**MASS MEDIA REVIEW FOR AUGUST, SEPTEMBER AND OCTOBER 2019**

**International commitments adhered to by Tajikistan**

*Reporting to UN Human Rights Committee*

On July 25, the UN Human Rights Committee issued Concluding Observations on the third periodic report of Tajikistan on the implementation of the International Covenant on Civil and Political Rights (ICCPR).

One of the priority issues noted by members of the UN Committee is freedom of expression. In particular, the Committee is concerned about the continued restriction of freedom of speech and opinion, censorship and self-censorship practiced by mass media and journalists, requirement to provide a certificate from the State Committee for National Security for registering periodicals and printing houses, persistent blocking of media platforms and social networks, and restricted access to information. The Committee is concerned about the harassment of independent journalists and mass media representatives for critical articles regarding public policy and other matters of public interest.

The Committee is concerned about the creation of a single switching center to control Internet traffic.

The Committee is also concerned about reports that people are being monitored, fined, punished and even detained or imprisoned for visiting “unwanted” websites or making “inappropriate comments” in the Internet.

The UN Human Rights Committee recommends: to exclude the remaining defamation articles from the criminal law; revise and amend national legislation to bring it in compliance with the ICCPR provisions; remove all unjustified restrictions on freedom of speech, provide effective protection for independent journalists and mass media, etc.

On the implementation of afore recommendations, Tajikistan shall report to the UN Human Rights Committee in two years time, i.e. by July 26, 2021.

It shall be noted that on July 2-3, 2019, during the 126th session of the UN Human Rights Committee in Geneva Tajikistan has provided its report.

The official Tajik delegation was led by the Prosecutor General of Tajikistan Yusuf Rahmon.[[1]](#footnote-1)

*OSCE session in Warsaw*

The current condition of journalism, challenges and threats that are faced by independent media, pressure on freedom of speech were in the core of a separate session held during the OSCE Human Dimension Meeting on September 17 in Warsaw.

In his speech Harlem Desir, OSCE Representative for Freedom of Media, drew attention to the aggravated situation with freedom of speech and journalists in the region, including Tajikistan. The head of the Department on Information, Press, Analysis and Foreign Policy Planning of the Ministry of Foreign Affairs of Tajikistan, Vafo Niyatbekzoda, in turn, noted that “all the necessary conditions have been created to ensure the unhindered work of journalists and freedom of speech in Tajikistan. According to him, "There are no obstacles created to the media in Tajikistan."

Tajik journalist based in Europe Humairo Bakhtiyor, said that authorities are guided by policies forcing the journalists to engage in self-censorship and ultimately lead to the closure of mass media outlets. Bakhtiyor accused intelligence services in harassing journalists in Tajikistan. According to her, the situation in the country has worsened which is reflected in the ranking of the international organization “Reporters Without Borders”, currently Tajikistan occupies 149th place. According to her estimates, since 2014 nearly 10 media outlets closed down in Tajikistan, approximately 50 journalists left the country and moved to live abroad.[[2]](#footnote-2)

*European Union and Tajikistan*

EU Special Representative for Central Asia Peter Burian said on September 19 that the European Union will continue to provide investment support to Tajikistan and intends to expand cooperation not only with the government, but with civil society and private sector. However, he noted that the EU is concerned about the situation with freedom of speech in Tajikistan and raised this problem during negotiations with the Tajik authorities "quite openly." During the talks, Burian noted, “that this is primarily the case with mass media, especially independent media, because they are the main source of information for the population ...”

“... According to Johann Beer, head of the “Reporters Without Borders” office in Eastern Europe and Central Asia, in recent years Tajikistan has been occupying the lowest positions in the World Press Freedom Rating and has taken the position of “a country with non-free media”: in 2019, the country fell by 12 positions lower and ranks 161st out of 180. Internet censorship, pressure and intimidation of journalists, closure of publications, forced emigration of journalists abroad are some of the reasons why Tajikistan is now at the bottom of the World Ranking 0n freedom of the press ... "

“... Najmiddini Shokhinbod, deputy chairman of the Union of Journalists of Tajikistan, told Radio Ozodi that such statements have been made several times during the past 30 years, but in reality there are no changes ...”

“... Expert Abdumalik Kodirov said that the problem of freedom of speech in Tajikistan can never be solved in one visit, it will take more time. “However, the EU can help resolve this issue by setting forth investment conditionality…"

Observers from international and local organizations criticised the decline in freedom of speech in Tajikistan which was observed over the recent years. Nonetheless, authorities inform the legal guarantee on freedom of speech and inadmissibility of infringement in the activities of the independent media…[[3]](#footnote-3)

**Blocking internet resources**

Since August 19, there was a problem in terms of access to Asia-Plus media group portal as instead of the letter “O” there was number “0” (zero) on the DNS server in the word “cloudflare”, according to international experts on information technology is solely the result of manual intervention from within the country. Such a change could, for example, be made by people who have access to the technical address of the media group.

According to Umed Babakhanov, general director of the Asia Plus media group, about ten days ago (at the end of August) they turned to the national registrar that regulates the .tj domain zone, but still have not received a response. According to him, the request submitted by the Internet service provider (“Eastera”) serving Asia-Plus to the authorities was also left without response.

Once the error was discovered in the name of the Asia-Plus domain and the reasons behind the problem had become obvious, the authorities in Tajikistan decided to provide no comments. In particular, neither the authority responsible for registering the national domains, nor the structure responsible for the operation of web resources, Communication Service and Tajiktelecom, provided the response to requests submitted by Asia Plus to resolve the technical problem.

Officials at the country's Communications Service say problems with access to the official website under its permanent names (news.tj and asiaplus.tj), which started on August 19, are “checked”. At the same time, the authorities do not exclude the possibility of “external interference”.

... Technical experts who know the procedure for registration and activities of domains and technical names (DNS) of websites under .tj exclude the possibility of external interference.[[4]](#footnote-4)

The Committee to Protect Journalists (CPJ) appealed to the Tajik authorities to provide the population with access to Internet resources of the Asia Plus media group ... The CPJ expressed concern about the continued lack of access to the Asia Plus website and reiterated low position of Tajikistan in the Press Freedom Rating.[[5]](#footnote-5)

**Persecution of Mass Media for articles containing criticism**

The editors office of the weekly newspaper “Paik”, the only independent publication in the Khatlon province, were requested to leave the rented office space in the building of the Youth Affairs Department of Kulyab.

Ahmadi Ibrohim, editor-in-chief of the Paik during the interview to Radio Ozodi on September, 19 that critical news about the leadership of the Kulyab Youth Department were published in the latest issue of the newspaper, and several hours later they were required to vacate the office.

The week before, according to the editor-in-chief, executive authority of Kulyab were irritated due to other critical materials published in the newspaper.

“The Youth Committee showed an expeditious reaction. On the second day, the chairman of the committee instructed his subordinates in Kulob to drive the editorial out of the office, ”noted Ahmadi Ibrohim.

The scandalous article "Bakhshi javonon dar mintaqai Kulob bo% Karz mehrad" (Youth Affairs Department in Kulyab receives loans under %) was published in the Paik newspaper on September 19. The material refers to the audit carried out by the Chamber of Accounts, which revealed the misuse of budget funds in the youth sector.

Representatives of the Paik newspaper reported that officials from the city administration and the youth affairs department turned against journalists and put them out the door instead of working on the shortcomings specified in the article. “At the same time, we were not provided with any deadlines for vacating the premises. We believe that this is a new type of pressure on the media, ”according to the staff of Paik.

Authorities say that this requirement is not related to a critical article: “it is based on the need to conduct tailoring and sewing courses in the workrooms of the editorial office.”[[6]](#footnote-6)

The US Congress sent a letter to the President of Tajikistan, Emomali Rahmon, which reflected concern on reports of harassment, threats and denial of accreditation of journalists from the Tajik Bureau of RFE/RL (Radio Ozodi). A letter dated October 9 states that currently, 9 journalists and Radio Ozodi employees have been suspended from carrying out their functional obligations due to the lack of accreditation issued by the Tajik Foreign Ministry.

The list of suspended journalists included the head of Dushanbe Bureau, as well as a journalist who were = waiting for permission from the Foreign Ministry to carry out professional activities since 2017. In June 2019, Foreign Ministry revoked the accreditation of the video operator working for Radio Ozodi Barotali Nazarov (Barot Yusufi). In addition, the letter stated that accreditation of another 9 employees of Radio Ozodi is coming to an end in November 2019.

In the end, the authors of the letter urged the President of Tajikistan to assist in continuing the activities of Radio Ozodi and supporting in issuing the accreditation for the staff of this media company.[[7]](#footnote-7)

**Impediments to professional activities of journalists**

Reporters fromRadio Ozodi in Dushanbe, Afson Akobirshoev and Takhmin Khakimova, were detained after they unwillingly witnessed a special police operation to arrest a taxi driver suspected in drug trafficking. According to the latest information, the reporters were released from the Department of Interior of the Firdavsi district after 2.5 hours of detention. Journalists wrote an explanatory note.

Takhmina Khakimova said that she began filming after a group of 5 people approached the car and tried to detain a taxi driver who was driving Radio Ozodi correspondents. According to her, they did not know who they were or what they wanted from the taxi driver. Takhmina reported the incident to the company that owned the taxi. After some time, one of the attackers, showing the official identity card of the Ministry of Internal Affairs, introduced himself as the head of the special group, and in a calm tone said that an operation was being carried out to arrest a taxi driver suspected in drug trafficking.

Radio Ozodi correspondents also showed their documents. The head of the special group said that he would order a taxi, but when he learned about the video, he decided to take the journalists to the Department of Internal Affairs. Upon arriving to the department all videos were deleted. According to Takhmina Khakimova, DFA of the Firdavsi district threatened that they can be potentially sentenced to 15 days for obstructing the work of police officers.[[8]](#footnote-8)

**Communication sector**

According to the report “Facilitating Tajikistan’s Growth Potential,” the agency that is implementing the functions of the ministry, regulator, and Tajik Telecom, is holding back private investment.[[9]](#footnote-9)

World Bank experts conclusions were published in the Economic Report on Tajikistan, “A communications service that combines the functions of a ministry and policymaker, regulator and operator of Tajik Telecom restrains private investment and limits the development of Internet market in the country.”

Ilkhomjon Atoev, deputy head of the Tajik Communications Service, during the interview to Radio Ozodi, held on 3 September, regarded these findings of the WB experts as “ungrounded.” According to him, the Communications Service cooperates with the World Bank in the framework of the Digital CASA project, and hence it was not clear to him "on which grounds the conclusions were made."

World Bank report indicates that the telecommunications sector, which was a source of dynamic growth and open competition during the first decade in the 2000s, is becoming less competitive and overly regulated. According to the authors of the report, this is due to the existing “conflict of interest with the participation of the sector regulator” in the telecommunications sector.

“The communication service, combining the functions of the ministry and policy maker, regulator and operator of Tajik Telecom, restrains private investment and limits the development of Internet market in the country,” states the Report.

The World Bank also underlined certain actions by the Communications Service, which are considered as "stagnant and leading to stagnation in the communications sector." For example, the creation of a Unified Communications Center in January 2016, managed by Tajik Telecom, ban on the provision of international communications per Voice over Internet Protocol (VoIP), rules governing the retail trade of SIM cards, Wi-Fi access control and, not so long ago, attempts to set forth legislative requirement to increase the price for SIM cards.

The Report notes that "Tajikistan occupies one of the last places in the world as per all indicators related to regulatory conditions of the sector, and the last place in terms of competitive environment, Tajikistan ranks zero in this section." Tajikistan’s position has further deteriorated, dropping from 177 in 2007 to 187 in 2016, putting the country at the end of the list comprised of 190 countries.

World Bank experts recommend taking a number of measures “to restore confidence in the sector”, namely: to revise the Law on Electric Communications in order to minimise competition distortion, amend the Law to ensure clear separation between policy development and regulation as well as the distribution of the commercial and regulatory functions of the Communications Service. This will help Tajikistan to fulfil its telecommunications obligations to the World Trade Organization.

Amendments should also be made to the Regulations on the Communication Service (2011) in order to adjust the institutional structure, include a collegial decision-making body instead of providing the head of the Communication Service with unlimited authority, determine the maximum terms for members of the board of directors and clarify the selection process for board members.

On September 3, Gafurjon Irkaev, head of the Mobile Companies Association of Tajikistan, said that reducing investment in the telecommunications sector has become one of the country's acute problems ...[[10]](#footnote-10)

**Amendments to the legislation (mobile connection)**

Tajik Ministry of Internal Affairs has published amendments to the Criminal Code and the Code of Administrative Offences of the Republic of Tajikistan, which stipulate criminal penalties for transferring SIM cards to third persons. These changes were signed by the President of Tajikistan as of June 20, 2019 but came into force after publication.

Thus, according to the new edition of article 3501’ of the Code of Administrative Offences of the Republic of Tajikistan, non-compliance with the requirements set forth by the legal acts of the Republic of Tajikistan on connecting SIM cards to electric communication networks in case there are no indication of further offences leads to a fine of 100 to 200 indicators for calculation is provided for individuals, for public officials - 400 to 600, and for legal entities - in the amount of 800 to 1000 indicators for calculations. (note - one indicator for calculations is 55 somoni).

So, new article 3411 comprised of two parts was included in the Criminal Code of Tajikistan (Violation of the requirements set forth by the regulatory legal acts of the Republic of Tajikistan on the connection of SIM cards to electric communication networks and transfer to third persons). The first part of Article 3411 states that “violation of the requirements stipulated by the legislation of the Republic of Tajikistan on connecting SIM cards to electric communication networks, if such an action was performed within one year after the application of administrative punishment, is punishable by a fine in the amount of 600 to 800 indicators for calculations or restriction of liberty for period of up to two years. ”

According to the second part of this article, “illegal connection of SIM cards to electric networks or the transfer of a SIM card by a user to third persons, if the SIM card was used in committing crimes of a terrorist or extremist nature, is punishable by a fine in the amount of 800 to 1500 indicators for calculations or imprisonment for a period of two up to three years”.[[11]](#footnote-11)

**Events**

The key problems faced by the journalist operating in the post Soviet space are those of access to information, freedom of speech and insufficient funding, these problems were voiced up by the participants of the first Central Asian festival in Dushanbe Media Camp Fest, which brought together over 150 people from almost all Central Asian countries, as well as from Russia and Ukraine. The festival was carried out from 19 to 21 September.

Olga Kovaleva, one of the participants from Kyrgyzstan, believes that the media situation in her country is much better than in other countries in the region ... According to her, unlike Tajik journalists, Kyrgyz journalists have practically no problems with access to information, whereas freedom of speech is often not respected in Kazakhstan…[[12]](#footnote-12)

1. Source: <https://www.bhr.tj/news/komitet-oon-po-pravam-cheloveka-vynes-zaklyuchitelnye-rekomendacii-respublike-tadzhikistan-v> [↑](#footnote-ref-1)
2. Source: <https://rus.ozodi.org/a/osce-media-freedom-problems-Tajikistan-/30171303.html> [↑](#footnote-ref-2)
3. Source: <https://rus.ozodi.org/a/30174471.html> [↑](#footnote-ref-3)
4. Source: <https://rus.ozodi.org/a/asia-plus-domain-problems-still-exist-/30146507.html> [↑](#footnote-ref-4)
5. Source: <https://fergana.agency/news/110714/?country=tj> [↑](#footnote-ref-5)
6. Source: <https://fergana.agency/news/110983/?country=tj>, <https://rus.ozodi.org/a/30174899.html> [↑](#footnote-ref-6)
7. Source: <https://rus.ozodi.org/a/30221013.html> [↑](#footnote-ref-7)
8. Source: <https://rus.ozodi.org/a/30203525.html> [↑](#footnote-ref-8)
9. Source: <https://tj.sputniknews.ru/country/20190903/1029782216/world-bank-vreditel-internet-tajikistan.html> [↑](#footnote-ref-9)
10. Source: <https://rus.ozodi.org/a/30144094.html> [↑](#footnote-ref-10)
11. Source:<https://novosti.tj/novosti-tadzhikistana/za-peredachu-sim-kart-drugim-liczam-tadzhikistanczev-otpravyat-v-tyurmu.html> [↑](#footnote-ref-11)
12. <https://rus.ozodi.org/a/30176848.html> [↑](#footnote-ref-12)