



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties under article  
9 of the Convention**

**Sixth, seventh and eighth periodic reports of States parties  
due in 2010**

**Tajikistan\*, \*\***

[11 July 2011]

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\* This document contains the sixth, seventh and eighth periodic reports of Tajikistan due in 2006, 2008 and 2010 respectively, submitted in one document. The Committee considered the initial, second, third, fourth and fifth periodic reports (CERD/C/463/Add.1) at its 1658th and 1659th meetings on 11 and 12 August 2004 (CERD/C/SR.1658 and 1659).

\*\* In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## Sixth, seventh and eighth periodic reports of Tajikistan on implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

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## I. Introduction

1. This report, submitted under article 9 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, has been drawn up in accordance with the Guidelines regarding the form and contents of reports to be submitted by States parties. The report was prepared by the Government Commission on International Human Rights Obligations, with the participation of:

- The Office for Constitutional Guarantees of Citizens' Rights of the Executive Office of the President
- The Constitutional Court
- The Supreme Court
- The Office of the Procurator-General
- The Council of Justice
- The Ministry of Justice
- The Ministry of Foreign Affairs
- The Ministry of Labour and Social Protection
- The Ministry of Education
- The Ministry of Foreign Affairs
- The Ministry of Culture
- The Ministry of Health
- The State National Security Committee
- The Government Committee on Television and Radio Broadcasting
- The Government Committee for Religious Affairs
- The Central Commission on elections and referendums in Tajikistan
- The Strategic Research Centre reporting to the President
- The Statistics Agency reporting to the President
- The Civil Service Department reporting to the President
- The Commissioner for Human Rights (Ombudsman)
- Local government authorities
- The Board of the Bar Association
- The Federation of Independent Trade Unions of Tajikistan
- The Panorama Foundation

2. The report provides responses to the Committee's concluding observations (CERD/C/65/CO/8) of 10 December 2004. A review was carried out of Tajikistan's basic legislation.

3. There is an ongoing process of implementation of international legal norms in domestic legislation (see article 2 of the present report). One of the main areas in which legislation is developing is towards ensuring equality for all ethnic groups and nationalities.

4. Tajikistan has a high population growth rate. The 2000 census produced a list of 137 different ethnic groups and nationalities. Results from the 2010 regular census should become available between April 2011 and 2012, by order of priority: the census data processing programme has six priorities, with data on ethnic groups and nationalities in the country coming fourth on the list. The main factor in the population increase is natural growth.

Table 1  
**Population growth rates, 2000–2009**  
(as percentage of previous year's population)

<i>Year</i>	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<i>Geographic area</i>										
Tajikistan	102.0	102.0	102.1	102.1	102.1	102.1	102.1	102.1	102.2	102.1
Kūhistoni Badakhshon autonomous province	101.0	101.1	101.2	101.2	100.2	100.2	100.9	98.9	100.5	100.7
Soghd province	101.6	101.6	101.7	101.5	101.8	101.6	101.7	101.7	101.8	102.1
Khatlon province	102.2	102.1	102.2	102.3	102.5	102.5	102.3	102.4	102.4	102.2
Dushanbe	102.6	102.3	102.5	102.5	102.0	102.3	102.3	102.8	102.3	101.6
Centrally administered districts	102.2	102.4	102.3	102.4	102.1	102.2	102.3	102.5	102.4	102.4

Table 2  
**Natural population growth 2000–2009**  
(in thousands)

<i>Year</i>	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<i>Geographic area</i>										
Tajikistan	137.9	139.6	144.5	144.8	149.8	149.3	154.5	166.3	171.3	167.5
Kūhistoni Badakhshon autonomous province	2.7	2.6	3.3	3.2	3.2	2.2	3.3	2.2	2.6	2.7
Soghd province	36.2	37.3	38.1	34.5	38.2	35.9	38.7	41.7	44.2	49.5
Khatlon province	52.9	52.6	55.5	57.9	65.4	65.7	62.5	67.1	68.9	64.0
Dushanbe	13.8	12.6	12.9	13.4	10.4	11.5	13.0	16.1	15.2	10.6
Centrally administered districts	32.2	34.6	34.6	35.7	32.7	33.9	37.0	39.2	40.5	40.7
Per 1,000 population										
Tajikistan	22.3	22.1	22.4	22.0	22.3	21.8	22.1	23.3	23.5	22.5
Kūhistoni Badakhshon autonomous province	12.8	12.3	15.4	15.0	14.6	10.2	15.1	9.8	11.9	12.4
Soghd province	19.2	19.4	19.6	17.5	19.0	17.6	24.0	19.8	20.5	22.5
Khatlon province	24.4	23.7	24.5	25.0	27.6	27.1	25.1	26.3	26.4	23.9
Dushanbe	24.3	21.6	21.6	21.8	16.6	18.1	19.9	24.0	22.1	15.2
Centrally administered districts	23.8	25.0	24.4	24.6	22.1	22.4	23.8	24.7	24.9	24.5

Table 3  
**Overall birth rate**  
(per 1,000 of the population)

<i>Year</i> <i>Geographic area</i>	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Tajikistan	27.0	27.2	27.3	27.1	26.8	26.4	26.7	28.1	27.9	26.8
Kūhistoni Badakhshon autonomous province	17.4	17.2	20.3	20.0	19.2	14.9	23.8	15.1	17.3	17.8
Soghd province	25.1	25.1	25.4	23.0	23.9	22.9	24.0	25.2	25.8	27.5
Khatlon province	28.6	28.6	29.0	29.9	31.9	31.4	29.4	30.8	30.5	28.1
Dushanbe	28.5	26.2	25.6	26.6	20.9	22.2	20.4	27.9	25.6	18.7
Centrally administered districts	28.1	29.7	28.8	29.3	26.0	26.6	27.9	29.2	28.8	28.4

Table 4  
**Permanent population, 2000–2009**  
(at end of year; in thousands)

<i>Year</i> <i>Geographic area</i>	<i>Land area</i> <i>(thousands of km<sup>2</sup>)</i>	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Tajikistan	143.1	6 250	6 375.5	6 506.5	6 640	6 780.4	6 920.3	7 063.8	7 215.7	7 373.8	7 529.6
Kūhistoni Badakhshon autonomous province	64.2	208.5	210.7	213.2	215.7	217.9	218.4	220.4	218	219.1	220.6
Soghd province	25.4	1 900.4	1 930.2	1 962.4	1 992.5	2 027.8	2 060.9	2 095.7	2 132.1	2 171.2	2 217.0
Khatlon province	24.8	2 196.6	2 243.5	2 293	2 344.6	2 404.1	2 463.3	2 519.6	2 579.3	2 642.3	2 700.2
Dushanbe	0.1	575.9	589.4	604	619.4	631.7	646.4	660.9	679.4	695.2	706.1
Centrally administered districts	28.6	1 368.6	1 401.7	1 433.9	1 467.7	1 498.9	1 531.3	1 567.2	1 606.9	1 646.0	1 685.8

There are members of ethnic minority groups in all regions of the country. However, historically, members of the Russian and Russian-speaking population live mainly in towns, whereas a large proportion of the Uzbek, Kyrgyz and Turkmen populations live in rural areas.

#### Article 1

##### Paragraph 11 of the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/65/CO/8)

5. In Tajikistan, the principle of the unity and equal rights of different ethnic groups, religions and races is both proclaimed and applied.

6. Article 1 of the Constitution stipulates that “Tajikistan, as a social State, creates the conditions necessary to guarantee a life of dignity and free development for every individual.” Article 5 states that life, honour, dignity and other inherent human rights are

inviolable. Human and civil rights and freedoms are recognized, observed and protected by the State. The Constitution also establishes that human and civil rights and freedoms are regulated and protected by the Constitution itself, the laws of the Republic and international legal instruments recognized by Tajikistan. Under article 2, all ethnic groups and peoples living in Tajikistan are entitled to use their mother tongue without restriction. Articles 36 to 41 set out the right of every individual, regardless of his or her ethnic or racial origin, to: housing; leisure; health care; education; social protection in old age and in the event of illness, disability, loss of the capacity to work or loss of breadwinner; the right to take part freely in the cultural life of society and in artistic, scientific and technical creativity, as well as to enjoy their achievements.

7. Discrimination on the grounds of race, or national or ethnic origin is prohibited (see paragraph 2 of the country's initial periodic report (CERD/C/463/Add.1)).

8. The Government is currently guided by the above-mentioned provisions of the Constitution when considering the issue of racial discrimination. It considers them adequate to tackle problems and that there is no need to incorporate special regulations with definitions of racial discrimination into current legislation. When this category of offence is being considered by the courts, judges may invoke the articles of the Constitution, as well as provisions of the Convention, directly and without restriction.

9. Under article 2 of the Constitution, all ethnic groups and peoples living in Tajikistan are entitled to use their mother tongue without restriction. In application of this, the principle of language is enshrined in the country's legislation, in accordance with which, non-Tajik ethnic groups and peoples are granted special measures for the sole purpose of securing adequate advancement of racial or ethnic groups or individuals involved in criminal proceedings. Article 18 of the Code of Criminal Procedure establishes that participants in criminal proceedings who do not have a command of the language used in the proceedings shall have the right to submit statements, issue instructions, file complaints and consult the entire case file using the services of a translator, in line with the procedure set out in the Code, or the proceedings shall be conducted in the language of the majority of the local population. The Code states that any procedural documentation that must be submitted to a person who is accused, standing trial or convicted or to other participants in criminal proceedings is handed over to such persons by the bodies issuing such documentation in the State language or in a version translated into a language in which they are proficient. Under article 737 of the Code of Administrative Offences, persons participating in a case who are not proficient in the language in which a case for administrative offences is being conducted have the right to speak in their mother tongue and also to use the services of an interpreter, in accordance with the procedure established by the Code. Under article 10 of the Code of Civil Procedure, participants in a trial who are not proficient in the State language have the right to provide explanations and opinions, to speak and to make proposals in their mother tongue and also to use the services of an interpreter.

#### **Articles 2, 3 and 4**

10. Tajikistan implements a policy aimed at eliminating all forms of racial discrimination, enhancing mutual understanding between peoples living in the country and furthering commitment to the principle of the equal rights of all citizens and stateless persons before the law.

11. The principle of equal rights is included in article 17 of the Constitution. This provision is also enshrined in article 7 of the Labour Code and article 5 of the Criminal Code, which establish liability for the violation of citizens' equal rights (see paragraph 6 (5) of the initial periodic report of Tajikistan).

12. A motive of local, ethnic, racial or religious enmity, religious fanaticism, vengeance against legitimate action by others, or of covering up or mitigating another offence, in the commission of an offence is considered an aggravating circumstance (article 62 of the Criminal Code, as amended by Act No. 35 of 17 May 2004). Pursuant to article 104, paragraph 2 (l); article 110, paragraph 2 (l); article 111, paragraph 2 (f); and article 117, paragraph 2 (h), these grounds or the grounds of a vendetta are also considered to be aggravating circumstances. Under article 189 of the Code, incitement to ethnic, racial, local or religious enmity is a punishable offence. The provisions of this article pre-empt conflicts between citizens of different ethnic backgrounds or races, which may be accompanied by acts of aggression, physical reprisals or the threat of reprisals, destruction of or damage to property, isolation, segregation, restriction of rights, privileges or advantages, or the intention of disparaging the shrines, way of life, social order or history of individual races, ethnic groups or peoples. Article 3072, paragraph 1, of the Code establishes criminal liability for setting up an extremist association, i.e. an organized group of persons formed for the purpose of planning or committing offences motivated by ideological, political, racial, ethnic, local or religious hatred or enmity, or by hatred or enmity towards a particular social group; offences provided for in articles 149, 153, 157, 158, 160, 185, 188, 189, 237, 2371, 242, 243, 307 and 398 of the Code (offences of an extremist nature); the leadership of such an extremist association or any part or component thereof; and also the creation of a group composed of organizers, leaders or other representatives of sections or components of such an extremist organization, with a view to drawing up plans and/or creating conditions for offences of an extremist nature. This article also criminalizes participation in an extremist association and the commission of the acts mentioned above on repeated occasions or in abuse of one's official position (Criminal Code, as amended by Act No. 422 of 6 October 2008). Article 3073 of the Code establishes criminal liability for the organization of or participation in the activities of political parties, voluntary or religious associations or any other organization whose dissolution or the prohibition of whose activities has been ordered by a court, in a ruling that has become enforceable, on the grounds that it is carrying out extremist activities (Criminal Code, as amended by Act No. 422 of 6 October 2008). The same liability applies if the charter, programme of work or other documents adopted by a voluntary association and acknowledged by its members, or collective oral statements which are supported by the members of the association and guide their actions, express a discriminatory or hostile attitude towards citizens on the grounds of their race, ethnic origin or descent, or proclaim the members' exclusiveness or superiority.

13. To ensure more humane conditions and implement international legal standards in the area of human rights, a new version of the Code of Criminal Procedure entered into force on 1 April 2010. Articles 2, 10, 11, 12, 16, 18 and 20 define the purposes of criminal proceedings, the obligation to respect an individual's honour and dignity during criminal investigations, the protection of human rights and freedoms and equality before the law and the courts, irrespective of ethnic origin, sex, language, faith, political opinions, social status, education, material or any other status.

14. On 1 April 2009, Tajikistan introduced the Code of Administrative Offences. The main purposes of the Code are to safeguard human and civil rights and freedoms, to protect public health, morals, order and security and to defend the legitimate interests of legal entities and natural persons (art. 2). The Code provides that it is an administrative offence to violate the procedures and deadlines for considering a citizen's application (art. 87); to refuse to provide a citizen with information (art. 88); unlawfully to suspend an employee (civil servant) from work (art. 98); to produce, store, import, transport or distribute media products containing information or material aimed at disseminating propaganda for or arousing social, racial, ethnic or religious discord, or a cult of cruelty (art. 374); to violate legislation on religious organizations (art. 474); to violate legislation on voluntary



associations (art. 475); to fail to comply with the requirements of laws and regulations on the civil service (art. 501); and so on.

15. In accordance with article 3 of the Legal Status of Foreign Nationals Act of 1 February 1996, foreign nationals enjoy the same rights and freedoms and have the same obligations as Tajik citizens, except in the area of political rights, i.e. the right to vote and be elected to State bodies, and the obligation to perform military service in the Armed Forces of Tajikistan.

16. The Television and Radio Broadcasting Act of 14 December 1996 establishes that television and radio broadcasting organizations do not have the right to disseminate messages or other materials which propound racial and ethnic enmity, provincialism, or religious or denominational exclusivity and intolerance.

17. All the provisions of the Durban Declaration and Programme of Action are implemented by Tajikistan. One of the most important, fundamental and practical steps it has taken in this area is to have introduced appropriate amendments and additions to the Criminal Code to establish and increase criminal liability for offences related to human trafficking (article 1301 of the version of the Criminal Code of 1 August 2003).

18. The drafting by the Government of a bill to combat trafficking in persons is another important, fundamental and practical step in this area. The bill was adopted and entered into force on 15 July 2004. It establishes the legal and organizational basis of the system for combating trafficking in persons and defines the legal status of the victims. Its priorities include: regulating roles in the fight against human trafficking; preventing, detecting and suppressing human trafficking activities and minimizing their consequences; and providing access to physical, psychological, social and legal rehabilitation for victims of this offence. Under the act, the combat against trafficking in persons in Tajikistan is based on the principles of: the rule of law; the certainty of punishment for human traffickers; non-discrimination against victims of human trafficking; fair treatment of trafficking victims; access to justice; the availability of a combination of preventive, legal, political, medical, social, economic and awareness-raising measures; and cooperation with voluntary associations and non-governmental organizations. Tajikistan adopted a comprehensive programme to counter human trafficking for the period 2006 to 2010, which was approved by Government Decree No. 213 of 6 May 2006.

19. Article 167 of the Criminal Code (Trafficking in minors) was reformulated in the Act amending the Criminal Code of Tajikistan of 1 August 2003 and criminalizes the buying and selling of minors, irrespective of the means and form of coercion or consent. Paragraphs 2 and 3 of this article cover almost the same circumstances as those set out in paragraphs 2 and 3 of article 1301 of the Code, whereby the minor's consent is irrelevant. Furthermore, article 339 (the seizure or destruction of documents, stamps, seals and forms) and article 340 (the forgery, manufacture or sale of counterfeit documents, State honours, stamps, seals and forms) of the Code include new paragraphs criminalizing specific acts perpetrated for the purpose of trafficking in persons.

20. Article 9 of the Penal Enforcement Code of 6 August 2001 establishes the principle of equality of convicted persons before the law, that is, that when determining the procedure and conditions for the enforcement of sentences, the social or official status and property of convicted persons, their political opinions, the type and nature of their occupation before the crime was committed, their racial and ethnic origin, citizenship, education, language, attitude to religion and other factors are not taken into account.

21. Issues concerning racial and ethnic origin, citizenship, education, language, attitude to religion and other factors are addressed in the follow acts: the Act on the election of deputies to Local Councils of People's Deputies (10 December 1999); the Village and Rural Communities Self-government Act (5 August 2009); the Culture Act (13 December

1997); the Counter-Terrorism Act (16 November 1999); the Red Crescent Society in Tajikistan Act (12 January 2010); the Family Code (13 November 1998); and others.

22. Article 14 of the Voluntary Associations Act of 12 May 2007 restricts the establishment and activity of voluntary associations that advocate racial, nationalist, social and religious enmity.

23. Article 4 of the Act on the State language of the Republic of Tajikistan of 5 October 2009 stipulates that all ethnic groups and peoples living in Tajikistan are entitled to use their mother tongue without restriction. Tajikistan is preparing the conditions for the free use, defence and development of the Badakhshan (Pamir) languages and the Yagnobi language.

24. In conformity with article 15 of the National Security Agencies Act of 20 March 2008, the national security agencies conduct investigations to prevent, detect, suppress and expose the activities of organized criminal groups and criminal organizations, individuals and voluntary associations whose aim is to incite racial, ethnic and religious enmity or discord.

25. In line with current legislation, the national bodies which directly protect and safeguard human rights and combat offences committed on the grounds of racial discrimination are:

- (a) The Constitutional Court;
- (b) The courts of general jurisdiction;
- (c) The economic courts;
- (d) The procuratorial authorities;
- (e) The internal affairs agencies;
- (f) The national security agencies;
- (g) The anti-corruption agencies;
- (h) The Commissioner for Human Rights.

At the same time, other State bodies and institutions also combat racial discrimination in areas either directly or indirectly connected to their fields of activity, in line with their mandate.

26. The courts do not currently have before them any claims concerning racial discrimination; however, this does not imply that injured parties are unaware of their rights, judicial bodies are distrusted or that the courts are insensitive to cases of racial discrimination. As this is an important and topical issue, law enforcement personnel and the courts systematically provide interpretations of the Constitution, legislation and other legislative and normative acts through the media, State television and radio, and mobile court sessions.

27. Article 8, paragraph 5, of the Constitution prohibits the establishment and operation of voluntary associations and political parties that advocate racial, ethnic, social or religious enmity or that call for the constitutional order to be forcibly overthrown or for the organization of armed groups. Under article 30, propaganda or agitation designed to arouse social, racial, ethnic, religious or linguistic hatred or enmity is also forbidden.

28. Article 16 stipulates that everyone is equal before the law and the courts. The State guarantees the rights and freedoms of every individual, regardless of ethnic origin, descent, colour, sex, language, political opinions, education, faith and ethnic or social status.

29. Article 8 of the Code of Administrative Offences provides for the principle of equality before the law, and stipulates that:

“Persons who have committed administrative offences are equal before the law;

“Natural persons shall be liable to prosecution for administrative offences irrespective of citizenship, ethnic origin, race, sex, language, faith, political opinions, education, social status or property.”

30. Following the provisions of the Constitution and in compliance with the norms of substantive and procedural law, the courts ensure due administration of justice on a case-by-case basis and, in so doing, safeguard the rights of every person to a fair and public hearing by an independent and impartial tribunal.

#### Article 5

## II. Information on specific rights

### A. The right to equality before the courts and all other bodies administering justice

31. Under articles 5 and 17 of the Constitution, everyone is equal before the law and the courts. The State guarantees the rights and freedoms of everyone, regardless of ethnic origin, race, sex, language, religion, social status or property.

32. Pursuant to the Citizens’ Appeals Act, Tajik citizens, foreign nationals and stateless persons have the right individually, in cooperation with others or through an authorized representative, to submit communications, in accordance with the procedure established by law, to State or local government bodies and administrations, officials, voluntary associations, companies, institutions and organizations, irrespective of their form of ownership, should they be competent to resolve the issues raised in the communications in question. Communications from foreign nationals and stateless persons are considered in accordance with the procedure established by current law, unless international legal instruments recognized by Tajikistan stipulate otherwise.

33. Citizens taking part in the exercise of State and public functions and realizing the rights and freedoms granted to them by the Constitution and other legislation, have the right:

(a) To protection of their legitimate rights and interests, as well as those of other individuals and organizations;

(b) To redress, through the competent State bodies, for violations of rights.

34. The Citizens’ Appeals Act provides for various types of communications, such as proposals; claims; complaints; oral communications by citizens; communications by citizens via e-mail and the Internet; and communications in the media. Moreover, under articles 9 to 11 of the Act, directors of central and local State bodies and administrations, voluntary associations, companies, institutions and organizations, irrespective of their form of ownership, are responsible for organizing the response to citizens’ communications. Neither citizens, nor their families, may be prosecuted for using communications to defend their rights and legitimate interests. No one may be compelled to take part in activities to defend a communication.

35. Under article 163, paragraph 2, of the Criminal Code, it is a criminal offence for officials to prosecute citizens for communications that have been submitted in accordance

with the prescribed procedure, criticism contained therein or for any other form of public criticism. It is forbidden to disclose information about the private life of citizens whose communications are under consideration, or any other information which adversely affects their rights and legitimate interests. It is also prohibited to seek information about the individual which is not related to the communication. Citizens may request that information about their identity not be made public.

36. For more detailed information about the judiciary, see paragraphs 46 to 53 of the core document, in the section on the judiciary.

37. The right to equality before the courts is expressly provided for in the Constitution and other legislation. The criminal procedure system is designed to reinforce the rule of law and law and order; to prevent crime; to foster respect for the law and human and civil rights and freedoms; and to promote the fairness of the judiciary, as laid down in article 2 of the Code of Criminal Procedure. Under articles 5, 7, 8, 11, 15, 16 and 17 and others, proceedings relating to crimes committed by foreign citizens and stateless persons in Tajikistan are conducted in accordance with the provisions of the Code. In Tajikistan, criminal justice may be administered only by the courts. No one shall be adjudged guilty of a crime until a court's verdict has entered into force. No one may be arrested or detained without legal grounds. A person may be apprehended or confined in a medical establishment or reformatory only on the basis of a decision taken by a court. Individuals held in pretrial detention and persons in custody suspected of committing a crime must be held in facilities which do not present a danger to their life or health. A person who has been arrested has the right to appeal. Everyone is guaranteed the protection of the courts. Everyone is entitled to have his or her case heard by a competent, independent and impartial court established in accordance with the law. No one is considered guilty of a crime until a court's verdict has entered into force. The burden of proof of an accusation rests with the prosecution. The accused is not obliged to prove his or her innocence. Any doubts about the guilt of the defendant that cannot be dispelled in accordance with the procedures established by the Code of Criminal Procedure are construed to the benefit of the accused. Convictions may not be based on conjecture. Everyone is equal before the law and the courts. Judges are independent and subject only to the Constitution and the law. Interference in the work of judges is prohibited.

38. Under article 2 of the Constitutional Act on the Procuratorial Agencies, those agencies adopt and consider claims, complaints and other communications from citizens and legal entities concerning offences, and take measures to address them. Decisions taken by the procurator do not preclude the individual from seeking the protection of his or her rights in court. If a person is unable to defend his or her rights because of physical, mental or other disabilities, the procurator is required to take the necessary steps to protect the individual.

#### **Counter-terrorism measures**

39. The aims of the Counter-Terrorism Act (arts. 1, 2, 22 and 23) are:

- (a) To implement State policy and Tajikistan's international obligations in the fight against terrorism;
- (b) To adopt legal regulations governing the fight against terrorism;
- (c) To create an environment of intolerance to terrorism among the general public;
- (d) To detect, prevent and suppress terrorist activity and eliminate the causes and conditions which give rise to terrorism.

Counter-terrorism legislation in Tajikistan is based on the Constitution and comprises the Counter-Terrorism Act, other domestic laws and regulations and international legal instruments recognized by Tajikistan. In accordance with international agreements, Tajikistan cooperates in the field of counter-terrorism with foreign States, their law enforcement agencies, special services and international organizations active in the fight against terrorism. Counter-terrorist activity in the country is based on the following principles:

- (a) The rule of law;
- (b) The observance of human and civil rights and freedoms;
- (c) The certainty of punishment for terrorist activities;
- (d) The use of both overt and covert methods;
- (e) Protection of the rights of persons under threat as a priority;
- (f) The legitimacy of inflicting harm on terrorists;
- (g) The unity of operational command over forces and equipment employed during counter-terrorism operations;
- (h) Strict secrecy when running special counter-terrorist operations.

Compensation for damage caused to natural persons and legal entities as a result of a terrorist act is paid from the State budget and subsequently exacted from the perpetrator of the damage in the manner prescribed by domestic legislation. The social rehabilitation of victims of terrorist acts is also financed by the State and is designed to enable individuals to return to their normal life. It consists of legal assistance, psychological, medical and vocational rehabilitation and, where appropriate, reinstatement of the individual in employment or provision of housing.

#### **Consideration of claims concerning racial discrimination**

40. In accordance with the Code of Criminal Procedure, the following may serve as grounds for initiating criminal proceedings:

- (a) A claim that an offence has been committed;
- (b) An admission of guilt;
- (c) A communication from an official of a company, institution or organization;
- (d) A communication in the media;
- (e) The direct discovery by the person conducting the initial inquiry, investigator or procurator of information indicating that a crime has been committed (art. 140).

The person or body conducting the initial inquiry, the investigator and the procurator are obliged to receive, register and consider claims and communications regarding any offence, whether committed or planned. Any unsubstantiated refusal to receive such claims or communications may be appealed against to a procurator or a court, in accordance with the procedure established in articles 122, 123 and 124 of the Code of Criminal Procedure. Where motives and grounds provided for under article 140 of the Code are found to exist, the detective, the investigator or the procurator may issue a decision to initiate criminal proceedings. Responsibility for bringing criminal proceedings and carrying out urgent investigative activities under the procedure established in article 146 of the Code is borne by:

(a) Leaders of geological survey teams and of their winter bases in the case of crimes committed in those locations, if they are remote from the bodies that conduct initial inquiries;

(b) Heads of Tajikistan's diplomatic missions and consular bodies in the case of crimes perpetrated within their jurisdiction (art. 40).

Under article 161, paragraph 5, of the Code of Criminal Procedure, pretrial investigations are mandatory in the case of offences covered by article 189 of the Criminal Code (incitement to ethnic, racial, local or religious hatred), and are conducted by investigators from the national security agencies.

41. A victim is considered to be a person who, irrespective of his or her age or mental or physical state, has suffered physical, material or moral harm as a result of a crime, or a person whose rights and interests have been directly threatened by an attempted crime. A legal entity which has suffered moral and material harm may be considered to be a victim, in which case the entity's rights and obligations may be exercised by a legal representative. A detective, an investigator or a judge shall issue a decision, or a court shall issue a ruling, formally designating a physical or legal person as a victim as soon as the existence of a crime and the existence of injury resulting from a crime have been established. The victim and his or her representative have the right:

(a) To submit evidence;

(b) To file petitions and formulate objections;

(c) To testify in their native language or a language in which they are proficient;

(d) To use the services of an interpreter free-of-charge;

(e) To have legal representation;

(f) To see the records of investigative activities produced with their participation and to enter comments in them;

(g) To take part in investigative activities that they have requested, provided that the investigator or detective has given his or her permission;

(h) To see the entire case file at the end of the investigation and to copy any necessary information from it; to take part in discussions and oral debates in the court of first instance during the legal proceedings;

(i) To see the record of proceedings and to comment on it;

(j) To appeal against the actions and decisions of the detective, investigator, procurator, court and judge;

(k) To appeal against a verdict, ruling or decision of the court;

(l) To be informed about complaints and challenges related to the case and to enter objections against them;

(m) To take part in the judicial review of complaints and challenges.

42. Under article 23 of the Code of Criminal Procedure, parties to criminal proceedings and other persons, irrespective of their ethnic origin, race, sex, language, faith, political opinions, education, social status or property, whose interests are adversely affected, have the right, according to the procedure and within the time limits established in the Code, to challenge unlawful and unfounded acts and decisions by the detective, investigator, procurator, judge or the court. Complaints may be submitted orally or in writing. Oral complaints are recorded in a report signed by the person filing and the official receiving the complaint. An oral complaint pronounced by a citizen to an official receiving the complaint

is no less valid than a complaint submitted in written form. Additional material may be included with the complaint (art. 119).

43. Information from the Office of the Commissioner for Human Rights of Tajikistan shows that it has received no complaints concerning racial discrimination since its establishment on 27 May 2009.

#### **Prevention of racial discrimination in the criminal justice process**

44. The main purposes of criminal proceedings are: to protect human and civil rights and freedoms; to provide a fair settlement of issues under consideration by the court; to observe due process when applying criminal law; to guarantee the protection of the legitimate interests of parties to criminal proceedings and other persons; and to prevent offences, including those perpetrated on the grounds of ethnic origin, descent, colour, sex, language, faith and ethnic or social background. In accordance with article 178 of the Code of Criminal Procedure, in criminal proceedings, once the circumstances which led to the commission of a crime have been established, the investigator has the right to make recommendations to the relevant organizations and institutions, irrespective of their legal status, or to officials, on the adoption of measures to eliminate those circumstances or other violations of the law. In addition, under articles 470 to 475 of the Code, in order to prevent racial discrimination in criminal proceedings, the courts, procurators, investigators and bodies conducting the initial inquiry shall, wherever necessary in the criminal justice process, cooperate appropriately with their counterparts in other States in providing legal assistance.

45. See paragraph 28 above for information on the equality of all persons before the law and the courts.

### **B. Right to security of person and protection by the State against violence or bodily harm whether inflicted by government officials or by any individual, group or institution**

#### **Punishment of persons (Government officials or other persons) committing acts of violence on the grounds of racism**

46. State employees are required to observe the Constitution, the law and other legislation and regulations; to observe, protect and comply with human and civil rights and freedoms and the rights and interests of legal entities; to consider communications from citizens according to the procedure established by law; and to take appropriate measures in response to such communications (Civil Service Act, art. 28).

47. As required under article 501 of the Code of Administrative Offences, administrative liability is incurred for failure to comply with the provisions of the country's legislative and normative acts governing the civil service.

48. The Criminal Code establishes liability for abuse of authority (art. 314), nonfeasance (art. 315) and exceeding authority (art. 316). These articles cover every kind of violence, regardless of the author or the intended victim, and irrespective of their ethnic origin, sex, colour, age, national, ethnic or social background, descent, faith or political opinions.

#### **Prevention of the illegal use of force by the militia against persons protected under the Convention**

49. In accordance with articles 13 to 16 of the Militia Act, a militia officer has the right to use physical force, special means and firearms only in the cases and in accordance with the procedure established by the Act. Warning must be given of the intention to use

physical force, special means and firearms before they are actually used. Whenever the use of physical force, special means or firearms is unavoidable, a militia officer must endeavour, as far as possible, to minimize mental, material and physical harm. When bodily harm or injuries are caused by the use of physical force, special means or firearms, the militia officer must give the victim first aid until the medical services arrive. A militia officer must report to his or her immediate superior so that the procurator may be notified of the injury or death of a person as a result of the use of physical force, special means or firearms. A militia officer who exceeds his or her authority in using physical force, special means or firearms against a person, regardless of his or her racial origin (sex, colour, age, national or social background, ethnic origin, faith, political opinions, etc.) is liable under articles 314 to 316 of the Criminal Code. A militia officer has the right to use physical force, including military combat techniques and improvised means, to avert crimes and other offences; to restrain offenders; to overcome resistance to the lawful requests of a militia officer; in self-defence; or if non-violent methods risk preventing the militia officer from carrying out his or her duties. No racially motivated cases of unlawful use of force or infliction of bodily harm by officers of law enforcement agencies, other Government officials, individuals, groups or institutions were recorded during the reporting period.

#### **Recruitment of members of groups protected under the Convention into the militia and other law enforcement agencies**

50. Under articles 17 and 19 of the Militia Act, a militia officer is a Tajik citizen who is either a member of the rank and file or a senior officer awarded that rank in accordance with established procedure. Citizens between 20 and 35 years of age may enrol in the militia, irrespective of their place of residence, sex, ethnic origin, colour, language, attitude to religion, political opinions, descent, and ethnic or social background, provided that their moral and vocational qualities, education, physical fitness and health status make them fit for service and that they have completed compulsory or voluntary military service (with the exception of officer cadets of the Ministry of Internal Affairs middle and senior academies). Individuals entering service in the militia are required to be fingerprinted. Citizens with previous or outstanding convictions may not join the militia, regardless of the length of their sentence, except if they have been released with a view to their rehabilitation, fully rehabilitated or acquitted in court. Vacant positions in the militia are filled through competitive examinations and subsequently individual contracts are concluded in accordance with the procedure defined by the country's legislation. Persons entering the militia are subject to a probationary period of 3 to 6 months.

51. In accordance with article 53 of the Procuratorial Agencies Act, the procuratorial agencies may recruit Tajik citizens of up to 35 years of age, who have a degree in law and whose moral and vocational qualities and health status make them fit for service. Persons without enough specialized practical experience are subject to a one-year probationary period. In exceptional cases, the Procurator-General has the right to decide to reduce the length of the probationary period or exempt a person from it altogether. The Procurator-General determines the procedure for the probationary period. Only persons over 30 years of age with more than 10 years' experience of working in the procuratorial agencies, 5 of which as a municipal or district procurator, may be appointed procurator of Kūhistoni Badakhshon autonomous province, provincial procurator, procurator of Dushanbe or transport procurator of Tajikistan. Only persons over 28 years of age with more than 5 years of professional experience in the procuratorial agencies may be appointed as district or municipal procurator or to an equivalent rank of procurator. The age limit for working in the procuratorial agencies is 63 years for men and 58 for women. Persons with previous criminal convictions may not be appointed as procurator, assistant procurator or investigator unless they have been rehabilitated by a court. Procurators may not hold another office simultaneously, be a deputy of a representative body, a member of a political



party or movement, or engage in entrepreneurial activities, except scientific, educational and creative activities.

52. Article 11 of the Civil Service Act of 13 November 1998 introduced qualification requirements to ensure the necessary competences in State bodies, enhance the professional status of civil servants and match civil servants with the most appropriate posts in the civil service. Qualification requirements are the main criterion for selecting and ranking civil service employees and are a determining factor in respect of the area of activity of civil servants in State agencies. Qualification requirements for individuals seeking employment in the civil service include:

- (a) Higher and intermediate vocational education with consideration given to the category and specialization of the position in the civil service;
- (b) General length of service and work experience in a given specialization;
- (c) Length of public service;
- (d) Knowledge of the Constitution, laws and other legislation and regulations governing the performance of official duties by civil servants.

**Refusal to return or remove non-citizens to a country or territory where there is a risk of human rights abuses**

53. See paragraph 20 of the initial periodic report relating to the Convention on the Elimination of All Forms of Racial Discrimination.

54. See paragraphs 123 to 149 of the initial periodic report relating to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**C. Political rights**

**1. The right to participate in elections**

55. See paragraphs 23 to 26 of the initial report.

**2. The right to take part in government**

56. Data from the Central Commission on Elections and Referendums indicate that, between 2005 and 2010, of the 63 deputies elected to the Majlis-i Namoyandagon of the Majlis-i Oli (the lower chamber of parliament), there were 2 women of Uzbek and of Kyrgyz ethnic origin. Of the 33 members of the Majlis-i Milli of the Majlis-i Oli (the upper chamber of parliament) who were either elected or appointed by presidential decree, 2 deputies (1 woman and 1 man) were of Uzbek ethnic origin and 1 man was Kyrgyz. In the current, fourth, session (2005–2010) of the Majlis-i Namoyandagon, there are two Uzbeks (a woman and a man) and one Kyrgyz man. The Majlis-i Milli has one woman (Kyrgyz) and two men (Uzbek).

**Representatives of ethnic minorities and groups in local assemblies of people's deputies (results of 2010 elections)**

<i>Provinces, towns and districts</i>	<i>Number of deputies in provincial, municipal and district assemblies</i>		<i>By ethnic origin</i>	<i>Women</i>
Kūhistoni Badakhshon autonomous province	61	58 Tajiks	3 Kyrgyz	19
Towns and districts of Kūhistoni Badakhshon autonomous province	248	222 Tajiks	26 Kyrgyz	43
Soghd province	70	63 Tajiks	7 Uzbeks	-
Towns and districts in the province			123 Uzbeks 3 Russians 2 Kyrgyz	-
	680	551 Tajiks	1 Armenian	-
Khatlon province	67	66 Tajiks	1 Uzbek	12
Towns and districts in the province	924	825 Tajiks	97 Uzbeks 2 Russians 26 Uzbeks	139
Centrally administered districts	496	452 Tajiks	18 Kyrgyz	80
Dushanbe	70	69 Tajiks	1 Uzbek	19
Districts of Dushanbe	149	145 Tajiks	3 Uzbeks	49
Total:	2 765	2 451 Tajiks	314 of other ethnic origin	361

**3. The right to participate in government at any level**

57. See paragraph 290 of the initial report on implementation of the International Covenant on Civil and Political Rights, which refers to article 25 of the Covenant.

**4. The right to have equal access to public service**

58. Citizens have equal rights to public service, irrespective of their ethnic origin, race, sex, language, religion, political opinions or social status. Entry to political public service is governed by constitutional procedure, the Civil Service Act and other legislation (see paragraph 51 of this report, which refers to article 5 of the Convention).

**Recruitment of members of groups protected under the Constitution into the militia and other law enforcement agencies**

59. As of 1 January 2009, there was a total of 17,580 civil service administrative staff, of whom 12,230 (or 73.8 per cent) were men and 4,342 (or 26.2 per cent) were women. By ethnic origin: 14,625 (or 88.3 per cent) were Tajik, 173 (or 1.0 per cent) were Russian, 1,519 (or 9.2 per cent) were Uzbek, 149 (or 0.9 per cent) were Kyrgyz and 106 (or 0.6 per cent) were of other ethnic origin.

60. The corresponding information for civil service administrative staff in State agencies disaggregated by ethnic origin and for the supreme judicial authorities is as follows: as of 1 January 2009, a total of 99 civil servants were on the staff of the supreme judicial authorities; of those, 94 were Tajik, 3 were Russian, 1 was Uzbek. A total of 4,976 civil

servants were employed by the ministries; of those, 4,059 were Tajik, 55 were Russian, 244 were Uzbek, 9 were Kyrgyz and 39 were of other ethnic origin. A total of 780 civil servants were employed by the State committees; of those, 632 were Tajik, 31 were Russian, 70 were Uzbek, 5 were Kyrgyz and 15 were of other ethnic origin. Government departments employed a total of 3,601 civil servants, of whom 3,099 were Tajik, 36 were Russian, 277 were Uzbek, 25 were Kyrgyz and 20 were of other ethnic origin. Local government authorities employed a total of 6,650 civil servants, of whom 5,382 were Tajik, 32 were Russian, 861 were Uzbek, 109 were Kyrgyz and 23 were of other ethnic origin. In the Central Commission on Elections and Referendums, there was a total of 13 civil servants, of whom 10 were Tajik, 1 was Russian and 2 were Uzbek.

#### State employees (civil servants) by ethnic origin, as of 1 April 2010

	<i>Total</i> (% of total)	<i>Tajik</i> (% of total)	<i>Uzbek</i> (% of total)	<i>Russian</i> (% of total)	<i>Kyrgyz</i> (% of total)	<i>Other</i> (% of total)
Tajikistan	17 496 (100)	15 451 (88.3)	1 489 (8.5)	134 (0.7)	196 (1.1)	226 (1.2)
Kūhistoni Badakhshon autonomous province	568 (100)	518 (90.2)	–	–	50 (8.7)	–
Soghd province	2 062 (100)	1 634 (76.3)	415 (19.3)	9 (0.4)	1 (0.04)	3 (0.1)
Khatlon province	2 406 (100)	2 112 (85.2)	247 (11.06)	14 (0.5)	–	6 (0.2)
Dushanbe	307 (100)	296 (90.5)	9 (2.7)	2 (0.6)	–	–
Centrally administered districts	1 411 (100)	1 230 (85.1)	139 (9.6)	–	41 (2.8)	1 (0.06)
Central agencies	10 742 (100)	9 661 (89.9)	652 (6.06)	109 (1.01)	104 (0.96)	216 (2.01)

#### D. Other civil rights

##### 1. The right to freedom of movement and right to leave any country, including one's own

61. See paragraphs 29 and 30 of the initial report.

##### 2. The right to nationality and naturalization

62. See paragraphs 34 to 36 of the initial report. The Government is working closely with the Office of the United Nations High Commissioner for Refugees (UNHCR) on issues related to statelessness. Since the Office of the Commissioner for Human Rights was set up, its work has included progressing towards ratification of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Between December 2008 and April 2009, local non-governmental organizations, with the help of UNHCR, carried out a complete review of domestic legislation for compliance with international agreements. The review found that domestic legislation fully met the requirements of those instruments.

63. Under article 22 of the Constitutional Act on Citizenship, nationals of other States and stateless persons may, on petition, be granted citizenship of Tajikistan. To guarantee and protect the equality of citizens, irrespective of their national, racial or ethnic background, article 9 of the Act supports the acquisition of citizenship by stateless persons and does not hinder them from acquiring citizenship of another State. The usual condition for granting citizenship of Tajikistan is continuous residence in the country: for foreign nationals and stateless persons, for a total of five years or a continuous period of three years immediately prior to applying for citizenship; for persons recognized as refugees under

Tajik legislation and in international law, these periods are reduced by half. A period of residence in the country is considered to be uninterrupted if the person leaves the country to study or for medical treatment for a period of no more than three months, and the decision on the application for citizenship is taken by the President. Consequently, the Constitutional Act on Citizenship in no way restricts the rights of foreign nationals, stateless persons or refugees, and is applied without discrimination, in accordance with article 5, paragraph d (iii) of the Convention. Nevertheless, the Citizenship Act, as post-Soviet legislation, cannot cover all the issues that have arisen since the country's independence from the former Soviet Union. Tajikistan encountered problems related to citizenship or the determination of citizenship immediately after independence and the 1992–1997 civil war, which forced over 1 million people to leave the country. One of the major issues for the State was bringing Tajik nationals back to the country and establishing their citizenship. By 2003, more than a million former Soviet citizens who had been resident in Tajikistan were returned to the country and their citizenship was determined or restored through the issuing of Tajik passports; a Tajik passport is a document that confirms citizenship of Tajikistan. The Constitutional Act was amended on 6 October 2008, showing that progress is being made in that direction. Thus, article 11 guarantees equality of rights and freedoms, irrespective of citizenship. Articles 17, 18 and 20 guarantee citizenship of Tajikistan to any child born in the country if either or both parents are stateless or foreign nationals. Article 23 lays out a streamlined procedure for applying for citizenship for foreign nationals and stateless persons.

64. In September 2009, UNHCR, together with the Office for Constitutional Guarantees of Citizens' Rights in the Executive Office of the President and the Office of the Commissioner for Human Rights, held a national conference on statelessness. The fundamental problems related to statelessness in Tajikistan were discussed, and recommendations were made for domestic legislation on Tajik citizenship.

65. An interdepartmental working group was set up on 4 November 2008 with the task of improving the Citizenship Act. The group is currently looking at positive experiences on the issue in other countries. It is proposed that the new bill undergo the usual legal review and review by UNHCR, and be discussed widely with civil society institutions. Adoption of the new act will be a precondition for discussion of the issue and the development of a series of proposals to the Government on the possible ratification of the Convention relating to the Status of Stateless Persons.

### **3. The right to marry, to own property and to inherit**

66. See paragraphs 27 to 32 and 34 to 46 of the initial report.

67. The Judicial Reform Programme was approved in 2007 and is being implemented in phases in application of Government policy. Under the Programme of 12 January 2010, amendments were made to the Constitutional Act on the Courts, creating family and administrative affairs divisions within provincial courts, Dushanbe municipal court and the Supreme Court. In its Decision No. 31 of 23 June 2010 on family affairs considered by the courts, the Supreme Court defined the categories of cases within the competence of the Family Affairs Division. A presidential decree of 3 January 2011 confirmed the new Judicial Reform Programme for 2011–2013, under which judges for administrative and family affairs will be introduced in the general courts.

### **4. The right to freedom of thought, conscience and religion**

68. State policy on freedom of conscience and religious association is implemented in strict compliance with the constitutional principles of developing the life of society on the basis of political and ideological pluralism, and the fundamental principles of relations between the State and religious associations, including the separation of religious

associations from the State and non-interference by the State in the activities of religious associations. The State guarantees the secular character of education in State educational establishments, promotes mutual tolerance and respect among citizens, whether or not they profess a religion, and among religious organizations of different religions and denominations and their members, and prohibits fanaticism and extremism in the activities of religious associations. Religious associations carry out their activities in the framework of their own internal religious and lay system, ensuring conformity with national legislation, and choose, appoint and replace their staff in accordance with their religious statutes. Legislation gives no preference to any religious movement or tendency, and does not allow them to impose their ideology on society as a whole.

69. The State may intervene when individuals or religious associations abuse their religious rights and freedoms and act to the detriment of another citizen or religious association, if their actions become a cause of discord and conflict in society and thus threaten peace and stability in the country, disrupting the civil peace and calm. In addition to religious belief, there are also secular views, which are guaranteed in the same way by legislation. The law protects the freedom of religious and of secular belief equally.

70. No ideology of a single party, voluntary association, religious organization, movement or group may be recognized as the State ideology: the creation and activities of voluntary associations that promote racial, ethnic, social or religious enmity or call for the violent overthrow of the constitutional system and the formation of armed groups are prohibited; civil rights and freedoms may be restricted in order to uphold the rights and freedoms of others, ensure social order and defend the constitutional system and territorial integrity of the country; campaigns or propaganda that incite social, racial, ethnic, religious or linguistic enmity and hatred are prohibited; restrictions on the freedom to profess a religion or belief may be introduced where necessary to protect public security, order, health and morals, or the rights and freedoms of others.

71. A bill on freedom of conscience and religious associations has been discussed several times on the initiative of the Office of the Organization for Security and Cooperation in Europe (OSCE) in Tajikistan, with the active participation of the OSCE Office for Democratic Institutions and Human Rights Advisory Panel of Experts on Freedom of Religion or Belief, which, in February 2008, in response to a written request of 8 January 2008 from the Ministry of Culture, prepared a legal review of and comments on the bill. The comments note that it covers many issues raised in the Advisory Panel's previous review. They also state that there was no doubt that the country was putting substantial effort into guaranteeing freedom of conscience or belief. The Act itself was adopted and entered into force on 26 March 2009. Pursuant to its adoption, the Government's Committee on Religious Affairs is re-registering religious associations that were set up prior to its entry into force. As of 1 January 2010, 72 non-Islamic religious associations had been re-registered: 10 Evangelical Christian Baptist Church groups, 10 Evangelical Christian Church groups, 3 New Apostolic Church groups, 4 Seventh-day Adventist Church groups, 4 Catholic Church groups, 7 Bahá'í groups, 1 Lutheran Church group, the Society for Krishna Consciousness, the Grace Sonmin missionary centre, the Christian Humanitarian Mission, the Nadezhda Missionary Centre, the Novaya Zhizn Missionary Centre and the Svet Miru Christian Mission. A total of 3,705 Islamic religious associations have been re-registered, of which 358 are central mosques and 3,347 are five-prayer local mosques. Strict compliance with the Act means that citizens, stateless persons and foreign nationals living in the country can fully enjoy their guaranteed rights and freedoms and meet their religious needs without any form of oppression or discrimination.

## **E. Economic, social and cultural rights**

### **1. The right to work**

72. Tajikistan recognizes the right of every person to just and favourable conditions of work. That right is ensured by domestic legislation: the Constitution, the Labour Code, the Social Partnership, Contracts and Collective Agreements Act, the Civil Service Act; instruments adopted by Parliament, the President, the Government, and local authorities; general, sectoral (on tariffs) and territorial (provincial, district, municipal) agreements; collective agreements and other laws and regulations governing issues related to pay for specific categories of workers where the standards should be consistent with the Labour Code and the international instruments recognized by Tajikistan.

73. Under article 14 of the Constitution, human and civil rights and freedoms are governed and protected by the Constitution, domestic legislation and international instruments to which Tajikistan is a party; while article 16 provides for foreign nationals and stateless persons to enjoy those rights and freedoms and have the same duties and responsibilities as Tajik citizens.

74. Article 4 of the Labour Code states that, under the Constitution, everyone has the right to work, to choose a profession and a job, to labour protection and to social protection against unemployment. The State guarantees every worker the right to:

- (a) Free vocational guidance, vocational training, retraining and further training;
- (b) Fair and timely remuneration for work performed;
- (c) Free assistance with the choice of an appropriate job and in finding a job in accordance with vocation, capacities and vocational training;
- (d) Working conditions that conform to health and safety requirements;
- (e) Rest that is provided through the establishment of working hours, in the form of weekly days off, a paid annual vacation and a shortened work day for a number of professions and jobs, etc.;
- (f) Participation in management of companies;
- (g) Provision of appropriate work for a period of no less than three years by registered companies to young specialist graduates;
- (k) Compensation for expenses arising from moving to a new place of residence and work, in accordance with the law;
- (i) Compensation for work-related damage to health or property;
- (j) Form trade unions and other organizations representing the interests of workers and labour collectives;
- (k) Strike;
- (l) Legal protection of labour rights and qualified legal counsel;
- (m) Social insurance benefits during temporary loss of capacity to work and other cases established by the law;
- (n) Protection from unemployment.

75. The Labour Code guarantees that legislation on civil rights and guarantees must be taken into account in recruitment, promotion, vocational training, terms of employment and dismissal, including of civil servants, irrespective of ethnic or social origin or background, religion, sex or colour. Thus, under article 7 of the Code, all citizens have equal

opportunities in labour relations. Any distinction, exclusion, preference or refusal to recruit on the basis of ethnic origin, race, colour, sex, age, religion, political opinion, place of birth or social origin that has the effect of impairing equality of opportunity in employment is prohibited. Distinctions based on job requirements specific to a given post or special treatment given by the State to persons in need of greater social protection (women, minors and disabled persons) do not constitute discrimination. Any person who considers that he or she has been subjected to discrimination in employment may institute the appropriate legal proceedings. The law guarantees a minimum wage for labour, that is, a monthly salary for unqualified employees in the case of full working for standard working hours and completion of simple labour in normal working conditions. Under Presidential Decree No. 894 of 22 June 2010, the minimum salary as of 1 July 2010 was 80 somoni per month, not including additional payments, benefits, bonuses and other incentives.

76. The Labour Code enshrines the right of every citizen or stateless person to enter labour relations with an employer on the basis of a signed labour contract according to which the worker is obliged to carry out the work of one or several professions, specializations or duties in line with his or her qualifications, and the employer is obliged to pay the worker for that work and provide proper working conditions (art. 26). The amount of salary paid for the worker's labour is set by agreement between the employer and the employee. The forms of and systems for payment of workers, including additional incentive or compensatory pay, in financially autonomous companies is set by collective agreements, contracts and other accords. Workers in public sector institutions and organizations, as well as State enterprises, have their pay conditions set by the Government. There may not be any change to the conditions of work that is detrimental to the worker (arts. 101 and 102). A labour agreement may be concluded in written or oral form; a contract can only be in written form. A labour agreement or contract comes into effect from the actual commencement of the work (art. 32). Under article 1022 of the Code, employers, regardless of their financial situation, are obliged to pay workers the established wage for work done.

77. The State Centre for Adult Education, established in 2008, runs collaborative projects under intergovernmental and interdepartmental agreements with the German Agency for Technical Cooperation (GTZ), the Imam Khomeini Imdad Committee of the Islamic Republic of Iran, the Turkish International Cooperation and Development Agency (TIKA), Caritas Germany and Hilfswerk Austria International, to build up the logistical base and teaching equipment in vocational training centres for 14 professions that correspond to the needs of the domestic and external labour markets. It should be noted that the Centre is to become the focal point for training highly qualified workers in the country. Thus the expansion and strengthening of its logistical base and teaching equipment, as well as that of other vocational training centres in the Ministry of Labour system is a strategic task (see annex I).

78. The following legislation on labour relations was drafted and adopted between 2004 and 2009:

2004

- Act No. 26 of 17 May 2004 on amendments to the Labour Code
- Government Decision No. 327 of 2 August 2004 on amendments to Government Decision No. 124 of 7 March 2001 on the Ministry of Labour and Social Protection (adopted to reinstate a single salary system for workers in all public sector branches of the country's economy, including the civil service)
- Presidential Decree No. 1403 of 4 November 2004 on measures to improve the level of social welfare for the population and increase the minimum wage and current base salaries for workers in public sector companies and organizations, pensions and scholarships

- Government Decision No. 472 of 3 December 2004 on measures to implement Presidential Decree No. 1403 of 4 November 2004

2005

- Government Decision No. 92 of 4 March 2005 confirming the Regulations for calculating average earnings for paid leave, benefits during temporary incapacity for work and other cases linked to payment of the average wage
- Government Decision No. 127 of 2 April 2004 on priority measures to improve the social and economic situation in Murghob district, Kūhisoni Badakhshon autonomous province, and its implementation
- Directives for calculating the adjustment coefficients for working in the districts or in deserts, waterless localities and mountainous districts, new wording, approved by the Ministry of Labour (No. 115 of 6 July 2005)
- Government Decision No. 285 of 1 August 2005 approving the list of professions and positions in scientific, academic, children's and cultural educational organizations and establishments where employment includes the right to annual basic extended leave

2006

- Presidential Decree No. 1716 of 20 March 2006 on measures to improve the level of social welfare and increase the minimum wage and current base salaries for workers in public sector companies and organizations, pensions and scholarships
- Government Decision No. 308 of 4 July 2006 confirming the Regulations for calculating average earnings for paid leave, benefits during temporary incapacity for work and other cases linked to payment of the average wage, taking into account the changes in State agencies, the police and security forces

2007

- Government Decision No. 313 of 1 June 2007 confirming the Regulations for calculating average earnings for paid leave, benefits during temporary incapacity for work and other cases related to payment of the average wage
- Government Decision No. 658 of 30 December 2007 on amendments to Government Decision No. 521 of 31 December 2002 on the list of production units, workshops, professions and positions involving dangerous or difficult working conditions, where work gives the right to a shorter working day and additional annual leave
- Government Decision No. 219 of 16 March 2007 on increasing the minimum wage and current base salaries for workers in public sector companies and organizations, and social benefits
- Government Decision No. 147 of 3 April 2007 on the Programme of Cooperation on Decent Work between the Tajikistan tripartite delegation and the International Labour Organization for the period 2007–2009

2008

- Government Decision No. 98 of 5 March 2008 approving guidelines on salary reforms
- Government Decision No. 173 of 1 April 2008 on the statutes of the tripartite commission for the regulation of social and labour relations



- Presidential Decree No. 480 of 20 June 2008 on measures to improve the level of social welfare and increase base salaries for workers in public sector companies and organizations, pensions and scholarships

2009

- Presidential Decree No. 671 of 20 June 2009 on measures to improve the level of social welfare and increase current base salaries for workers in social service organizations and institutions
- Code of Administrative Offences, No. 43 of 1 April 2009
- Directive No. 479 of 30 January 2009 on supplementary pay for workers in the case of late payment of salaries by employers
- Government Decision No. 181 of 2 April 2009 approving the rules for establishing recruitment quotas for specific groups of the population

### **Adoption of labour legislation for foreign nationals, stateless persons and in foreign companies**

79. Labour legislation also covers persons who are not Tajik citizens but are working under a labour agreement or contract in companies in Tajikistan, unless otherwise provided for by law or by international treaties to which Tajikistan is a party. Article 12 of the Labour Code stipulates that foreign nationals and stateless persons residing in Tajikistan may take employment as workers or employees at enterprises, institutions or organizations or engage in other employment on the same basis and under the same procedure as citizens of Tajikistan.

80. Article 17 of the Labour Code states that trade unions and their elected bodies in enterprises, or other bodies chosen by the workers, may represent and defend the workers' interests in labour relations. Article 211 of the Code provides for strikes as a last resort for resolving collective labour disputes. The decision to go on strike is taken at an assembly (conference) of the labour collective or appropriate representative body of the workers in an enterprise. The right to strike may be subject to restrictions where it poses a serious threat to life and health, or to State security or defence capacity.

## **2. The right to form and join trade unions**

81. The Trade Union Act establishes the legal basis for the activities of trade unions. The social and labour protection of military personnel and other law enforcement officers is governed by the applicable legislation. Article 2 of the Act provides for trade union organizations, if they so wish, to form associations of trade unions on the basis of their economic branch or location and to join such associations.

## **3. The right to housing**

82. The Housing Code was adopted on 12 December 1997. Issues related to housing in Tajikistan are governed by the Code and other relevant laws and regulations. A new draft of the Code is currently under discussion.

83. Under article 36 of the Constitution, every citizen has the right to housing. This right is upheld by means of public, social, cooperative and individual (private) housing construction.

84. Current legislation prohibits activities that prevent citizens enjoying their right to housing. Irrespective of ethnic group, race or descent, citizens who need better housing have the right to accommodation in public or social housing in line with the procedure established by law, the Code and other legislation. As a rule, persons who live permanently

in a given locality are provided with a separate apartment per family. Pursuant to article 22 of the Constitution, housing is inviolable. No one has the right to enter accommodation against the wishes of the persons living there, irrespective of their ethnic origin, race or descent (Code of Criminal Procedure, art. 13, para. 2). It is prohibited to intrude into or deprive a person of his or her home except in the cases prescribed by law.

#### **4. The right to public health and medical care**

85. See paragraphs 79 and 80 of the initial report in respect of the right to public health and medical care.

86. A national programme to combat HIV/AIDS for the period 2007–2010 was adopted to guarantee the rights of vulnerable groups suffering from HIV/AIDS. It is intended to reduce HIV prevalence and encourage the use of preventive measures, including by young people, adolescents, men and women. The National Coordinating Committee for HIV/AIDS Prevention and Control adopted and approved sectoral programmes for the Ministries of Health, Defence and Education, and the Committee for Youth Affairs, Sport and Tourism.

87. In 2007, the Ministry of Health set up medical counselling sections for young people in the youth-friendly services of six reproductive health centres in Dushanbe and two in the centrally administered districts. The main activities of these sections are to provide greater access to clinical and counselling services, and to improve young people's knowledge, attitudes and basic habits in respect of their sexual and reproductive health. The approach is aimed at organized youth groups and also vulnerable young people: migrants, military conscripts, street children and drug users.

88. In 2008, public meetings were organized in five districts in the Rasht Valley and all districts in Kūhistani Badakhshon autonomous province, in cooperation with the Committee for Women's Affairs, the Ministry of Internal Affairs, the Ministry of Education and the Healthy Lifestyles Centre, to raise public awareness of reproductive health issues, family planning, human trafficking, women's health, HIV/AIDS and sexually transmitted infections. They attracted over 2,500 people.

89. In 2008, experts from the National Reproductive Health Centre published 32 educational articles in newspapers and magazines on the topics of safe motherhood, reproductive health, family planning, extragenital pathologies, sexually transmitted infections and HIV/AIDS. Experts from the Centre took part in 42 television and radio broadcasts on those topics; in 2009 there were a further 29 such programmes and 21 educational articles were published.

90. Dissemination of knowledge about transmission and prevention is an important component of the strategy to reduce the level of HIV/AIDS infection and to improve attitudes towards people who have HIV. In 2007, 68.5 per cent of 15 to 49-year-olds were aware of HIV/AIDS. According to a survey of living standards, men showed a greater awareness on all issues than women. The number of new infections in women has increased over the past few years: for instance, 14 per cent of those officially registered in 2000 were women, whereas the figure for 1 April 2010 was 20.6 per cent. From the same survey, the 2007 figures for women and girls aged between 15 and 49 who were aware of the issue and knew how to protect themselves from HIV/AIDS infection were as follows: 63 per cent knew of at least one method of protection from HIV/AIDS; 54 per cent knew of at least two basic methods of protection; 16.2 per cent knew of three basic methods of protection; and 37 per cent did not know of any methods of protection. As of 1 April 2010, 2,009 persons were registered as HIV-positive, of whom 1,595, or 79.4 per cent, were men and 414, or 20.6 per cent, were women. The sexual transmission rate for HIV/AIDS tripled from 8.2 per cent in 2003 to 27.9 per cent in 2010.

91. Tajikistan pays particular attention to the gender aspect of HIV infection. There are strong stereotypes prevalent in society that hinder open discussion of sex between different genders and age groups, which prevents the dissemination of knowledge about HIV transmission and prevention, particularly among young people: 84 per cent of people with HIV/AIDS are in the 15 to 39-year age group. Social norms and stereotypes prevent women and particularly girls acquiring knowledge on sexual and reproductive health. For women in Tajikistan, primarily in villages, it is difficult and sometimes impossible to discuss issues related to sex with their husbands. Increasing numbers of HIV cases are being reported among migrant workers, with that group accounting for 20.2 per cent of new cases of HIV infection in the first half of 2009. In that connection, it is imperative to develop intersectoral programmes aimed at reducing women's vulnerability to HIV/AIDS and achieving gender equality in access to prevention and services. The Tajik Islamic Institute has included the issues of reproductive health and HIV/AIDS prevention in its curriculum. Local religious leaders are receiving training and are being encouraged to help promote safe behaviours.

92. In 2009, experts from the National AIDS centre, together with staff from the Ministry of Labour, held training seminars for religious leaders and representatives of neighbourhood religious leaders in Dushanbe and in Soghd and Khatlon provinces on prevention of HIV/AIDS and sexually transmitted infections. The Ministry of Health has adopted a number of laws, regulations and instruments with the aim of expanding pretest and post-test counselling, HIV testing and psychosocial support for pregnant women, and reducing vertical mother-to-child transmission of HIV, as well as reducing and preventing stigma and discrimination against HIV-positive women. Regular teaching seminars are held on HIV/AIDS prevention, modes of transmission, antiretroviral therapy, support and palliative care to prevent stigma and discrimination against people living with HIV by medical staff when providing services within the National AIDS Centre.

93. Despite this, there are still cases of stigma and discrimination against people living with HIV by medical staff during the provision of medical services. There is thus a need to hold teaching seminars to prevent this, and to raise awareness among health-care staff, especially primary health-care specialists, and acquaint them with the laws, regulations and instruments related to HIV/AIDS prevention that have been adopted by the Government and the Ministry of Health (the HIV/AIDS Act No. 150 of 28 December 2005, Government Decision No. 171 of 1 April 2008 approving the procedure for medical examination for HIV infection, reporting, medical check-ups of HIV-positive persons and preventive observation, and the list of persons subject to compulsory confidential medical examination for HIV infection according to epidemiological indicators).

## 5. Social welfare system

94. See paragraph 81 of the initial report in respect of the right to social protection.

95. The Ministry of Labour has developed a social welfare policy framework, approved by Government Decision No. 783 of 29 December 2006, to improve the well-being of poor population groups and provide social welfare for low-income families (irrespective of their racial or ethnic origin). A further Government Decision then approved a plan of measures to implement the framework. An effective mechanism for targeting social assistance is being set up and brought into operation. It concentrates on two main areas: help for general school students from poor families and rebates on electricity and gas charges for poor families, regardless of their ethnic origin, race or religion. A structural reform has now been carried out in this area, with the single-layer organization of work replaced by corresponding two-layer (i.e. district/municipal level and community level) commissions that are now operational. Budget allocations are planned to support the commissions' work.

96. The Government is paying particular attention to improving the regular services available to labour and war veterans, the families of war victims, the elderly and the disabled. The chief executives of provinces, cities and districts also pay close attention to these categories. The Dushanbe Local Assembly of People's Deputies adopted a decision to pay supplementary allowances and distribute food products to war veterans and persons with similar status, disabled persons, including those disabled as a result of the Chernobyl catastrophe, families with more than two disabled members, and pensioners aged over 75 or living alone who use the social services. In 2009, poor families received 36.3 million somoni in rebates, including 25.2 million for electricity charges, 9.7 million for natural gas and 1.5 million in other targeted social rebates. Social insurance funds provided 4.5 million somoni for workers' health care through the Federation of Independent Trade Unions of Tajikistan.

97. The results achieved in social welfare have generally been positive and include: scientifically-based standards for food and medicine in hospitals, the construction and commissioning of two buildings at the Chorbog National Centre in Varzob district and an isolation ward in Batosh residential clinic, Tursunzoda, as well as a 100-bed residential unit in Bokhtar district, Khatlon province, which is under construction.

98. The European Commission has a sector policy support programme in the area of social protection and welfare that includes: direct and non-earmarked budget support to a total of 17.5 million euros, a technical support project worth 5.5 million euros, and a total of 2 million euros in grants to non-governmental organizations for the implementation of social projects at local level.

99. There are 1,504 people in the Ministry of Health's inpatient clinics. In 2009, 11.4 million somoni from the State budget — 3.5 million more than in 2008 and 4.4 million more than in 2007 — was put into inpatient facilities. The figure in 2010 was 12.5 million somoni.

100. A department of social services and social welfare for families and children was set up within the Ministry of Labour in 2008 with the support of the United Nations Children's Fund (UNICEF); in 2009 alone, again with UNICEF support, more than 150 social workers from pilot districts received training; coordination between the social establishments providing services for children with special needs was improved; and children's rights sections were established within local executive authorities. A social worker training department has been set up under the National University's philosophy faculty as part of the collaboration with UNICEF. Twenty-five social workers from various institutions have taken part in a capacity-building project run in collaboration with Stockholm University.

101. Improvements have been made to the social services and methodological work in 45 social work departments and 6 centres that provide 30 types of social services for single people.

102. In six inpatient clinics, 63 hectares of land have been allocated for work therapy, and the resultant produce used for the needs of the patients.

103. There are three spa treatment centres and one residential facility for war and labour veterans that offer holidays to over 2,000 persons in need (irrespective of their racial or ethnic origin) each year.

## **6. The right to education and training**

### **Paragraph 17 of the Committee's concluding observations**

104. Schools are the most important institution for preserving and developing the ethnic, cultural and linguistic environment. Schools currently offer teaching in the Tajik, Russian,

Uzbek, Kyrgyz, Turkmen and English languages. Higher education institutions have groups for which Russian or Uzbek is the language of instruction. Ministry of Education figures for 2009 show that there were 3,773 schools, of which 1,167 taught in ethnic minority languages. Most classes with Russian as the language of instruction were in Dushanbe, Khujand, Chkalov, Tursunzoda and Qurghontepa; there were classes taught in Uzbek in Spitamen, Jabbor Rasulov, Tursunzoda, Shaartuz, Kabutiya and Nosiri Khusrav districts. Classes were taught in Kyrgyz in Murghob and Jirgatal districts; and in Turkmen in Jilikul district. See annex II.

105. Educational practice and research results show that schools where Russian, Uzbek, Kyrgyz or Turkmen are the languages of instruction, within the national education system, have exactly the same problems as Tajik-language schools: lack of funding and equipment, very large class sizes and inadequate numbers of textbooks. The specific problems of non-Tajik-language schools are related to their curricula, teaching programmes and textbooks. Before 2000, schools teaching in Uzbek, Russian, Kyrgyz and Turkmen followed the curricula and teaching programmes and used textbooks from their country of ethnic origin. In addition to the standards from their ethnic homeland, there were also obligatory State standards, in the Tajik language and the history, literature and geography of Tajikistan. Since 2000, all schools have been following Tajikistan's curriculum and programmes, with the same amount of time allocated to all subjects. This has given rise to a number of problems in non-Tajik-language schools: a serious lack of mother-tongue textbooks that meet the requirements of Tajikistan's curriculum and teaching programmes; a reduction in the time devoted to learning the mother tongue (Russian, Uzbek, Kyrgyz or Turkmen); and no time available for studying the history, geography and literature of the country of ethnic origin.

106. The issue of textbooks in Uzbek and Turkmen is becoming even more problematic now that Uzbekistan and Turkmenistan have changed to the Latin alphabet and also because textbooks published in Uzbekistan and Turkmenistan cannot be used in Tajikistan. Since Tajikistan uses the Cyrillic alphabet and Uzbek and Turkmen ethnic children in Tajikistan do not know the Latin alphabet, the Uzbek and Turkmen textbooks used in schools in Tajikistan are based on the Cyrillic alphabet. The Government has adopted the State programme for the development and publication of textbooks for the period 2007–2010, No. 391 of 3 August 2007, to ensure supplies of school textbooks. It covers the publication and distribution to all schools, including those using Uzbek as the language of instruction, of textbooks and teaching aids. Uzbek language schools have received a total of 1,100,000 copies of 32 different textbooks (using the Cyrillic alphabet). In 2004, the State budget funded the purchase of 15,000 textbooks from Kyrgyzstan for Jirgatal district. A further 10,000 somoni were allocated from the President's reserve fund for the translation of textbooks into Kyrgyz. The Ministry of Education has approved a group of teachers who will translate textbooks from Tajik to Kyrgyz and Turkmen for mixed schools. In recent years, 23,600 copies of 18 different textbooks (mother tongue, literature and mathematics) were ordered and supplied for schoolchildren taught in Uzbek. In 2010, a print run of 2,000 copies of the textbook *The History of the Tajik People* was produced for Kyrgyz schools. Tenders have been invited for the publication of the following textbooks for schools that use Russian, Kyrgyz and Turkmen as the language of instruction: geography for the eighth class in Kyrgyz schools, *Ene dili* (mother tongue), two parts, mathematics, *Kharflik* (alphabet book) for the first class in Turkmen schools, human rights for the eleventh class in Russian-language schools, and many others. Currently, 12 manuscripts for textbooks for Uzbek schools, 5 for Kyrgyz schools, 7 for Turkmen schools and 7 for Russian-language schools are in preparation and being assessed by experts. In 2010, with the cooperation of the Ministry of Education and Science of the Russian Federation, over 25,000 copies of textbooks, fiction books and educational manuals have been received in Tajikistan and distributed to Russian-language schools.

107. It should be noted that, because of funding problems, the State has limited possibilities for training teachers for ethnic minority schools. It is currently possible only to train teachers for Tajik-, Russian- and Uzbek-language schools. The Government is unable to provide training for teachers in other countries (such as Turkmenistan). One positive experience is the training that Kyrgyz language teachers have received in Kyrgyzstan on the basis of an intergovernmental agreement.

108. Mother-tongue vocational training is an equally acute problem for members of ethnic minorities. Data from the Ministry of Education for the 2009/10 academic year show that there were 28,288 students in Russian-language groups in the country's institutions of higher education and 3,536 in Uzbek-language groups, including the following full-time students: Russian-language: 19,300; Uzbek-language: 1,579.

109. Now that the Tajik-Russian Slavonic University has opened, there are more possibilities for the Russian-speaking population to receive vocational training in Russian. The possibilities for Uzbek-, Kyrgyz- and Turkmen-speaking young people are more limited because of shortages of staff who speak those languages and lack of training for them. The Tajik State Teaching University, Khujand State University and Qurghonteppa State University offer teacher training in a number of specializations in Uzbek. Specialists who speak Kyrgyz and Turkmen generally train in Kyrgyzstan and Turkmenistan, or follow courses in Russian or Tajik at institutes of higher education in Tajikistan.

110. The Ministry of Education is working on a draft National Educational Development Strategy for the period to 2020. It includes tasks and measures to address the following issues in secondary education:

- (a) Regular monitoring and assessment of the publication of textbooks for non-Tajik-language classes; Ministry of Education survey of schools' needs for textbooks for ethnic minority students;
- (b) Discussions with the ethnic communities regarding the need to set up non-Tajik-language elementary schools;
- (c) Discussion and adoption of measures to include additional teaching time in the curriculum for the history, geography and literature of the countries of ethnic origin;
- (d) Discussion and adoption of an action plan to train teachers for ethnic minority schools;
- (e) Situation analysis of issues related to further training for non-Tajik-language teachers.

**7. The right to equal participation in cultural activities (paragraph 19 of the Committee's concluding observations)**

111. Tajikistan's Cultural Development Programme for the period 2008–2015, approved by Government Decision No. 85 of 3 March 2007, is intended to ensure that the rights of citizens, including members of ethnic minorities, to preserve and develop their culture are respected. It covers:

- (a) Improving the activities of social and cultural institutions and developing folk arts;
- (b) Developing the theatre;
- (c) Developing traditional and modern culture;
- (d) Developing the fine arts;
- (e) Developing book publishing, libraries and information activities;

- (f) Developing science and education in the area of cultural art;
- (g) Protecting historical and cultural monuments and heritage;
- (h) Developing international cultural cooperation.

The Programme will make it possible to set up a new mechanism for the activities of cultural institutions, refine the way of working of cultural and arts institutions, taking account of the public demand for culture, further build up the physical infrastructure available for culture, expand the system for training specialists, taking account of public needs, and develop book publishing and folk arts.

112. There are 16 State theatres in the country. Eleven of them produce shows in Tajik, three in Russian (Mayakovsky Theatre in Dushanbe, Pushkin Drama Theatre in Khūjand and the Puppet Theatre in Chkalov), and one in Uzbek (in Spitamen district). The Aini Opera and Ballet Theatre produces works by Tajik authors, as well as Russian and world classics. Cities such as Dushanbe, Konibodom, Tursunzoda and Chkalov, and Jilikūl, Jirgatal, Spitamen and Jabbor Rasulov districts, have cultural groups representing the Uzbek, Russian, Kyrgyz, Turkmen, Korean and Azerbaijani peoples, which cooperate with provincial and district cultural offices in holding cultural events.

113. The country currently has the following ethnic ensembles and folk groups:

- Dilkhuroj, an Uzbek artistic ensemble (Dushanbe)
- Dustlik, a Tatar-Bashkir artistic ensemble (Dushanbe)
- Slavyanochka, a Russian Slavonic artistic ensemble at the Russian-Tajik Slavonic University in Dushanbe
- Beshkarsak, an Uzbek artistic ensemble (Yovon district)
- Turkmeny, a Turkmen family artistic ensemble (Jilikūl district)
- Umed, an Uzbek artistic ensemble (Spitamen district)
- Assor, an Uzbek ethnographic ensemble (Konibodom)
- The Umed artistic ensemble and the Assor Uzbek ethnographic ensemble function within the relevant cultural departments; the others are non-governmental

114. The Andaleb national television festival and competition and the Parastu national professional theatre festival and competition encourage the preservation and development of the cultural identity of national and ethnic minorities. One aim of the Andaleb festival is to promote friendship between the country's peoples, and its programme includes songs and dances by the different peoples who live in Tajikistan. In 2007, Kyrgyz and Turkmen families from Murghob, Jilikūl and Jirgital districts took part in the Guli Maksud national family ensemble festival, aimed at preserving and developing cultural identity and safeguarding the rights of national and ethnic minorities.

115. The Andaleb national television festival and competition has attracted ethnic minority artistic groups from all over Tajikistan since 2004. A regular annual Russian song and music festival competition is also now held in Soghd province, with participants from all the ethnic groups in the region.

116. The Cultural Development Programme for 2008–2015 includes festivals ethnic minority and Tajik diaspora folk ensembles in 2009, 2012 and 2015.

117. Days of culture celebrating the countries of the Commonwealth of Independent States, the Shanghai Cooperation Organization and others are held to promote mutual cultural links and a varied cultural life in Tajikistan's society. In 2005, these were:

- Tajikistan culture days in the Russian Federation
- Tajikistan days in the United Nations Educational, Scientific and Cultural Organization

In 2007:

- Tajikistan culture days in the Democratic People's Republic of Korea
- Tajikistan culture days in Azerbaijan
- Tajikistan culture days in Kazakhstan
- Belarus culture days in Tajikistan

In 2008:

- Democratic People's Republic of Korea culture days in Tajikistan
- Kazakhstan culture days in Tajikistan
- Tajikistan culture days in India
- Tajikistan culture days in Belarus
- Friendship Week in the Islamic Republic of Iran

In 2010:

- Turkmenistan culture days in Tajikistan
- Russian Federation culture days in Tajikistan
- Tajikistan culture days in Turkmenistan

Such events will continue in the future as the most effective way of mutually informing and enriching cultures.

118. The following ethnic associations (communities, councils, ethnic cultural centres) are registered in Tajikistan: Russian, Korean, Azerbaijani, Uigur, Uzbek, Kazakh, Georgian, German, Armenian, Turkmen, Kyrgyz, Ossetian, Tatar-Bashkir and others (see annex III). Their cultural centres offer various forms of cultural entertainment and informational activities, they produce works to mark State, historical and ethnic festivals and occasions, and hold events to celebrate famous names in literature, culture, science and art from the historic homelands.

119. The main problems that the Government is addressing are:

- (a) The lack of television and radio programmes to reinforce intercultural education;
- (b) The lack of attention paid in general schools to intercultural dialogue and education;
- (c) The poor command of the State language by members of ethnic minority groups.

## **F. The right of access to places of service**

120. See paragraph 84 of the initial report.



## **Information concerning relevant groups of victims and potential victims of racial discrimination**

### *Enjoyment of all rights and freedoms without racial discrimination*

#### (a) Refugees and displaced persons

121. The Refugees Act was adopted in May 2002 to address issues relating to refugees and to clearly allocate authority among the country's ministries and departments. The Refugees Act defines the grounds and procedure for recognizing persons seeking asylum as refugees in Tajikistan; establishes economic, social and legal safeguards to protect refugees' rights and legitimate interests; and defines refugees' legal status. According to article 2 of the Act:

A refugee is a person who is not a citizen of Tajikistan and is on its territory owing to a well-founded fear of being persecuted in the country of his or her nationality for reasons of race, religion, national or ethnic origin, membership of a particular social group or political opinion, and who is unable or, owing to such fear, is unwilling to avail him or herself of the protection of that country, or who, not having a nationality and in Tajikistan as a result of such circumstances, is unable or, owing to such fear, is unwilling to return to the country of his or her habitual residence.

An asylum-seeker is a foreign national or stateless person who has left the country of his or her nationality or former residence with the intention of seeking refugee status in Tajikistan.

A place of temporary settlement (centre) is a place of temporary residence for asylum-seekers and their family members applying for refugee status or recognized as refugees who are not able to settle independently in Tajikistan.

A temporary certificate of application registration is a document certifying the identity and legal status of an asylum-seeker applying for refugee status in Tajikistan in accordance with the Act.

A refugee certificate is a document in a standardized format certifying the identity of asylum-seekers recognized as refugees in Tajikistan.

Refugee status is a legal status (comprising a system of general rights, freedoms, obligations and legitimate interests defined by national legislation) granted to asylum-seekers recognized as refugees in Tajikistan.

122. Restrictions under article 3, on granting refugee status in Tajikistan, mean that the Act does not apply to the following cases:

Persons regarding whom there are serious reasons for considering that they have committed a crime against peace, a war crime or a crime against humanity as defined in the international instruments drawn up to make provision in respect of such crimes;

Persons regarding whom there are serious reasons for considering that they have committed a serious non-political crime outside Tajikistan prior to their admission to the country, and who apply for refugee status;

Persons regarding whom there is evidence of their possible involvement with special agencies of the country of their nationality, with international terrorist organizations or in drug trafficking;

Persons regarding whom there are serious reasons for considering that they have been guilty of acts contrary to the purposes and principles of the United Nations and the Organization for Security and Cooperation in Europe (OSCE);

Persons who are receiving protection or assistance from organs or agencies of the United Nations or OSCE, except the Office of the United Nations High Commissioner for Refugees.

The Act also does not apply to persons who have left the country of their nationality (former habitual residence) for economic reasons as a result of famine, epidemics or natural or man-made disasters.

123. Article 7 of the Act defines the rights of asylum-seekers applying for refugee status, including with respect to their choice of place of residence in cities and other areas of Tajikistan.

124. Article 6 of the Act outlines the procedure for submitting and reviewing asylum-seekers' applications for refugee status. Persons wishing to enter Tajikistan to seek asylum may submit their application for refugee status to the diplomatic or consular mission of Tajikistan in their country of residence. Asylum-seekers aged 18 or over who are seeking refugee status must apply in writing, either personally or through an authorized representative, to one of the following:

- If they have been forced to cross the border illegally, to the border protection authorities, security authorities or migration authorities at the border crossing checkpoint within one day of crossing the border. If circumstances beyond the asylum-seeker's control prevent his or her timely submission of an application for refugee status, the time limit may be extended to more than two days, but not beyond the period during which the circumstances prevail.
- If they have entered Tajikistan legally, to the migration authorities within one month of entry.

If an asylum-seeker is unable to apply for refugee status in person owing to the state of his or her health, an authorized representative may submit the application, provided a medical certificate regarding the applicant's health status is also submitted.

125. A person forced to cross the border illegally who claims refugee status in Tajikistan shall be detained by border troops or security units without being subjected to the sanctions imposed by national legislation for illegal entry into or presence in Tajikistan. Units of the State border protection authorities and security authorities shall, within 72 hours, notify the nearest migration office that there is an application requiring review. Information about family members under the age of 16 who arrive with an asylum-seeker is entered on the application of one of the parents or, in the absence of the parents, on that of a legal representative or a family member aged 18 or over who has voluntarily assumed responsibility for the conduct, support and upbringing of family members under the age of 16. When an asylum-seeker under the age of 16 enters Tajikistan unaccompanied by a legal representative, the migration authorities interview the person and fill out a questionnaire. Such persons are handed over to the tutelage and guardianship authorities in accordance with the Act and other national laws and regulations, pending a decision determining their legal status.

126. The legal status of asylum-seekers found not to have full legal capacity and claiming refugee status is determined in accordance with national legislation.

127. Applications by asylum-seekers belonging to the same family are reviewed separately for each family member aged 16 or over, with due regard for the Act's provisions.

128. When a family member who has reached the age of 16 cannot be considered a refugee under the Act, that person will, with his or her consent, be recognized as a refugee for purposes of family reunification.

129. A decision on whether to register an individual's application for refugee status is taken by the migration authorities' Commission for Determining Refugee Status within 10 working days of the date of application. The decision is based on an interview with the asylum-seeker, completion of a questionnaire on the basis of individual interviews, and an examination of the reliability of information about the person and accompanying family members.

130. A person whose application for refugee status has been registered is issued a temporary certificate of application registration (hereinafter certificate), which is a document confirming the person's identity.

131. Information about family members under the age of 16 who arrive with an asylum-seeker is entered on the certificate of one of the parents or, in the absence of the parents, on that of a legal representative or a family member aged 18 or over who has voluntarily assumed responsibility for the conduct, support and upbringing of family members under the age of 16.

132. An asylum-seeker under the age of 16 who has entered Tajikistan unaccompanied by a legal representative can also be issued a certificate on the recommendation of the tutelage and guardianship authorities.

133. The certificate is the basis on which a person and his or her family members applying for refugee status are duly registered with the internal affairs agencies in their place of residence for the period of consideration of the application. The certificate is also the basis for granting an asylum-seeker and his or her family members temporary accommodation where necessary.

134. The following are considered reasons for refusal to register an asylum-seeker's application for refugee status (art. 8) and for denial of refugee status:

- The request is clearly groundless or abusive
- Exclusionary clauses stipulated in the Act apply
- The person has previously been refused refugee status owing to the absence of circumstances that would make him or her a victim of persecution, provided that the situation in the country of his or her nationality (former habitual residence) has not changed between the date of receipt of the refusal and the date of filing of the new application
- The person is a citizen of a third country and can benefit from its protection, or has the right to stay legally in a third country and there is no well-founded fear of persecution in that country
- The person arrived directly from the territory of another country where he or she resided temporarily before coming to Tajikistan and was not subjected to persecution, or where he or she could in due course seek asylum or refugee status
- The person left the country of his or her nationality (former habitual residence) and does not wish to return there for fear of being punished in accordance with the legislation of that country for illegal departure from its territory or for any other offence committed on its territory
- The person was forced to cross the State border of Tajikistan illegally in order to apply for refugee status and did not apply for refugee status in the manner prescribed by the Act

- The person refuses to provide information, or deliberately provides false information, about him or herself and/or the circumstances of his or her arrival in Tajikistan
- The person is married to a citizen of Tajikistan and has, under the laws of Tajikistan, the possibility to obtain authorization for permanent residence in Tajikistan
- The person has authorization for permanent residence in Tajikistan (a residence permit)

135. Article 9 of the Act addresses the consequences of a refusal to register an application for refugee status. If registration of an asylum-seeker's application for refugee status is denied under the Act, the migration authorities should give or send to the person concerned, no later than five working days from the date of the decision, a notification stating the reasons for denial and the procedure for appealing against the decision, and explaining the legal status of the applicant and his or her family members in Tajikistan. The migration authorities inform the internal affairs and security authorities of the final decision to refuse registration of an application for refugee status in Tajikistan. Concurrently, they request the appropriate authority to grant the person an exit visa that is valid for the period required to appeal against the decision. A person who has submitted an application for refugee status to the migration authorities and received a notification of refusal to register the application, and who has not exercised the right to appeal against the decision, in accordance with the Act, is obliged to leave Tajikistan with his or her family members not later than one month after the date of receipt of notification of the refusal, unless he or she has other legal grounds for staying in the country.

136. Under article 5 of the Act, the security authorities, in consultation with the Office of the Procurator-General, decide on the deportation of individuals, and their family members, whose application for asylum and refugee status has been refused or whose refugee status has been withdrawn or removed, if they fail to leave Tajikistan within the prescribed period. These provisions are the basis of all international agreements entered into by Tajikistan on the expulsion, return and extradition of persons to another State. The Commission for Determining Refugee Status has been expanded in order to tackle the issue more effectively; the new membership, approved on 14 May 2007, includes representatives of relevant ministries and agencies.

(b) Indigenous peoples and minorities

137. The Constitution prohibits discrimination on the basis of race, or national or ethnic origin (arts. 1, 2, 5, 14, 24, 36 and 41). All ethnic groups and peoples living in Tajikistan have the right to use their mother tongue freely. Education in the mother tongue is the basis for the preservation of the people's culture and ethnic identity.

138. Preschools, general schools, primary, secondary and higher vocational schools and postgraduate vocational institutions may operate in other languages. Under the law, all ethnic groups and peoples in Tajikistan, including potential victims, may freely choose their language of instruction. The Language Act does not prevent the delivery of education or cultural and artistic activities in the mother tongue (see paragraphs 104–110 on the right to education and training, as well as paragraphs 111–119 on the right to equal participation in cultural activities).

139. In addition to schools with instruction in Russian, Uzbek, Kyrgyz and Turkmen, Tajikistan has one school that uses Dari as the language of instruction. Given the growing number of Afghan refugees and the overall flow of migration from neighbouring Afghanistan, the Government of Tajikistan is making every effort to assist in the education of Afghan children. Moreover, Afghan children are free to attend Tajik schools, the aim being to integrate child refugees into Tajik society. To facilitate learning, classes are held

with the support of international organizations and voluntary associations to teach children the Cyrillic alphabet, which is used for instruction in Tajik schools. At the same time, to preserve minority cultures and languages, many local schools provide additional classes in written Dari/Farsi and the history and geography of Afghanistan. Integration of Afghan refugee children into Tajik schools is aided by the fact that the Dari and Tajik languages belong to the same language group and differ mainly only in their writing systems. In fact, refugee children successfully complete their education in Tajik schools and many go on to successfully pursue higher education in Tajikistan. The main difficulty with mother-tongue instruction in schools is the lack of textbooks and various other educational materials. Moreover, curricula in schools where instruction is in the language of an ethnic minority do not include time for studying the history, literature and geography of the countries of ethnic origin. The Afghan school in Dushanbe has such a programme, based on an agreement between the Governments of Afghanistan and Tajikistan. However, the school's leaving certificates are subject to further certification by the Ministry of Education. Thus, continued efforts are needed to improve the regulatory framework in order to bring school curricula, including in schools teaching in the languages of ethnic minorities, up to general standards.

140. Various ethnic cultural associations — Tatar-Bashkir, Azerbaijani and Korean, among others — are active in Tajikistan. Ethnic ensembles and artistic groups are active and contribute to the development of minorities' ethnic identity and culture. Such associations are also becoming a platform for learning the language and history of the country of ethnic origin. Unfortunately, these associations do not always have the necessary resources to adequately meet the needs of educating ethnic minorities. And yet ethnic associations in particular could become a catalyst for improving the education available to minorities. Cultural events held in the country regularly feature personalities from the fields of education, culture and art in other countries. In this way the Government helps members of ethnic minorities to maintain close ties with their countries of ethnic origin.

(c) Women belonging to groups protected by the Convention

141. In affirming its acceptance of the principles enshrined in the United Nations Charter and as a State party to the Convention, Tajikistan has incorporated the standards and provisions of those instruments into national law. They are reflected in the Constitution, the Family Code, the Labour Code, the Civil Code, the Criminal Code, the Code of Criminal Procedure, the Act on State guarantees of equal rights for men and women and equal opportunities in the exercise of such rights, and other legislation and contain no provisions that directly or indirectly restrict women's rights and freedoms, that is, that permit gender-based discrimination.

142. The number of female pensioners has risen over the past decade, from 276,900, or 49.5 per cent of all pensioners, in 2000 to 320,900, or 57.9 per cent of all pensioners, in 2009. This is primarily because women have a higher life expectancy than men.

143. According to Government Decree No. 894 of 22 June 2010 on measures to strengthen social protection for the population by increasing the minimum wage and pensions, as of 1 July 2010 the minimum wage and pension rose from 60 to 80 somoni (irrespective of gender, race, ethnic origin, religion, etc.).

144. Undoubtedly, the high level of education is a factor in rising living standards. Female participation in the labour force is declining. In 2004, women represented 48.2 per cent of the workforce, while in 2008 the figure fell to 41.8 per cent. During that period the figure for men rose from 51.8 per cent to 58.2 per cent. Of the unemployed people registered with the employment service in 2008, 55.9 per cent of those who had resigned from their jobs were women and 44.1 per cent were men, while 58.3 per cent of those who had not had a job since leaving secondary school were women and 41.7 per cent were men. In 2008, the number of women who had resigned from their jobs compared to the total

number of registered unemployed who had resigned was 7.7 percentage points lower than in 2004, and the number of men who had resigned was 7.7 percentage points higher than in 2004. In 2008, the number of women who had not been employed since completing secondary school was 0.6 percentage points lower than in 2004, while the corresponding figure for men had increased by 0.6 percentage points.

## **Article 6**

### **Legislative, judicial, administrative and other measures which give effect to the provisions of article 6 of the Convention**

145. Article 19 of the Constitution guarantees everyone judicial protection. Everyone has the right to demand that his or her case be heard by a competent, independent and impartial tribunal established in conformity with the law. Persons have the right to legal counsel from the moment of arrest. The courts are designed to protect human and civil rights and the interests of the State, organizations, institutions, the rule of law and justice as enshrined in the Constitution and other laws of the country and in international legal instruments to which Tajikistan is a party. Crime victims are protected under article 21 of the Constitution. The law protects victims' rights. The State guarantees victims judicial protection and compensation for injury.

146. One of the purposes of the Code of Criminal Procedure is to strengthen the rule of law and enforce public policy, to prevent crime, promote respect for the law and human and civil rights and freedoms and ensure a fair judicial system. Under its article 8, everyone is guaranteed legal protection as a principle of criminal procedure, as enshrined in the Constitution. Everyone has the right to demand that his or her case be heard by a competent, independent and impartial court established in conformity with the law. Under article 22, suspects, accused persons, defendants and convicts have the right to protection. Every person, from the moment of arrest, is entitled to legal counsel. Under the Code, suspects, accused persons, defendants and convicts are entitled to exercise their right to defend themselves both personally and through their defence counsel or legal representative. Courts, judges, procurators, investigators and detectives are all obliged to explain their rights to suspects, accused persons, defendants and convicts, and to ensure that they have the opportunity both to defend themselves using the ways and means established by law and to protect their personal and property rights. Persons who are the subject of a criminal investigation and are subjected to coercive medical measures also enjoy the right to protection. Article 22 of the Code further provides that, in certain cases, those assigned to conduct criminal proceedings must ensure the participation of a defence counsel representing the suspect, accused person, defendant or convict.

147. One of the most important remedies provided through the competent authorities carrying out criminal proceedings is the obligatory participation of defence counsel under article 51 of the Code of Criminal Procedure. The participation of defence counsel in the proceedings of a criminal case is obligatory when:

- A suspect, accused person or defendant requests it
- A suspect, accused person or defendant is a minor
- A suspect, accused person or defendant cannot independently exercise his or her right to protection owing to physical or mental disabilities
- A suspect, accused person or defendant is not proficient in the language in which the proceedings are conducted
- A person is accused of committing a crime punishable by the death penalty or life imprisonment

Detectives, investigators, procurators, courts and judges may also consider the participation of defence counsel necessary in other cases, if they believe that the complexity of the case and other circumstances may make it difficult for a suspect, accused person or convict to exercise his or her right to defence. If in such situations a defence counsel is not engaged by the detainee, suspect, accused person or defendant or by his or her legal representatives, or by others with the consent of the aforementioned representatives, the detective, investigator, procurator, court or judge is obliged to ensure the participation of a defence counsel in the case. In such a case, the decision of the criminal prosecution bodies or the court regarding the participation of a defence counsel is binding on the Bar and the mandated attorney.

148. Both convicted and acquitted persons have the right to request a review of the verdict by a higher court in accordance with the procedure set out in the Code of Criminal Procedure. In addition, under the law there is a procedure for submitting a claim for just and adequate reparation or satisfaction for any damage suffered as a result of crime, including racial discrimination.

149. Recent years have seen a profound reorientation of values in Tajik society, so that individuals, their rights and freedoms, and the safeguarding and protection thereof are recognized as national development priorities. Article 14 of the Constitution affirms and safeguards fundamental human rights and freedoms in accordance with generally recognized principles and norms of international law, reflecting the country's desire to honour the basic values underlying the rule of law. Hence, the right of appeal is enshrined in the Constitution and is thus elevated to the level of fundamental human and civil rights and freedoms.

150. Article 23 of the Code of Criminal Procedure governs the right to appeal, placing it in the context of the principles of due process. Chapter 14 of the Code contains a body of regulations in respect of implementation of that right, detailing the grounds and procedure for appealing against actions (or inaction) by and decisions of public bodies and officials responsible for conducting criminal proceedings. See paragraph 42 of this report.

151. Article 773 of the Code of Administrative Offences permits a defence counsel to participate in the proceedings of a case concerning an administrative offence in order to provide legal assistance to the defendant. A representative of the victim may provide legal assistance to the latter. An attorney or other person may participate as defence counsel or representative in the proceedings of such a case. The defence counsel and the representative are permitted to participate in the proceedings from the moment that the administrative offence is recorded. When a person is detained in connection with an administrative offence, the defence counsel is allowed to participate in the proceedings from the moment of detention. Under the Code, the defence counsel and the representative who are allowed to participate in the proceedings of a case involving an administrative offence are entitled to review all case materials, submit evidence, file petitions and objections, participate in deliberations, appeal against the application of any measures taken in connection with the proceedings, and exercise other procedural rights. The right to appeal against such measures is enshrined in article 810 of the Code of Administrative Offences. A person in respect of whom such measures are taken may file a complaint with the relevant higher-ranking agency or official or with the court. The fact that an appeal regarding the application of measures in connection with the proceedings of an administrative offence is filed with the relevant higher-ranking agency or official does not preclude an appeal against such measures being lodged with the court. Harm caused by illegal actions of officials is subject to compensation in accordance with the Civil Code and the Code of Civil Procedure.

152. The State guarantees the provision of legal aid as expressed in the Bar Act (art. 5). An individual or a legal entity cannot be left without legal assistance. The State guarantees

real and equal access to legal assistance for all foreign nationals residing in or located on its territory. Also, under the law, in certain cases legal aid should be provided free of charge. The State shall guarantee the necessary funding to provide legal assistance to needy citizens and to pay for legal assistance provided either for free under the law or other than as stipulated in the agreement with the client.

153. Article 4 of the Code of Civil Procedure provides that, under prevailing civil legislation, every interested person has the right to judicial protection of infringed or disputed rights, freedoms and legitimate interests. According to article 48 of the Code, any citizen can go to court to protect the rights and legitimate interests of others. In certain cases provided for by law, national and local authorities, citizens and legal persons may apply to the court to protect the rights, freedoms and legitimate interests of other citizens at the request of the latter or those of the public at large. Claims to protect the interests of persons without dispositive capacity can be brought regardless of whether there is a request by the person concerned or his or her legal representative. Persons who submit a claim to protect the interests of others enjoy all the procedural rights and obligations of plaintiffs, except the right to conclude an amicable settlement and the obligation to pay court costs.

**Measures taken to ensure that victims do not fear social censure or reprisals, that there is no lack of trust in the police and judicial authorities, and that the authorities are sufficiently alert to offences with racial motives**

154. Measures are taken to ensure that victims do not fear social censure or reprisals, that there is no lack of trust in the police and the judicial authorities, and that the authorities are sufficiently alert to offences committed for reasons related to racial background. The public is regularly given opportunities to meet with judges, procurators and officials of the Ministry of Internal Affairs, as well as with representatives of other ministries, agencies and educational institutions and with researchers. They give presentations and publish articles relating to human rights, including their protection, in the media. Telephone hotlines have been set up, in line with the Ministry of Internal Affairs decision of 6 March 2009, in the Office of Staff and Human Resources and the State Automobile Inspection Department. The heads of the internal affairs departments in the provinces and Dushanbe, and the internal affairs bodies of other cities and regions are likewise responsible for establishing hotlines. Appropriate measures are taken for all telephone calls and these are, if necessary, kept confidential at the applicant's request.

**Paragraph 21 of the Committee's concluding observations**

155. The Commissioner for Human Rights Act of 20 March 2008 established the Office of the Commissioner for Human Rights. In accordance with article 4 of the Act, the Commissioner for Human Rights is appointed by the President of Tajikistan with the agreement of the Majlis-i Namoyandagon.

156. Under article 11 of the Act, the main functions of the Commissioner for Human Rights are to promote:

- (a) Respect for human and civil rights and freedoms;
- (b) Redress for violations of human and civil rights and freedoms;
- (c) Enhancement of national legislation on human and civil rights and freedoms;
- (d) Legal education for the public in human and civil rights and freedoms and the ways and means to protect them;
- (e) Cooperation among State authorities in protecting human and civil rights and freedoms;



(f) Development and coordination of international cooperation in the area of human and civil rights and freedoms.

To fulfil his or her role, the Commissioner for Human Rights must collect and analyse information from Government bodies; administrative bodies of villages and rural communities (*djamoat*); civil servants; managers and officials of institutions, organizations and businesses, regardless of their organizational and legal form; individuals; and the media. According to article 14 of the Commissioner for Human Rights Act, in order to facilitate the restoration of violated human and civil rights and freedoms, the Commissioner investigates complaints by citizens of Tajikistan, foreign nationals and stateless persons regarding decisions and actions (inaction) of Government bodies, administrative bodies of villages and rural communities, civil servants, managers and officials of institutions, organizations and businesses, regardless of their organizational and legal form, that violate human and civil rights and freedoms, provided the applicant has already appealed against those decisions or actions in a court or through administrative channels and disagrees with the ruling. Attempts to influence the decisions of the Commissioner for Human Rights by interfering in his or her work, failure by officials to execute duties stipulated by the Act, and impeding the Commissioner's work in any other way are punishable under article 30 of the Act. Since being appointed on 27 May 2009, the Commissioner for Human Rights has received no complaints of racial discrimination.

## Article 7

### Paragraph 22 of the Committee's concluding observations

157. In order to offer a multicultural education and to develop inter-ethnic understanding, the Shakhidi and the Atoev music boarding schools, which are specialized secondary schools, include, among others, the following compulsory subjects in their curricula: musical literature of the countries of the Commonwealth of Independent States (CIS), geography, general history and history of religion. In higher education institutions, including the Tursunzoda Tajik State Institute of the Arts and the Tajik National Conservatoire, the history and culture of ethnic minorities living in Tajikistan are explored in courses on cultural studies, the history of the music and fine arts of the CIS countries, ethnomusicology and so forth.

158. To encourage the production of world-class art and culture, to attract talented young people to perform professionally, and to discover young talent, every four years, the Ministry of Culture holds national competitions and festivals focusing on young artists, pianists and players of national instruments for 91 academic institutes of arts and culture.

159. The national Young Artists festival and three national Airapetyants competitions for young pianists were held in 2008 in line with the State Programme to Develop the Culture of Tajikistan 2008–2015.

160. Research in the country shows that, for the overwhelming majority of the population, language is a basic factor in both ethnic consolidation and ethnic differentiation. Knowledge of both the State language and other languages of the peoples of Tajikistan is therefore an important factor in fostering mutual respect and understanding between different ethnic groups. The Government is taking specific measures to foster love and respect for the Tajik language through various social and cultural events, such as anniversary festivities for cities, districts and prominent cultural figures. Language policy focuses special attention on the study of the State language by the non-Tajik-speaking population. Conferring the status of State language on the Tajik language and adopting the State Language of the Republic of Tajikistan Act in 2009 have promoted the role and significance of the school learning process for non-Tajik-speaking children in studying and mastering the State language.

161. The study of Russian and English is playing a particular role in the country's development today. Globalization and the increase in international labour migration make it especially important to learn these two languages because of their value on the labour market. Knowledge of Russian and English now not only provides a means of communicating and becoming familiar with the cultural heritage of the host country, but is also an important element in finding a job and adapting to local conditions.

162. The Government has taken a number of steps to improve language learning in Tajikistan. The Presidential Decree of 4 April 2003 on improving Russian and English language teaching and study in the country sets out the Government's short- and long-term language policy.

163. The Government has approved the State Programme to Improve Russian and English Language Teaching and Study for the period 2004–2014 (No. 508 of 2 December 2003). Implementation costs for the programme are projected to be US\$ 1.3 million, 41.5 per cent of which (\$550,200) will be allocated from the State budget. The remaining 58.5 per cent of the programme's budget is expected to come from extrabudgetary resources and external investments. Tajikistan is taking a range of measures to implement the Programme. Figures from the Ministry of Education show that 1,044 schools (17,460 classes), out of a total of 3,741 general education institutions, teach in Russian, Uzbek, Kyrgyz, Turkmen or English. This figure includes: 17 institutions (10,768 students in total) where the language of instruction is Russian; 101 schools (121,180 students overall) where the languages of instruction are Tajik and Russian; 1 school that teaches in Russian and Uzbek (42 students); 1 that teaches in Russian and Kyrgyz (273 students); 20 that teach in Tajik, Russian and Uzbek (24,172 students); 1 teaching in Tajik, Russian and Kyrgyz (803 students); 2 teaching in Tajik, Russian and English (1,692 students); 1 that teaches in English (426 students); 24 that teach in Tajik and Kyrgyz (7,112 students); 37 that teach in Kyrgyz (8,208 students); 569 that teach in Tajik and Uzbek (393,083 students); 341 that teach in Uzbek (107,264 students); 1 that teaches in Tajik, Uzbek and Turkmen (1,141 students); and 5 schools (2,786 students) in which Tajik and Turkmen are the languages of instruction. Under the State Programme, Russian is taught as a separate subject in preschool institutions. In general schools, the 2010/11 curriculum has classes with Tajik as the language of instruction in years 2–11 spending a total of 24 teaching hours per week on the Russian language; this is two hours more than in the 2004/05 academic year. In Soghd province 3,467 teachers of Russian and 221 teachers of English attended in-service training in 2010. Syllabuses and programmes have been prepared in accordance with national standards to train teachers of Russian for higher education and special emphasis has been put on improving the quality of instruction and the level of knowledge. Specialists for preschools and general schools are trained at the Sotim Ulugzade Tajik State Institute of Languages, the Sadriddin Aini Tajik State Pedagogical University, the Tajik National University, the Russian-Tajik Slavonic University, the Bobodzhon Gafurov State University in Khujand, the Nasir Khusraw State University in Qurghonteppa, the Abu Abdullah Rudaki State University in Kulob and the Moensho Nazarshoev State University in Khorugh. There has also been a gradual increase in the number of students specializing in Russian language and literature. At present, 1,181 students are taught in Russian at 120 clusters of specialized primary and secondary schools. There are 4,036 students studying Russian language at institutes of higher education and 3,120 groups (31,236 students) studying various subjects with Russian as the language of instruction. The last five years have seen the widespread application of a tripartite agreement on training for teachers of Russian for general schools in remote regions concluded between local executive authorities (*khukumat*), higher education institutes and students.

164. With the aim of developing mutually beneficial bilateral cooperation between institutes of higher education in Tajikistan and those in other countries, bilateral agreements on training for Russian language teachers were signed with the Pushkin State Russian

Language Institute, the Moscow State Linguistic University and the Peoples' Friendship University of Russia. In addition, a draft agreement on staff and student exchanges between the Sadriddin Aini Tajik State Pedagogical University and Pyatigorsk State Linguistic University in the Russian Federation is at the point of signing. The Russian-Tajik Slavonic University has also concluded a number of bilateral agreements with institutes of higher education in the Russian Federation, to provide study and further training for teachers of Russian in Russian institutions. A similar practice has been adopted at the Sotim Ulugzade Tajik State Institute of Languages.

165. As part of the State Programme, an institute of further training for general school Russian language teachers has been opened under the Russian-Tajik Slavonic University. Russian centres have been opened at the Russian-Tajik Slavonic University, the Sadriddin Aini Tajik State Pedagogical University, the Sotim Ulugzade Tajik State Institute of Languages and the Tajik National University in order to improve the quality of Russian language teaching. Supported by the Russkiy Mir Foundation, the centres are intended to act as a catalyst for systemic changes in the methods of study used for Russian language teaching and the training and retraining of language and literature teachers working in educational institutions in Tajikistan.

166. The Russian centres play an important role in implementing the largest Russian-language projects and bringing them to life in a contemporary and innovative way, as well as in ensuring effective and good quality teaching of Russian, based on a solid, broad knowledge of the language and of life in the Russian Federation. Creating Russian centres and holding various organized events across the country will undoubtedly lay the foundations for an innovative system of Russian teaching and learning that will live up to both contemporary standards and the modern world's cross-linguistic and intercultural markers.

167. The Ministry of Education's higher education system has two committees that consider the defence of doctoral theses and five committees that consider the defence of master's theses. All scientific theses are completed and defended in Russian and receive final confirmation from the Higher Attestation Commission of the Russian Federation.

168. In line with the requirements of the State Programme and the needs of the national economy, higher education institutions are obliged to develop training mechanisms for industry-specific translators. Since 2005, 10 translators of Russian have been trained every year in each of the following areas: law, journalism, the humanities, economics and management, geology, art and culture, military affairs, medicine, agricultural technology, communications and information technology, and the transport industry.

169. One way of encouraging improvements in Russian language study is by publishing textbooks and methodological teaching aids. In this connection, *An Anthology of the Tajik People's Reflections on Pedagogy* was published in Russian with the support of the Government of Tajikistan and presented to the country's teachers. The methodological journal *Russian Language and Literature in Tajikistan's Schools* is also published every quarter.

170. The Tajik Ministry of Education and the Russian Ministry of Education and Science are introducing the phased publication of 62 textbooks for general schools that use Russian as the language of instruction, 26 textbooks for specialized primary and secondary schools and 189 literary works in Russian, making a combined total of 22,000 books.

171. Under the above-mentioned State Programme, many institutes of higher education in Tajikistan have already prepared and published monographs, textbooks, teaching aids and dictionaries. The Academy of Education has released the textbook *Pedagogy*, a series of lectures for teachers of Russian, *A Teacher's Guide to Russian Language for Classes 2 to 11*, *Collected Texts to Summarize in Russian for Classes 7 to 10 of Schools using Tajik or*

*Uzbek as the Language of Instruction*, and *Russian Language Tests for Classes 5 to 11*. The Russian-Tajik Slavonic University undertook the following activities in 2010 under different parts of the State Programme:

- Preparation and publication of a methodology aid for teachers of Russian entitled *Organizing Russian Language Tests in Secondary Schools with Tajik as the Language of Instruction*
- Hosting of a round table on the organizational and methodological problems of teaching Russian language and literature to first-year groups in the Humanities Faculty studying in the Department of Russian language and literature in national (Tajik) schools
- Preparation of two new teaching aids and textbooks on the English language: *Theoretical English Grammar (a course of lectures)* by A.G. Gainutdinova (2010) and *Country Studies* by P.D. Dzhamshedov (2010), as well as *Practical Grammar* by O.V. Svirid, A.I. Soloveva, N.P. Bobrovskaya, currently in preparation
- Organization of the English Speakers' Club
- Publication of two collections of academic works considering linguistic issues and improvements to the teaching of English language

172. National Russian language competitions are held annually for general school students in accordance with the regulations on school competitions. In the academic year 2009/10, 130 students participated, and 36 won prizes, in the national school competitions for English language and Russian language.

173. In all general education schools across the country, Tuesday is "Russian Day", when students and teachers communicate only in Russian. This greatly assists students' acquisition of the language.

174. All schools and institutes of higher education in Tajikistan currently have access to electronic versions of Russian-Tajik and Russian-Tajik-English dictionaries.

175. All available resources and opportunities are being used to implement the State Programme to Improve Russian- and English-Language Teaching and Study 2004–2014, and regular checks will be carried out in future to monitor the effectiveness of the programme.

176. Ministry of Education textbook publishing plans for the coming years include the publication of more titles and editions for classes that use a language other than Tajik as the language of instruction.

177. The Government has developed a number of measures to improve the teaching and learning of the State language in non-Tajik-speaking schools. Due to the shortage of funds, the use of extrabudgetary resources and external investments to create a system for teaching the State language based on the development and implementation of the State Programme on the Study of the State Language at All Levels of Education needs to be discussed with donors and ethnic communities. Furthermore, special attention should be given to improving teacher training for teachers of Tajik in schools where it is not the language of instruction by creating special groups at teacher training institutions. Tajik language dictionaries, reference materials and teaching aids for non-Tajik-speaking schools should be prepared and published, and there should also be regular monitoring and evaluation of the Tajik language learning process in non-Tajik-speaking classes at general education schools.

#### **Paragraph 10 of the Committee's concluding observations**

178. See paragraphs 62 to 65 above on the right to nationality and naturalization.

**Paragraph 11 of the Committee's concluding observations**

179. See paragraphs 5 to 30 above, which refer to articles 1 to 4 of the Convention.

**Paragraph 12 of the Committee's concluding observations**

180. See paragraphs 55 to 60 above on political rights.

**Paragraph 13 of the Committee's concluding observations**

181. Government Decision No. 325 of 26 July 2000, which lists the population centres in which asylum-seekers and refugees are not permitted to reside temporarily, notes that the criteria for not allowing refugees and asylum-seekers to live in certain places are related to public order and safety issues.

**Paragraph 14 of the Committee's concluding observations**

182. See paragraphs 62 to 65 above on the right to nationality and naturalization.

**Paragraph 15 of the Committee's concluding observations**

183. The forcible return of Afghan refugees to their country of permanent residence has not been systematic, but rather a measure of last resort taken in exceptional cases where an individual has committed an offence or violated laws, and represents a threat to society, and the legality of the expulsion has been confirmed by judicial decision. Matters related to the forcible return of refugees, particularly Afghans, to their countries are regulated by the Legal Status of Foreign Nationals Act and the Refugees Act. Under article 31 of the former and article 5 of the latter, the removal of foreign nationals from Tajikistan is carried out on the decision of the security forces, but only with the agreement of the Procurator-General; it is subject to appeal through the courts.

184. In 2004, the security forces deported or removed 257 foreign nationals from Tajikistan for violating the above-mentioned articles; 164 people were deported and 93 were removed.

**Number of foreign citizens deported or removed by the security forces in 2004**

<i>Country</i>	<i>Deported</i>	<i>Removed</i>	<i>Total</i>
Afghanistan	56	30	<b>86</b>
Bangladesh	10	-	<b>10</b>
Belarus	1	-	<b>1</b>
India	2	1	<b>3</b>
Iran (Islamic Republic of)	2	6	<b>8</b>
Kazakhstan	-	1	<b>1</b>
Kyrgyzstan	-	1	<b>1</b>
China	4	-	<b>4</b>
Republic of Moldova	3	1	<b>4</b>
Pakistan	2	-	<b>2</b>
Uzbekistan	73	53	<b>126</b>
Ukraine	1	-	<b>1</b>
<b>Overall total</b>	<b>164</b>	<b>93</b>	<b>257</b>

Over nine months in 2005, the security forces deported or removed 134 foreign nationals from Tajikistan: 103 were deported and 31 were removed. These included 52 citizens of Uzbekistan who were deported and 30 removed, 44 citizens of Afghanistan deported and 1 removed, and 7 citizens of Nigeria. In 2007 the security forces deported 11 citizens of Afghanistan.

#### Number of foreign nationals deported or removed by the security forces in 2008

<i>Country</i>	<i>Deported</i>	<i>Removed</i>	<i>Total</i>
Afghanistan	30	37	<b>67</b>
China	1	-	<b>1</b>
Uzbekistan	4	3	<b>7</b>
<b>Overall total</b>	<b>35</b>	<b>40</b>	<b>75</b>

#### Number of foreign nationals deported or removed by the security forces in 2009

<i>Country</i>	<i>Deported</i>	<i>Removed</i>	<i>Total</i>
Afghanistan	28	30	<b>58</b>
India	-	1	<b>1</b>
Iran (Islamic Republic of)	1	-	<b>1</b>
Kazakhstan	1	2	<b>3</b>
China	4	-	<b>4</b>
Kyrgyzstan	1	-	<b>1</b>
Republic of Moldova	3	21	<b>24</b>
Pakistan	2	-	<b>2</b>
Russian Federation	2	2	<b>4</b>
Korea (Democratic People's Republic of)	8	-	<b>8</b>
Syrian Arab Republic	1	-	<b>1</b>
Turkey	-	1	<b>1</b>
Uzbekistan	57	49	<b>106</b>
Philippines	2	-	<b>2</b>
<b>Overall total</b>	<b>110</b>	<b>106</b>	<b>216</b>

185. In accordance with article 31, paragraph 3, of the Legal Status of Foreign Nationals Act and article 2, paragraph 2, of the Refugees Act, the relevant documentation is compiled for each case of deportation of a foreign national by the security forces. The case file is submitted to the Office of the Procurator-General for review, and the Procurator-General's agreement to deportation is given only if the case is substantiated.

186. Removal of foreign nationals generally occurs when a person's documents are found to be incomplete on crossing the Tajik border or where there is some other non-compliance with the requirements of national legislation. Thus, in accordance with Intergovernmental Resolution No. 347 of 21 August 2000 approving the Agreement between the Republic of Tajikistan and the Republic of Uzbekistan on travel between those countries by citizens of towns and settlements in the border regions, residents of the areas listed have the right to travel without visas across the border between the two States. However, large numbers of residents of the central and other regions of Uzbekistan attempt to cross the border of Tajikistan without visas, in contravention of the Agreement. The relevant Tajik authorities stop such violations of the law and return the law-breakers to Uzbekistan.

187. Until February 2011, under article 4 of the Refugees Act, issues related to refugees in Tajikistan were regulated by the Ministry of Internal Affairs, the State National Security Committee and the Ministry of Foreign Affairs, all of which are executive bodies of Tajikistan. A governmental Migration Service has now been established.

188. In conformity with article 5, paragraph 7, of the above Act, an individual is recognized as a refugee on presentation of the appropriate documentation to the Migration Service and is only provided with a refugee card in the established format following a decision of the commission. Under article 12, paragraphs 2, 3 and 5, of the Act, persons with refugee status may live only in the places on the Government's list, subject to a lease concluded between the Migration Service and the refugee at the time of issue of the refugee card or temporary residence authorization, in accordance with the Government Decision on the residence of refugees.

189. Government Decision No. 218 of 15 May 1999 approving the regulations for the residence of foreign nationals in Tajikistan and the regulations for the transit of foreign nationals through Tajikistan formed the basis for a Government Decision adopted in 2000 confirming the list of settlements in Tajikistan where refugees are not permitted to reside temporarily. Local authorities make every effort to ensure that refugees are settled in districts and areas with adequate infrastructure. The safety and well-being of asylum-seekers are considered when placing them, as are the requirements of the receiving State. There is a proposal to improve the legislative framework and to set up a short-stay reception centre for asylum-seekers. The figures for refugees and asylum-seekers registered by place of residence, in line with Government Decisions No. 325 of 26 July 2000 and No. 328 of 2 August 2004, are as follows:

- Dushanbe – 621 persons (registered prior to the adoption of the Government Decision)
- Vahdat – 1,445 persons
- Hisor district – 80 persons
- Shahrinaw district – 29 persons
- Rudaki district – 134 persons
- Soghd province – 145 persons
- Khatlon province – 139 persons

Tajikistan observes the fundamental principles and standards agreed in international treaties in respect of treatment of refugees. For example, following the events of June 2010 in Kyrgyzstan, 12 applications for refugee status from heads of families, involving 56 people in total, were granted.

**Information on the Roma community (paragraph 16 of the Committee's concluding observations)**

190. According to the 2000 census, there were 4,249 Roma (Jugi) living in Tajikistan.

**Number of Roma living in Tajikistan according to the 2000 census**

<i>Republic of Tajikistan</i>	<i>Number of people</i>	<i>Men</i>	<i>Women</i>
Urban and rural population	4 249	2 148	2 101
Urban population	1 664	823	841
Rural population	2 585	1 325	1 260

191. The rights and freedoms of Roma who are Tajik citizens are provided for in the Constitution, national legislation and the international legal instruments recognized by Tajikistan, whereas for foreign nationals and stateless persons they are regulated by the Legal Status of Foreign Nationals Act and other relevant domestic laws and regulations. As citizens of Tajikistan, Roma have the rights and obligations guaranteed by the Constitution.

192. Statistics from the internal affairs agencies indicate that most of the Roma community currently live in: Dushanbe and Hisor district – 622 people (84 families), Tursunzoda district – 1,421 people, Shahrinaw district – 640 people (68 families), Varzob district – 1,025 people and Rudaki district – 210 people.

193. The Government conducted a review of the living conditions of the Roma community in partnership with the Panorama Foundation and other non-governmental organizations. A mini-survey was carried out in the subdistrict (*jamoat*) of Khūjamiyei Poen in Shahrinaw district and interviews were held with the Roma representative of the subdistrict and Roma living in the village (*kishlak*). The mini-survey revealed that the Roma community experienced a broad range of problems:

- Lack of passport
- Lack of residence permit
- Illiteracy
- Unemployment

During the exercise it became clear that the general socio-economic situation in the country, as well as the cultural traditions and stereotypes of Roma, had an impact on the community in respect of employment, permanent residence and the schooling of children. Despite the fact that many Roma already have passports, residence permits and employment in various sectors of the economy, and tend to put their children into education, others do continue to beg, do not wish to work and do not possess a passport. A more detailed assessment of this information and the general situation of the community is planned. Sociological research by the Panorama Foundation revealed that basically all Roma, both men and women, tell fortunes and beg, both on the street and door-to-door. Some of them, however, do now work in construction or as shepherds. The adults go into town early in the morning and disperse among the streets. Some sit on the street or in underpasses and beg, while others walk around begging. A number of them go to the bazaar and work there as day labourers. Most of the school-aged children are not in education. This is due as much to the attitudes of others towards the community as it is to the parents' and children's own attitudes; Roma children suffer stigma in school.

#### **Governmental follow-up on the problems of the Roma community**

194. At present, the idea of a more detailed study of the situation is under discussion. There are plans to develop a programme on the basis of that research to encourage individuals from the Roma community to become involved in socio-economic life and to protect their rights.

#### **Paragraph 17 of the Committee's concluding observations**

195. See paragraphs 104 to 110 on the right to education and training.

#### **Paragraph 18 of the Committee's concluding observations**

196. Despite the significant political and economic changes, Tajikistan remains a multi-ethnic State. A great number of different languages and dialects are therefore in use throughout the country.



197. Four State publishing houses under the Ministry of Culture produce publications primarily in Tajik and sometimes in Russian or Uzbek. In 2010, they published 174 books and pamphlets with a combined print run of 288,800 copies: 165 titles were in Tajik, 4 were in Russian, 4 in Uzbek and 1 was in English.

198. As of 1 January 2011, there were 412 newspapers, magazines and news agencies registered in Tajikistan: 268 newspapers, 136 magazines and 8 news agencies. The publications available in each language were as follows: 174 in Tajik, 34 in Russian, 10 in Uzbek, 1 in Kyrgyz and 260 in a combination of Tajik, Uzbek, Russian and other languages. Khovar, the national information agency of Tajikistan is the only State news agency; the other seven are non-State agencies.

199. Tajikistan has four State television channels: Tajik Television Channel One, Safina Television, Bakhoriston Children's Television and Poitakht. Channel One and Bakhoriston Television are run by the Government's Committee for Television and Radio Broadcasting. Bakhoriston Television receives its own budget from the State, while Channel One is financed through the Committee for Television and Radio Broadcasting, which has offices in Kūhisoni Badakhshon autonomous province, Khatlon province and Soghd province, as well as in the town of Kūlob, where it has radio and television broadcasting divisions. Channel One broadcasts primarily in the State language, although it also has programmes in Russian: *Akhbor*, a 15-minute news programme, at 7 p.m. each day, as well as *Silhouette*, a cultural programme focusing mostly on the visual arts, and *Sovremenniki*, about public figures, which are both shown once a month. Channel One also broadcasts *Akhbor* (15 minutes) and *Diinor* (Get Together), a 20-minute entertainment programme, in Uzbek each week. The regional television channels for Kūhisoni Badakhshon autonomous province, Khatlon province and Soghd province broadcast for 1.5 hours each day. Soghd province television shows programmes in Uzbek twice a week: *Okshom* (Good Evening), a 20-minute entertainment programme, is shown on Wednesdays, and *Yangiliklar* (News) is a 10-minute programme broadcast on Saturdays. Soghd province television screens *Nedelya* (The Week), a 20-minute news analysis programme, in Russian every Saturday. Feature films are shown in Tajik and Russian.

200. As of 1 January 2010, 18 non-State television broadcasters were registered in Tajikistan, 12 of them in Soghd province. On account of the ethnic composition of the population, Gulakandoz television studio in Jabbor Rasulov district and Regar television studio in Tursunzoda district broadcast a fair number of programmes in Uzbek, for example. All the regions that border Uzbekistan receive television broadcasts from that country. Overall, the time afforded each week to programmes in minority languages on State, regional and local channels, as of 1 January 2009, was as follows:

- 39 hours and 55 minutes in Russian, including feature films and documentary films but excluding concerts
- 3 hours and 45 minutes in Uzbek, excluding concerts
- 50 minutes in Arabic
- 50 minutes in English

201. There are three State radio stations in Tajikistan run by the Committee for Television and Radio Broadcasting: Radio Tajikistan, Sadoi Dushanbe (Voice of Dushanbe) and Ovozi Tochik (Tajik Voice). Radio Tajikistan (the main station) broadcasts round-the-clock in Tajik. Ovozi Tochik took over from the former overseas service on 1 June 2007, broadcasting for 16 hours daily, from 7 a.m. to 11 p.m., in seven languages: Tajik, Farsi, Dari, Russian, Uzbek, English and Arabic. Sadoi Dushanbe also broadcasts 16 hours daily, 14 in Tajik and 2 in Russian.

202. There are eight non-State radio stations, of which 75 per cent broadcast in Tajik and 25 per cent in Russian: Asia Plus, Asia FM, Vatan, Oriëno Media, Avis Plus, Tiroz, Tiroz + and Mavchi Tochik. Radio Tajikistan broadcasts 54 hours of daily programming in total across its three channels. A total of 308 hours of original programming is broadcast each month, of which 27.1 per cent is in Russian, 2.4 per cent in Uzbek and 2.6 per cent in other languages. There are a number of factual programmes aimed at developing inter-ethnic understanding, respect and tolerance: *News from the Commonwealth*, *Sovremenniki* and *Diinor*, as well as *ART Panorama* and *The Gift of Music*.

203. Daily broadcasts in minority languages on State radio stations, as of 1 June 2010, consisted of:

- 6 hours in Russian
- 2 hours in Uzbek
- 6 hours and 55 minutes in Arabic
- 4 hours in Farsi
- 4 hours in Dari
- 72 hours in Tajik

#### **Governmental follow-up**

204. The Government intends to consider the advisability of developing and adopting a State programme on support and development for ethnic minorities, including financial support for organized events, in order to foster the appropriate conditions and provide support for the minorities to preserve and develop their languages and cultures.

#### **Paragraph 19 of the Committee's concluding observations**

205. See paragraphs 111 to 119 above on the right to equal participation in cultural activities.

#### **Paragraph 20 of the Committee's concluding observations**

206. See paragraphs 26 and 30 above, which refer to article 4 of the Convention.

#### **Paragraph 21 of the Committee's concluding observations**

207. See paragraphs 145 to 154 above, which refer to article 6 of the Convention.

#### **Paragraph 22 of the Committee's concluding observations**

208. See paragraphs 157 to 177 above, which refer to article 7 of the Convention.

#### **Paragraph 23 of the Committee's concluding observations**

209. Human rights are a multifaceted phenomenon and are globally recognized as the most precious heritage of humankind. Tajikistan supports the World Programme for Human Rights Education proclaimed by the General Assembly of the United Nations and notes that such education makes a significant contribution to the work of realizing human rights.

210. Tajikistan possesses a network of educational establishments to train and retrain lawyers and law enforcement agents. It includes law faculties at a number of institutes of higher education, namely the Tajik National University, the Academy of the Ministry of Internal Affairs, the State National Security Committee College, the Further Training

Centre of the Office of the Procurator-General and the Council of Justice Judicial Training Centre.

211. Under the framework of the programme on the State system for human rights education in Tajikistan, approved by Government Decision No. 272 of 12 June 2003, a systematic analysis of the state of human rights education is under way and measures are being taken to improve human rights teaching and training in the Tajik education system. Similar measures are being taken in other ministries and departments that oversee preschool and educational institutions. Staff are being trained and instructed on raising public awareness and providing information on human rights.

212. In accordance with Presidential Decree No. 691 of 9 September 1997 on legal policy and the legal education of Tajik citizens and the Government Decision on certain measures to improve the legal education of citizens and legal work in the country, the Programme for Legal Education and Training for Tajik Citizens 2009–2019 was developed and approved by Government Decision No. 253 of 29 April 2009.

213. On the basis of the above-mentioned documents, syllabuses and workplans have been drafted and introduced at the Further Training Institute for staff of law enforcement agencies, judicial bodies and the legal services of enterprises, institutes and organizations of the Ministry of Justice, as well as at the Central Penal Enforcement Department of the Ministry of Justice. Ministry of Justice staff also participate actively in national and international conferences, seminars, round tables and discussions with human rights experts and specialists. Furthermore, new recruits at the Central Penal Enforcement Department spend two months following courses at the Department's study centre with the involvement of the most highly skilled staff and guest human rights specialists (lecturers in human rights). At the end of the courses, examinations and tests are held, and a list of the results is compiled. In accordance with the Ministry's approved plan, the Institute also offers certificate-level group courses.

214. Since 2005, the Council of Justice Judicial Training Centre has held regular study seminars for judges on international human rights conventions that have been ratified by Tajikistan and on the study and implementation of international legal norms in national legislation. Judges with up to five years of work experience have studied international law and human rights: 220 judges in 2005, 219 in 2006, 200 in 2007, 194 in 2008 and 119 in 2009. There have been 10 seminars, 8 hours in total, on the problems of combating trafficking in persons; 9 seminars, 16 hours in total, on international minimum standards for juvenile justice; 10 seminars, 8 hours, on human rights protection mechanisms and 10 seminars, 8 hours, on the implementation of international norms in national legislation. With the aim of improving the practical skills of Tajikistan's judges, the Council of Justice has held short study seminars in Kūhistoni Badakhshon autonomous province, Khatlon province, Soghd province, Dushanbe and Hisor district on the rights of children, women and refugees. These have become particularly pertinent since Tajikistan gained independence and took on binding international human rights obligations. In addition, in 2006 the Council of Justice Judicial Training Centre, in cooperation with UNICEF, held study seminars for 179 members of the judiciary on international minimum standards for juvenile justice, as part of the General Curriculum 2 project.

215. In 2007, under a project to identify sentences that contravene the Convention on the Rights of the Child and to train judges, a group of researchers consisting of Supreme Court judges and the Supreme Court Chief of Staff held a seminar in Dushanbe, Soghd province and Khatlon province with the support of UNICEF. During the project, 66 judges from courts of general jurisdiction received training.

216. As part of the Training Centre's strategic plan under the General Curriculum 4 project, in 2008, 57 judges from the different provinces of Tajikistan (Kūhistoni

Badakhshon autonomous province, Soghd province, Khatlon province and the centrally administered districts) attended study seminars on the organization of training courses on the international minimum standards for juvenile justice. The Tajik Legal Information Centre in Dushanbe also held seminars on human rights and refugee rights for 35 judges in 2008. The individual topics addressed included integrating national and international standards on refugees' rights into the work of judges in Tajikistan, and international and domestic legislation on refugees and the procedures for defining refugee status. The impact of human rights training for the judiciary can be seen in the noticeable drop in unwarranted judgements handed down in criminal cases.

217. On the basis of the legal and judicial reform programme adopted by presidential decree in June 2007, amendments were introduced to the Constitutional Act on the Courts, the Constitutional Act on the Constitutional Court and other relevant legislation. The Codes of Economic Legal Procedure, Administrative Offences, Civil Procedure and Criminal Procedure were also adopted.

218. The curriculum of the State National Security Committee College includes 24 academic hours of study on human rights as a distinct subject, 4 academic hours on international public law and 8 academic hours on constitutional law.

219. The Procuratorial Staff Development Centre organizes week-long courses every three months on different aspects of human rights for staff and investigators of the Procurator's Office, analyzes citizens' petitions and makes recommendations to staff. A reference book entitled *The Role and Work of the Procuratorial Agencies of Tajikistan in Protecting Human and Civil Rights*, offering a detailed consideration of all aspects of the agencies' work through the prism of human rights and the rule of law, was published in 2007 with the assistance of the Danish Institute for Human Rights and financial support from the Swedish International Development Cooperation Agency.

220. In 2006, the Department of Human Rights and Comparative Law was established under the Law Faculty of the Tajik National University. Alongside other subjects, the Department offers 64 hours on human rights to first-year students, 72 hours to second-year students and 30 hours to second-year students in the distance learning section. Since 2008, 36 hours of human rights classes have been offered to full-time students in the History and Humanities Faculties.

221. With regard to human rights training for militia agents, since 1999 the curriculum of the Ministry of Internal Affairs Academy has included a stand-alone 58-hour course on upholding human rights in the activities of the internal affairs agencies, with 34 hours of teaching and 24 hours of individual supervised study. The Academy also offers human rights training for officers in the following courses: administrative law (119 hours), criminal law (238 hours), criminal procedure (255 hours), international law (52 hours), and a special course on preliminary investigation (102 hours). Students of Faculty No. 1 specializing in local and State administration for a qualification in law enforcement management follow courses on upholding human and civil rights and freedoms in the activities of the law enforcement agencies of Tajikistan (30 hours) and international humanitarian law (20 hours). In 2005, 65 members of the Academy's staff who had less than five years of experience received human rights training: 55 staff members were trained in 2006, 73 in 2007 and 46 in 2008. Furthermore, training sessions on observing international human rights standards are held weekly in various structural subdivisions of the Ministry of Internal Affairs and focus on topics including human rights treaties and other international instruments. These are primarily aimed at agents involved in detective work and criminal investigations. In 2009 alone, the Academy's teaching staff gave more than 70 sessions focusing on different aspects of observing human rights in the work of the internal affairs agencies.

**Paragraph 26 of the Committee's concluding observations**

222. Tajikistan is working intensively, taking specific measures at the national level and actively cooperating with other States and regional and international organizations, including UNHCR, the International Organization for Migration and the International Red Cross and Red Crescent Movement, to protect human rights (relating to racial discrimination, xenophobia and related intolerance, discrimination against people affected by various pandemic diseases and other forms of discrimination).

223. Tajikistan affords due attention to all the issues raised in the Durban Declaration and Programme of Action and fully complies with the recommendations contained therein, both in its legislation and in social relations in the social, economic, political, cultural, ethnic and religious spheres. Accordingly, article 17 of the Constitution states: "All persons are equal before the law and the courts. The Government guarantees the rights and freedoms of every person, regardless of ethnic origin, race, sex, language, faith, political beliefs, education, social status or property."

224. As a member of the global community, Tajikistan plays an active role in resolving refugee issues, in line with State policy. This is a logical continuation of its chosen approach of adhering to the goals and principles enshrined in the Universal Declaration of Human Rights and the Charter of the United Nations. The legal status of refugees is regulated by the 2002 Refugees Act and other laws and regulations.

225. Tajikistan has acceded to the Convention relating to the Status of Refugees and its 1967 Protocol, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination, adopted on 21 December 1965, which was ratified by Resolution No. 1032 of the Supreme Council of Tajikistan on 21 July 1994.

226. The equality of all before the law in the exercise of their rights and freedoms is guaranteed. The curricula of educational institutions at all levels make provision for and implement various measures intended to strengthen the culture of inter-ethnic and interracial education. All citizens of Tajikistan, regardless of ethnic, racial, religious or social origin, have equal access to education, including in their first language.

227. As a multi-ethnic State, it is crucial that Tajikistan's domestic policy takes into account the interests of different peoples and ethnic groups. State policies therefore focus much attention on developing harmonious inter-ethnic relations (see also paragraph 17 of this report).

**Paragraph 27 of the Committee's concluding observations**

228. The Government actively involves the NGO sector in all human and civil rights initiatives. These include a round table held on 21 and 22 September 2005 that was attended by international expert Ion Diaconu, Secretary-General of the Ministry of Foreign Affairs of Romania and former Chairperson of the Committee on the Elimination of Racial Discrimination; deputies from the Majlis-i Namoyandagon; representatives of the judiciary, the Office of the President, State ministries and agencies, and international and non-governmental organizations. The participants all contributed to the suggestions and ideas adopted on the implementation and application of the concluding observations of the Committee on the Elimination of Racial Discrimination. A discussion on the present report held on 25 March 2011 was attended by representatives from the country's ministries and agencies, UNHCR and NGOs. The Government will continue to consult civil society organizations working in the area of human rights and against racial discrimination.

**Paragraph 28 of the Committee's concluding observations**

229. Upon receipt by the Government of the Committee's concluding recommendations, they were forwarded to the appropriate ministries and agencies for examination, consideration and implementation. Simultaneously, in 2006, the Office of the President, with financial support from the Swiss Cooperation Office, published and disseminated the national report of Tajikistan on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. With the support of the United Nations Tajikistan Office of Peace-building and the Royal Norwegian Embassy in Moscow, a collection of international and domestic human rights documentation and instruments was published in 2007, under the title *A Reference Guide to Human Rights for Justice System Staff*. The book presents the national reports of Tajikistan required under human rights treaties and relevant international conventions.

## Annexes

### Annex I

#### Data on unemployed persons seeking assistance from the State Agency for Social Protection, Employment and Migration over the first five months of 2010

	<i>Total number of applicants in 2010</i>	<i>Of which: women (number)</i>	<i>Of which: women (percentage)</i>
Applied to the Agency	<b>94 197</b>	43 792	46.5
Registered as unemployed	<b>59 669</b>	28 100	47.1
Awarded status of unemployed	<b>38 591</b>	18 477	47.9
Found employment with the help of the Agency	<b>32 016</b>	14 537	45.4
• through the job quota system	<b>2 230</b>	793	35.6
• through job creation	<b>2 914</b>	1 339	45.9
Employed in public works through the Agency	<b>6 645</b>	3 053	45.9
Sent for vocational training by the Agency	<b>9 141</b>	5 445	59.6
Given career guidance	<b>23 022</b>	2 778	12.1
In receipt of unemployment benefit	<b>3 369</b>	481	14.3

44.4 per cent of the overall total.

*Note:* The figures and information on quotas, job creation and career guidance are for 2010.

## Annex II

Table 1  
Statistics on non-Tajik-speaking schools in Tajikistan

<i>Type of school</i>	<i>Number of schools</i>	<i>Number of classes</i>	<i>Number of students in 2009</i>	<i>Number of girls</i>
<b>Gorno-Badakhshan autonomous province</b>				
Kyrgyz	9	119	1 617	797
Tajik and Kyrgyz	3	57	762	387
Tajik, Russian and English	1	35	907	513
<b>Total</b>	<b>13</b>	<b>211</b>	<b>3 286</b>	<b>1 697</b>
<b>Soghd province</b>				
Russian	9	198	4 937	1 984
Uzbek	172	2 934	63 118	31 563
Kyrgyz	4	51	940	507
Tajik and Russian	35	1 147	27 694	12 393
Tajik and Uzbek	152	4 248	97 645	48 599
Tajik and Kyrgyz	1	17	289	138
Russian and Uzbek	1	3	49	15
Uzbek and Kyrgyz	2	36	627	318
Kyrgyz and Russian	1	17	255	123
Tajik, Russian and Uzbek	14	534	12 910	6 173
Tajik, Russian and Kyrgyz	1	47	1 156	616
<b>Total</b>	<b>392</b>	<b>9 932</b>	<b>209 620</b>	<b>102 429</b>
<b>Khatlon province</b>				
Russian	2	23	366	170
Uzbek	135	2 037	44 124	21 665
Turkmen	1	4	39	22
Tajik and Russian	8	497	13 580	6 394
Tajik and Uzbek	253	7 690	172 665	82 577
Tajik and Turkmen	5	130	2 823	1 394
Tajik, Russian and Uzbek	4	229	6 416	2 701
Tajik, Uzbek and Turkmen	1	59	1 171	543
<b>Total</b>	<b>409</b>	<b>10 669</b>	<b>241 184</b>	<b>115 466</b>
<b>Dushanbe</b>				
Russian	4	127	3 562	1 454
English	1	23	414	125
Tajik and Russian	40	2 023	61 172	26 632
Tajik and Uzbek	9	427	13 005	6 162
Tajik, Russian and Uzbek	4	234	6 938	3 087



<i>Type of school</i>	<i>Number of schools</i>	<i>Number of classes</i>	<i>Number of students in 2009</i>	<i>Number of girls</i>
<b>Total</b>	<b>58</b>	<b>2 834</b>	<b>85 091</b>	<b>37 460</b>
Centrally administered districts				
Russian	0	0	0	0
Uzbek	44	528	9 293	4 514
Kyrgyz	23	265	4 967	2 393
Tajik and Russian	9	303	7 743	3 326
Tajik and Uzbek	85	2 619	60 307	27 998
Tajik and Kyrgyz	20	356	6 319	3 061
Tajik, Russian and Uzbek	112	2 835	60 786	28 766
Tajik, Russian and Kyrgyz	2	107	2 434	1 018
<b>Total</b>	<b>295</b>	<b>7 013</b>	<b>151 849</b>	<b>71 076</b>
<b>Total for Tajikistan</b>	<b>1 167</b>	<b>30 659</b>	<b>691 030</b>	<b>328 128</b>

Table 2

**Number of students at general education schools in 2006/07 by language of instruction<sup>1</sup>**

<i>Year group</i>	<i>Tajik</i>		<i>Russian</i>		<i>Uzbek</i>		<i>Kyrgyz</i>		<i>Turkmen</i>	
	<i>No. of classes</i>	<i>No. of students</i>	<i>No. of classes</i>	<i>No. of students</i>	<i>No. of classes</i>	<i>No. of students</i>	<i>No. of classes</i>	<i>No. of students</i>	<i>No. of classes</i>	<i>No. of students</i>
Preschool class	189	2 264								
I	6 591	133 993	190	5 050	1 774	33 358	95	1 390	12	216
II	6 387	132 268	198	5 179	1 807	34 335	97	1 458	10	172
III	6 167	125 817	198	5 044	1 837	35 107	96	1 381	10	243
IV	6 012	121 516	171	4 382	1 838	35 184	83	1 191	15	296
V	5 952	134 872	178	4 637	1 823	39 217	77	1 346	14	336
VI	5 678	127 867	156	3 893	1 777	38 599	77	1 251	15	337
VII	5 140	113 154	136	3 276	1 683	35 780	73	1 232	16	338
VIII	5 270	117 048	112	2 613	1 681	36 333	69	1 176	14	296
IX	5 237	117 225	128	2 720	1 682	36 491	74	1 262	12	235
X	3 084	64 845	106	2 121	944	19 294	56	832	1	22
XI	2 873	59 266	103	1 974	888	17 382	52	751	10	215
<b>Total</b>	<b>58 580</b>	<b>1 250 135</b>	<b>1 676</b>	<b>40 889</b>	<b>17 734</b>	<b>361 080</b>	<b>849</b>	<b>13 270</b>	<b>129</b>	<b>2 706</b>

<sup>1</sup> Ministry of Education, *Statistics on education in Tajikistan 2006/07*, Dushanbe, 2007, pp. 50–55.

## Annex III

### Register of voluntary associations (of ethnic minorities) in Tajikistan

<i>No.</i>	<i>Name of voluntary association</i>	<i>Registered address</i>	<i>Head of association</i>	<i>Status of association</i>	<i>Number and date of registration</i>	<i>Notes</i>
1	Turkmen Society of Tajikistan	Ul. Kakhkharova, dom 33, Dushanbe	D. Kullakov	National	08 A of 31.05.07	Re-registration
2	Inston	Ul. Fedina, dom 27, kv. 72, Dushanbe	Z.K. Gussaova	National	69 of 06.07.07	
3	Satvistomo Iberia Georgian Cultural and Educational Society	Ul. Lomonosova, 367, kv. 11 Dushanbe	Y.M. Metriveli	National	231 A of 12.10.07	Re-registration
4	Union of Caucasian Minorities	Ul. Afzali, 11 Dushanbe	K.K. Chanukvadze	National	281 A of 08.11.07	Re-registration
5	Baiterek Kazakh Society	Ul. Pushkina, 57/1 Dushanbe	Z. Saminova	National	357 A of 30.11.07	Re-registration
6	Uighur Association of Tajikistan	Ul. Erchigitova, 8 Dushanbe	O. Khasanov	National	388 A of 06.12.07	Re-registration
7	Duslyk Tatar and Bashkir Ethnic Cultural Centre of Tajikistan	Ul. Borbada, 1 Dushanbe	R.F. Khamdina	National	401 A of 14.12.07	Re-registration
8	Kyrgyz Society of Tajikistan	Selo Lyakhsh Jirgatol district	Z. Davlatalieva	National	522 A of 26.12.07	Re-registration
9	Russian Foundation for Spiritual, Intellectual and Ethnic Development	Ul. Kurbonova, dom 1, kv. 13 Dushanbe	V. Yushin	National	601 A of 29.12.07	Re-registration
10	Council of People of Russian Descent of Tajikistan	Ul. Tursunzoda, dom 30 Dushanbe	T. Melnikova	National	660 A of 30.12.07	Re-registration
11	Worldwide Korean Cultural Centre in Tajikistan	Ul. Mushfiki, dom 109/1 Dushanbe	L. An	Local	686 A of 30.12.07	Re-registration
12	Soviet Koreans Association of Tajikistan	Ul. Karaboeva, dom 23, kv. 55 Dushanbe	V. Kim	National	707 A of 30.12.07	Re-registration
13	Uzbek Society of Tajikistan	Ul. Akademikov Radzhabovykh, dom 17, kv. 8 Dushanbe	K. Botirov	National	724 A of 31.12.07	Re-registration

<i>No.</i>	<i>Name of voluntary association</i>	<i>Registered address</i>	<i>Head of association</i>	<i>Status of association</i>	<i>Number and date of registration</i>	<i>Notes</i>
14	Alan Ossetian Society of Tajikistan	Ul. Pakhtakor, dom 25 Dushanbe	K.I. Karsanov	National	1150 of 19.06.09	
15	Mesrop Mashtots American Society of Tajikistan	Ul. Lokhuti, dom 9, kv. 15 Dushanbe	T. Vaskanyan	National	977 of 06.08.08	
16	Umet Tatar Union of Tajikistan	Ul. Zarafshon, dom 15, kv. 74 Dushanbe	R. Saifutdinov	National	1119 of 30.04.09	
17	Mazurek Polish Society of Tajikistan	Ul. Tursunzoda, dom 78 Dushanbe	T.T. Belitskaya	Local	1261 of 19.02.10	
18	Union of Socially Vulnerable People of Russian Descent of Tajikistan	Ul. Tursunzoda, dom 78 Dushanbe	R. Baramikov	National	1106 of 02.04.09	
19	Dagestani Society of Tajikistan	Ul. Kakhkharova, dom 27 Dushanbe	A.A. Khushvaktov	National	990 of 11.09.08	
20	Youth Union of People of Russian Descent of the Republic of Tajikistan	Ul. Bokhtar, dom 48, kv. 16 Dushanbe	M. Petrushkov	National	1282 of 02.04.10	
21	Russian-Tajik Slavonic University Svetoch (Beacon) Society of People of Russian Descent	Ul. Tursunzoda, dom 30 Dushanbe	A.V. Mararenko	National	1297 of 18.05.10	