

Anti-Discrimination Centre “Memorial”

Human & Art Laboratory

Joint Submission to the Human Rights Council

at the 39th Session of the

Universal Periodic Review

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Tajikistan: discrimination of some vulnerable groups and violations of migrants’ rights

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INTRODUCTION

1. Anti-Discrimination Centre (ADC) Memorial and Human & Art Laboratory made this joint submission in relation to the different aspects of discrimination of vulnerable groups in Tajikistan: the report focuses on discrimination based on ethnicity; discrimination against women in employment; the situation of migrants working abroad and minors in transit institutions; discrimination based on sexual orientation and gender identity (SOGI).
2. Anti-Discrimination Centre (ADC) Memorial¹ is a Human Rights NGO defending the rights of vulnerable groups (such as representatives of ethnic minorities and indigenous peoples, migrants, stateless persons, LGBTI and others) in Eastern Europe and Central Asia, through national and international advocacy, strategic litigation and education/information work.
3. Human & Art Laboratory is a grassroots initiative promoting Human Rights, non-discrimination and equality of LGBTI+ in Central Asia through artistic projects. The activists of Human & Art Laboratory participated in collecting field information and preparing analytical reports on the situation of LGBTI+ in the region submitted to international bodies and used for international advocacy.²

I. THE UPR OF TAJIKISTAN UNDER THE FIRST AND SECOND CYCLE (2011 AND 2016)

4. Being subject to the UPR under the first cycle in 2011, Tajikistan received and supported a number of general recommendations regarding the situation of the groups meant in this report, namely on promotion gender equality and overcoming gender/domestic violence or violence against women and children / women and girls; on improvement of women's socio-economic conditions; on better access to education for vulnerable children; on development of national strategy for migration.³
5. Being subject to the UPR under the second cycle in 2016, Tajikistan again supported/noted a number of recommendations regarding counteracting discrimination and gender / domestic violence against women (115.36-115.44; 115.63-115.69; 118.27-118.32) and regarding protection of children (including the problem of child marriages (115.70), child labor (115.72-115.74) and some other general and particular aspects), as well as a recommendation on reintegration of returning migrants into national economy (115.115 by Kazakhstan). While Tajikistan supported recommendations on improvement of national legislation related to women's rights (118.21, by Italy) and legal provisions related to the problem of racial discrimination (118.23, by Guatemala), a recommendation on adoption of a comprehensive anti-discrimination legislation (118.21, by Italy) was rejected.⁴
6. Under the previous cycles of the UPR there were no recommendations on the situation of ethnic minorities or LGBTI+, while the issues of LGBTI+ and at least the problem of education on minorities' languages had been raised in the reports of CSO included into the second cycle.

II. THE INTERNATIONAL OBLIGATIONS OF TAJIKISTAN

7. Tajikistan is a party to core UN Human Rights treaties having relation to the problem of discrimination: International Covenant on Civil and Political Rights; International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Economic, Social and Cultural Rights; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of the Child; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Convention on the Rights of Persons with Disabilities.

III. DISCRIMINATION BASED ON ETHNICITY⁵

8. In spite of repeated recommendations, the government of Tajikistan has resisted adopting a comprehensive anti-discrimination law.⁶
9. Ethnic Tajiks make up the majority of the population (more than 83%), the second largest group are Uzbeks (about 12-14%). A separate ethnic, cultural and linguistic group consists of the Pamir peoples of Gorny Badakhshan (presumably about 2%). Other minorities are small, with the largest number of Pamir Kyrgyz (about 0.8%), followed by Russians (about 0.5%), Turkmens (about 0.2%), and others (2010 census data; the published results of the 2020 census do not reflect the ethnic composition of the population). Ethnic minorities are underrepresented in public service (in 2019, 7.2%; in senior positions, 7%).⁷ As regards minority languages, only

¹ For more information about the work of ADC Memorial, please visit its website www.adememorial.org

² See a joint [REPORT BY ADC MEMORIAL AND ITS PARTNERS: "LGBTI+ IN THE REGION OF CENTRAL ASIA: REPRESSIONS, DISCRIMINATION, EXCLUSION"](#) (2020),

³ The [documents related to the 1st cycle of the review](#).

⁴ [List of all recommendations Tajikistan and its responses](#), May 2016.

⁵ More information in the [report of ADC Memorial, "Nationless Ethnic Groups of Tajikistan \(Pamiri, Jughhi, Yaghnobi\): From Non-Recognition to Discrimination"](#) (2017).

⁶ UPR [recommendations](#), 2016.

[UNHRC list of questions for Tajikistan](#), 2018.

Russian retains a strong position in the education and official state management spheres. Although a number of other minority languages are represented in the school system (Uzbek, Kyrgyz, Turkmen), the quality of teaching the Tajik language in such schools often does not allow students to enter higher education (higher education is conducted mainly in Tajik, less in Russian).

10. Tajikistan's declared policy of creating a "unified nation" (with emphasis on the tragic consequences of disunity as a cause of civil war) has led to neglect of the cultural and social needs of ethnic minorities, giving rise to overt or subtle discrimination that can take different forms in the case of each of these ethnic groups.
11. Jughhi (also known as Lyuli or Central Asian Gypsies/Roma, with the autonym Mugat or Mughat) formerly led a nomadic life and even now often migrate in search of work, both within and beyond the borders of Tajikistan. According to the data provided by Tajikistan to the UN CERD (2020), there are approximately 12,000 Jughhi living in Tajikistan. The Jughhi community face structural discrimination, meaning vicious circle of lack of education, segregation at school and difficult access to secondary school level, extreme poverty, unemployment, unregistered housing and the associated risk of expulsion or demolition, problems of birth registration and personal documents, conflict with law and related ethnic profiling and police violence, negative stereotypes widespread in the society. Women and children are particularly vulnerable and, in addition to discrimination from the outside, face the pernicious effects of harmful traditional practices (early arranged marriages, polygamy, the exploitation of children, and the occupation of begging). The Jughhi remain a despised and marginalized group, while the government of Tajikistan denies the existence of discrimination against this community and the need to adopt a complex of government programs to improve its situation (in particular in its report to the UN CERD reviewed in 2017, (CERD/C/TJK/9-11, paragraph 33)). In December 2018, concluding the review cycle, the UN CERD regretted the unwillingness of the Tajikistan authorities to adopt an action plan to improve the situation of Mughat (Jughhi) and encouraged the authorities to change their position, pointing out the urgent need to overcome discrimination of this ethnic minority, to ensure access to education for all children, especially girls, as well as to provide for equal rights for housing, access to public services and medical care.
12. Pamiri are made up of a number of peoples (Shughni, Rushans, Wakhi, Ishkoshimi, Yazgulami, and several others) populating a vast mountainous area in eastern Tajikistan who speak their own languages and are visually and culturally distinct from the ethnic majority. They primarily practice Ismailism, a branch of Shia Islam, unlike the majority of Tajiks, who are Sunni Muslim. The population of Pamir took part in conflicts during the civil war of 1992–1997; in 2012, in Khorugh (the capital of Gorno-Badakhshan Region) and surrounding areas, there were clashes between the Tajik Army and the local population, followed by repressive actions against Pamiri. Because of the Pamiri traits described above, prejudice against them has ethnic, cultural-linguistic, religious, and political dimensions: they are visually and linguistically distinct and are looked on as the "wrong kind of Muslims" and suspected of separatist leanings. Many Pamiri feel like outsiders in the country, and they are generally more liable to migrate than people in other regions. Despite the fact that Pamiri from inside and outside are perceived as a distinctive community, Pamiri are not recognized as a minority by officials. In the census of 2010, they were included into the general category "Tajiks"; they are not mentioned in the actual Tajikistan's report to the UN CERD (2020).⁸ Their languages, even having a writing system and teaching tools, are excluded from the educational system (children are taught in Tajik, or in English in some private schools) and the official sphere (state institutions, courts, documents). The lack of Pamiri-language books and periodicals and of television and radio broadcasts is also viewed by Pamiri as part of a government policy to reduce the use of these languages.
13. Yaghnobi small minority also does not receive the government support while the Yaghnobi language and culture are under threat of extinction. Yaghnobi have historically lived in isolated settlements in the mountains around the Yaghnob River Valley. In the 1970s they were forcibly resettled to other parts of Tajikistan, where an absolute majority of Yaghnobi still live (the number of Yaghnobi ranges from 5,000 to 15,000, depending on the source) while a small population is remaining in the Yaghnob Valley (less than 1,000 people) in the difficult conditions posed by their high-elevation home. For the Yaghnobi, their forced mass resettlement in the 1970s from where they traditionally lived is a tragic page in their people's history. No teaching is being done in the Yaghnobi language, and there are no lessons in Yaghnobi in schools outside the Yaghnob Valley (such as in Zafarobod District), although this language has its own writings and teaching tools, and there is a demand for Yaghnob-language education. In the Yaghnob Valley children have problems accessing a complete secondary education (as a rule, children only complete elementary school).

IV. DISCRIMINATION OF WOMEN (RESTRICTIONS FOR WOMEN AT WORK)

14. In general, women are in difficult position, as religious norms have a tremendous influence, harmful traditional practices are widespread (early and forced marriages, polygamy), and patriarchal stereotypes are deeply entrenched. The society foists a strictly defined gender role on women-mothers-homemakers; women are rigidly controlled by their families and have little independence in making decisions about education, employment,

⁸ Data from the state report to the UN CERD (CERD/C/TJK/12-13, February 2020)).

relocation and marriage, and are often deprived of the ability to leave their homes alone, communicate freely and confidentially with others. Along with the common problem of infringement of the rights of women in Tajikistan, the matter of work inequality remains pressing. The situation of employment of women in Tajikistan is aggravated by high level of poverty; in the Human Development Index (2020), Tajikistan ranks last among all the ex-Soviet countries. Within this framework, it is very important to create equal opportunities for men and women in employment.

15. Labour legislation of Tajikistan so far contains discriminative bans for a number of jobs and professions for women. In 2013, the UN CEDAW issued a recommendation to properly analyze and review consequences of Articles 160 and 161 of the Labour Code (CEDAW/C/TJK/CO/4-5, 2013), but even after the recent revision (2015) the discriminative provisions are kept in the Article 216 of the Labour Code, which strictly bans employment of women on “hazardous and underground works, works with harmful working conditions”. Quite recently, the Government of Tajikistan confirmed the professional bans for women with the re-adopted “List of occupations banned for women and the approved limits for the lifting and moving of heavy objects for them” (updated in 2017)⁹. According to this document, 326 professions are still closed to women, including well-paid jobs in many spheres of industry. In 2018, the UN CEDAW had to repeat the recommendation – to repeal article 216 of the Labour Code and the list of occupations for which the employment of women is restricted or prohibited to ensure that any restrictions are applied on the basis of an individual’s capacity and not to women in general (CEDAW/C/TJK/CO/6, November 2018). Meanwhile, this recommendation was not taken into account properly in the National Action Plan on Implementation of the Recommendations of the UN CEDAW 2019-2022 (adopted in May 2019). In this Plan, some measures are listed in order to attract women and girls to “non-traditional professions” and educate them in these professions (point 38), but in absence of legal framework for real gender equality in employment and, on the contrary, due to the existing discriminatory Article 216 of the Labour Code and the list of professions forbidden for women such measures have questionable chance to be effective.

V. DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY (SOGI)¹⁰

1. Vulnerability of LGBTI+ people in Tajikistan

16. In spite of repeated recommendations from UN committees, the government of Tajikistan has resisted adopting a comprehensive anti-discrimination law.¹¹ The government has also neglected to follow recommendations to end repressions on the basis of SOGI and the practice of maintaining official and unofficial lists of LGBTI+ people.¹² The statement from Tajikistan’s human rights ombudsman that the country cannot implement recommendations made by international organizations regarding LGBTI+ rights because of “moral [norms] and ethics for relationships between people in the country”¹³ is typical of the attitude in the country.
17. Consensual same-sex relationships between adult men and women are not criminalized in Tajikistan, but the Criminal Codes includes the term “*lesbianism*” as one of the unnatural forms of forced sexual contact listed in the article “Sexual Assault.” The presence of a term like this in the Criminal Code speaks to public disapproval of same-sex contact between women. The sexual orientation of lesbian and bisexual women is an additional stigma that only aggravates the already difficult position of women in Central Asia, where religious norms have a tremendous influence, harmful traditional practices are widespread, and patriarchal stereotypes are deeply entrenched.
18. The transgender community is the most closed and stigmatized community within the larger LGBTI+ community. Transgender violence and police persecution of transgender people is particularly brutal, they regularly endure physical, psychological, and sexual violence, threats, and harassment. It is possible to transition in Tajikistan, but the process is poorly regulated¹⁴ and takes up to one year. The Bureau of Vital Statistics requires presentation of a “standard form attesting to a change in gender and issued by a medical organization,” but respondents assert that this “standard form” does not exist, which leaves the door open for arbitrary decisions and illegal demands from medical professionals and workers at registration and documentation offices, so often the only way to change the gender marker appears to be application to court. The discrimination and harassment of transgender people can often be linked to requests for assistance from government workers and physicians regarding the procedures required for transition. In many cases, both officials and physicians are not only openly hostile to transgender people, but are also poorly trained.

⁹ CERD/C/TJK/12-13, February 2020.

¹⁰ Government regulation “[On the list of occupations banned for women and the approved limits for the lifting and moving of heavy objects](#)” 4/04/2017 № 179.

¹¹ See more information in [THE REPORT BY ADC MEMORIAL AND ITS PARTNERS: “LGBTI+ IN THE REGION OF CENTRAL ASIA: REPRESSIONS, DISCRIMINATION, EXCLUSION” \(2020\)](#).

¹² [UPR recommendations in relation to Tajikistan](#), 2016.

UNHRC list of questions for Tajikistan, November 2018, <https://undocs.org/en/CCPR/C/TJK/Q/3>

¹⁴ [CEDAW recommendations in relation to Tajikistan, March 2019](#).

19. LBGTI+ people living with HIV belong to several vulnerable groups at once and suffer from multiple discrimination in all the countries in the region. LBGTI+ people are in a group at high-risk of infection, but they cannot effectively protect themselves or their potential partners without sufficient access to information, means of prevention, and safe, anonymous testing. Police officers in Tajikistan check the status of some LBGTI+ people arrested during raids and sham dates. According to informants, the police keep a record of LBGTI+ and HIV-positive people. Biases against HIV-positive people and homophobia are also widespread among medical personnel, who may notify police officers of their patients' HIV status and SOGI, so LBGTI+ people are afraid to seek help from AIDS centers.

2. Hate Speech and Calls for Violence on the Basis of SOGI in the Media and Public Space; Hate Crimes

20. In Tajikistan, religious and official figures publicly condemn LBGTI+ people. The head of the Islamic Center of Tajikistan stated that he was ashamed to speak about SOGI (2017),¹⁵ and the country's chief psychiatrist announced that he was prepared to treat this deviation "with a guarantee" (2018).¹⁶
21. Hatred against LGBT people is incited also via state TV. Thus, hate speech is openly articulated by "experts" in a propagandistic documentary "Besharafi" ("Dishonor") that was shown on state channels in the beginning of 2021; screenings were also organized in universities, scientists and teachers recommend it to general public. In the film, the theme of homosexuality was used to discredit the leaders of the Islamic party and the political opposition.
22. With the exception of foreign news agencies, the media in Tajikistan has remained silent on the topic of LBGTI+. Progressive journalists note the lack of publications prepared to print their articles and the homophobic criticism their colleagues direct at their proposals for articles related to LBGTI+ issues.
23. A high level of public display of hatred of LBGTI+ people and unchallenged open calls for homophobic violence in the media and on social media, which often list the names and addresses of LBGTI+ people, has given regular citizens and the police free rein to blackmail and persecute LBGTI+ people. These aggressors form groups or work alone and may act systematically or on an ad-hoc basis when they accidentally learn about a person's sexual orientation or gender identity. Many LBGTI+ people must live insular lives and compensate for the lack of face-to-face interactions online. Meeting people online carries an enormous risk: LBGTI+ people can be lured to sham dates, where they are subjected to insults, beatings, and sexual assault. Video recordings of these meetings are often distributed further, "inspiring" new aggressors, who know that victims will most likely not go to the police and are confident of their impunity.
24. Police officers in Tajikistan are generally homophobic and reluctant to respond to violations of LBGTI+ rights because they do not believe it is their job to protect them. They put pressure on LBGTI+ people who turn to them for help, insult them, and refuse to take their statements. Most hate crimes based on SOGI go uninvestigated and unpunished. When the criminals are police officers themselves, LBGTI+ people are almost completely deprived of the right to protection.

3. Persecution of LBGTI+ People by Law Enforcement Bodies

25. Illegal discriminatory actions by police officers are a tragic daily occurrence for LBGTI+ people in Central Tajikistan. Many LBGTI+ believe that the police pose the main threat to their life, health, and safety. Many LBGTI+ people are repeat victims of violence (physical, psychological, and, less frequently, sexual), threats, extortion and blackmail, experience constant pressure from the police, and suffer from special repressive practices (compilation of lists of LBGTI+ and HIV-positive people, special operations, raids, and round-ups). LBGTI+ people are accustomed to regularly buying off police officers who threaten to out them. Police impunity gives rise to new violations and normalizes blackmail, bribery, and inhuman treatment.
26. Police officers have different ways of setting up sham dates: They get to know potential victims online using fake names and then entice them into meeting in person or force other LBGTI+ people to meet with the victim and then organize an "unexpected" raid. Officers may record the victim on video during these "dates" so they can subsequently intimidate and blackmail them. Sham dates generally end with arrest and blackmail, sometimes right in the police precinct. In order to find potential victims, law enforcement officers demand information from other LBGTI+ people, take their phones, read their correspondence, and hijack their contacts. Police persecution of transgender women is notable for its extreme heavy-handedness in all Central Asian countries. The methods include "sham dates," during which officers take their phones and insult, beat, blackmail, and rape transgender women and force them to cooperate.
27. Law enforcement bodies in Tajikistan carry out raids that result in the compilation of lists of LBGTI+ people that are then used for repressive purposes. A wave of mass raids took place in the fall of 2017. Law enforcement

¹⁵ "Ombudsman: Tajikistan dismisses recommendations concerning the rights of sexual minorities, [Radio Ozodi, January 2019, \[in Russian\]](#)

¹⁶ Law of the Republic of Tajikistan No. 188 of April 29, 2006 "[On the State Registration of Vital Records](#)," Article 74, [in Russian]

agencies discovered and copied the data of LGBTI+ people, following up with illegal arrests, threats, extortion, torture, and inhumane treatment. Approximately 310 gay men and almost 50 lesbians were identified and placed on special lists as a result of the special operations “Akhlok” (“Morality”) and “Tozakuni” (Cleanup), which were conducted by the Ministry of Internal Affairs and the Procurator General’s Office “to register people violating public order who are members of vulnerable groups.” Reportedly, the authorities explained these illegal arrests as preventive measures against HIV. Attention from the international community helped bring about a temporary pause in these widespread violations, but isolated arrests continued. In 2019, however, law enforcement officers started adding to the list again. Some members of the community believe that this list will be used over the next few years for several purposes, including never-ending blackmail (field data, ADC Memorial). Even though several police officers were arrested for blackmailing LGBTI+ people¹⁷, many members of the community believe that this was only for show and did nothing to change the overall situation (interview, ADC Memorial, April 2019).

28. There are cases of pressure on LGBT activists who have emigrated through threats towards their relatives living in Tajikistan. Agents of the security service practice unofficial interrogations with the aim to obtain information about emigrants and stop their activism abroad.

4. Violation of the Right of LGBTI People to Peaceful Assembly

29. In Tajikistan, it is still not possible to register advocacy groups that work directly on LGBTI+ issues because the protection of LGBTI+ rights is seen as a violation of public morality.¹⁸ As a result, several groups operate without a registration, while others find ways around the ban by working on related topics like health. The directors of a number of organizations have been subjected to persecution by the State Committee for National Security for several years, and some are still being monitored now (field data). The secret services periodically make new attempts to pressure human rights defenders.

VI. THE SITUATION OF MIGRANTS WORKING ABROAD; POOR SITUATION OF WORKING MIGRANTS’CHILDREN

30. Tajikistan is a country of mass labor migration that hundreds of thousands of citizens leave each year in search of work abroad, mainly in Russian and Kazakhstan.¹⁹ According to official data from the Main Directorate for Migration of the RF Ministry of Internal Affairs and the Border Service, in 2018, 1,018,497 Tajikistan citizens came to Russia for temporary work²⁰ in 2019 it was up to 1,570,000. Due to the pandemic, the labor migration in 2020 decreased but the number of migrants remains to be up to 500 000. Labor migration plays an important role in supporting Tajikistan’s economy and is viewed by the government as the primary source of national income; before the pandemic, it made up about 35-37% of Tajikistan’s GDP.
31. However, Tajikistan’s efforts to protect the rights of its citizens in labor migration are still insufficient. The country also lacks an effective program to reintegrate migrants who have lived abroad for an extended period and who have returned to Tajikistan. Even though the president of Tajikistan has made statements²¹ about the need to adopt measures to ensure protection of the rights and interests of migrants abroad on the background of Russia migration policy, the problems of ethnic profiling by the police, violence, racism, and xenophobia that Tajikistan citizens face in Russia remain unresolved. The work of Tajik embassies and consulates in Russia to protect their citizen’s rights continues to have little effect and is actually criticized by migrants for incompetence and corruption.
32. Labor migration from Tajikistan has the greatest negative impact on the children. Many children who live with their migrant parents in Russia are not able to attend school because their parents do not have the necessary documents to enroll them, which makes them miss years of school instruction. Russia carries out the practice of separating children from parents accused of violating migration rules and expels children separately from their parents. The government’s response to this practice has been inadequate, even in cases where children have died²² or at risk. The children left behind in Tajikistan suffer from lack of parental care, they face risk of exploitation and drop-out of school, as well as violence (physical, psychological, sexual), including from their relatives/caretakers.

¹⁷ “I am ashamed to have to speak about this in a mosque,” said Saidmukarram Abdulkodirozda, head of the Islamic Center of Tajikistan, during Friday prayers at Dushanbe’s Central Mosque.” “Homosexuals in Tajikistan: It’s easier to be a drug addict than a gay person,” [Open Asia, May 2017](#), [in Russian]

¹⁸ “We treat with a guarantee’: What the chief psychiatrist of Tajikistan proposes doing with LGBT people,” [Current Time, October 2018](#), [in Russian]

¹⁹ “Police officers in Tajikistan arrested for blackmailing gays,” [Current Time, February 2018](#).

²⁰ Law of the Republic of Kazakhstan “On Non-governmental Organizations.

²¹ [National Program to Combat Human Immunodeficiency Virus in the Republic of Tajikistan for 2017–2020](#) of February 25, 2017, no. 89

²² Certain Indicators of the Migration Situation in the RF, 2018. [Portal of the RF Ministry of Internal Affairs](#).

²³ [Address of the RT President to the Supreme Assembly of the Republic of Tajikistan, January 23, 2015](#).

VII. IMMIGRATION DETENTION OF CHILDREN²³

33. Minors involved in the migration process out of Tajikistan generally end up in transit institutions of the receiving countries (Russia and Kazakhstan). The return of minors to Tajikistan is handled by agencies of Ministry of Foreign Affairs; upon arrival minors (3-18 years old) are placed in the transit institution — the Juvenile Reception Center belonging to the Delinquency Prevention Service, which is officially part of the Ministry of Internal Affairs system. The term of stay in the Center is up to 30 days, with possible extension for another 30 days. The repatriated migrant children are held there together with street children, working children, juvenile offenders, lost and missing children, and children who are victims of violence, exploitation, and trafficking. Employees of the center wear police uniforms.
34. The outdated “Chisinau Agreement”, namely the Agreement of Cooperation of States-Members of the Commonwealth of Independent States on the Return of Minors to their State of Residence (2002)²⁴ is the main document regulating the movement of minors between former Soviet countries and establishing procedures for their repatriation. This document can no longer operate effectively due to the reform of transit institutions in several countries and overall changes in the political landscape of the region. This uncoordinated system of transit institutions means that children left in another country without parental support and care cannot be quickly returned to their country of origin and must remain in transit institutions for an extended period with no access to a quality education or healthy development.
35. The existing legislation and practice related to the repatriation of migrant children to Tajikistan are far from the modern standards of children’s rights, neither in line with the basic principle of best interest of a child. The “Chisinau Agreement” is in need of replacement by bilateral agreements on the repatriation of children that take into account the recent Joint General Comments No.3 CMW/No.22 CRC (2017) “On the general Principles Regarding the Human Rights of Children in the Context of International Migration” and No.4 CMW/No.23 CRC (2017) “On State Obligations Regarding the Human Rights of Children in the Context of International Migration in Countries of Origin, Transit, Destination and Return. The practice of depriving separated children of their liberty and placing them in special institutions solely due to their migration status must be recognized as unacceptable in legal codes and must be stopped.

VIII. RECOMMENDATIONS

Anti-discrimination legislation

- Adopt comprehensive anti-discrimination legislation that defines all forms of discrimination in accordance with international standards, including discrimination on the basis of SOGI.

Women in employment

- Guarantee women equal access to work; cancel the list of occupations banned for women and exclude the corresponding Article 216 from the Labor Code; promote and facilitate the entry of women into previously restricted or prohibited jobs by improving working conditions and adopting appropriate temporary special measures to encourage such recruitment.

Ethnic minorities

²³ [Address of the RT President to the Supreme Assembly of the Republic of Tajikistan, January 23, 2015.](#)

²⁴ The UN CMW paid attention to this problem in its Concluding Observations, [CMW/C/TJK/CO/2 \(2019\)](#).

- Recognize Pamiri peoples as an ethnic minority; develop and systematically implement educational programs on Pamiri culture and the Ismaili religion in order to overcome negative stereotypes about the Pamiri; support the Pamiri languages with funding of academic research, publications of periodicals and books, textbooks, radio and television broadcasts; support introduction of existing writing systems and teaching tools in Pamiri languages into the curriculum.
- Adopt and implement a state program of comprehensive support for Jugh/Mugat people aimed at overcoming structural discrimination that includes positive measures for documentation and the exercise of the right to housing and registration at place of residence, to a high-quality education, employment, and access to medical and social assistance. Special attention should be paid to the rights of children, especially girls, by ensuring their access to quality education and providing protection against exploitation and harmful traditional practices.
- Support the Yaghnobi minority, both with the infrastructure and employment development in the Yaghnov Valley where they have historically lived and in places where most Yaghnobi wound up after the forced resettlement. Measures must be taken to preserve and develop the Yaghnobi language: funding of academic research, scholarly publications, and teaching tools, and the inclusion of the Yaghnobi language in the curriculum.

Migrant working abroad

- Ensure the effective protection of the rights of Tajikistan citizens working abroad. Promote ratification of the International Convention on the Rights of all Migrant Workers and Members of their Families by the main receiving countries of migrant workers from Tajikistan (the Russian Federation and the Republic of Kazakhstan).

Migrant children

- Transfer all procedures related to the return of minor migrants to Tajikistan to the jurisdiction of civil (educational and social) institutions, instead of police; conclude new bilateral agreements on the repatriation of children with account for the most current UN standards on the rights of the child,²⁵ instead of the outdated Agreement of Cooperation of States-Members of the Commonwealth of Independent States on the Return of Minors to their State of Residence (2002, so called Chisinau Agreement), at least with the countries that receive a large number of migrants from Tajikistan (Russia, Kazakhstan).

LGBTI+ rights

- Eliminate repressive practices and persecution on the basis of SOGI on the part of law enforcement agencies, including raids, roundups, blackmail, violence, and extortion; recognize the use of torture against LGBTI+ people as unacceptable and declare evidence obtained through violence, threats, and humiliation inadmissible.
- Conduct effective investigations into crimes against LGBTI+ people, including crimes committed by law enforcement officers, and prosecute the guilty parties. Ensure that the motive of hate is considered when crimes against LGBTI+ people are registered and investigated.
- Eliminate homophobia, biphobia, lesbophobia, and transphobia in society and among workers at law enforcement, judicial, and other state agencies and media outlets.
- Prosecute officials, public figures, and authors of publications in the media and online for calls to violence and the use of hate speech.
- Make it possible to register NGOs that protect LGBTI+ rights and the activities of human rights defenders and activists, hold public dialogues and events and give speeches about SOGI issues, and provide legal remedies for LGBTI+ people.
- Ensure that LGBTI+ people have access to medical, social, and other services without discrimination. Increase awareness of the needs of LGBTI+ people among medical and social workers.
- Make amendments and additions to laws so that an extended psychiatric hospitalization and surgery are not mandatory for changing gender or gender markers on documents on the basis of the applicant's self-identification. End the practice of forced medical or surgical interference without the free, prior, and informed consent of intersex people. Ensure access to quality information about sexual orientation, gender identity, and HIV.

²⁵ See the [ADC Memorial's report "Migrant Children in CIS Countries: Lack of Adequate Legal Norms Regulating Cooperation Between Involved Countries](#), 2018.