



# Conscience and Peace Tax International

Internacional de Conciencia e Impuestos para la Paz

NGO in Special Consultative Status with the Economic and Social Council of the UN

International non-profit organization (Belgium 15.075/96)

**Bruineveld 11 · B-3010 Leuven · Belgium · Ph.: +32.16.254011 · e-: cpti@cpti.ws**

Belgian account: 000-1709814-92 · IBAN: BE12 0001 7098 1492 · BIC: BPOTBEB1

[www.cpti.ws](http://www.cpti.ws)

Contact in Geneva : Derek BRETT, Av.Adrien-Jeandin 18, 1226 Thonex.

Tel. 022 860 2463 Email: [dubrett@talk21.com](mailto:dubrett@talk21.com)

**UPR SUBMISSION**

**TAJIKISTAN**

**OCTOBER 2011**

1. This submission was prepared in March 2011 on the basis of the latest information available to CPTI.

## **Executive summary:**

2. **This submission focusses on the situation regarding military service and conscientious objection to military service in Tajikistan.**

3. **Among the human rights concerns identified are:**

- **Conscientious objection to military service is not recognised in law or practice. This is a breach of Article 18 (freedom of thought, conscience and religion) of the International Covenant on Civil and Political Rights (ICCPR), which Tajikistan has ratified.**
- **A further breach of Article 18 of the ICCPR is represented by the persecution of the Jehovah's Witness community in direct response to their conscientious objection to military service.**
- **There are persistent accounts of irregular forced recruitment into the armed forces. Such recruitment constitutes arbitrary detention.**
- **Although the minimum age for military service is set by law at eighteen in accordance with Tajikistan's declaration on accession to the Optional Protocol to the Convention on the Rights of the Child on Children in Armed Conflict, there are concerns that in practice resorting to forced recruitment results in instances of the conscription of males under the age of 18. Such conscription is a breach of Article 2 of the Optional Protocol.**

**Background: Military Service in Tajikistan**

4. Tajikistan maintains a system of obligatory military service. Article 9 of the 1997 “Law On Universal Military Responsibility and Military Service” requires males aged between 18 and 27 to perform compulsory military service of 24 months. This period is shortened to 18 months for those who have completed higher education. Conscription rounds take place in the Spring and Autumn of each year.

5. Citing the 1992 - 1997 civil war, and problems on the Afghan border, Tajikistan has not moved as fast as its neighbours towards the abolition of compulsory military service and the professionalisation of the armed forces. Early in 2003 the Minister of Defence was reported as saying that this process would start in five years time,<sup>1</sup> but nothing has been heard of this more recently.

6. According to the latest information available<sup>2</sup> the armed forces of Tajikistan total 8,800, with a further 7,500 in various paramilitary forces – Interior Troops, National Guard and Emergencies Ministry forces.

7. The majority of forces personnel are conscripts; it however appears that the numbers actually being conscripted are steadily declining. Until 2005, when Tajikistan's own border guard took over,<sup>3</sup> the largest number of Tajik conscripts were serving as members of the Russian Border Guard under Russian officers. In 1997 the President estimated that 93% of 16,000 Russian border guards stationed in the country were Tajik conscripts.<sup>4</sup> In 2007, the total number of conscripts was estimated as 12,000 per annum.<sup>5</sup> By the October 2009 recruitment round, the actual conscription level was estimated as 5,000,<sup>6</sup> which might call into question the overall armed forces manpower estimates.

8. The numbers actually conscripted represent a small proportion of the pool of potential conscripts. The CIA estimates the number of males “reaching militarily significant age annually” at 76,430.<sup>7</sup> Exemptions from conscription can be granted on medical grounds. Those who are the sole child in their family, who have criminal convictions, who hold a doctoral degree, or who have lost a close relative in military service, are also exempt. The number of young men available is also significantly reduced by migration to Russia or Kazakhstan in search of work.<sup>8</sup>

---

<sup>1</sup> Radio Free Europe/Radio Liberty, “National armies of Uzbekistan, Tajikistan changing with the times”, 22 February 2003, reprinted at:

<http://www.eurasianet.org/departments/insight/articles/pp022203.shtml>

<sup>2</sup> International Institute for Strategic Studies, London, The Military Balance 2010, pp 371-2.

<sup>3</sup> Pylenko, Z., “Badakhshan: more poverty after Russian withdrawal”, Central Asia–Caucasus Analyst, Vol 6, No.22 (16 November 2005), p.12.

<sup>4</sup> Horeman, B. & Stolwijk, M., Refusing to Bear Arms, War Resisters International, London, 1998

<sup>5</sup> Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008 (London, 2008)

<sup>6</sup> Rasulzoda, T., “Press Gangs In Tajikistan”, Reporting Central Asia 620, Institute for War & Peace Reporting, 1<sup>st</sup>. July 2010.

<sup>7</sup> CIA World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/ti.html> consulted 13 March, 2011.

<sup>8</sup> Rasulzoda, op.cit

9. Military service is not popular in Tajikistan “because of its reputation for underfeeding, bullying and postings to remote locations”.<sup>9</sup> Avoidance of military service is a factor in the number of young men who leave the country in search of work, while it has been reported that others bribe officials up to \$100 to produce falsified certificates of the completion of military service.<sup>10</sup> Evasion of military service by simply moving within the country is reportedly easy as a result of poor national record keeping and unco-operative local authorities.<sup>11</sup>

Concerns:

- Non-recognition of conscientious objection to military service

10. The Law On Universal Military Responsibility and Military Service states that alternative service may be carried out in accordance with legislation.<sup>12</sup> There is apparently no specific mention of conscientious objection, and the legislation referred to has never existed.

11. According to information provided to the Coalition to Stop the Use of Child Soldiers by UNTOP (the UN Tajikistan Office of Peacebuilding) in March 2004, an Alternative Service Law had been drafted, but had not been put before parliament. Nothing has subsequently been heard of this initiative.

12. In July 2005, its concluding observations on Tajikistan's initial report under the International Covenant on Civil and Political Rights, the Human Rights Committee stated: “The Committee is concerned that the State party does not recognize the right to conscientious objection to compulsory military service (art. 18). **The State party should take all necessary measures to recognize the right of conscientious objectors to be exempted from military service.**”<sup>13</sup>

13. No government action to implement the recommendation of the Human Rights Committee has been reported. A campaign led by the non-governmental organisation “Centre for Protection and Co-operation” in 2007 drafted a Law on Alternative Service, which it proposed to place before Parliament. At the same time, however, there were reports that the Defence Ministry was considering instead striking the relevant clause out of the Law On Universal Military Responsibility and Military Service.<sup>14</sup>

---

<sup>9</sup> Rasulzoda, op cit.

<sup>10</sup> Radio Free Europe/Radio Liberty, op cit

<sup>11</sup> Horeman & Stolwijk, op cit

<sup>12</sup> Coalition to Stop the Use of Child Soldiers, op cit.

<sup>13</sup> CCPR/CO/84/TJK, 18 July 2005, para 20.

<sup>14</sup> Institute for War & Peace Reporting, News Briefing: Alternative Military Service Under Review, 13<sup>th</sup> July 2007.

– Persecution of Religious Minorities

14. CPTI has traced no reports of the sentencing of individual conscientious objectors for their refusal to perform military service. However it is reported that in October 2007 the activities of the Jehovah's Witnesses and two evangelical Christian groups were suspended for three months as collective punishment for their members' refusal to perform military service.<sup>15</sup> In fact, only one of the three – the Ehyo Church was eventually – in late 2008 – able to resume its activities. The “Abundant Life Christian Centre” closed down; and the ban on the Jehovah's Witnesses continues, with the result that all their worship must take place outside the law.<sup>16</sup>

- Forced Recruitment

15. As a result of the various factors outlined in paragraphs 8 and 9 above there have been many reports over the years of failures to reach recruitment targets. Such reports have also persistently indicated a resort to forced recruitment in an attempt to make up the shortfall<sup>17</sup> The most recent report<sup>18</sup> quotes a survey by the young lawyers' association “Amparo” which found that 325 of 922 young men conscripted in 2009 whom they interviewed claimed not to have been enlisted through the correct procedures. These identified cases alone account for some 6% of the estimated total recruitment for the year, and represent over a third of the sample. During the Spring recruitment of 2010, over 200 allegations of irregular recruitment methods, mainly relating to “rounding up” and illegal detention, had been made to the association..

16. The Working Group on Arbitrary Detention has made it clear that recruitment methods which do not have a legal basis constitute arbitrary detention.<sup>19</sup>

17. By their nature, arbitrary recruitment methods, not authorised in law, lack safeguards against the recruitment of those who qualify for exemption from military service. Some of the complaints registered in 2009 concerned students, persons who were physically unfit, and sole breadwinners. The system also lends itself to bribery; a recruitment officer and a doctor in the Soughd region had recently been convicted of extorting bribes and forging certificates.<sup>20</sup>

- Juvenile recruitment

18. On 5<sup>th</sup> August 2002, Tajikistan ratified the Optional Protocol to the Convention to the Rights of the Child on the involvement of children in armed conflict, and made

---

<sup>15</sup> Coalition to Stop the Use of Child Soldiers, op cit.

<sup>16</sup> Bayram, M. TAJIKISTAN: AUTHORITIES TARGETING IRP AND JEHOVAH'S WITNESS UNREGISTERED WORSHIP, Forum 18 News Service, (www.f18.org), 15<sup>th</sup> November, 2010.

<sup>17</sup> eg. Horeman & Stolwijk, op cit; Coalition to Stop the Use of Child Soldiers, op cit.

<sup>18</sup> Rasulzoda, op cit.

<sup>19</sup> See Working Group on Arbitrary Detention, Opinion No. 8/2008 (COLOMBIA), Paragraph 22, in (A/HRC/10/21/Add. 3)

<sup>20</sup> Rasulzoda, op cit

a declaration that “the voluntarily [sic] recruitment of those under age of 18 to the armed forces of the Republic of Tajikistan shall be prohibited..” (All compulsory recruitment of that age group is prohibited under the optional protocol).

19. Nevertheless, there have been repeated allegations that as a result of resorting to irregular forced recruitment (see paras 15 – 17, above), young men aged under 18 have in practice been conscripted into the armed forces.

20. In its Second Periodic Report under the Convention on the Rights of the Child itself,<sup>21</sup> the Government of Tajikistan played down the likelihood of juvenile recruitment, but confessed:

“In 2002, the Ministry of Defence introduced a procedure for examining anonymous complaints in every recruiting office because of the complaints generated by the procedure for recruitment into the armed forces.”

As a result, “In 2004 nine senior military officials were sacked for enlistment offences and one senior officer was convicted of abuse of power by an army court. At least some of these cases reportedly involved under-age boys.”<sup>22</sup> Further allegations of the same nature were made in 2006.

21. It is to be greatly regretted in view of these issues that although almost nine years have passed since ratification, Tajikistan has yet to submit its initial report under the Optional Protocol to the Convention to the Rights of the Child on the involvement of children in armed conflict, and it should be encouraged to do so without further delay. .

---

<sup>21</sup> CRC/C/TJK/2, 2<sup>nd</sup> April 2009, para 552.

<sup>22</sup> Coalition to Stop the Use of Child Soldiers, op.cit.