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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

Tajikistan*

The present report is a summary of 11 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgment or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to United Nations translation services.

I. Background and framework

A. Scope of international obligations

1. Amnesty International (AI) and Joint Submission 1 (JS1) recommended that Tajikistan ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the International Covenant on Civil and Political Rights.² Joint Submission 4 (JS4) recommended that Tajikistan ratify the Optional Protocol to the Covenant on Economic, Social and Cultural Rights.³ Joint Submission 2 (JS2) recommended that Tajikistan ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Right of Persons with Disabilities.⁴
2. JS2 recommended that Tajikistan ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.⁵
3. JS1 recommended that Tajikistan ratify the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption.⁶
4. JS1 recommended that Tajikistan make a declaration on recognition of the competence of the Committee against Torture to receive and consider individual communications in accordance with article 21 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).⁷
5. JS1 reported that there was no practice of referring to international law by the courts, in spite of the fact that Constitution provided for direct application of international conventions.⁸

B. Constitutional and legislative framework

6. While the Criminal Code contained several provisions applicable in cases involving torture or other ill-treatment, AI noted that the definition of torture provided in the domestic law was not in full conformity with the definition of CAT. Furthermore, it indicated that, in domestic legislation, crucial safeguards against torture only applied to “detainees”.⁹ JS1 made similar observations.¹⁰ AI and JS1 recommended that Tajikistan bring the definition of torture in domestic law in line with the definition under Article 1 of CAT.¹¹

C. Institutional and human rights infrastructure

7. JS1 indicated that the Institute of the Human Rights Commissioner, which was established in 2008, had no political will and guarantees of independence to promote and protect human rights. Its activities were narrowed to consideration of citizens’ complaints and it neither conducted human rights monitoring nor reacted to address cases of human rights violations that received a wide public attention.¹² JS1 recommended that Tajikistan provide adequate guarantees of independence to the Institute of the Human Rights Commissioner, including legislative, financial and human resources to work effectively.¹³

D. Policy measures

8. JS1 reported that civil society was not involved in the lawmaking process, including in the discussions of draft laws. It recommended that state institutions comply with

principle of transparency and accountability during the lawmaking process by involving civil society.¹⁴

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

9. JS1 reported that Tajikistan submitted reports to all United Nations treaty bodies, except three reports that were due in 2008 and 2010.¹⁵ Furthermore, Conscience Peace Tax International (CPTI) reported that Tajikistan should be encouraged to submit its initial report under the Optional Protocol to the Convention to the Rights of the Child on the Involvement of Children in Armed Conflict, after nine years of its ratification.¹⁶

10. JS1 noted that the United Nations treaty-body recommendations were neither officially published nor disseminated among the state institutions. JS1 recommended that Tajikistan develop an effective national follow-up mechanism on the implementation of views and recommendations of the treaty bodies.¹⁷

2. Cooperation with special procedures

11. JS1 recommended that Tajikistan issue a standing invitation to all special procedures of the United Nations Human Rights Council.¹⁸

B. Implementation of international human rights obligations

1. Equality and non-discrimination

12. Despite a number of positive measures to overcome gender inequality and increase the role and the status of women in the society, JS2 reported that there was no actual equality between men and women in all spheres of life. JS2 indicated that women did not have de facto equal rights to education, land, credits and other resources and occupied secondary positions in the government.¹⁹ Furthermore, JS2 added that patriarchal family traditions and existing stereotypes on the role of woman in the family fostered isolation of and discrimination against girls.²⁰

13. JS2 noted that the main challenges of the implementation of gender policy included, among others, the low level of gender awareness among public servants. JS2 recommended that Tajikistan raise the level of gender awareness among public servants at all levels of the government.²¹ JS4 made similar recommendations.²²

14. While noting the adoption of the new law on gender equality, JS4 noted the ineffective implementation of the legislation because of gender stereotypes and traditions. It also indicated the gaps in the legislation to guarantee gender equality.²³ JS2 recommended that Tajikistan bring the legislation in line with the Law on State Guarantees of Equal Rights for Men and Women and Equal Opportunities in the Exercise of Such Rights; develop mechanisms of mandatory gender expertise of draft legislation and develop continued monitoring and evaluation of the implementation of gender laws, strategies and programs.²⁴

15. JS2 reported on persistent discrimination against persons with disabilities in terms of employment opportunities, career development, access to education, medical and legal assistance, and other benefits. Furthermore, women with disabilities were subject to more

serious discrimination by the society and in their families, especially in rural areas. JS2 stated that girls with disabilities were isolated by their parents and were not allowed to attend special schools or secondary schools and they were subject of psychological pressure.²⁵ JS2 recommended that Tajikistan develop and adopt a new set of criteria for defining disability in the national legislation in compliance with international standards and adopt measures raising the level of awareness of the population in order to eliminate stigma and discrimination against people with disabilities.²⁶

16. JS2 reported that stigma and discrimination against people living with HIV was widespread.²⁷ Joint submission 3 (JS3) referred to stigmatizing provisions in criminal, health and family laws in respect to persons living with HIV.²⁸

2. Right to life, liberty and security of the person

17. JS1 stated that Tajikistan declared moratorium on the application and execution of death sentences. Nevertheless, the death penalty was retained in the Constitution and the Criminal Code.²⁹ AI recommended that Tajikistan fully abolish the death penalty as a matter of urgency.³⁰

18. JS1 reported that prisoners sentenced to life term were not eligible for parole. It recommended that Tajikistan provide these prisoners with the right to parole.³¹

19. AI stated that torture and other ill-treatment by law enforcement officers were believed to be widespread and that it was often used to extract confessions or other information incriminating the victim or others. AI indicated that cases of torture or other ill-treatment mostly took place in detention facilities run by the Ministry of Internal Affairs and also reportedly occurred in temporary detention facilities and a pre-trial detention facility run by the State Committee of National Security.³²

20. JS1 indicated that cases of assault, battery, other forms of maltreatment and violence (hazing) against younger conscripts in the army by older associates and commanding officers were observed.³³

21. JS4 reported about sexual and physical violence against gay and bisexual men perpetrated by the police. Transgender persons also experienced violence. JS4 recommended that Tajikistan take all necessary measures to prevent and provide protection from all forms of violence and harassment against LGBT persons.³⁴

22. JS2 stated that LGBT persons were regular subjects of illegal detention and blackmailing by law enforcement agencies.³⁵

23. CPTI referred to the reported allegations of irregular methods of recruitment into the armed forces.³⁶ JS1 reported on persons being forcibly sent to conscription centres and indicated that appeals against a decision of the draft commissions did not suspend the execution of the commissions' decision and conscripts were sent to military units. JS1 also reported on shortfalls in medical examination in order to decide on conscripts' fitness for the military service which could get those who were not suitable for the military service be mobilized.³⁷ Furthermore, CPTI referred to reported allegations that as a result of resorting to irregular forced recruitment, young men aged under 18 had in practice been conscripted into the armed forces.³⁸ JS1 recommended that Tajikistan eliminate the practice of unlawful and arbitrary capture and sending of persons of military age to military units; develop precise, accessible and effective compliance mechanism against decisions of draft commissions and, organize medical examination commissions under the state health institutions.³⁹

24. AI reported that medical examinations were not routinely carried out when detainees were admitted to police stations and temporary detention facilities and that the medical personnel of pre-trial detention facilities rarely took appropriate steps when there was

reason to suspect that a detainee underwent torture or other ill-treatment.⁴⁰ JS1 recommended that Tajikistan ensure immediate medical examination of all persons arrested by investigation bodies within first hours of arrest and develop a mechanism of regular medical and psychological examination of persons under arrest and those held in the places of detention without involvement of law enforcement personnel and detention facilities staff.⁴¹

25. AI stated that domestic legislation did not require law enforcement officers to include information in the detention record about the identity of the officers involved in detaining a person which in practice facilitated impunity. It recommended that Tajikistan amend the Criminal Procedure Code to the effect that detention records have to mention the identity of the officers involved.⁴²

26. AI reported that domestic legislation provided no mechanism whereby detainees could contact a lawyer immediately being deprived of their liberty and that there were numerous obstacles preventing access of detainees to their lawyers.⁴³

27. AI indicated that the obligation made to law enforcement officers to notify family members within 12 hours after a person was detained was often not adhered to in practice.⁴⁴

28. JS1 stated that adequate logistical provision and health care guarantees of prisoners were lacking and that in case of illness in preliminary investigation facilities or prisons, medical treatment was conducted at the expense of relatives.⁴⁵

29. JS1 reported on the lack of professionalism of detention facilities personnel and on the fact that not all detention facilities were under the responsibility of the Ministry of Justice.⁴⁶ JS1 recommended that Tajikistan transfer remaining preliminary investigation facilities (detention centers, preliminary investigation isolators of the State Committee of National Security) under the jurisdiction of the Ministry of Justice.⁴⁷

30. AI indicated that violence against women remained a serious problem and that between one third and half of all women had suffered physical, psychological or sexual violence at the hands of their husbands or other family members at some time during their lives.⁴⁸ At the same time, AI and JS4 mentioned the absence of official statistics on cases of the domestic violence.⁴⁹ AI further noted the insufficient services to protect survivors of domestic violence and the absence of a nationwide cross-referral system between health workers, crisis and legal aid centres, and law enforcement agencies.⁵⁰

31. AI recommended that Tajikistan, inter alia, treat violence against women as a criminal offence and prosecute it ex-officio and that women's complaints be investigated promptly, impartially and thoroughly.⁵¹ JS4 recommended that Tajikistan prevent, investigate and prosecute domestic violence through passing effective legislation on domestic violence.⁵²

32. JS1 indicated that military servants were often involved in works that were not related to military service.⁵³

33. JS2 recommended that Tajikistan provide a clear definition of 'child labor' in the legislation and eliminate child labor, as it was widely used in cotton fields, in markets and within families.⁵⁴

34. JS2 reported that, in the absence of legal prohibition of corporal punishment, the use of disciplinary punishment of children, including corporal punishment, was a widespread practice in families and in schools. Furthermore, there was no established complaint procedure for such cases.⁵⁵ The Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that provisions against violence and abuse in the legislation were not interpreted as prohibiting corporal punishment in childrearing. It also reported that corporal punishment was prohibited as a sentence for crime, but was not explicitly

prohibited as a disciplinary measure in penal institutions as well as in alternative care settings.⁵⁶ It urged Tajikistan to enact legislation to achieve the prohibition of corporal punishment of children in all settings, including in the home and schools as a matter of priority.⁵⁷

3. Administration of justice, including impunity, and the rule of law

35. JS1 reported that the justice system remained weak and ineffective and that the judiciary was under control of the executive branch. JS1 indicated that the Council of Justice, which was involved in the process of appointment, qualification and decisions on disciplinary measures against judges, was part of the executive branch. Furthermore, pressure was exerted through forced resignation and transfer of judges to less desired, remote geographical areas. Additionally, the prosecutor's office had a supervisory function over the courts and legality of courts' decisions which was considered as a direct interference in the work of judiciary.⁵⁸

36. JS1 stated that there was no effective mechanism of investigation of all cases of death in military units and the places of detention and that no official data was available on such cases. JS1 recommended that Tajikistan develop effective, official and independent investigation mechanisms for all cases of death in places of detention, correctional facilities, military units and other closed and semi-closed institutions.⁵⁹

37. JS1 reported that allegations of torture made before, during and after trial were not investigated effectively due to the lack of independent, transparent and prompt procedure of investigation and that such investigation was not conducted if alleged victim did not file a complaint.⁶⁰ Furthermore, AI reported that victims, relatives or lawyers refrained from filing complaints by fear of repercussions. Judges, in most cases, either did not act on torture allegations or invited the alleged perpetrators to testify in court and then fully relied on their denial of any wrongdoings. AI indicated that the prosecutors often relied on "evidence" extracted under duress in court.⁶¹ JS1 recommended that Tajikistan develop a mechanism of identification as well as prompt and thorough investigation of torture or other cruel treatment at all stages of the criminal process.⁶²

38. JS1 noted that evidences obtained under torture were accepted by judges as a proof and allegations of torture filed by defendants did not receive adequate response.⁶³ AI recommended that Tajikistan adopt legislation to the effect that no statement or confession made by a person deprived of liberty, other than one made in the presence of a judge or a lawyer, should have a probative value in court, except as evidence against those who are accused of having obtained the confession by unlawful means.⁶⁴

39. JS1 reported that the new Criminal Procedure Code transferred arrest authorization functions from the prosecutor office to the courts. However, no mechanism of consideration of lawfulness and validity of the arrest had been developed and detention term as well as sanctioning of prolongation of the term was defined by the prosecutor office.⁶⁵ JS1 recommended that Tajikistan develop a precise mechanism to consider the lawfulness and the validity of the arrest by the courts.⁶⁶

40. AI reported that NGO access to detention facilities was extremely limited and the International Committee of the Red Cross (ICRC) had not have access since 2004.⁶⁷ JS1 recommended that Tajikistan establish a national preventive mechanism of monitoring of the detention places and grant the ICRC with access to closed institutions.⁶⁸

41. JS1, while referring to the lack of well-defined system of free legal aid, recommended that Tajikistan adopt a special law on free legal aid.⁶⁹

42. JS2 stated that despite the remarkable reforms of the Criminal Procedure Code, there was no separate juvenile justice system and no mechanism for the prevention of juvenile

delinquency nor any alternative justice for children. JS2 recommended that Tajikistan introduce a separate system of juvenile justice and develop and adopt the program on prevention of juvenile delinquency and alternative justice, including by reforming closed facilities into open child centers.⁷⁰

43. JS1 stated that victims of torture did not receive adequate health care and psychological rehabilitation and the legislation did not provide for the compensation to the victims of torture. It recommended that Tajikistan resolve the issue of rehabilitation of and compensation to the victims of torture through civil law procedure and establish a national redress fund for victims of torture.⁷¹

4. Right to privacy, marriage and family life

44. JS3 recommended that Tajikistan repeal laws and practices providing for registration of drug users which violated their rights to privacy, confidentiality and personal data protection.⁷²

45. JS2 recommended that Tajikistan ensure confidentiality of people living with HIV during the provision of medical services.⁷³

46. JS2 stated that the recent amendments to the Family Code increased a marriage age and thus, it provided additional protection to minors against forced marriages.⁷⁴

47. AI indicated the Government's failure to ensure that all marriages were registered and that the law banning polygamy was enforced. Unregistered marriages were not recognized in law, leaving women in such marriages without a legal protection that a spouse is entitled to.⁷⁵ JS4 reported that religious marriages which were not recognised by the Government were common in rural areas.⁷⁶

48. AI recommended that Tajikistan enforce the instructions to mullahs to carry out religious marriages only after a certificate of civil marriage had been presented.⁷⁷ JS4 recommended that Tajikistan introduce and implement state regulations securing the rights of cohabiting couples either in religious or other kinds of partnerships, specifically economic rights in case of separation or death of one of the partners.⁷⁸

49. JS4 reported that the lives of lesbian and bisexual women were regulated and controlled by their families and communities and that they were often married to a man by the choice of their family. It recommended that Tajikistan comply with article 16 of CEDAW to ensure on a basis of equality, the right to freely choose a spouse and to enter into marriage only with free and full consent.⁷⁹

50. JS2 stated that hatred and intolerance of the society towards lesbian, gay, bisexual, and transgender (LGBT) persons forced them to leave the country or to hide their sexual orientation. Since LGBT persons were afraid that their sexual orientation could be revealed, they rarely sought for medical, legal or psychological assistance. JS2 recommended that Tajikistan prohibit discrimination based on sexual orientation and gender identification in the national legislation.⁸⁰

51. JS2 reported on the increasing number of children in foster homes and orphanages and on their unacceptable living conditions.⁸¹ JS2 recommended that Tajikistan define basic legislative standards for the state support of children in state institutions and develop and support the practice of foster parenting, family foster homes and other types of alternative care.⁸²

52. JS1 reported that the Family Code prohibited international adoption. As a result, foreigners married to citizens of Tajikistan had no possibility to adopt a child from a previous marriage of their spouses.⁸³

53. JS1 recommended that Tajikistan abolish the 2007 Law on regulation of traditions, celebrations and rituals as it regulated the order and duration of weddings, funerals and other celebrations and the number of guests.⁸⁴

54. JS1 reported that there was no procedure for changing identification documents in cases of a change of sex.⁸⁵ JS4 recommended that Tajikistan recognize the rights of transgender people to change gender and name in passports and in other official documents.⁸⁶ Furthermore, JS1 recommended that Tajikistan adopt a law on the procedures to change identification documents of trans-gender persons.⁸⁷

5. Freedom of religion or belief, expression, association and peaceful assembly

55. JS1 reported about restrictions imposed by the 2009 Law on freedom of conscience and religious organizations, including the censorship over religious literature and the prohibition of religious education and religious rituals in public places, and about obstacles faced by religious organizations in the re-registration process, as required by this law.⁸⁸

56. Furthermore, Forum 18 News Service (Forum 18) stated that the law banned the activities of unregistered religious groups. It explained that the religious groups seeking a registration had, inter alia, to confirm that adherents of the religious faith lived in the local area for at least 10 years and to certify that ten citizen-founders of the religious group lived in the area for at least 5 years.⁸⁹

57. Forum 18 reported about several religious groups that were banned in Tajikistan such as Salafi School of Islamic thought, Jamaat Tabligh or Jehovah's witnesses.⁹⁰ The European Association of Jehovah's Christian Witnesses (Christian Witnesses) reported on the denial of the re-registration of the Religious Community of Jehovah's Witnesses in Dushanbe and on the criminal cases reinstated against 17 Jehovah Witnesses.⁹¹

58. Forum 18 mentioned the cases of closure or demolitions of places of worship and stated that no compensation was normally paid for such demolitions.⁹²

59. Forum 18 stated that the government scrutiny was exercised over the religious education and that the Government exercised censorship over the religious literature.⁹³

60. JS1 reported that women wearing *hijab* had no access to educational institutions and that hundreds of young citizens were forced to return home from abroad after the 2010 President's statement that declared inadmissible the religious education abroad.⁹⁴

61. JS1 recommended that Tajikistan bring the Law on freedom of conscience and religious organizations in compliance with international norms, encourage constructive dialog between relevant stakeholders towards religious tolerance and remove restrictions imposed over religious education, activities of religious organizations and religious dressing.⁹⁵

62. CPTI stated that no government action had been reported in order to implement the recommendation of the Human Rights Committee to recognize the right of conscientious objectors to be exempted from military service. Thus, conscientious objection to military service was not recognised in law and practice.⁹⁶ JS1 stated that, in an absence of the law on alternative military service, failure to serve in the army on the basis of religious beliefs was regarded as a conscription dodging and led to either administrative or criminal liability. JS1 recommended that Tajikistan adopt the law on alternative military service.⁹⁷

63. AI indicated that defamation and insult, including public insult and slander to the President, were acts punishable under the Criminal Code by penalties including imprisonment or correctional labour.⁹⁸ AI reported that, in recent years, independent media outlets and journalists had faced criminal and civil law suits for criticizing the government. AI further reported, that in 2010 Makhmadyusuf Ismoilov, a journalist of a weekly

newspaper, was charged with defamation related to his article accusing some officials in corruption. Pressure on media outlets that voiced their criticism towards the authorities increased prior to the 2010 parliamentary elections, and following the September 2010 ambush in Rasht district by alleged Islamist militants and former opposition commanders.⁹⁹ JS1 recommended that Tajikistan decriminalize defamation through allowing consideration of such cases within civil procedure only.¹⁰⁰

64. JS1 stated that the 2008 Law on access to information that established long period (up to 45 days) for provision of information of public interest to mass media resulted in ineffectiveness in access to information and that a fee introduced in 2009 for obtaining information from state bodies created an impediment against the enjoyment of the freedom of the access to information. JS1 recommended that deadlines for provision of information be reduced and extrajudicial blocking of websites be stopped.¹⁰¹

65. JS1 mentioned that the requirement to obtain a license for the production of audio and video materials and the lack of transparency of licensing procedure established by the Committee on TV and Radio under the Government made the activities of mass media being subject to the permission of state bodies. It recommended that the licensing of TV and radio broadcasting be simplified and the licensing of audio and video production be abolished.¹⁰²

66. JS4 reported that organizations working with LGBT communities had to keep a low profile in order to avoid social backlash. JS4 recommended that Tajikistan create an enabling environment for LGBT organizations.¹⁰³

6. Right to social security and to an adequate standard of living

67. HelpAge International (HelpAge) reported that, whilst improvements had been made by the Government in delivering pensions more efficiently, their value remained extremely low and did not allow for an adequate standard of living and security for elderly people.¹⁰⁴ HelpAge recommended that Tajikistan increase the value of the contributory pension so that it provides an adequate standard of living for older people and those in their care.¹⁰⁵ HelpAge further recommended that Tajikistan consider wider policy options for a universal non-contributory pension to ensure the increasing number of population working in informal sector, including labour migrants, have access to social security in the retirement age.¹⁰⁶

68. HelpAge indicated that most migrants worked in the informal sector and did not contribute to any social security system. As a result the number of vulnerable people reaching retirement age with no access to social security was increasing rapidly.¹⁰⁷

69. HelpAge stated that the increase in seasonal food prices, insufficient pensions and irregular or absence of remittances severely impacted on older people's enjoyment of the right to food.¹⁰⁸

70. HelpAge indicated that poor nutrition and cold weather severely impacted on the health of older people and that health care was unaffordable for many poor older people.¹⁰⁹

71. While noting the implementation of health reforms, JS2 indicated that child and maternal morbidity and mortality rates remained very high, especially in rural areas, which was caused by, inter alia, the absence of mobile medical facilities and ineffective system of child and mother care. JS2 also reported that ambulatory patients did not have access to anesthetics and opiates owing to the absence of relevant regulatory framework and specialized pharmacies.¹¹⁰

72. JS2 stated that in spite of the implementation of health reforms, including the introduction of an institute of family medicine, the adoption of state programs to fight diseases such as tuberculosis and HIV and immunization campaigns conducted with the

support of international donors, the quality of prevention and diagnostics of diseases remained at a very low level.¹¹¹

73. JS2 recommended that Tajikistan, inter alia, develop and strengthen the network of district and rural medical facilities, improve the quality of education and training of medical staff, and adopt urgent measures to improve the material and technical base of medical facilities.¹¹²

74. JS4 stated that transgender persons did not have an access to a hormonal therapy or surgeries.¹¹³ JS2 recommended that Tajikistan develop and introduce a protocol on hormonal therapy for trans-gender individuals.¹¹⁴

75. JS3 recommended that Tajikistan launch an information campaign on HIV for the general population and human rights oriented HIV prevention training for medical, social workers, and law enforcement and criminal justice system officers.¹¹⁵

76. JS2 indicated that the Law on drug therapy was outdated and provided methods of treatment and rehabilitation which were not effective. Moreover, the access to Opium Substitutions Therapy (OST) which was considered as one of the most effective methods of drug therapy was hindered by bureaucratic requirements. JS2 recommended that Tajikistan eliminate bureaucratic barrier hindering the access to OST and improve the quality of OST services.¹¹⁶ JS3 further recommended that Tajikistan provide legal and financial support for OST, needle and syringe programs, overdose prevention, including in prisons.¹¹⁷

77. JS2 reported on forced evictions from houses on the name of state and public interest and the practice of massive evictions as a result of the implementation of master reconstruction plans in towns and cities. It stated that evicted citizens were either not provided with compensatory housing at all, or given housing with no equivalent living conditions, value and size. The persistent illegal privatization of dormitories led to the evictions of the residents of dormitories, without provision of alternative housing.¹¹⁸

7. Right to education

78. JS2 reported that the right to education of children with disabilities was violated, as they either received poor quality education at home or faced challenges owing the lack of accessibility of buildings when they attend educational institutions.¹¹⁹ JS2 recommended that Tajikistan continue implementing a program of inclusive education.¹²⁰

79. JS2 stated that children left without parental support did not have opportunity to access to higher education. While the legislation provided benefits for these children for the admission, it did not, however, address the transportation, accommodation and food costs during the study.¹²¹

8. Migrants, refugees and asylum-seekers

80. JS2 mentioned the absence of effective registration of Tajikistan's citizens who left the country as labour migrants.¹²² Human Rights Centre (HRC) and JS2 recommended that Tajikistan improve the system of collecting and recording statistical data on labour migration.¹²³

81. HRC indicated that there were no adequate and free public services rendering assistance to migrant workers, which could provide workers with accurate information. Information work among migrant workers was being carried out mainly by non-governmental organizations with the support of donor funds. Furthermore, it stated that the legal framework for regulation of Private Employment Agencies (PEA) whose activities could contribute to labor exploitation of migrant workers owing to the provision of incomplete and incorrect information did not provide with effective protection for migrant workers and did not define the rights of migrants in relation to the PEA.¹²⁴

82. JS2 reported that there was no state support for the prevention of negative consequences of labor migration such as increasing number of left and abandoned families without adequate financial means.¹²⁵

83. HRC and JS2 indicated that the new draft of the National Strategy on Labor Migration for 2011-2015 did not contain sufficient preconditions and measures for the return and the employment opportunities of the migrant workers.¹²⁶ HRC added that the Strategy did not provide for measures to reduce the negative consequences of migration and it was not sufficiently correlated with other relevant programs and policies.¹²⁷ HRC reported that the lack of sufficient funding had been one of the major problems in implementing the previous Strategy (2006–2010).¹²⁸ HRC recommended that Tajikistan establish effective mechanisms and provide competent authorities with the necessary financial and other resources for implementation of migration legislation.¹²⁹

84. JS2 reported that the practice of deportation of refugees still existed and the right of the person to appeal against deportation was often violated.¹³⁰

85. JS2 stated that many refugees had problems with employment and that, in the absence of any in-kind or social support from the state; refugees were deprived of any opportunity to support their families.¹³¹

86. JS2 reported on difficulties refugees faced to acquire permanent residency due to requirements for residential and temporarily registration. It also referred to information reported by UNHCR that no refugee who applied for citizenship after living in Tajikistan for long time was granted citizenship.¹³²

87. JS2 recommended that Tajikistan improve collection of data and the refugees' registration procedure in collaboration with UNHCR; facilitate the integration of refugees through their naturalization; eliminate the system of residential registration (*propiska*) and temporary registration and; improve the integration of economic, social and cultural rights of refugees and stateless persons in the Poverty Reduction Strategy and other national development programs.¹³³

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council).

Civil society

AI

Amnesty International, London, United Kingdom*;

CPTI	Conscience and Peace Tax International, Leuven, Belgium*;
Forum 18	Forum 18 News Service, Oslo, Norway;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland;
HelpAge	HelpAge International, London, United Kingdom of Great Britain and Northern Ireland;
HRC	Human Rights Centre, Dushanbe, Tajikistan;
JS1	Joint Submission 1 presented by: Association of Young Lawyers ‘Amparo’, Bureau on Human Rights and Rule of Law, League of Women Lawyers, National Association of Independent Mass-Media in Tajikistan (NANSMIT), Independent Center for Human Rights Protection, Public Foundation ‘Notabene’, Sogd Collegia of Advocates, Khoma, Child Rights Center, Human Rights Center; Dushanbe, Tajikistan;
JS2	Joint Submission 2 presented by: Association of Young Lawyers ‘Amparo’, Association of Parents of Children with Disabilities, Ahtari Baht, Bureau on Human Rights and Rule of Law, Women of the Orient, NGO Coalition ‘From de jure to de facto equality’, League of Women with Disabilities (ISHTIKOR), League of Women Lawyers, Mairam, National Association of Persons with Disabilities, Independent Center for Human Rights Protection, Public Foundation ‘Notabene’, Public Foundation ‘Panorama’, Society of Persons with Disabilities of Dushanbe City (IMKONIYAT), Law and Prosperity, Equal Opportunities, Ranginkamon, Centre for Socio-Economic Development and Human Rights Protection (IMRAN), SPIN Plus, Sukhrob, Khoma, Child Rights Center, Human Rights Center, Center for Mental Health and HIV/AIDS, Chashmai Khaet and Shifo, Dushanbe, Tajikistan;
JS3	Joint submission 3 presented by: Canadian HIV/AIDS Legal Network, Toronto, Canada*; International Harm Reduction Network, London, United Kingdom of Great Britain and Northern Ireland*; Eurasian Harm Reduction Network, Vilnius, Lithuania*; SPIN Plus, Volunteer, Burzug and Apeiron, Dushanbe, Tajikistan;
JS4	Joint Submission 4 presented by: Equal Opportunities, Dushanbe, Tajikistan; Labrys, Bishkek, Kyrgyzstan; The Sexual Rights Initiative;
Christian Witnesses	The European Association of Jehovah’s Christian Witnesses, Kraainem, Belgium.

² AI, p. 5, JS1, paras. 25 and 45.

³ JS4, para. 6(e).

⁴ JS2, paras. 6 and 71.

⁵ JS2, para. 93.

⁶ JS1, para. 81.

⁷ JS1, para. 35.

⁸ JS1, para. 12.

⁹ AI, pp. 1–2.

¹⁰ JS1, para. 28.

¹¹ AI, p. 4; JS1, para. 32.

¹² JS1, para. 4.

¹³ JS1, para. 9.

¹⁴ JS1, paras. 5 and 10.

¹⁵ JS1, para. 1.

¹⁶ CPTI, para. 21.

¹⁷ JS1, paras. 1 and 7.

¹⁸ JS1, para. 8.

¹⁹ JS2, paras. 1–2.

- 20 JS2, para. 14.
21 JS2, paras. 1 and 7.
22 JS4, para. 6(h).
23 JS4, para. 3.
24 JS2, paras. 3–4; see also JS4, para. 6(g).
25 JS2, paras. 64–65.
26 JS2, paras. 69 and 72.
27 JS2, para. 52.
28 JS3, p. 2.
29 JS1, para. 24, see also AI, p. 4.
30 AI, p. 5; see also JS1, para. 25.
31 JS1, paras. 41 and 47.
32 AI, p. 2, see also JS1, para 27.
33 JS1, para. 52.
34 JS4, paras. 9, 12 and 13(a).
35 JS2, para. 55.
36 CPTI, para. 15.
37 JS1, paras. 49, 50 and 51; see also CPTI, paras. 15–17.
38 CPTI, para. 19.
39 JS1, paras. 55–57.
40 AI, p. 3.
41 JS1, para. 34, see also AI, p.5.
42 AI, pp. 1 and 4.
43 AI, p. 3.
44 AI, p. 3.
45 JS1, para. 40.
46 JS1, paras. 37–38.
47 JS1, para. 44.
48 AI, p. 3.
49 AI, p. 4; JS4, para. 21.
50 AI, pp. 3–4.
51 AI, p. 5.
52 JS4, para. 6(c), see also JS2, para. 5.
53 JS1, para. 54.
54 JS2, paras. 16 and 23.
55 JS2, para. 15.
56 GIECPC, p. 2.
57 GIEACPC, p. 1.
58 JS1, paras. 11 and 13.
59 JS1, paras. 23 and 26.
60 JS1, para. 29.
61 AI, p. 3.
62 JS1, para. 33; see also AI, pp. 4–5.
63 JS1, para. 28.
64 AI, p.5.
65 JS1, para. 15.
66 JS1, para. 22.
67 AI, p. 3; see also JS1, paras. 39 and 42.
68 JS1, para. 46.
69 JS1, paras. 16 and 21.
70 JS2, paras. 17, 24 and 25.
71 JS1, para. 36.
72 JS3, p. 2.
73 JS2, para. 60.
74 JS2, p. 3.
75 AI, p. 4.

- ⁷⁶ JS4, para. 20.
⁷⁷ AI, p. 5.
⁷⁸ JS4, para. 22.
⁷⁹ JS4, paras. 14–17.
⁸⁰ JS2, paras. 54–59.
⁸¹ JS2, para. 10.
⁸² JS2, paras. 20–21.
⁸³ JS1, para. 78.
⁸⁴ JS1, paras. 77 and 80.
⁸⁵ JS1, para. 79.
⁸⁶ JS4, para. 10.
⁸⁷ JS1, para. 82.
⁸⁸ JS1, para. 59, see also Forum 18, para. 12.
⁸⁹ Forum 18, paras. 13 and 15.
⁹⁰ Forum 18, paras. 2, 5, 7, 9 and 13.
⁹¹ Christian Witnesses, pp. 2–3.
⁹² Forum 18, paras. 32, 34, 36, 37 and 38.
⁹³ Forum 18, paras. 21 and 27.
⁹⁴ JS1, paras. 60–61.
⁹⁵ JS1, paras. 63–65.
⁹⁶ CPTI, paras. 3–13.
⁹⁷ JS1, paras. 62–66.
⁹⁸ AI, p. 2; see also JS1, para. 67.
⁹⁹ AI, pp. 1–2; see also JS1, para. 68.
¹⁰⁰ JS1, para. 72, see also AI, p. 4.
¹⁰¹ JS1, paras. 69, 74 and 75.
¹⁰² JS1, paras. 71–76.
¹⁰³ JS4, paras. 18–19(a).
¹⁰⁴ HelpAge, para. 4.
¹⁰⁵ HelpAge, para. 12.
¹⁰⁶ HelpAge, para. 13.
¹⁰⁷ HelpAge, para. 6.
¹⁰⁸ HelpAge, para. 9.
¹⁰⁹ HelpAge, paras. 10–11.
¹¹⁰ JS2, paras. 38–40.
¹¹¹ JS2, para. 42.
¹¹² JS2, paras. 43, 45 and 47.
¹¹³ JS4, para. 9.
¹¹⁴ JS2, para. 62.
¹¹⁵ JS3, p. 2.
¹¹⁶ JS2, paras. 50 and 58.
¹¹⁷ JS3, p. 2.
¹¹⁸ JS2, paras. 28–30.
¹¹⁹ JS2, para. 67.
¹²⁰ JS2, para. 73.
¹²¹ JS2, para. 11.
¹²² JS2, para. 75; see also HRC, p. 3.
¹²³ HRC, p. 5, JS2 para. 81.
¹²⁴ HRC, pp. 3–4.
¹²⁵ JS2, para. 80.
¹²⁶ HRC, p. 1; JS2, para. 76.
¹²⁷ HRC, pp. 1–2.
¹²⁸ HRC, p. 2.
¹²⁹ HRC, p. 5.
¹³⁰ JS2, paras. 87.
¹³¹ JS2, paras. 88.

¹³² JS2, para. 90.

¹³³ JS2, paras. 91–95.
