳосил кардем. Зеро охири маротиба вақте хабару гузоришоти сомонаҳои иҷтимоиро аз назар мегузаронидам, хабари зерин ба чашмам афтод, ки тасдиққунандаи ин зарбулмасал аст.

-Бино ба иттилои дафтари матбуоти ВҚД, як сокини шаҳри Душанбе барои ду дафъа табдил додани хонааш ба фоҳишахона боздошт шудааст. Ин марди 26-сола бори аввал 16-уми ноябри соли равон хонаи истиқоматиашро ба фоҳишахона табдил дода, ба як марди 37 ва зани 24-сола барои алоқаи ҷинсӣ шароит фароҳам оварда, аз онҳо 80 сомонӣ гирифтааст. Бори дуюм ӯ 18-уми ноябр такроран ин амалро содир намуда, аз шаҳрвандони мазкур боз 80 сомонӣ гирифтааст...

Ин собит мекунад, ки фоҳишагӣ “алафи гандадарав”-ест, ки илоҷи аз кишт дур кардани он танҳо ва танҳо дастӣ сабз аст. Аммо дар мо ҳолатҳои мешавад, ки мо ҳудамон боиси афзоиши ин гуна “алаф” мешавем. Ба истилоҳ фоҳишаҳоро ба ин роҳ тела медиҳем.

-Қисми зиёди амали даст ба фоҳишагӣ задани занону духтарон аз оила маншаъ мегирад. Хосатан оилаҳои, ки дар онҳо хушунат ва моҷаро зиёданд. Дар ин гуна муҳит, бешак, айби мардҳо ва нақши онҳо барои ба ҷунин роҳу кор водор кардани занҳо калон аст. Зеро қисми зиёди бонувоне, ки ба мо муроҷиат мекунанд, ё ба хушунати психологӣ ва ё ба хушунати иқтисодӣ гирифта шудаанд. Новобаста аз он, ки шахс ба кадом кор даст мезанад, пеш аз ҳама омилҳои психологӣ таъсири амиқ мерасонад. Чунки аввал фикр пайдо мешавад ва баъдан нақшаи амали он. Дар таҷриба кам нестанд занҳои, ки дар натиҷаи ба хушунати саҳти психологӣ гирифта шудан даст ба фоҳишагӣ задаанд. Сабаби дигар ин, ки фоҳишагӣ ба онҳо одат шудааст ва ин гурӯҳи роҳгумзадагон фикр мекунанд, ки роҳи баргашт барояшон вучуд надорад, мегӯяд сарвари ТҶ МЗ “Гулрухсор” Сабоҳат Бобоҷонова.

Ҳозир пули назди ту рафтан надорам

Ҳафтае нест, ки хабар, гузориш ва ё мақолае бобати афзоиши фоҳишагӣ ё сабабҳои даст ба фоҳишагӣ задани занону духтарон, ба фоҳишахона табдил додани хонаву таҳонаҳо дар ВАО-и электронӣ ва ҳам ҷопӣ ба нашр нарасанд. Ҳатто дар нишастҳои матбуотӣ ҳам аз ҷониби бархе аз ҳамкасбонам доир ба ин мавзӯ савол пениҳод мегашт. Аммо проблемаро ҳар қаламқаш ва таҳлилгар ба таври худ таҳлил ва инъос мекунанд. Матлаби мо ҳам саропо мавзӯи куҳна нест. Ин ҷо гап сари таъсири кризис ба бизнеси фоҳишаҳо меравад. Ҳафтаи қабл дар

хатсайри дохилишаҳрӣ будам. Дар курсии паси ман ду ҷавонзане менишаст, ки ба қавли бархе “кӣ буданашон дар пешонияшон навиштагӣ” буд. Нохунҳо ранги баланддор, куртачаи кӯтоҳу аз зону андаки боло. Аввалӣ тақрибан 20-25 сола дошту дуюмӣ 30-35 сола.

Якумӣ ба дуюмӣ бо оваози паст мегуфт: “Аз ҳамин кор чанд бор даст кашам гуфтам, аммо як-ду рӯз тоқат кардаму халос. Бовар кун ҳеҷ нашудос, чӣ кор кунам намедонам. Ҳамин шаб Ш...-и падарсӯхтаба телефон кунам, бекорба мана ҳақорат кард, ки “дигар занг назан, ҳозир пул-мули пеши ту рафтан надорам. Гуфтам «адреса те ман худам мерам». «Ҳозир гӯшамба ягонтатон намефоред”, - гуфту таппӣ карда телефонаша кушт.

Дуюмӣ мегуфт: “Ҳозир ҳама номард шудагӣ. Шаб то саҳар занг задаю ҷеғ зада хобата ҳаром мекунанд, ҳамин ки “свежиша” ёфт, ба к... як лагад мезанаду симкорташа нав мекунад. Шарм надоста мегӯяд, ки агар бепул розӣ бошӣ, наздат мерам. Шармандаи лаънатӣ...Албатта ин таъсири ҳамон кризиси лаънатист. Ин кай тамом мешавад дугона?”

Ин ҷо саволе ба сарам зад: мард шарманда бошад ё зан???

Занҳо ба се марде, ки дар шинакҳои охири хатсайр менишастанд, бо ҳар гуна нигоҳу ишораҳои “соҳаи худашон” мекарданд. Аммо аз афташ кризис ба онҳо ҳам ҳуҷум карда буд, ки пинаки онҳо вайрон намешуд.

Ман дар назди универмаг-маркази шаҳри Хуҷанд аз маршруткаи фаромадам. Оғози нақлу дарди “дили одаткарда”-и онҳоро фаҳмидам, вале боқимондаи суҳанонашонро ношунӣ мондам. Ин гапгӯшандозӣ нест, балки ҷои гап, ҷои нақл, ҷои ин гуна маслиҳат набуд...Аммо онҳо истиҳола намекарданд.

Аксаран мегӯянд, ки дар хусуси кадом мавзӯе, ки нависӣ. ба ҷои камшавӣ тамоюли зиёдшавӣ пайдо мекунад. Чи худкушӣ, чи фоҳишагӣ, чи ҷинояткорӣ ва боз чиҳои дигар, ки агарчӣ мавзӯи нав нест, вале мавзӯи рӯз ва доғ аст...

Annex III. Definition of additional relevant terms

Below some key terms, which have surfaced during the interviews, are being defined. It is hoped, this will help clarify and put these phenomena into a rights based context, which in turn, will help to develop effective preventive, protective and justice responses to Trafficking in Persons.

A. Sex work³³

The term 'sex work' is used to mean the exchange of sexual services (involving sexual acts) between consenting adults for some form of remuneration, with the terms agreed between the seller and the buyer. Thus, 'sex work' describes situations where adults who are engaging in commercial sex have consented to do so. Where consent is absent for reasons including the threat or use of force, deception, fraud, and abuse of power or involvement of a child, such activity should be treated as a rights violation and criminal offence.

'The terms 'sex work' and 'sex worker' have been coined by sex workers themselves to redefine commercial sex, not as the social or psychological characteristic of a class of women, but as an income-generating activity or form of employment.'³⁴

Sex work' is conceived as a nonstigmatizing term, without the negative connotations of the word 'prostitute' and a term that conveys the notion of those in sex work as rights holders.

In its *Note on Sex Work, Sexual Exploitation and Trafficking* UN Women recognizes 'the rights of sex workers by striving to ensure safety in and through the workplace, so that they can be free from exploitation, violence and coercion' and highlights that 'where any form of coercion, violence and exploitation is involved in sex work, this should be subject to criminal law. Sex workers should be able to bring cases such as exploitation, coercion and violence to the police, and be provided with protection and redress'.

B. Undocumented work³⁵

Undocumented work means work without having official documentation required to enter, live or work in a country (visa, residence title, work permit, employment registration). This includes cases where employers on purpose do not officially register or pay social security costs for workers. The term has been mainly used in the context of migrant workers.

³³ See Amnesty International, *Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers*, 26 May 2016. See also Amnesty International, *Sex Workers at Risk, A Research Summary of Human Rights Abuses Against Sex Workers*, 2016. International Committee for Prostitutes' Rights (ICPR), *World Charter for Prostitutes' Rights*, 1985. UN Women, *Note on Sex Work, Sexual Exploitation and Trafficking*, 9 October 2013.

³⁴ Ditmore, Melissa, *Encyclopedia of Prostitution and Sex*, Greenwood Press, 2006.

³⁵ See <https://undok.at/> and <http://picum.org>.

Undocumented work usually is poorly paid, insecure and dangerous. Social and legal discrimination of undocumented workers makes them susceptible to blackmail and easily exploitable. Undocumented workers have, however, rights. Social insurance laws, labor laws, minimum salaries and health and safety regulations protect all workers. Employers and businesses, which violate these standards and workers' rights, undermine the labor market and should be held responsible administratively and criminally. Undocumented workers should be assisted in claiming their rights, including the payment of salaries and access to justice in cases of violence, exploitation and discrimination.

C. Forced Marriage

International law prescribes that marriage shall only be entered into with the free and full consent of both spouses.³⁶ Forced marriage is a marriage in which one or more of the parties is married without his or her consent or against his or her will. Forced marriages often also involve forms of domestic servitude and can be seen as form of slavery and/or Trafficking in Persons. Some countries also have introduced a separate criminal offence of Forced Marriage.³⁷

A forced marriage differs from an arranged marriage, in which both parties consent to the assistance of their parents or a third party (such as a matchmaker) in choosing a spouse. There is often a continuum of coercion used to compel a marriage, ranging from outright physical violence to subtle psychological pressure.

In arranged marriages the families of both spouses take a leading role in choosing the marriage partner, but the choice of whether or not to accept the arrangement remains with the prospective spouses. In forced marriage, there is no choice – one or both spouses do not consent to the marriage or their consent is extracted under duress. Duress can include physical, psychological, financial, sexual and emotional pressure.

³⁶ See Universal Declaration of Human Rights (10 December 1948) UN Doc A/810 91, art 16(2); International Covenant on Civil and Political Rights (16 December 1966) 999 UNTS 191, art 23(3); Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (10 December 1962) 521 UNTS 231, art 1; Convention on the Elimination of All Forms of Discrimination against Women (18 December 1979) 1249 UNTS 13, art 16(1)(b). Tajikistan acceded to the the Convention on the Elimination of All Forms of Discrimination against Women on 26 October 1993. Also, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 226 U.N.T.S. 3, *entered into force* April 30, 1957 prohibits amongst others any institution or practice whereby "a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family, or any other person or group". As David Weissbrodt highlights: "It is not the payment which is an abuse but its occurrence in a forced or non-consensual marriage". See UN Office of the High Commissioner for Human Rights, *Abolishing Slavery and it's Contemporary Forms*, New York/Geneva, 2002, pp. 35.

³⁷ See United Kingdom, Foreign & Commonwealth Office/Home Office, Forced Marriage Unit, Forced Marriage, A Survivors Handbook. See also Muslim Women's Network UK, Say NO to Forced Marriage, available from: www.mwnuk.co.uk//go_files/factsheets/231035-MWNU%20Forced%20Marriage%20Pocket_WEB.pdf (accessed 3 August 2017).

D. Domestic servitude³⁸

The term domestic servitude has been mainly used in the context of migrant workers, but also national workers, spouses and other relatives can become victims of domestic servitude. Domestic servitude can be related to paid work, as in the case of domestic workers, or unpaid work when it is done by family members and/or relatives in their homes:³⁹

‘It is the conditions under which the domestic work is done, be it paid or unpaid, that can make it comparable to domestic servitude.’⁴⁰

Domestic work to a large extent takes place out of sight, in private households. This makes it more difficult to reach out to those exploited in domestic work and more difficult for a person subjected to domestic servitude to escape it and be assisted. Domestic work includes a range of tasks in private homes including: cooking, cleaning, laundry, taking care of children and the elderly, running errands, field work. The pay is often very low, with wage payments frequently delayed. Some domestic workers may not be paid at all or only receive ‘payment in kind’ such as food or accommodation. Below some of the indicators that point towards servitude in the context of (paid or unpaid) domestic work: excessive working hours, movements or contact with the outside and family is controlled, subjected to violence, threats, humiliation, no or no access to identity documents, forced to work with no choice to reject a task or say no to more work, no or inadequate time for rest and sleep, no or nearly nonedays off, no access or inadequate adequate food or medical care, no or inadequate salary (in the case of paid domestic work), strong economic and/or social dependence.⁴¹

³⁸ On the share of women in unpaid domestic and care women and women’s empowerment in the changing world of work see United Nations Economic and Social Council, *Women’s empowerment in the changing world of work . Report of the Secretary-General*, 30 December 2016. Available from: http://www.un.org/ga/search/view_doc.asp?symbol=E/CN.6/2017/3 (accessed 10 August 2017). http://www.actionaid.org/sites/files/actionaid/making_care_visible.pdf. On the importance of making unpaid care work visible in order to reduce rexploitation see Actionaid, *Making Care Visible*, 2013. Available from: www.actionaid.org/sites/files/actionaid/making_care_visible.pdf. See also UN Women, *Redistribute unpaid work*. Available from: www.unwomen.org/en/news/in-focus/csw/redistribute-unpaid-work (accessed 10 August 2017).

³⁹ See for example, The Guardian, *Briton who made wife like slave is first to be jailed for domestic servitude*, 1 April 2016.

⁴⁰ Moussie, Rachel, *The fine line between unpaid care work and domestic servitude*, available from: <http://interactions.eldis.org/blog/fine-line-between-unpaid-care-work-and-domestic-servitude> (accessed 10 August 2017).

⁴¹ See OSCE, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude*, Vienna, 2010. See also Anti-Slavery International, *Domestic slavery*. Available from www.antislavery.org/slavery-today/domestic-work-and-slavery/ (accessed 10 August 2017).