



TAJIKISTAN

Women Released From Prison  
Sentences Put Forward a

*Womanifesto*

for their Human Rights



# Patriarchy, Poverty and Women's Sentencing in Tajikistan

Tajikistan, a mountainous Central Asian country of around nine million people, is among the 30 most poor nations in the world. Women suffer disproportionately under poverty, particularly in the country's rural, remote areas. Among the Central Asian countries, Tajikistan also rates the lowest in global gender equality rankings.<sup>1</sup> Poverty in the country is compounded by pervasive forms of patriarchy, denying women their human rights across the socio-economic and political spectrum.

Since the independence of Tajikistan from the former Soviet Union in 1991, its society has witnessed the revival of social conservatism, with a deepening of patriarchal values that seek to restrict women to the domestic sphere in gender stereotyped roles. Moreover, high levels of poverty dissuade families from investing in girls' education. The gender inequality between boys and girls in access to education keeps increasing unfavourably against girls, from fifth grade (where almost 10 per cent of girls are absent from school, compared to two per cent of boys), to upper secondary school (where 48 per cent of girls do not attend school).<sup>2</sup> These problems deepen in remote, mountainous areas, where travelling to school is expensive, so families prioritise son's education over daughters even more. The low levels of schooling among girls lead to early marriages, while negatively affecting their employment opportunities as adults, such that 49 per cent of young women between the ages of 15-24 are not in education, employment, or training, as compared to seven per cent of young men.<sup>3</sup>

Denied their right to education, women experience low access to information on their rights as women and citizens. Women are under-represented in Tajikistan's politics, its leadership and decision making at all levels. In the national parliament, only 23.8 per cent of the elected legislators are women.<sup>4</sup> The laws and processes of the country remain male-centric and gender-blind. The male dominated political spaces of the country are resistant to feminism, and women leaders experience severe backlash from government and society for raising feminist demands.<sup>5</sup> Gender-based violence is also high in Tajikistan. Around 20 per cent of married women experience some form of intimate partner violence, but are usually forced to remain silent.<sup>6</sup>

Due to Tajikistan's weak domestic economy, a large segment of its men migrate to Russia as migrant workers. Often, men abandon their wives and children, leaving women solely responsible for the economic survival of the household, despite their limited access to education, employment opportunities or social protection. Driven by poverty, women are

<sup>1</sup> Turakhanova, D. (2021, May 17). *Low women's political participation in Tajikistan: Will the anti-discrimination law be a solution?*. The Foreign Policy Centre. <https://fpc.org.uk/low-womens-political-participation-in-tajikistan-will-the-anti-discrimination-law-be-a-solution/>

<sup>2</sup> Turdieva, Z., & Hellborg, M. (2016, August 24). *Losing Out: Barriers to Girls' Education in Tajikistan*. Institute for Security and Development. <https://www.isdp.eu/losing-barriers-girls-education-tajikistan/>

<sup>3</sup> The World Bank. (2021, December 3). *Tajikistan: Country Gender Assessment*. <https://www.worldbank.org/en/country/tajikistan/publication/country-gender-assessment>

<sup>4</sup> Turakhanova, D. (2021, May 17). *Low women's political participation in Tajikistan: Will the anti-discrimination law be a solution?*. The Foreign Policy Centre. <https://fpc.org.uk/low-womens-political-participation-in-tajikistan-will-the-anti-discrimination-law-be-a-solution/>

<sup>5</sup> Central Asian Bureau for Analytical Reporting. (2022, May 10). *You can't talk about feminism in Tajikistan*. CABAR. <https://cabar.asia/en/you-can-t-talk-about-feminism-in-tajikistan>

<sup>6</sup> UN Women. (n.d.). *Tajikistan*. UN Women Europe and Central Asia. <https://eca.unwomen.org/en/where-we-are/tajikistan>



forced to look for desperate ways to make ends meet. Often, husbands or other men manipulate women into committing offences unwittingly. Women are also subject to trafficking, and coerced into drug-related offences and other crimes. Even women who are defending themselves or their children from violent partners or domestic circumstances, end up being criminalised. In just five years, between 2015 to 2019, around 670 women served sentences in correctional facilities in Tajikistan for crimes of such nature. However, women are rarely culpable for such criminal activities and are often forced into it by various actors around them, which is evidenced by the fact that almost half of the 670 women were granted amnesty over the years by the Ministry of Justice.<sup>7</sup>

Sughd region is the third largest region of Tajikistan

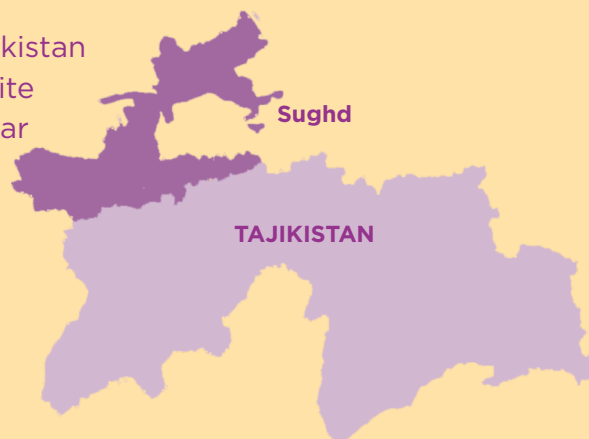
and due to its mountainous terrain, is quite remote. Many women in this region face similar

situations as described above, and are implicated and sentenced for petty crimes driven by poverty and manipulation. Even

women who may have been infected with HIV by their migrant husbands, get prosecuted for spreading the HIV infection (under Article 125 of the Criminal Code).<sup>8</sup> Women who end up

serving a sentence for such reasons experience a violation of

their human rights upon release too. They face pervasive levels of discrimination and stigmatisation, and are denied their right to reintegrate and rebuild their lives.



Mijgona Sodikova\* got infected with HIV from her husband after his return from Russia, where he worked as a migrant worker. After he died, Mijgona wanted to remarry and completed the legal requirement of taking a HIV test before the marriage. The tests turned out positive and Mijgona was detained in a correctional facility for a year. Facing injustice on both counts, the violation of her rights did not end here. Upon release from her sentence, a local police officer told her neighbours that she is living with HIV, which deepened the discrimination she already faced after being sentenced, making it even harder for her to find a job and reintegrate into society.



*\*Name changed to maintain anonymity*

<sup>7</sup> Central Asian Bureau for Analytical Report. (2020, December 27). *Tajikistan: How Do Women Survive After Imprisonment?*. CABAR. <https://cabar.asia/en/tajikistan-how-do-women-survive-after-imprisonment>

<sup>8</sup> Alexandrova, L. (2021, May 17). *Human rights of people living with HIV in Tajikistan*. The Foreign Policy Centre. <https://fpc.org.uk/human-rights-of-people-living-with-hiv-in-tajikistan/>

# Womanifesto Journey



Photo: Discussion with the women released from prison sentences to understand the violation of their human rights.

## Women Released From Prison Sentences, Sughd Region, Tajikistan

Women experience severe negative emotional, social and economic consequences from being sentenced to prison or receiving a criminal conviction, even if it is for a short duration. After their release, women suffer from trauma and live in constant fear. State, society, employers and even families ostracise women released from a sentence, and they find it very challenging to defend themselves and their rights. They face a hostile environment everywhere they go, along with a lack of support systems to help them cope.

Otifa, a non-governmental organisation working in the Sughd region, provides psychological, legal and other forms of support to women released from their sentences. Otifa brought together around 120 such women from the region, a majority of whom were divorced and with low levels of education. Thereafter, the women embarked on a learning journey on their human rights and led a dialogical process to collectively identify the key issues and demands of women released from sentences.

The Womanifesto journey was a transformative process for women released from their sentences. It enabled them to reject the deep sense of fear they experience everywhere they go. Women who participated in the process have become vocal about their rights with local actors including authorities and media. Collectively developing their feminist demands in the form of this Womanifesto, women released from their sentences in the Sughd region want to participate in developing a national strategy on the issue, which is informed by their real-life experiences. The women are also organising into self-help groups to support each other, while always keeping a brochure with them, which contains information like protective laws and contact information for legal support.



Nazokat's\* husband was an abusive man. He would beat her often and have relationships outside of the marriage. Nazokat would even faint from the violence he would inflict on her, often with her two children around. One day, out of anger, she set her husband's possessions on fire, took her children and left for her parents' house. Nazokat's husband went to court, where instead of being convicted for domestic violence, Nazokat was sentenced and imprisoned for setting his possessions on fire. Upon release, Nazokat found that her own parents and sisters started stigmatising her for dishonouring her family. Nazokat participated in the womanifesto process and learned about her rights, she also received counseling support. She now feels stronger, does not allow her relatives to disrespect her, and helps other women released from their prison sentences to defend their rights and rebuild their lives.



*\*Name changed to maintain anonymity*

## Women Released From Prison Sentences Raise Priority Issues

Women in Tajikistan are denied the right to make decisions for themselves. Their future is controlled by a patriarchal culture that permeates both state and society. Women released from prison sentences or criminal convictions face a violation of their dignity and personhood almost continually in all domains of their lives, facing the following key challenges and issues:

- ❖ **Denial of access to justice:** Many women who serve a prison sentence are imprisoned for petty crimes or non-violent offences, which stems from poverty, deprivation, and the violence they face in their lives. The criminal justice system in Tajikistan is not responsive to this reality, and charges women for these crimes, ignoring that the women often themselves have been victimised by men who have committed graver offences. Without adequate state-provided legal aid, women are often unable to find suitable representation in trials. Thus, many women who are sentenced are deprived of their liberty in an unjust way. Once in prison, the injustice continues as the procedures and architecture of the prison system is designed for men. Serving a sentence in this system is psychologically damaging for women, who experience further abuse, violence and humiliation from prison officers.

- ❖ **Violation of women’s human rights by a hostile state machinery:** The Main Directorate for the Execution of Punishments of the Ministry of Justice does not fulfil its duties on providing services to women upon their release. The women’s passports are seized when they enter the prison system, but often the department does not return them to the women. Women typically do not have the information that even without a passport, they can still demand that the Labour and Employment Agency help them secure employment or pay unemployment benefits, based on a certificate of release. Women also experience harassment when interacting with these agencies, as officers often provide incomplete information and demand bribes. The Labour and Employment Agency does not provide up-to-date information to women on the unemployment benefits they are entitled to, their rights as women released from imprisonment, or link them to any support mechanisms. In such situations, women’s human rights, particularly employment and healthcare, are routinely violated.
- ❖ **Difficulties in socio-economic integration due to discrimination and stigmatisation:** Women released from prison sentences face constant humiliation as well as stigma in society and in their private spheres of life. Often women find out that they have been divorced by their husbands after their release, and that their parents and even children refuse to accept them. They are also unable to build their lives outside the home, with businesses refusing to hire women who have served a prison sentence (despite the policy requirement that employers should hire vulnerable groups such as women released from prison sentences, up to at least five per cent of their workforce). This attitude pervades across actors, including local state officials, who are privy to a woman’s background of having served a prison sentence, and sometimes leak this private information to employers and others. The psychological trauma from such rejection, isolation and humiliation follows women everywhere even after their release, making it extremely challenging for them to rebuild their lives.



Photo: The Womanifesto participants resolute to campaign and fight for their rights.



# Women Released From Prison Sentences Demand the Fulfilment of their Human Rights

Tajikistan's national government, led by the Ministry of Justice, Committee on Women and Family Affairs, as well as the Labour and Employment Agency, must initiate a substantive process of reform to prevent further human rights violations faced by women in its criminal justice system. Towards this end, women released from prison sentences put forth the following demands:

- ❖ **Ensure a gender-sensitive reform of the penitentiary system:** The Ministry of Justice has stated that there is an urgent need to reduce the number of people serving sentences in closed institutions in Tajikistan.<sup>9</sup> One of the ways to do this would be to provide free and effective legal aid to women, so that they do not suffer from disproportionate punishments and incarceration for petty crimes, especially where they themselves have been victimised and preyed upon by others, or have caretaking obligations. This would provide pre-trial justice to women, and open avenues for non-custodial, alternative measures for less serious crimes, such as probation or community service. Non-custodial alternatives would have to be gender-responsive, and should be developed based on consultation with women who have been released from sentence, whose real-life experiences should inform the policy.<sup>10</sup> In addition, prison officers and other officials of the justice system need to be trained in humane and gender-responsive behaviour towards women serving sentences.
- ❖ **Enact a law for the social reintegration of women released from prison sentences:** In addition to reform of the justice and prison system, the women demand dedicated laws and policy procedures with a gender-responsive approach for the effective reintegration and rehabilitation services for women released from these sentences. The Main Directorate for the Execution of Punishments must set up a process of effective psychological counselling for women before they are released, with continued access to psychologists, shelters and other support services providing various forms of assistance, including access to information on rights. Action must be taken against correctional officers who fail to discharge their duties of supporting women being released from prison sentences, through actions such as withholding passports or exacerbating the stigmatisation

<sup>9</sup> Penal Reform International. (2020, November 19). *Development of the prison system Tajikistan*. Penal Reform International. <https://www.penalreform.org/news/development-of-the-prison-system-tajikistan/>

<sup>10</sup> Penal Reform International. (n.d.). *Gender-sensitive approaches to non-custodial sentences*. Penal Reform International. <https://www.penalreform.org/tools/gender-sensitive-approach-to-non-custodial-sentences/>



that women face in society upon release. In the absence of a passport, a temporary mechanism of registration of women released from sentence should be undertaken, which enables women to obtain identity documents that they need to access civil rights.

❖ **Assist in accessing employment and livelihood opportunities:**

The Labour and Employment Agency should implement their duty of assisting women released from prison sentences in finding employment. The Agency should provide vocational training and other forms of livelihood support. The Agency should also provide full unemployment benefits to women until they are able to find a job. Furthermore, the government should increase the use of quotas to facilitate employment among women released from their sentences. The national government should also raise awareness among public officials to ensure that they do not discriminate against women released from imprisonment, and support them in exploring potential employment opportunities. Further, the national government should launch a dedicated media campaign to eradicate stereotypes and stigma among the public against women released from prison, which makes it harder for women to find and keep a job.

- ❖ **Strengthen anti-discrimination measures:** The national government needs to expedite the adoption and implementation of comprehensive anti-discrimination measures to protect vulnerable groups that face multiple and intersecting forms of discrimination. Article 17 of the Constitution guarantees equality before the law, and rights against discrimination to all citizens of Tajikistan.<sup>11</sup> However, the legal and procedural structures that are required to realise this right for women released from prison are inadequate and poorly implemented. The government needs to harmonise laws and strengthen the implementation of anti-discrimination measures immediately, prohibiting both government and private citizens from discriminating against women released from prison. For instance, it needs to amend the Code of Administrative Offences of the Republic of Tajikistan to ensure that private actors such as employers or educational institutions, are penalised for discriminating

<sup>11</sup> Office of the United Nations High Commissioner for Human Rights. (2019, August 22). *Human Rights Committee: Concluding observations on the third periodic report of Tajikistan*. Bureau of Human Rights and Rule of Law. [https://www.bhr.tj/sites/default/files/articles/2019-07/int\\_ccpr\\_coc\\_tjk\\_35598\\_e.pdf](https://www.bhr.tj/sites/default/files/articles/2019-07/int_ccpr_coc_tjk_35598_e.pdf)





against women released from sentence. A comprehensive anti-discrimination policy would also require that the Personal Data Law (2018), which protects citizens' right to privacy and non-disclosure of personal information, is strictly implemented and violators are penalised.<sup>12</sup>

- ❖ **Mainstream protection of women released from prison sentences in law and policy:** The national government must mainstream the interests and rights of women released from prison sentences in all its laws, development plans and gender-related policies. This is imperative because the majority of women in Tajikistan face harsh realities on an every-day basis. They lack dignified opportunities to secure their well-being and experience pervasive violations of their inalienable rights, which puts them in situations where they are easily preyed upon or cornered into committing offences. Access to education, justice, opportunities and freedom from violence is crucial to prevent more women from ending up serving prison sentences. Towards this end, the national government must view women's human rights and the feminist agenda as a pillar for a stronger domestic economy and environment, and have an empathetic and rights-based approach towards women who have committed petty offences.<sup>13</sup>



<sup>12</sup> Nurov, B. (2020, October 9). *Personal Data Protection in the Republic of Tajikistan*. GRATA International. <https://gratanet.com/publications/personal-data-protection-in-the-republic-of-tajikistan>

<sup>13</sup> Office of the United Nations High Commissioner for Human Rights. (2018, October 31). *Committee on the Elimination of Discrimination against Women considers Tajikistan's report*. OHCHR. <https://www.ohchr.org/en/press-releases/2018/11/committee-elimination-discrimination-against-women-considers-tajikistans>



## About APWLD

The Asia Pacific Forum on Women, Law and Development (APWLD) is the region's leading network of feminist and women's rights organisations and individual activists. For over 35 years, we have been carrying out advocacy, activism and movement-building to advance women's human rights and Development Justice.

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