



European Instrument for Democracy and Human Rights

**European Union – Tajikistan
Civil Society Human Rights Seminar**

on

**Co-operation between National Human Rights
Institutions and Civil Society**

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Note: The authors of this report are solely responsible for the views expressed therein, which in no case represent those of the European Union.

This report presents information on the current state of collaboration between the Human Rights Commissioner of Tajikistan and Civil Society, a summary of the event and a summary of the challenges and best practices introduced during the Seminar. The report also includes recommendations developed by the Office of the Human Rights Commissioner and Seminar participants.

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LIST OF ABBREVIATIONS

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment / Committee Against Torture
CSO	Civil society organization
HRC	Office of the Human Rights Commissioner of the Republic of Tajikistan
HRBA	Human rights-based approach
NGO	Non-governmental organization

NHRI	National Human Rights Institution
OHCHR	Office of the UN High Commissioner for Human Rights
OP-CAT	Optional Protocol to the Convention Against Torture
OSI	Open Society Institute
OSCE	Organization for Security and Co-operation in Europe
ICC Bureau	International Co-ordinating Committee of National Human Rights Institutions
UN	United Nations
UNDP	United Nations Development Programme

LIST OF DEFINITIONS

'A'-status institution: A national institution may be afforded 'A' accreditation status by the Bureau of the International Co-ordinating Committee for National Human Rights Institutions (ICC Bureau; see below) if the latter deems it to be in full compliance with the Paris Principles. 'A'-status institutions may participate fully in the work and meetings of National Institutions internationally and regionally as a voting member, and may hold office in the ICC Bureau or any Sub-committee established by the Bureau. A-status institutions are also able to participate in HRC sessions and take the floor on any agenda item, submit documentation and take separate seating.

Accreditation process: The process by which the ICC Bureau's Sub-committee on Accreditation (ICC SCA) reviews and analyses applications for accreditation and makes recommendations to ICC Bureau members on the compliance of applicants (NHRI institutions) with the Paris Principles. At the end of this process an NHRI may be afforded one of three possible statuses ('A', 'B' or 'C'). The process has 'progressively become more rigorous and transparent, and now considers the effectiveness of NHRIs and their engagement with the international human rights system'.¹

'B'-status institution: A national institution may be afforded 'B' accreditation status by the ICC Bureau if the latter deems it *not* to be in full compliance with the Paris Principles or to not yet have submitted sufficient documentation for its application to be considered. 'B'-status institutions may observe the work and meetings of national institutions nationally and regionally but cannot vote or hold office within the ICC Bureau or its Sub-committees, are not given NHRI badges, and may not take the floor on agenda items or submit documentation to the HRC.

¹ Source: <http://www.nhri.net>

Bureau of the International Co-ordinating Committee for National Human Rights Institutions (ICC Bureau): The body which grants accreditation to national human rights institutions. Institutions may be afforded the following accreditation statuses by the ICC Bureau: (1) 'A' status: compliant with the Paris Principles; (2) 'B' status: observer status; not fully in compliance with the Paris Principles or having not provided sufficient information for full accreditation; and (3) 'C' status: not compliant with the Paris Principles.

Core protection issues: Core protection issues imply a degree of urgency and are linked to core rights. The OHCHR especially supports NHRIs regarding core protection issues, which are central to the very rationale of NHRIs. Such issues include investigating human rights violations and handling complaints, especially concerning the prevention of torture and degrading treatment, arbitrary detention, disappearances and the protection of human rights defenders—activities fundamental to what NHRIs do. In addition, NHRIs have a critical watchdog role in reviewing conditions in detention facilities, and should have the right to visit facilities unannounced and request private interviews with detainees.

Human rights-based approach (HRBA): A rights-based approach to development is a conceptual framework for human development which 'integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development' (as defined by the Office of the High Commissioner for Human Rights).²

Paris Principles: A series of principles which set out international minimum standards for the status and roles of NHRIs. In 1991, the UN Commission on Human Rights held an international workshop involving human rights institutions, UN member states and specialized agencies and non-governmental organizations (NGOs), whose purpose was to review various forms of co-operation between national and international institutions as well as to explore ways in which their effectiveness could be increased. The resulting 'Paris Principles' were subsequently endorsed by the UN General Assembly in December 1993.

Universal Periodic Review (UPR): The Universal Periodical Review mechanism of the Human Rights Council is a fundamental tool whose aim is to measure the extent to which individual states have fulfilled their human rights obligations and commitments. UPRs analyze best practices as well as challenges and obstacles that a state might face based upon information provided by the state itself; reports of Treaty bodies, special procedures and other UN documents deemed relevant by the Office of the High Commissioner for Human Rights; and information from other relevant stakeholders, including NGOs and NHRIs.

² Source: www.ohchr.org/Documents/Publications/FAQen.pdf

I. EXECUTIVE SUMMARY

This Civil Society Seminar was held in Tajikistan’s capital, Dushanbe, on the 17th and 18th of September 2013 with the support of the European Union Delegation to Tajikistan and in joint collaboration with the Human Rights Commissioner of the Republic of Tajikistan. The Seminar was attended by 62 participants at the national level—including representatives of 31 civil society organizations (CSOs) representing diverse groups and ranging from human rights defenders, academics and legal experts to media organizations. Several international organizations (former and potential donors) were also represented, as were international experts



on NHRI and CSO best practices.

The Seminar’s purpose was to provide an opportunity for discussion between European and Tajik civil society representatives on human rights-related topics, with the specific goals, amongst others, of opening up the official human rights dialogue to civil society in a forum for constructive discussion, and to develop links between Tajik and European civil society representatives regarding international human rights.

The Seminar’s agenda included the provision of detailed information to the participants about the current mandate, structure, plans and activities of the HRC—including information concerning co-operation with NGOs,

CSOs and international organizations. Additionally, information was provided about the 2012 accreditation process of the HRC by the ICC Bureau, which resulted in a 'B'-status accreditation with several significant recommendations for improvement. These recommendations largely concerned the HRC's positioning with regard to its independence in terms of mandate, functions and budget, as well as best practices for the selection of the Commissioner and the promotion of accessibility with regard to HRC staff.

The Seminar's participants then gave presentations upon and discussed a variety of topics, notably:

- Forms of interaction and co-operation between NHRIs and civil society;
- NHRIs' activities in terms of monitoring and promoting human rights policy, and opportunities for interaction and co-operation with CSOs;
- The activities of the HRC to address reported human rights violations, and opportunities for co-operation with CSOs; and
- The engagement of NHRIs in the activities of international human rights mechanisms and their co-operation.

A number of conclusions emerged from these extensive discussions—principally (and agreed to by all) that, despite existing co-operation between CSOs and the Office of the HRC of Tajikistan, there is much room for improvement. More specifically, the Seminar's participants reached a number of other collective conclusions which may be briefly summarized as follows:

- The Paris Principles require NHRIs to guarantee pluralism and to maintain ties with other bodies active in the human rights area—particularly with NGOs seeking to promote and protect human rights;
- NHRIs have special responsibilities to support efforts to protect the human rights of specific groups and to empower them to claim these rights; in this regard, the HRC could increase the quality of its co-operation with representatives of Tajikistan's national and linguistic minorities;
- The role of the media in the protection of human rights is crucial, and improved co-operation between the office of the HRC and the media would benefit both;
- The issue of Tajik migrant workers in Russia must be addressed effectively—particularly given the seriousness of the situation and the fact that, despite several international events conducted with the ombudspersons of the concerned regions, very limited results have so far been achieved; and
- The role of the HRC in investigating human rights violations and handling complaints—particularly concerning the prevention of torture and degrading treatment, arbitrary detention, disappearances and the protection of human rights defenders—is extremely important, and a more proactive role should be taken.

In an effort to constructively assist efforts to effectively address these conclusions as well as other issues raised in the course of the Seminar, its participants concluded the event by making a number of recommendations directed at various parties. Twenty-eight recommendations were made to the Human Rights Commissioner, 8 to CSOs and NGOs, and 10 to the donor community and international organizations. The main recommendations were:

The Office of the Human Rights Commissioner:

1. Engage and consult with a diverse range of CSOs, including religious leaders and representatives of vulnerable social groups such as the elderly, disabled and migrant communities;
2. Increase public dialogue and consultations on specific issues; create platforms for more regular exchanges between government and civil society by convening regular tripartite meetings (NHRI, government, NGOs and human rights defenders) to exchange views on critical human rights issues; expand the number of activities conducted jointly through a more strategic engagement with the media (i.e. partnership with the media for human rights);
3. Increase work and collaboration with international human rights mechanisms, particularly the treaty monitoring bodies and Special Procedures of the Human Rights Council;
4. Conduct efficient investigations into the most flagrant cases of human rights violations and make their results public; and
5. Develop a strategy on how to build a partnership with Tajik media and strengthen co-operation with the country's independent media.

CSOs and NGOs:

1. Be proactive and use every opportunity for joint activities with NHRIs;
2. Assist victims of human rights violations in getting access to the NHRI and accompany them during the submission of complaints;
3. Work with the NHRI as a mechanism of civil control over the human rights situation in prisons in which there are cases of human rights violations;
4. Present reports on the efficiency of the NHRI's activities to the ICC Bureau; and
5. Work closely with the NHRI on issues such as reporting international and regional human rights mechanisms or the realization of education programmes.

The donor community and international organizations:

1. Ensure inclusiveness, transparency and consultations with a wide range of stakeholders—including representatives of CSOs—when supporting the establishment of a national human rights institution;
2. Consider the Paris Principles as a framework for supporting the NHRI—namely its mandate, autonomy, independence, pluralism, adequate resources and sufficient powers of investigation;
3. Co-ordinate mutual activities aimed at supporting the NHRI, and co-operate more generally;
4. Invest in organizational development—including leadership development, strategic planning, organizational structure, human resources and knowledge management; and
5. Assist the NHRI's efforts to establish internal structures and its capacity to ensure that women's issues are considered in all programme activities—including the identification and resolution of complaints concerning gender equality.

II. BACKGROUND INFORMATION

II.1. General³

The Civil Society Seminar is closely related to the annual structured Human Rights Dialogue between the European Union and Tajikistan. The structured dialogue allows Ministers, experts and national and European NGOs to meet on a regular basis and exchange information and experiences. The Dialogue's participants also define topics for the annual Seminar.

II.2. Objectives

The Civil Society Seminar provides an opportunity for European and Tajik civil society representatives as well as government officials to discuss human rights topics as well as ways in which human rights can be applied. More specifically, these Civil Society Human Rights Seminars are intended to:

- Open up the official Human Rights Dialogue to both European and Tajik civil society communities and create opportunities for constructive discussion;
- Encourage academics and members of civil society to inform the agenda of the official Dialogue with their views; and
- Develop links between Tajik and European civil society representatives specializing in international human rights.

II.3. The Seminar

The Civil Society Seminar on 'Co-operation between National Human Rights Institutions and Civil Society' took place in Tajikistan's capital, Dushanbe, on the 17th and 18th of September 2013; the Seminar was funded by the European Union Delegation to Tajikistan, and was organized in collaboration with the Office of the Human Rights Commissioner of Tajikistan, Mr. Zarif Alizoda, and his staff. The Seminar brought together 62 participants representing at the national level 31 CSOs of diverse groups—including human rights defenders,

³ Adopted from the ToR

the media, national minorities, academics and legal experts. The CSOs were invited from all four regions of the country. The Seminar benefited from a presentation given by two international experts on NHRI and CSO best practices, which included useful information on the areas and means for possible co-operation, challenges and potential solutions.



Several international organizations (former and potential donors) were also represented at the Seminar, who spoke of their co-operation, success stories and challenges. Numerous presentations were distributed to the participants.

The Seminar received wider attention through national and international media. A press release was issued at the end of the Seminar and many participants were interviewed by national media organizations.

Logistics were provided by Cecoforma, and the Seminar was moderated by the two international experts.

II.4. Constraints and caveats

The timing of the Seminar conflicted with the Forum of the EU Ombudsperson, which was held in Dublin, Ireland; most of the Ombudspersons and NHRI experts from the EU member states were therefore already

committed and were unable to take part in the Seminar in Tajikistan. The Seminar's organizers were, however, able to invite participants relevant to the region, its legal system and the subject matter with adequate language skills.

III. THE OFFICE OF THE HUMAN RIGHTS COMMISSIONER OF THE REPUBLIC OF TAJIKISTAN (HRC): GENERAL INFORMATION

III.1. Legal framework and mandate of the HRC

The law of the Republic of Tajikistan 'On the Human Rights Commissioner of the Republic of Tajikistan' was adopted on the 4th of April 2008, and Mr. Zarif Alizoda was appointed as the first Commissioner on the 7th of May 2009.



The law grants the HRC extensive authority over the promotion and protection of human rights, and the HRC is responsible for the following measures to ensure respect for human rights and fundamental freedoms, to prevent their violation and to restore violated human and civil rights:

- Receiving and considering citizens' petitions;
- Analyzing legislation and established practices in its application;
- Monitoring respect for human rights and analyzing or reviewing cases of human rights violations; and
- Summarizing findings and

making recommendations.

When considering petitions, if the HRC finds that human rights or fundamental freedoms have been violated, it:

- Submits its recommendations to relevant state bodies and officials for the purpose of restoring violated human rights and freedoms;

- Addresses its requests to relevant state bodies to take disciplinary action or launch administrative or criminal proceedings against state officials having violated human or civic rights and freedoms; and
- Applies to the Constitutional Court of the Republic of Tajikistan with a request to consider the conformity of legal acts on human rights with the Constitution of the Republic of Tajikistan.

In order to ensure the efficiency of the HRC's work, the necessary legal and institutional framework was established and internal legal instruments regulating different aspects of the Commissioner's activities were adopted, e.g. Regulations concerning the HRC, Instructions for the Consideration of Citizens' Petitions, Regulations concerning the Expert Council, &c.

One of the most important tasks of the HRC is to promote the improvement of legislation. In 2010, in order to harmonize national legislation on the activities of the HRC with international standards in collaboration with international and non-governmental organizations, a package of proposals to amend the laws of the Republic of Tajikistan—particularly the Code of Criminal Procedure, the Code of Commercial Procedure and the Penal Execution Code—was drafted and submitted to the government.

With due consideration for the analysis of the overall human rights situation in the Republic of Tajikistan and the existing institutional capacity of the HRC, a Development Strategy for the HRC for the period 2011-2015 was drafted and approved. The Strategy identifies priority areas of the HRC's activities—among them guaranteeing freedom from torture, protecting the rights of persons deprived of their liberty, protecting the rights of vulnerable groups such as women, children, migrants and members of their families and others, and raising public awareness of human rights.

An Expert Council was established to advise the HRC; its members include representatives of the state legislature, the executive and the judiciary, non-governmental human rights organizations and the media.

In order to strengthen the HRC's capacity to protect the rights of children, a separate Unit for the State Protection of Children's Rights was established within the HRC with the support of the UN Children's Fund (UNICEF).

To increase the efficiency of the HRC's work in the fields of information management and analysis and cooperation with the media, non-governmental and international organizations, a separate Information Management & Analysis Unit was also established within the HRC. An HRC website was also created, which is actively made use of.

The HRC works in close co-operation with government institutions as well as civil society and international organizations active in the field of human rights in the Republic of Tajikistan.

III.2. Co-operation with CSOs and NGOs

The HRC currently co-operates closely with the international 'Law and Prosperity' CSO, the non-governmental 'Nota Bene' foundation, the Bureau for Human Rights and Statutory Compliance, the Independent Centre for Human Rights, the Centre for the Rights of the Child, the Centre for Human Rights, the 'Amparo' Association of Young Lawyers, the 'Charkhi Gardun' media group and the League of Women Lawyers, as well as with various organizations seeking to foster protection for the rights of persons with disabilities such as Dushanbe's 'Imkoniyat' Society for Disabled Persons, the Association of the Blind People of Dushanbe, the Association of Parents of Children with Disabilities, the Association of Parents of Children with Autism, the 'Iroda' Association of Women with Disabilities and other civil society actors. The HRC has signed bilateral agreements on co-operation with many of them.

The OSCE has also played a key role in bringing sixteen NGOs together in a 'Coalition against Torture'. The OSCE provided political support to the Coalition as well as more practical and financial support to enable members to meet and to develop an advocacy plan. Most recently the Coalition has been engaging with the HRC on plans to develop a pilot National Preventive Mechanism (NPM) on Torture, making the case that the mechanism should be independent and should not include state officials.

III.3. Co-operation with international organizations

Levels of co-operation between the HRC and international organizations have been developing for some time, and these important relationships have been particularly active and beneficial with:

- **UNICEF:** A Unit for the State Protection of Children's Rights was established within the HRC in 2012 with the support of UNICEF, and began working in July of that year.
- The **OSCE** provided the HRC with expert support for its institutional development and the development of its Strategy and Action Plan as well as during the drafting of internal documents, and has assisted the efforts of the HRC working group to develop a State Human Rights Education Programme; the OSCE has also been supporting the activities of the HRC's Co-ordination Council for Methods and Procedures in its implementation of this Programme.

- The **Government of the Netherlands**: The HRC's Information Management & Analysis Unit, whose work has been funded by the Government of the Netherlands for the past two years, now (as of January 2013) receives its funding from the Republic's budget.⁴
- The **Danish Institute for Human Rights (DIHR)**: With the aim of improving citizens' access to the HRC and raising their awareness of human rights and freedoms, a *Bulletin of the Human Rights Commissioner* is published with the financial support of the Danish Institute for Human Rights; the magazine is published every three months with a circulation of 500 copies and is distributed free of charge. The website of the HRC was also launched with the financial support of the DIHR and its contents are regularly updated.
- **DFID and DIHR**: The HRC's regional reception offices are funded by the UK Department for International Development (DFID), and the reception offices in the towns of Khujand, Qurghontepa, Khorugh and Kulob receive financial support from the Danish Institute for Human Rights (DIHR).
- **OHCHR/UNDP**: When the HRC was established, the OHCHR procured the services of national and international experts to build up its capacity and assist it in drafting guidelines for operational and administrative strategies.
- The **Tajik Centre for Human Rights and the Swiss Agency for Development and Co-operation (SDC)**: The HRC, in partnership with the Tajik Centre for Human Rights, implemented a project called 'Capacity Building of the Office of the Human Rights Commissioner of the Republic of Tajikistan in the field of protection for the rights of migrant workers'—a project funded by the Swiss government.
- Within the framework of this project, a needs assessment of the HRC was carried out by international experts, whose aim was to assess the HRC staff's capacity to investigate complaints, challenges and gaps and to develop recommendations. The experts also drafted guidelines for investigating complaints received from Tajik migrant workers abroad and their family members. A study tour to the Russian city of Yekaterinburg was supported within the same project framework to improve co-operation between the HRC and the Ombudsman of the City of Yekaterinburg in the investigation of complaints and the situation of Tajik migrants in Russia.
- **UNICEF and the Open Society Institute (OSI)**: A project funded by UNICEF and the OSI and implemented jointly with the Centre for Children's Rights was set up to monitor the right to freedom from torture in the juvenile justice system. The project monitored children in conflict with the law, and interviews were conducted with their parents and the staff of public prosecution bodies as well as in closed and semi-closed institutions.

⁴ Decree No. 969 of the President of the Republic of Tajikistan (16th of December 2010).

In order to strengthen international co-operation in the field of human rights, the HRC has signed a number of bilateral and multilateral agreements—including the Dushanbe Declaration on Co-operation between the Human Rights Commissioners of the Central Asian Countries, which provides for the establishment of a Council of these Commissioners.

The HRC also signed an 'Agreement on the Establishment of the Eurasian Association of Ombudsmen' with the Ombudsman of the Kyrgyz Republic, an 'Agreement on Co-operation' with the Commissioner for Human Rights of the Russian Federation, and Agreements on Co-operation with the Commissioners for Human Rights of the Sverdlovsk, Samara and St Petersburg regions of the Russian Federation.



III.4. Recommendations of the ICC Bureau

In 2012, the HRC underwent an accreditation process by the ICC Bureau's Sub-committee on Accreditation, and was granted 'B' status. At the same time, relevant recommendations were made to both the Tajik Government and the HRC which included the following advice:

- To enshrine in law the functions of the HRC in terms of promoting the ratification of (and accession to) international human rights instruments.
- To enshrine in law and subordinate legislation, as well as apply in practice, the process of selecting candidates for the post of Human Rights Commissioner and for the HRC's Expert Council, including requirements to:
 - a) publicize vacancies;
 - b) maximize the number of potential candidates from a wide range of societal groups;
 - c) promote broad consultation and participation in the application, screening and selection process; and

- d) assess applicants on the basis of pre-determined, objective and publicly available criteria.
- To advocate for legislative amendments or to develop policies and procedures to ensure that staff representation is broad and pluralistic. The Sub-committee emphasized the importance of ensuring that their staffs are representative of the diverse segments of society. A diverse staff increases the NHRI's appreciation of and capacity to engage with all human rights issues affecting the society in which it operates, and promotes the accessibility of the NHRI to all citizens.
- To take part in the working groups tasked with preparing national reports to the UN treaty bodies. This participation has been limited to contributing to the government report. The Sub-committee noted that the HRC of the Republic of Tajikistan participated in the UPR as part of the government delegation, which compromises the independence and the perception of the independence of the HRC. The Sub-committee emphasized the importance of NHRI engagement with the international human rights system—particularly the Human Rights Council and its mechanisms (Special Procedures and the UPR) and the Treaty Bodies—in a manner which reflects the principle of independence. This includes providing independent input (shadow reports) into these processes and following up at the national level on the recommendations made by the international human rights system.

The Sub-committee also emphasized the importance of the state providing adequate core funding, as this promotes the independence of the NHRI by allowing it to freely determine its priorities and allocate its resources accordingly. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive improvement of the organization's operations and the fulfilment of its mandate.

Finally, the Sub-committee acknowledged that no office holder should be beyond the reach of the law, and is of the view that in certain exceptional circumstances it may be necessary to lift immunity. However, the decision to do so should not be exercised by an individual, but rather by an appropriately constituted body such as the superior court or by a special majority of parliament.

IV. SUMMARY OF SEMINAR DISCUSSIONS

IV.1. FORMS OF INTERACTION BETWEEN NATIONAL HUMAN RIGHTS INSTITUTIONS AND CIVIL SOCIETY ORGANIZATIONS

As determined during the discussions, the Seminar's participants believe that the principles of interaction between NHRIs and CSOs should be characterized by:

- A willingness to dialogue and co-operate with any organization, even if their viewpoints occasionally differ. It is important to work with everybody who can assist in the resolution of problems;
- Openness and transparency of the Commissioner's activities: everything the HRC undertakes should be made public and understood by people;
- Accessibility of the HRC to citizens;

- Solidarity between the HRC and CSOs on essential issues. The institution of the Commissioner is, in part, a special element of civil society. Along with the state funding it receives, a number of the powers it is vested with distinguish it from other actors;
- Public support is one of the most important resources of the HRC; alone, without people, CSOs and human rights defenders providing a pillar of support, the HRC will achieve little—regardless of the extent of its activities. The strength of the HRC derives from the strength of the social movement that it is able to mobilize.
- Inclusiveness: society and the state should not leave people to face problems on their own, and should not follow the logic of ‘it is all his or her fault’; and
- Professionalism: CSOs should be able to work intelligently with state agencies. One cannot be an amateur when dealing with issues which require a simple degree of awareness, education and training.

During the Seminar it was concluded that the implementation of these principles in everyday work would enable people to concentrate on the problems at hand and not on the petty issue of ‘who is better’.

The Seminar’s participants shared their countries’ experience in terms of co-operation between Human Rights Commissioners and CSOs. The Office of the Commissioner for Human Rights of Russia’s Sverdlovsk region, for example, underwent structural changes, saw new areas of work defined, some staff members became specialized in specific issues and topics, and co-operation between the Commissioner and her staff and CSOs was strengthened.

Throughout the Seminar’s discussions it was revealed that, in the opinion of the participants, the main areas of the HRC’s activities should be focused upon:

- Human rights violations in employment (e.g. overdue salaries, illegal dismissals, illegal employment, etc.), inaction on the part of law enforcement officers to investigate, public protest movements, hunger strikes, etc.;
- Support for trade unions and protecting the right to association;
- Violations of the right to housing (e.g. evictions without providing other accommodation, shared construction fraud, etc.)—including the promotion of self-organization for the protection of rights and mediation in disputes between citizens with authorities;
- Violations of human rights by state law enforcement bodies (unlawful detention, unlawful use of force, unlawful methods of investigative, etc.), including joint activities with human rights defenders and the provisions of joint assistance to victims of violence;
- Human rights abuses in the penitentiary system (e.g. illegal application of punishments, illegally ignoring cases of conditional early release, unlawful use of force, etc.) together with activities jointly carried out with the Social Supervisory Commission on Monitoring the Observance of Human Rights in Places in which Persons are Forcibly Held;
- Human rights violations in military service (e.g. illegal conscription, illegal denial of the right to alternative service, violations of human rights while on active service, etc.) as well as co-operation with committees of soldiers’ mothers (CSMs)—above all with the Union of CSMs; and

- Violations of the rights of migrants and forcibly displaced persons, including working with expatriate community leaders, the Regional Office of the Federal Migration Service, migrant organizations and human rights defenders.

Promoting interaction between CSOs and the scientific community is also a challenge; among the members of the social councils established under the Commissioner for Human Rights in Russia's Sverdlovsk region there are well-known scientists and CSO leaders.

As discussed during the sessions, legal education is one of the priority areas of co-operation between human rights defenders, scientists and the HRC. Within joint activities, they promote the publication of educational literature and course books, reference books and dictionaries on human rights for students as well as for civil servants, deputies and other officials. They also organize scientific competitions and contests in co-operation with education authorities and human rights organizations. Organizing conferences and round tables on pressing human rights topics is also important.

IV.2. ACTIVITIES OF NHRIs TO MONITOR AND PROMOTE HUMAN RIGHTS POLICY: OPPORTUNITIES FOR INTERACTION AND CO-OPERATION WITH CSOs

The Seminar participants also discussed at length and made observations concerning the following specific, subject-related matters:

IV.2.1. Monitoring and research

As provided for by the legislation of the Republic of Tajikistan, and in accordance with the requirements of the Paris Principles, the HRC presents its annual report on the human rights situation in Tajikistan. While drafting such a report, the HRC assesses the human rights situation in the country by means of an analysis of citizens' petitions, monitoring and the investigation of cases of human rights violations, as well as information from reports of other organizations and the media.



IV.2.2. Protection and prevention from torture

Promoting respect for human rights in custodial institutions is an important priority matter for the HRC. To this end, the Commissioner organizes visits to closed and semi-closed institutions (pre-trial detention centres, correctional institutions, psychiatric hospitals, vocational schools for social rehabilitation, etc.), either independently or within governmental working groups, as well as jointly with non-governmental organizations.

Over a period of six months in 2013, for example, the HRC and its staff visited 11 custodial institutions (in

2012: 13 institutions). Following such visits, recommendations are submitted to relevant governmental agencies and measures are taken to address human rights violations uncovered during the visits.

A representative of the HRC is a member of the working group which studies the detention conditions of life-term prisoners, prison inmates and detainees in pre-trial detention centres. This working group visited 13 correctional institutions and 2 pre-trial detention centres in 2013.

Within the framework of co-operation with the Office of the Commissioner for Human Rights of Russia's Sverdlovsk Region, the HRC—together with representatives of this Office—visited the 39 Tajik inmates of a correctional institution in the city of Yekaterinburg. During this visit, the Commissioner personally met the convicts and studied the degree to which their rights and the detention conditions in the correctional facility were respected.

In 2012, the Commissioner and members of the Coalition of NGOs against Torture monitored the degree of respect for the rights of persons held in psychiatric institutions, the activities of health centres and centres for forensic medical examination with regard to the proper conduct of forensic medical examinations of torture

victims and the gathering of forensic evidence, as well as the degree of respect for the right of children to freedom from torture within the juvenile justice system.

The Commissioner for Human Rights, within the framework of his activities to promote the ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, took a number of actions. In August 2013, for example, the Commissioner established a working group to visit and monitor places of incarceration. The purpose of the establishment of this working group—whose members are representatives of government bodies, scientific and research institutions dealing with issues of persons deprived of their liberty, as well as non-governmental organizations, including the NGOs belonging to the Coalition Against Torture—is to visit and monitor places of incarceration, pre-trial detention centres, temporary detention rooms and other places in which persons are forcibly held. It is also planned to train the staff of these places in international standards regulating the treatment of persons deprived of their liberty, as well as to draft and submit proposals on the advisability of ratifying the Optional Protocol to the UN Convention against Torture.

The Regulations on the Working Group have been drafted and will soon be discussed at a meeting of the working group and approved by the Commissioner. Plans for future monitoring visits to custodial institutions are already in place.

At the same time, Seminar participants who are members of the Coalition Against Torture noted that the Ombudsman does not respond properly to information on human rights violations in correctional facilities. The HRC has never used his authority to conduct an independent investigation into cases of gross human rights violations. A number of human rights NGOs have memoranda on co-operation with the HRC for the joint monitoring of places of incarceration. In 2011 and 2012, the HRC refused to carry out monitoring visits at pre-trial detention centres and penitentiary institutions jointly with NGOs. He justified this refusal by ‘a lack of permission for the NGOs to visit custodial institutions issued by the relevant state bodies (the Ministry of Justice)’.

IV.2.3. Migrant workers

The Seminar participants observed that, as migration flows increase, there is a correspondingly increasing need to protect the rights of citizens of the Republic of Tajikistan who reside abroad. The second priority area of the Commissioner’s activities is to promote the protection of the rights of migrant workers and their families.

In this regard, the Ombudsman of the Republic of Tajikistan has been co-operating with the Russian Federation's Commissioner for Human Rights, Russian regional ombudsmen, the Tajik expatriate communities in Russia, human rights NGOs, government agencies and various Russian and Tajik organizations working on labour migration issues.

In 2010, a network of 10 CSOs involved in the protection of migrant workers' rights was established in Tajikistan. In 2011, this network chose the HRC as an institution able to promote the rights of migrant workers from Tajikistan, which is why in June 2011 the Centre for Human Rights (CHR) initiated the first meeting of NGOs working on labour migration issues with the HRC to identify opportunities for co-operation. This meeting was also attended by NGOs from Russia working on the protection of the rights of Tajik migrants. Among the key recommendations made by the NGOs based upon the results of this meeting was the demand that the HRC

actively respond to acts of xenophobia towards Tajik citizens in Russia and to cases of forced labour and human trafficking. Having made such a recommendation, the NGOs believed that the response(s) of the HRC would necessarily be followed by the introduction by the state bodies of the host countries of relevant measures which would improve the situation of migrant workers from Tajikistan. The interaction between the HRC and the NGOs with regard to addressing problems raised in petitions submitted by



migrant workers to public community liaison offices was also discussed at this meeting.

Following the meeting, the Centre for Human Rights has, on some occasions, forwarded petitions submitted by migrants to its community liaison offices to the HRC, requesting assistance. In 2011, the HRC received 3 such petitions; unfortunately, these were simply submitted to the Migration Service, which is the authorized body responsible for matters concerning labour migration.

In 2011—according to available information and with the exception of the 3 petitions mentioned above—the HRC considered only 4 complaints of migrant workers and members of their families. Given that violations of the rights of Tajik migrant workers are not only frequent in the host countries but also in Tajikistan, this was recognized as an alarming trend. The network of NGOs suggested that the specialized staff of the HRC had not

used available mechanisms for the protection of migrant workers' rights (agreements signed with the federal and regional Ombudsmen of the Russian Federation, for example) due to insufficient professional qualifications, or that there was a lack of awareness among migrants and NGOs of the activities of the Ombudsman and his powers. In this regard, and with the support of donors (UN Women, CSOs), a project aimed at strengthening the capacity of the Ombudsman's staff for the protection of the rights of migrant workers was carried out. An independent expert assessed the level of professional qualifications of the specialized HRC staff to work with migrant workers and made relevant recommendations to the HRC itself.



The main goal of these recommendations was to improve the capacity of HRC staff in the field of migration and improving the HRC's record-keeping and media relations in order to guarantee adequate coverage of labour migration issues and raise the transparency of the Ombudsman's activities.

On the basis of the assessment and the recommendations, a programme for a visit to the city of Yekaterinburg in Russia's Sverdlovsk region was drafted for the specialized staff of the HRC to enable them to study the experience of the region's Human Rights Commissioner and the situation of migrant workers from Tajikistan. There was good reason to choose Yekaterinburg, as the Human Rights Commissioner of this region works actively in the sphere of labour migration. The next step was the organization of a regional conference of the Central Asian and Russian Ombudsmen in October 2012, with the aim of strengthening co-operation between the Ombudsmen in terms of protecting the rights of migrant workers.

A final document—the Dushanbe Declaration—was adopted based upon the results of this conference, and relevant recommendations were made. It is encouraging that the organization of the thematic conference of Ombudsmen on migration issues was not the only event of that kind: in May 2013 the next conference was held in the Russian city of Yekaterinburg.

According to the human rights defenders who took part in the Seminar, it is too early to talk about specific, significant results achieved in the field of co-operation between the HRC and Tajik NGOs dealing with the protection of the rights of migrant workers. In their view, it can definitely be said that such co-operation has been developing, but it is also necessary to make more active use of the capacities of all actors in the protection of the rights of migrant workers.

The Seminar's participants praised the HRC's practice of concluding agreements on co-operation with ombudsmen of host countries. Equally, it was noted that Tajik migrant workers should be aware of such mechanisms for the protection of their rights, and that the public should be regularly informed of the results of co-operation within the framework of these agreements.



IV.2.4. Children's rights

The next priority area of the HRC in Tajikistan is the promotion and protection of children's rights. As mentioned above, the HRC includes a Unit for the State Protection of Children's Rights. In 2012, the HRC and the Centre for the Rights of the Child signed a memorandum on bilateral co-operations, within the framework of which the degree of respect for children's rights within the juvenile justice system has been monitored and 12 videos on child victims of torture and ill-treatment have been made. The Centre for the Rights of the Child has had a positive experience of co-operation with the HRC in Tajikistan.

In December 2012, for example, the media published an article on an appeal lodged by the parents of underage prisoners denouncing the ill-treatment of their children in a young offenders institution and claiming that their children had been subjected to torture and ill-treatment. On the same day, a special group made up of two HRC representatives, two representatives of the Coalition Against Torture (staff members of the Centre for the Rights of the Child), two deputy chiefs from the Main Department of the Execution of Punishments of Tajikistan and a representative of the Special Prosecution Office under the General Prosecutor's Office of the Republic of Tajikistan was established. The group visited the institution and conducted a survey among the children held in the facility. The survey was selective in order to ensure that the prison officers could not identify the children

whose parents had submitted the complaint to the HRC. In the presence of a health worker, the children were examined for signs of abuse or torture. Signs of torture and ill-treatment were not found. In their interviews, the children stated that they had not been subjected to torture or other forms of violence. Subsequently, an open day was held in the institution to which the parents of the young detainees were invited in order to familiarize themselves with the conditions of their children's detention, catering facilities, medical care and educational provisions. These kinds of visits are a perfect example of possible mechanisms for the prevention of torture and ill-treatment of children.

IV.2.5. Human rights education and awareness-raising activities

The HRC pays special attention to the training of law enforcement officers in terms of international human rights standards. In this regard, and in order to increase the awareness of these issues of law enforcement bodies, institutions for the execution of punishments, courts and closed institutions in the country's cities and regions, seminars on international and national mechanisms for the prevention of torture and the promotion of

the ratification of the Optional Protocol to the UN Convention against Torture have been held.

In order to implement the United Nations Technical Assistance Programme for the Capacity Building of the Commissioner for Human Rights in Tajikistan, which is carried out jointly with the United Nations Office in Tajikistan and with the financial support of the United Nations Population Fund (UNFPA) in the Republic of Tajikistan, a number of meetings were held across Tajikistan between the HRC and representatives of local authorities, law enforcement bodies and CSOs .

With the support of the Danish Institute for Human Rights, the quarterly *Bulletin of the HRC in the Republic of Tajikistan* has been published and distributed, experts and human rights activists have been invited to speak on the National Radio Station, and seminars for the employees of closed institutions have been held.

At the initiative of the HRC, the new State Programme for Human Rights Education during the period 2013-2020 was drafted and approved by the Tajik government. The programme was designed with due consideration for the second phase of the UN World Programme for Human Rights Education, and embraces such groups as university students, civil servants, law enforcement officers and military personnel. A Co-ordination Council for Methods and Procedures and thematic working groups were established within the HRC to carry out the Programme.

V. ACTIVITIES OF THE HRC TO ADDRESS REPORTED HUMAN RIGHTS VIOLATIONS & OPPORTUNITIES FOR CO-OPERATION WITH CSOs

The Seminar's discussions made it clear that one of the most important duties of NHRIs is to respond to violations of the human rights or fundamental freedoms of individuals committed by the authorities and to protect these individuals. In this regard, the Seminar's participants discussed such issues as:

- How NHRIs should receive citizen's complaints, which criteria they should use for the selection of individual cases, and what measures they should take in order to protect various human rights;
- The powers of NHRIs to initiate their own investigations if there are reports of gross or large-scale violations of human rights, as well as their powers to monitor trials in cases of public interest;
- The criteria for submitting cases to other agencies and monitoring their considerations;
- How CSOs can be involved in the activities of NHRIs during the investigation of cases of human rights violations; and
- The effectiveness of the HRC's regional community liaison offices.

The countries of the European Union have extensive experience of responding to individual cases of human rights violations and have adopted different models of 'Ombudsman' institutions—ranging from very strong ones to ones with limited powers of investigation and decision-making (Swedish, Danish, French and UK models).

The function of most of these Ombudsman institutions is to mediate between individuals and the state or local authorities. Their mandate also calls upon them to exercise control over the activities of state bodies when considering individual complaints, investigating cases of human rights violations, making recommendations aimed at putting a stop to uncovered human rights violations, and increasing public awareness.

Ombudsman institutions also have the authority to draw up proposals aimed at improving national legislation and initiating proceedings before constitutional or higher courts to review the constitutionality of laws.

The procedure for registering petitions is similar in all countries: citizens (or foreigners or stateless persons as well as NGOs, if necessary) may submit petitions to the Ombudsman. Depending on the different 'models' of Ombudsman institutions, some can issue binding decisions whilst others may ask the courts to protect the human rights of individuals and represent them during legal proceedings. The right to independently initiate

investigations into cases of human rights violations having social significance—e.g. concerning a specific group of people or individuals unable to file a suit on their own—is an extremely important power of every Ombudsman. The Ombudsmen of EU member states are entitled to visit, without hindrance or prior notification of purpose and time, any places in which persons are forcibly held, to receive any complaints they may have and to interview these persons in private.

The Seminar's participants observed that the minimum conditions to ensure the efficiency of mechanisms for the handling of individual petitions are:

- The awareness among petitioners of their rights and of the rights of other individuals;
- The existence of an efficient procedure for the consideration of complaints;
- The absence of fear of potential repercussions when filing a complaint; and
- Confidence that the mechanism is able to stop human rights violations.

The key document which regulates the submission and consideration of citizens' petitions in Tajikistan is the 'Instruction on the Procedure of Consideration of Citizens' Petitions by the Institution of the Commissioner for Human Rights in the Republic of Tajikistan'.

The HRC's offices include a separate, properly equipped room for receiving petitioners run on a daily basis by specially trained members of staff. Three departments of the HRC are responsible for receiving and considering citizens' petitions: the Unit for the Protection of Civil and Political Rights; the Unit for the Protection of Economic, Social and Cultural Rights; and the newly established Unit for the State Protection of Children's Rights. An Administrative Unit employs 13 officers (the HRC's total number of employees is 21).

Besides considering petitions submitted by citizens, the HRC has the right to independently initiate and run investigations into gross or large-scale human rights violations.

When considering petitions involving violations of human rights or fundamental freedoms, the HRC:

- Investigates reported human rights violations independently or jointly with relevant authorities;
- Submits its recommendations to relevant state bodies and officials for the purpose of restoring violated human rights or fundamental freedoms;
- Requests relevant state bodies to take disciplinary action, begin administrative or criminal proceedings against state officials accused of having violated the human or civil rights and freedoms of citizens; and
- Applies to the Constitutional Court of the Republic of Tajikistan with a request to consider the conformity of a legal act on human rights with the Constitution of the Republic of Tajikistan.

The Seminar's participants were informed that in 2012 the HRC received (i.e. registered) 604 citizens' petitions (567 in 2011), of which 258 were submitted in writing (207 in 2011) and 364 were oral reports of human rights violations (360 in 2011). The HRC's community liaison offices considered 1,085 citizens' petitions.

An analysis of these petitions shows that in 2012, in comparison with 2011, the number of petitions relating to civil and political rights did not significantly increase, but that the number of petitions concerning social,

economic and cultural rights is growing. Thirty petitions, for example (11.6% of the total), concerned the right to property, and a further 40 (15.5 %) the right to housing. In 2012, 24 petitions submitted in writing (20 in 2011) and 4 oral reports of human rights violations were resolved in the petitioners' favour.

At the request of citizens and at the initiative of the Commissioner, HRC staff have recently attended 7 trials, but NGO representatives have noted that this participation has not always been effective: according to the Centre for the Rights of the Child, for example, in the case of a child who had been tortured and ill-treated by a policeman, during the initial trial investigation the efforts of a



representative of the Independent Human Rights Centre (IHRC) to defend the child's interests were strongly interfered with by the defendant's relatives. The IHRC subsequently requested the HRC to guarantee the IHRC representative's participation in the trial in order to protect the child. At the time of the trial, however, the HRC's Unit for the State Protection of Children's Rights had not yet been established, and an HRC representative at the trial simply listened to the pronouncement of sentence before leaving the courtroom.

The HRC also failed to adequately respond to human rights violations in the case of a member of the 'Amparo' Association of Young Lawyers (itself a member of the Coalition Against Torture), which was closed down by a decision of the municipal court of Sogdiyskaya Oblast on the 25th of October 2012. Members of 'Amparo' reported (after the NGO was closed down) that the HRC representative assigned to observe the trial against their NGO simply left the courtroom after having passively listened to the proceedings for barely half an hour.

Half of the petitions submitted to the HRC are referred to relevant state agencies whose mandate grants them powers to resolve the problems raised in the petitions. The main reason for such referrals is a legal requirement to exhaust all other legal remedies before submitting a petition to the HRC—that is, a decision or action/inaction violating human rights shall be appealed against to the higher authority or in a judicial procedure. But despite efforts through the media or the HRC's website to increase public awareness of procedures for submitting petitions, the number of citizens' petitions that cannot be accepted for consideration for the reason mentioned above remains very high, although it has seen a downward trend.

Currently, the new 'Instruction on the Procedure of Consideration of Citizens' Petitions by the Institution of the Commissioner for Human Rights in the Republic of Tajikistan' has been drafted jointly with international and

local experts. The draft takes into account the experience of other countries' NHRIs in terms of processing petitions, and efforts are underway to improve national legislation concerning the mandate of HRC staff to receive and consider citizens' petitions.

V.1. Challenges

According to HRC, the main difficulty in receiving and considering petitions is the lack of experience and analytical skills of its staff; the processing of electronic documents has also not yet been fully exploited.

Representatives of various CSOs (e.g. the Centre for the Rights of the Child) drew the Seminar's participants' attention to several individual cases which the HRC had successfully resolved.



By way of example, they cited the case of an underage boy who had been tortured. Under pressure, the boy's relatives had refused the help of an NGO's lawyers, as a result of which the NGO's representatives had no access to the criminal case file. The NGO contacted the HRC, asking it to request copies of all the case files, including the forensic report, which recorded signs of torture; following



this, the NGO made a statement on behalf of the child demanding that criminal proceedings be initiated in order to bring those who had committed the act of torture to account. Following the NGO's petition, the HRC contacted the General Prosecutor's Office, and is currently waiting for them to respond. But despite cases such as this, representatives of many CSOs in Tajikistan believe that the HRC does not have the political will and guarantees of independence it needs to be able to promote and protect human rights effectively. They believe that its work is limited to simply hearing citizens' petitions, and accuse it of not responding to human rights violations which cause public outcry.

The representatives of the NGOs of the Coalition Against Torture gave several examples of cases when the HRC had either ineffectively or quite completely failed to respond to some of the country's most high-profile cases of gross violations of human rights. One example they gave the Seminar's participants was the so-called 'case of the 53 Istaravshanskiy district residents': between September 2010 and January 2011, 53 residents of the Istaravshanskiy, Isfarinskiy and other districts of Tajikistan's Sogdiyskaya *oblast* were arrested on suspicion of having committed terrorist attacks and complicity in the illegal activities of the Islamic Movement of Uzbekistan (IMU)—a prohibited extremist organization. Virtually all the detainees claimed that they had been tortured at the time of their arrest and during pre-trial investigations and court proceedings, but their allegations of torture were never properly investigated.

According to the Independent Centre for Human Rights Protection, on the 18th of January 2011 a collective petition was submitted to Tajikistan's Human Rights Commissioner, Mr. Zarif Alizoda, who personally met a group of the defendants' parents. Subsequently, however, their petition remained unanswered, and although a

representative of the HRC in Sogdiyskaya oblast did attend the court hearing which considered an appeal for the convictions to be quashed, this was the only response.

The Seminar's participants were told that the Human Rights Commissioner had visited five convicts who were sentenced to life imprisonment in this criminal case,

but had seen no signs of torture. During a meeting with their lawyers, the convicts stated that they had informed the Ombudsman of their having been tortured and had shown him evidence of the beatings they had received, but that they had received no response.

Another example was the case of Mr. Zoirzhon Boboyev—a resident of the Bobodzhon Gafurovskiy district of Sogdiyskaya oblast who was, according to the Centre for Human Rights NGO, detained and tortured by officers of the Committee for National Security of Sogdiyskaya oblast on the 10th of July 2013. Mr. Boboyev was allowed



to see his mother, who stated that her son was in a sad plight, handcuffed, with the upper parts of both arms badly bruised, a front tooth knocked out, and wearing dirty and bloodstained clothes. He was also barefoot and his face and feet were very dirty. Mr. Boboyev's lawyer submitted petitions to several government agencies, including the Ombudsman of Tajikistan, but his petition to Mr. Alizoda was, according to the lawyer, simply referred to the country's Prosecutor General's Office for further consideration.

Giving another example, the Centre for Human Rights told the Seminar's participants that when Mr. Sherik Karamhudoev, a resident of the town of Khorog, and Mr. Behrouz Kholov, a resident of Sogdiyskaya *oblast's* Matchinskiy district, contacted the HRC claiming to have been tortured, the Commissioner again limited himself to referring their complaints to the Prosecutor General's Office of Tajikistan, and did not carry out his own investigation into their allegations.

V.2. HRC community liaison offices

The HRC established several community liaison offices (CLOs) in Tajikistan in accordance with Article 35 of the law 'On the Commissioner for Human Rights in the Republic of Tajikistan' in order to increase the accessibility of its offices to citizens, to ensure that citizens are able to exercise their right to appeal to the Commissioner, irrespective of their place of residence, and to assist the HRC in fulfilling its mandate throughout the entire country.

As explained to the Seminar's participants, the main activities of these community liaison offices are:

- Monitoring respect for human rights, analyzing the human rights situation and reporting back to the HRC;
- Providing the population with legal assistance and information;
- Co-operating with government agencies, the media, businesses and CSOs; and
- Providing information on community liaison offices and promoting their work, which includes involving civil society in their activities (the social councils under the community liaison offices).

The heads of these CLOs represent the Commissioner in terms of public relations and are selected and appointed on a competitive basis for a three-year term. Their work is subordinated and accountable to the Commissioner, and their mandate is extensive in the field of human rights protection.

With the assistance of international organizations, the HRC established eight CLOs in Tajikistan's regional capitals, towns and districts. One of the terms of co-operation between the HRC and international organizations is a gradual move towards funding the CLOs from the state budget. 'Social councils' of local MPs, civil society representatives (NGOs, the media), civil society activists and local leaders were established under some of the CLOs.

Despite the fact that the CLOs are currently still in the process of being set up, a number of factors affecting the efficiency of their work have already been identified:

- The capacity of local authority staff increases at the expense of civil society activists, particularly as standards of education increase;

- The ability of various groups and individuals to persuade the authorities to address issues in their interest increases;
- Around 10-12 people contact CLOs every month;
- The social councils established under the CLOs engage with 150 people who work on a voluntary basis;
- CLO managers and staff are members of the co-ordinating councils which work under various branches of the executive; and
- Whether or not the CLOs are equipped with necessary facilities.

The Seminar's participants noted that half of the CLOs (4 of 8) are located on premises belonging to branches of the country's executive, which in some cases limits the CLOs' accessibility and increases the risk of their not being independent from executive branches of power. The participants also noted the CLOs' lack of institutional development and their staffs' lack of knowledge of human rights issues, which diminishes their ability to make full use of the CLOs' mandate for human rights protection, as well as the need to strengthen the potential of CLO managers and volunteers. It was also noted that different CLOs approach their work in different ways: the Khujand CLO, for instance, involves students as public relations assistants to the Ombudsman. The Seminar's participants also raised the matter of the Kurgan-tube region CLOs' unsatisfactory work, the local population's lack of confidence in their staff, and their insufficient co-operation with NGOs in the region. The participants also noted the lack of transparency of procedures to appoint CLO managers and the lack of strategies for the proactive prevention of human rights violations.

VI. THE ENGAGEMENT AND CO-OPERATION OF NHRIs WITH THE ACTIVITIES OF INTERNATIONAL HUMAN RIGHTS MECHANISMS

The key task of the Ombudsman in terms of the promotion and protection of human rights and fundamental freedoms and the restoration of violated citizens' rights cannot be duly fulfilled without close co-operation with international mechanisms for human rights protection. Such co-operation is necessary in order to efficiently respond to human rights challenges. As set out in sub-paragraph d) of paragraph 3 of the Paris Principles, NHRIs should contribute to the reports which States are required to submit to United Nations bodies and committees and to regional institutions pursuant to their treaty obligations.

As was discussed during the Seminar, the HRC has various important tasks to fulfil—notably: the development and co-ordination of international co-operation; promoting the ratification of (i.e. accession to) various international instruments; engagement in the drafting of national reports to relevant UN bodies; and taking measures necessary to promote and monitor the implementation of recommendations.

According to HRC representatives, the main avenues for co-operation are:

- Promoting the ratification of and accession to international human rights instruments;

- Holding meetings with members of the UN Treaty Bodies (face-to-face work);
- Taking part in the drafting of the government's periodic reports on its fulfilment of international commitments;
- Drafting and submitting recommendations for the list of issues concerning the country's periodic reports;
- Attending sessions of the UN Treaty Bodies when these periodic reports are discussed as well as sessions of the Human Rights Council within the UPR procedure;
- Making statements at the sessions of the UN Treaty Bodies;
- Disseminating information on and raising public awareness of the concluding observations and recommendations of the UN Treaty Bodies;
- Meeting special *rapporteurs* and their representatives when they visit the country; and
- Monitoring the fulfilment of the Treaty Bodies' recommendations to the government and taking necessary measures aimed at promoting follow-up at the national level.

Tajikistan's HRC is a member of the Commission for the Fulfilment of International Commitments in the Field of Human Rights under the Government of Tajikistan. Since this Commission was established in 2009, the HRC has taken part in the activities of expert working groups tasked with drafting national reports to be submitted to relevant UN Treaty Bodies on the status of human rights observance in the Republic of Tajikistan.

HRC representatives, for example, took part in the activities of various working groups tasked with drafting reports as part of the Universal Periodic Review procedure on Tajikistan's fulfilment of its international commitments under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the International Convention on the Elimination of All Forms of Racial Discrimination. Based upon an analysis of national legislation in force and of the activities of various state bodies, the HRC made a series of proposals aimed at improving the National Report and bringing it further in line with the requirements of the UN Treaty Bodies. The Commissioner also attends sessions of the UN Treaty Bodies and the Human Rights Council when Tajikistan's national reports are being reviewed.

According to the rules of the UN Treaty Bodies, the HRC may, if necessary, submit separate independent reports to UN Treaty and Charter Bodies. The main purpose of such shadow reporting is to help these bodies obtain independent, meaningful and comprehensive information on the status of human rights observance in the country, as well as to fulfil the recommendations and concluding observations of the UN Treaty and Charter Bodies. In this respect, it is worth noting that currently Tajikistan's HRC has not yet submitted its shadow reports. As was mentioned above, the ICC Bureau Subcommittee on Accreditation in its recommendations emphasized the importance of NHRI engagement in responding to the challenges of the international human rights system, the UN Human Rights Council and its mechanisms (Special Procedures and the UPR) and the Treaty Bodies—particularly through shadow reporting. Within the Universal Periodic Review procedure, the member states of the UN Human Rights Council recommended that the Republic of Tajikistan ensure that the organizational design and mandate of the country's human rights institution are in line with the Paris

Principles. Currently, the working group established under the HRC to address these recommendations has been considering the issue of relevant legislative reform to enable the HRC to submit to the UN bodies its shadow reports on the status of Tajikistan's fulfilment of international commitments.

According to CSO representatives, the HRC, as a member of the expert working groups, should carry out broad consultations with CSOs in order to take into account their proposals and recommendations within the drafting of national reports. Although such co-operation is currently underway between the CSOs and representatives of the Department for Constitutional Guarantees of Citizens' Rights under the Executive Office of the President of the Republic of Tajikistan—which carries out the functions of the secretariat for the Commission and expert groups mentioned above—there is no such co-operation with the HRC.

The HRC has been actively taking part in the process of drawing up and implementing Tajikistan's National Action Plans for the country's implementation of the UN Treaty Bodies' recommendations.

On the 3rd of April 2013, by Order of the President of the Republic of Tajikistan, the National Plan of the Republic of Tajikistan on implementing the recommendations of the UN Human Rights Council under the Universal Periodic Review was approved.

On the 15th of August 2013, the Action Plan on the Fight against Torture was approved following the recommendations of the UN Committee against Torture and the UN Special Rapporteur on Torture, Mr. Juan Mendez.

The HRC forwards relevant proposals for the National Action Plans, and includes a working group on the fulfilment of particular recommendations made as part of the UPR procedure. The HRC does not, however, co-operate with CSOs, whose recommendations are therefore not taken into account in the National Action Plans. Also, the members of the HRC's working group on the fulfilment of recommendations made as part of the UPR procedure do not include any CSO representatives.

The HRC submitted to the Ministry of Foreign Affairs of the Republic of Tajikistan its proposals for a draft document 'On the Voluntary Commitments of the Republic of Tajikistan in view of the country's election to the UN Human Rights Council for the period 2015-2017'. In particular, the HRC suggested that the country's commitments to ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women be included in the draft document.

Promoting Tajikistan's accession to international instruments—as set out in subparagraph b) of paragraph 3 of the Paris Principles—is an important area of the HRC's work to promote international human rights standards and raise awareness of these standards in the country.

Since the HRC was established, its annual reports have been advocating the ratification of those international instruments that Tajikistan has not yet ratified—particularly the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Second Optional Protocol to the

International Covenant on Civil and Political Rights, and the Convention on the Rights of Persons with Disabilities.

With the support of the HRC, a meeting was held in July 2013 between the Chairman of the UN Committee on the Rights of Persons with Disabilities, Ms. Maria Soledad, and representatives of Tajik NGOs dealing with the rights of disabled persons. They discussed issues related to the state of observance of the rights of persons with disabilities, Tajikistan's ratification of the Convention on the Rights of Persons with Disabilities, and issues concerning the submission of reports and individual petitions to the UN Committee on the Rights of Persons with Disabilities.

In accordance with the international treaties, the Tajik government is committed to efforts to increase public awareness of the treaties it has ratified as well as of the recommendations and concluding observations of the UN Treaty Bodies. In particular, the Treaty Bodies always recommend to the State Party that it ensure the publication and the raising of public awareness of the periodic reports (starting from the date of their submission) and of the concluding observations among officials of the state bodies. In this regard, national reports and recommendations made to the government following their consideration have been regularly posted on the HRC's website (which is the only official website to make the texts of national reports available to the general public.)

In addition to fulfilling its mandate, the HRC has also been monitoring the implementation of the various recommendations the UN Treaty Bodies addressed to the Republic of Tajikistan. For this purpose, the HRC has sent a number of requests to relevant branches of the Tajik government responsible for the implementation of specific recommendations. Once the information the government will provide will have been analyzed, the HRC's recommendations will be forwarded to the Tajik government's Commission for the Fulfilment of International Commitments in the Field of Human Rights and Commission of the Rights of the Child for further action. The Seminar's participants suggested that the HRC should hold broad consultations with CSOs, as the HRC does not have enough resources to effectively monitor the country's implementation of the UN Treaty Bodies' recommendations; it was also suggested that NGOs working on various human rights issues could serve as strategic partners of the HRC during such monitoring.

The Seminar's participants noted the weakness of the HRC's response to reports (individual petitions) of human rights violations submitted to the UN Human Rights Committee and communicated to the Tajik government, as well as to cases in which the Human Rights Committee made relevant decisions. The HRC, being a specialized body for the promotion and protection of human rights, should use its powers to provide expert opinions on individual cases referred to international human rights bodies and to promote the establishment of a national mechanism for the enforcement of the decisions made by the human rights treaty bodies.

VII. CONCLUSIONS

After two days of discussions, all the Seminar's participants acknowledged that, despite existing levels of co-operation between the Tajikistan's HRC and CSOs, much remains to be done. Statements made by the Commissioner throughout the Seminar welcomed future initiatives by Tajik CSOs. Moreover, he expressed the HRC's need for the technical expertise of the NGOs present at the Seminar, who are specialised in various fields of human rights protection. The Seminar's participants identified the following areas as priorities in terms of co-operation:

VII.1. Strengthening partnerships and external relations

The Paris Principles require NHRIs to guarantee pluralism not only in internal governance (e.g. ensuring diversity among commissioners and staff) but also throughout mechanisms which 'enable effective co-operation'. The Principles require NHRIs to maintain ties with other bodies active in the human rights area—particularly with NGOs working to promote and protect human rights. This was acknowledged by the Seminar's participants, who drafted and adopted a series of recommendations on how to improve co-ordination and meet the requirements of this particular Principle. The HRC has also proposed to hold joint, possibly monthly, meetings with human rights NGOs and SCOs in order to discuss various important issues.

VII.2. Protecting and promoting the rights of specific groups

Very few representatives of vulnerable groups attended the Seminar. It was also acknowledged that the HRC could improve its levels of co-operation with representatives of the country's national and linguistic minorities according to the UN Treaty Bodies' recommendations. Whilst all human rights are interdependent and indivisible, NHRIs have a special duty to support efforts to protect the human rights of specific groups and empower them to claim these—particularly as the rights of these groups are often contested and controversial. NHRIs are often the only institutions able to speak out and come forward in defence of specific groups—e.g. women, children, persons with disabilities, the elderly, migrant workers, members of minorities, indigenous



people, persons with HIV or AIDS, sexual minorities, refugees and displaced persons, as well as human rights defenders—sometimes in the face of trenchant public criticism. In this regard, the HRC could strengthen its partnerships with NGOs in order to afford these vulnerable groups wider protection and support.

It was also suggested that the HRC enter into partnerships with similar NGOs in the Russian Federation in order to provide *ad hoc* assistance in matters requiring rapid reaction;

international experts also recommend that such co-operation be extended to the media.

VII.3. Raising awareness of the HRC's work and co-operation with Tajik and Russian media

As the Seminar's Russian guests explained during their presentations, the media play a crucial role in efforts to protect the human rights of migrants, and co-operation between the HRC and the media could be beneficial to both. In this respect, the Seminar served as a platform for presenting the many positive initiatives the HRC has undertaken and the cases it has solved; national media coverage of these cases and initiatives has, however, remained somewhat limited. Various Tajik SCOs have requested the HRC to co-operate with the media in order to bring to light and publicize the Office's best practices, success stories and achievements. One particular example of the power of the media given during the Seminar was the amount of publicity which the media could

give to the case of a Tajik migrant worker held in Russia for a crime committed by a Russian citizen. The media, however, remain largely silent when it comes to the Tajik migrants' contribution to the Russian economy.

VII.4. Co-operation with other NHRIs and regional human rights networks to address the issue of Tajik migrant workers

The HRC has on several occasions mentioned how important it is to address the issue of Tajik migrant workers in Russia. The situation is serious, and despite several international events organized together with the ombudspersons of the concerned regions, very limited results have so far been achieved.



The HRC has admitted that it still needs to build and develop its capacities in this regard. The operating budget for achieving results in this field is, however, very limited—particularly given the cost of travelling abroad. The Paris Principles require co-operation with the NHRIs of other countries; at present, Tajikistan's HRC has established partnerships with the Ombudspersons of

most CIS countries, and often contributes to their forums and shares its experience. Some cross-cutting and regional concerns, however, remain—e.g. the fact that migrant workers could benefit from a more focused interest which would bring together the Ombudspersons of all the Central Asian states. The international experts suggested to the HRC that it take the initiative and discuss how to tackle this issue by partnering up with the Ombudspersons of Kyrgyzstan, Kazakhstan, Uzbekistan and Turkmenistan, and that this partnership be extended to the migrants' host country, the Russian Federation.

VII.5. Co-operation for the prevention of torture, summary executions and arbitrary detention

The issue and crucial importance of core protection were voiced during the Seminar by several international experts and NGO representatives. After discussing several individual cases and making enquiries into others, the CSOs once again stressed how important the HRC's role is in investigating human rights violations and handling complaints—especially concerning the prevention of torture and degrading treatment, arbitrary detention, disappearances and the protection of human rights defenders. In addition, the CSOs requested that the HRC take a much more proactive role in reviewing conditions in detention facilities, ensuring staff have the right to visit facilities unannounced and to request private interviews with detainees.

VIII. SEMINAR RECOMMENDATIONS

VIII.1. The Office of the Human Rights Commissioner

Following the Seminar's two days of lengthy discussions, recounted above, the Seminar's participants wished to bring to the HRC's attention the following constructive recommendations for the improvement of future operations:

1. Engage and consult with a wide range of CSOs—including religious leaders and representatives of vulnerable social groups such as the elderly, the disabled and migrant communities.
2. Increase public dialogue and consultations on specific issues; create platforms for more regular exchanges between government and civil society by convening regular tripartite meetings (NHRI, government, NGOs and human rights defenders) to exchange views on critical human rights issues; expand the number of activities conducted jointly with more strategic engagement with the media (i.e. partnership with the media for human rights).
3. Increase work and collaboration with international human rights mechanisms—particularly the treaty monitoring bodies and Special Procedures of the Human Rights Council.
4. Conduct efficient investigations into the most flagrant cases of human rights violations and make their results public.
5. Develop a strategy on how to build a partnership with the Tajik media and strengthen co-operation with the country's independent media.
6. Open community liaison offices in countries host to Tajik labour migrants (e.g. in the Russian Federation) in co-operation with NGOs; co-operate more closely with the Russian media in order to create a positive image of labour migrants.
7. Establish a working group on the improvement of legislation relevant to the HRC with extensive participation of civil society as recommended by the ICC Bureau Sub-committee on Accreditation.
8. Increase efforts to raise public awareness of the HRC's mandate and activities—particularly through the development of a strategy for co-operation with the media, the publication of newsletters and promotional

- booklets, producing films, opening pages on social networking sites and holding meetings with government officials.
9. Independently determine the specific areas of focus of the HRC's work—particularly with regard to the priority areas defined in the HRC's Strategic Plan; the HRC should not base its work solely upon proposals made and initiatives taken by donors, which make it difficult for the HRC to choose priority areas for its activity.
 10. Ensure the full independence of the HRC and of its employees in terms of legislation and financial and human resources in order to increase the efficiency of its work to promote and protect human rights.
 11. Respond promptly to high-profile cases of human rights violations.
 12. Act more proactively to protect human and citizens' rights in Tajikistan.
 13. Establish an advisory council under the HRC's Unit for Information Management and Analysis made up of donor organizations, CLO managers and civil society activists, with the purpose of providing co-ordination, planning, monitoring, internal procedures development, consideration of specific cases, discussion of current issues, etc.
 14. Take measures to ensure the further institutional development of the CLOs and develop a monitoring mechanism for their activities as well as procedures for internal assessment.
 15. Develop measures for the moral guidance and motivation of Social Council members, as well as a strategy for social partnership between CLOs and other stakeholders.
 16. Take measures to improve the quality of services provided and ensure regular feedback from service users.
 17. Conduct regular 'on the spot' monitoring of the human rights situation.
 18. Focus the HRC's attention upon the labour migration challenges which have to be responded to within the country as well as upon the situation of the growing number of migrants who are subjected to exclusion (i.e. cannot enter Russia). It is essential to understand the problems facing the re-integration of these labour migrants, and to initiate a discussion of this issue by relevant authorities and at a political level in order to draw up the best possible strategy.
 19. Direct attention to the important need to adopt a policy concerning female labour migrants and their families left behind in the Republic of Tajikistan and the access of labour migrants to consular support in the host countries—particularly the Russian Federation.
 20. Strengthen the activities of the Advisory Council, improve the transparency of elections to the Advisory Council and establish thematic working groups under the Advisory Council.
 21. Review the HRC's Strategic Plan and include new topics with due regard to the analysis of the human rights situation and the experience gained. When defining priority areas, the HRC should pay attention not only to high-profile issues but also to issues which are not often publicly discussed but which are nevertheless topical for the country, e.g. the rights of persons belonging to national minorities, freedom of religious beliefs, etc.
 22. Monitor the media on a constant basis, promptly responding to reports of children's rights violations and investigating reported violations.
 23. Develop a strategy for responding to emergency situations, e.g. the events which took place in the town of Khorog in 2012, including the prompt and independent monitoring of the observance of human rights in emergency situations.

24. Establish a permanent social council under the HRC made up of human rights defenders, political parties, religious organizations, national minorities, trade unions, lawyers and researchers to discuss issues of public interest.
25. Launch a new activity area and establish a separate unit for the protection of the rights of entrepreneurs.
26. Submit independent reports (shadow reports) to international human rights bodies and draft a strategy for further work at the national level for the implementation of recommendations in the field of human rights, including the engagement of NGOs in the drawing up of national action plans for the implementation of the UN Treaty-based and Charter-based bodies and the follow-up monitoring.
27. Develop mechanisms to create opportunities for individuals to contribute to the work of NHRIs through, *inter alia*, the creation of internship programmes and programmes to train and nurture young 'ambassadors' for human rights.
28. Establish an enabling environment for HRC staff to play a much more proactive role in reviewing conditions in detention facilities and empowering them with the right to visit facilities unannounced and to hold private interviews with detainees.

VIII.2. CSOs and NGOs

As with the recommendations they made to the HRC, the Seminar's participants developed the following recommendations for CSOs and NGOs:

1. Be proactive and use every opportunity to carry out joint activities with NHRIs.
2. Assist victims of human rights violations to access the NHRI and accompany them during the submission of their complaints.
3. Work with the NHRI as a mechanism of civil control over the human rights situation in places of incarceration in which cases of human rights violations have come to light.
4. Present reports on the efficiency of the NHRI's activities to the ICC Bureau.
5. Work closely with the NHRI on issues such as reporting to international and regional human rights mechanisms on the realization of education programmes.
6. Take an active part in the activities of the NHRI and make use of official and unofficial means to improve access to state policy-making.
7. Promote the impact of the NHRI's activities by creating networks for the dissemination of information on the role and functions of the NHRI as mechanisms for handling complaints.
8. Co-operate with the NHRI, the government and other stakeholders on the drafting of national action plans in the field of human rights with clear timeframes and base values.

VIII.3. The donor community and international organizations

Like almost all CSOs, some NHRIs are partially funded by and dependent upon non-governmental sources; the Seminar's participants therefore recommend that donors and international organizations should operate as follows:

1. Ensure inclusiveness, transparency and consultations with a wide range of stakeholders, including representatives of the CSOs, when supporting the establishment of a national human rights institution.
2. Consider the Paris Principles as a framework for providing support to an NHRI's mandate, autonomy, independence, pluralism, adequate resources and adequate powers of investigation, etc.
3. Co-ordinate activities aimed at providing the NHRI with support and co-operate with them.
4. Invest in organizational development, including leadership development, strategic planning, organizational structure, human resources and knowledge management.
5. Assist the NHRI in establishing internal structures and capacity to ensure that women's issues are considered in all programme activities, including the identification and consideration of complaints on gender equality.
6. Mainstream human rights within field operations to ensure a coherent approach and co-ordination and to avoid mixed messages.
7. Support representatives of CSOs seeking to become more actively involved in the NHRI's efforts to promote and protect human rights.
8. Invest in efforts to strengthen the NHRI as an institution using qualified experts (e.g. human resources management, public administration, document management, business processes, etc.).
9. Support the work of civil society actors seeking to catalyze greater engagement with NHRIs in promoting and protecting human rights.
10. Build coalitions with civil society and other actors who share common interests with the NHRI; partnership management is the corollary to advocacy.

IX. APPENDICES

IX.1. List of participants



Civil Society Seminar

Civil society cooperation with national human rights institutions

DUSHANBE, 17-18 September 2013

List of Participants

Nº	Name	Organization/affiliation	Contacts
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IX.2. Seminar agenda



EUROPEAN UNION – TAJIKISTAN CIVIL SOCIETY SEMINAR

«COOPERATION OF THE NATIONAL HUMAN RIGHTS INSTITUTIONS WITH THE CIVIL SOCIETY»

Day 1.

8.45-9.30 Registration

9.30 – 10.00 Opening and Welcoming

On behalf of the EU, and t Ombudsman – Mr. Zarif Alizoda

SESSION 1. NATIONAL HUMAN RIGHTS INSTITUTIONS AND THEIR ROLE IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS.

The session is devoted to the general framework of national institutions for the promotion and protection of human rights and compliance with the Paris Principles. In 2012, the UN Sub-Committee on Accreditation assigned the Tajikistan Ombudsman status "B" and provided appropriate recommendations. The session will discuss the basic legal framework for the Tajikistan Ombudsman; the main priorities of the Ombudsman in the Republic of Tajikistan, as well as the measures undertaken to implement the recommendations of the Sub-Committee on Accreditation; opportunities of cooperation with NHRIs and civil society institutions; effectiveness of the programs and projects of international organizations to support Ombudsman in Tajikistan.

10.00 -10.15. Main principles of national institutions involved in promotion and protection of human rights.

10.15 – 10.30 Ombudsman operations in the Republic of Tajikistan (general information, main powers under the law on the Ombudsman, recommendations of the UN Subcommittee on Accreditation) – Mr. Zarif Alizoda.

10.30 – 10.45 Main forms of cooperation between the NHRIs and the Civil Society Institutes (an international expert).

10.45 -11.15 Coffee-Break

11.15 – 11.25 Cooperation between Ombudsman in Tajikistan and international organizations: effectiveness of programs and projects to support Ombudsman (Umed Kalandarov, Danish Institute on Human Rights).

11.25 – 11.35 Cooperation of Ombudsman and international organizations: effectiveness of programs and projects to support Ombudsman (Patricia Dvoracek, SCO).

11.35 – 12.30 Discussions and Summary

12.30 – 13.30 Lunch

SESSION 2. NHRI activities on analysis and promotion of policy work: opportunities for cooperation and interaction with the civil society institutions.

The session is devoted to the NHRIs activities on monitoring of human rights protection, involvement in the legal drafting process, education in the area of human rights. How do NHRIs define priorities in the area of human rights in their operations? How cooperation with the civil society institutes facilitates selection of priorities and implementation of activities to protect public interests? How are working groups under the NHRIs established, how topics are identified, what are the grounds for establishment of working groups, involvement of civil society institutes in working groups? How do the NHRIs monitor implementation of their recommendations provided in annual and special reports?

13.30 – 13.45 Experience of other countries in promotion of policy work (Vanu Jeregi, Moldova).

13.45 – 14.00 Activities of the Tajikistan Ombudsman on analysis and promotion of policy work (Ombudsman representative in Tajikistan).

14.00- 14.15 Cooperation with the Tajikistan Ombudsman on cooperation in the area of human rights (Bakhtovar Safarov, Tajik National State University).

14.15 -15.00 Discussions

15.00- 15.30. Coffee-Break

15.30 – 15. 45. Cooperation of the Tajikistan Ombudsman and mass media in coverage of human rights issues (mass media representative).

15.45- 16.00 Cooperation of the Tajikistan Ombudsman with the civil society institutes on protection of the rights of labor migrants (Nodira Abdullojeva, Human Rights Center).

16.00 – 16.15 Cooperation of the Tajikistan Ombudsman with the civil society institutes on promotion of child's rights (Gulchehra Rahmanova, Child's Rights Center).

16.15 – 16.30 Presentation of an expert from Russia.

16.30 -17.30 Discussions, Summary

Day 2.

SESSION 2. Actions of the Human Rights Commissioner on Individual Reports on Violation of Human Rights: Opportunities of Cooperation with the Civil Society Institutes.

The session is devoted to the activities of NHRIs on response and protection of individuals, whose rights and freedoms have been violated by public authorities. How NHRIs should receive citizens, criteria for selection of individual cases and measures taken to protect individuals' human rights? Powers of NHRIs to carry out their own investigations when they receive information on gross and massive violations of human rights, monitoring of court cases that are of public interest. Criteria for referral to other agencies and their monitoring. How civil society institutions can be involved in the activities of NHRIs for consideration of individual reports. Effectiveness of the counseling offices under the Ombudsman in Tajikistan in the regions of the country.

9.30 – 9.45 Experience of the European Union countries on working with individual reports on human rights violations, including mechanisms of independent investigations on torture and other fundamental human rights (Lenur Karimov, Helsinki Human Rights Fund, Warsaw).

9.45 – 10.00 Activities of Ombudsman in Tajikistan in respect of individual reports on violation of human rights (Ombudsman representative in Tajikistan).

10.00 – 10.15 Counseling offices of Ombudsman in Tajikistan: effective interaction and cooperation (Najiba Shirinbekova, Law and Prosperity)

10.15 – 10.30 Cooperation of the civil society institutes and the Ombudsman in Tajikistan in respect of individual reports on gross and massive violations of human rights (Nargis Zokirova, Bureau for Human Rights and Rule of Law).

10.30 – 11.30 Discussions and Summary

11.30 – 12.00 Coffee Break

SESSION 4. The Role of NHRIs in Cooperation with International Human Rights Institutions

Currently, Ombudsman in Tajikistan is the member of the Commission under the Government of RT on the implementation of international commitments on human rights, which carries out activities for the preparation of periodic reports to the UN agencies and the subsequent implementation of the recommendations. UN agencies recommend NHRIs to submit separate reports to UN agencies. The session will be devoted to the activities of NHRIs on interaction and cooperation with the UN and other international and regional human rights organizations. NHRIs practice of participation in the implementation of the Optional Protocol to the Convention against Torture. The best HPII models with the involvement of NHRIs. How do NHRIs monitor implementation of recommendations of the United Nations?

12.00 – 12.15 Other countries' practice in implementation of the Optional Protocol and HPII model with the involvement of NHRIs (Saule Mekmambetova, PRI).

12.15 – 12.30 Activities of Ombudsman in Tajikistan to implement international obligations in the area of human rights (representative of Ombudsman in Tajikistan).

12.30 – 12.45 Cooperation of Ombudsman in Tajikistan with the civil society institutions for promotion of UN agencies recommendations (UN representative).

12.45 – 13.15 Discussions, summary

13.15 – 14.00 Final recommendations, summary of the seminar

14.00 – 15.00 Lunch