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Introduction

States regardless of their political, economic and cultural systems bear responsibility to promote and protect all human rights and fundamental freedoms.

Tajikistan is a member state to United Nations since 1992.

In line with the United Nations Charter states are to promote universal respect and implementation of human rights and freedoms.

Since independence Tajikistan had ratified all key UN Human Rights Treaties and had committed itself to provide periodic report to UN Treaty Bodies on implementation of the afore treaties, outlining the progress achieved in the field of respect, protect and fulfill of rights guaranteed and ratified and indicating existing problems.

Tajikistan had submitted First National Reports on implementation of international treaties had received Concluding Observations and started the next cycle of reporting, namely provision of the Second Periodic Reports and had undergone the reporting procedure in UN Committees.

In 2012 the authorities in Tajikistan had made significant efforts for consistent implementation of universal human rights protection standards, further humanization of legislation and law enforcement practices, in the field of criminal persecution.

Tajikistan had accepted significant part of UN Human Rights Council under the Universal Periodic Review procedure (UPR) Tajikistan has accepted significant part of the UN Human Rights Council recommendations, the articles on defamation and slander were excluded from the Criminal Code, leaving civil responsibility for these actions, Law on Prevention of Domestic Violence was adopted in Tajikistan.

In 2012 Tajikistan had provided reports to UN Committees in Geneva on implementation of the following obligations:

- on Convention on Elimination of All Forms of Racial Discrimination;
- on Convention on Protection of Rights of Labour Migrants and their Family Members;
- on Convention against Torture and other cruel, inhuman and degrading treatment and punishment.

In 2011 Tajikistan had provided periodic reports on implementation of obligations under International Covenant on Civil and Political Rights, International Covenant on Social Economic and Cultural Rights, Convention on Elimination of Discrimination Against Women.

In 2012 UN Special Rapporteurs on torture Juan Mendez and on health Anand Grover had visited Tajikistan.

However despite certain success achieved there is a range of problems that raise concerns in the field of human rights implementation in Tajikistan.

International human rights protection organization Freedom House had published its Annual Freedom Index for countries and territorial indexes, which indicated Tajikistan where there are almost no political freedom. Tajikistan got 6 score out of 7 in the criteria political freedom and was referred to not free countries.

In line with the rating of the Freedom House, Tajikistan is on 171 place out of 197 countries in the world. The overall freedom assessment in Tajikistan also remains on not free level.

Khurshed Niyozov, General Secretary of Media Alliance of Tajikistan had stated that freedom of press is far from necessary freedom level.

Web pages were blocked, journalists were persecuted, limitations to religious education were introduced as well as activities of certain organizations, torture are still widespread, there is no independence with the judiciary, bar reform is not implemented, the system of pro bono legal aid is not functioning properly.

Review of human rights situation in 2012 is provided in the annual report Human Rights Situation in Tajikistan which is prepared by PO Bureau on Human Rights and Rule of Law.

Political parties. Election rights

On 16 of December 1966 by the Resolution of UN General Assembly 2200A (XXI) International Covenant on Civil and Political Rights was adopted. It had entered in force on 23 March 1976. This Covenant was ratified by Tajikistan on 4 April 1999.

Article 25 of the Covenant sets forth: «

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors

International human rights protection organization Freedom House has published its Annual Freedom Index for countries and territorial units. In line with the given index the position of Tajikistan has remained unchanged, so Tajikistan is still regarded as not free, scoring 6 out of 7 for the political freedom. In other words Tajikistan is regarded as a country where there is almost no political freedom.

Elections to Majlisi Milli Majlisi Oli of RT

Due to reallocation or sudden death of some of the members of the upper chamber of the Parliament elections to Majlisi Milli Majlisi Oli of RT took place in 2012.

On 15 of December 2011, in line with the requests provided by former members of the Upper Chamber of the Parliament, former chairmen of Istravshan Munim Kholikov, Rudaki district Mansur Kodirov and Panj district Mirzodavlat Saburov during the regular session of Majlisi Milli Majlisi Oli they were dismissed from the members of the Parliament. Furthermore, in July 2011 head of Tajikabad district Mahsum Fozilov died thus another seat in the Parliament was vacant. In this regard there were 4 vacant seats in the Parliament of Tajikistan, The Upper Chamber consists of 33 members, out of them 25 are elected indirectly (by the members of local majlis) and 8 are appointed by the President of the country.

Elections to the Upper Chamber of the Parliament were scheduled for 25 of February 2012. In January 2012 by a decision of Central Election Committee of the Republic of Tajikistan local election commissions were set up to facilitate the members of Majlisi Milli Majlisi Oli of the Republic in the election districts of Sogd province № 2, **Khatlon province № 3, cities and districts of republic subordination № 5, four candidates were registered:** head of Istravshan city member of the Communist Party of Tajikistan Ibrohim Abdulloev, chairman of Rudaki district Saimurod Tagoev, chairman of Rasht district Saidumrob Abdurakhmonov, chairman of Panj district Abdudjon Tavakalov. They are all members of the ruling People Democratic Party. Political parties in the country and international organizations did not send their observers to these elections.¹

Nuriddin Saidov former member of the Upper Chamber of the Parliament was appointed in January 2012 as Minister of Education of RT for that reason he was no longer able to remain member of the Parliament thus another seat was vacant. **Central Election Committee had scheduled the elections to this seat in April.** The only candidate who registered for this seat was Head of Executive Office of the President of Tajikistan Bakhtiyar Khudoyarov, who was elected as a member of Majlisi Milli Majlisi Oli of the Republic of Tajikistan.

Apart from that there is another seat vacant within the Upper Chamber of the Parliament, after former head of the Executive Office of the President Matlubhon Davlatov was appointed as

¹ «Elections of four members of the Parliament of the country will be carried out in Tajikistan», Avaz Yuldashev, Asia Plus, 24.02.2012.

deputy Prime Minister of the Republic of Tajikistan. In line with the legislation, this MP for this seat shall be appointed by the President.²

Presidential Elections of 2013

Presidential elections are to be held in Tajikistan in 2013. There is another year before the elections however since early 2012 active discussions on the candidates, procedures of elections and situation after election were initiated by the representatives of political parties, political experts and citizens.

Political expert Abduqani Mamadazimov announced in Ozodagon newspaper that prior to presidential elections (in 2013) the country will face serious pressure, so that it agrees to several conditions set forth by Moscow related to free of charge dislocation of Russian troops on the territory of Tajikistan and renewed service of Russian border troops on Tajik-Afghan border, transfer of Roghun to Russian ownership etc.³

There were several initiatives related to amending the legislation on the Presidential elections, which shall enhance transparency and be more in compliance with democratic principles. During the session of the Presidium of the Political Council of Tajikistan (PPCT) held on 18 of March it was emphasized that without radical changes introduced to the election legislation of the country it is reckless to talk about participation of the political parties in the elections and the actual elections as well. PPCT has several times emphasized the need of including representatives of political parties to election commissions, on registration of self-nominated candidates, establishing legal foundation for setting up blocks between political parties in the country and on announcing joint candidate. PPCT suggests to create mechanisms of judiciary control over the elections in 2013, to deal with complaints and statements submitted during the elections.⁴ Later, in September, leader of this party informed that official Tajikistan creates obstacles to carry out round table on Necessity to amend Constitutional Law of RT On Presidential Elections, that was organized by Tajik Legal Consortium. He claims that the round table was twice postponed due to artificial reasons (administration of the venue where the round table was to be carried out provided refusal at a last moment to host this event due to various circumstances).⁵

Members of Majlisi Namoyandagon Majlisi Oli of the Republic representing the Partu of Islamic Renaissance Muhiddin Kabiri and Saidumar Khusaini had developed and sent to the Parliament amendments to the Constitutional Law of RT On Presidential Elections that was adopted in 1994. On 12 of November 2012 the Council of Lower Chamber of the Parliament had decided to send this draft law for review to line Committees and Commissions.

Key amendments suggested by IRPT:

- ensure equal participation of representatives from registered political parties in the election commissions which have area organizations in corresponding city or district;
- the candidate for presidency shall be supported by 2% of the citizens of the Republic of Tajikistan. Candidates from political parties with 5 % or more votes during the parliament elections do not need to collect signatures;
- three copies of protocols for the election outcomes are filled in and are signed by chairman, deputy chairman and secretary of the election committee. One of the copies is submitted to district election commission that is appointed by Central Election Committee on elections and referendums, another is exhibited so that voters and

² «Head of the Executive Office of the President of RT was elected to the Parliament», - Avaz Yuldoshev, Asia Plus, 11.06.2012.

³ Source: <http://www.ariana.su/?S=5.1204082240>

⁴ Source: «Asia Plus», 20 March. - /Avaz Yuldoshev/ -

http://www.toptj.com/News/2012/03/19/osdpt_bez_popravok_k_vybornomu_zakonodatel_stvu_provodit_vybory_p_rezidenta_necelsoobrazno

⁵ Source: «Asia Plus», 18 September. - /Mehrangez Tursunzoda -

observes can see it and the third one is kept in local election commission for the period identified by the supreme election commission.⁶

These amendments were supported by the members of the Lower Chamber of the Parliament representatives of Communist Party of Tajikistan, who tried to introduce similar amendments to the said law, which suggested to ensure representation of registered political parties in the election commissions, to decrease the minimal percent of votes necessary to support the candidate, however these amendments were not supported by the parliament. This time, in the opinion of CPT leader Sh. Shabdolov, members of the ruling Peoples Democratic Party of Tajikistan that comprise the absolute majority in the Lower Chamber of the Parliament can vote against the suggested amendments.

Political initiative on amending acting election legislation was set forth by the Steering Committee For Democratic Reform of the Constitutional Law and on the Elections of the President of the Republic of Tajikistan, which consists of 9 people representing political parties of Tajikistan (National Social Democratic Party, Party of Islamic Renaissance, Democratic Party) public organizations (Tajik Legal Consortium, Collegium of Lawyers of the Republic Sipar, PO Democracy), and three citizens of the Republic of Tajikistan (Sherali Kenjaev, Saidov Khikmatullo, Zarig Gulomov).

At the same time transparency is one of the most important principle as considered by the representatives of all parties.

At the same time deputy head of parliamentary committee on state development and local self government Galiya Rabieva considers that suggested amendments violate the interests of political parties that are of smaller size and have lesser supporters. She considers that it is questionable whether all political parties of Tajikistan will be able to find adequate and good representatives in all the election districts of Tajikistan, at the time of elections there are nearly 4 thousand election commissions. It is rather difficult to be member of election sites without additional payments. She considers that the authors of suggested amendments and their supporters are more focused on the technical side of the issue.⁷

Time will show whether the afore said amendments to the legislation related to presidential election will be adopted.

At the same time the experts expressed their opinion regarding yet another constitutional requirement which sets forth that the candidate for presidency, shall be a citizen of Tajikistan, not younger than 35, with sound knowledge of state language and residing on the territory of the republic during the recent 10 years.

Abdugani Mamadazimov, chairman of the Association of Politologists of Tajikistan considers that this requirement might limit the possibilities of people who are ethnically Tajik though are holding the citizenship of other countries; though they possess political and economic opportunities to participate in the election. However on the other hand he is sure that this phenomenon can be explained by the fact that those who were not residing outside of the country are usually detached from the internal realms and problems, furthermore, such candidates can be promoted by external forces for that reason it is dangerous that external forces will dominate over the country if such person wins.

Rahmatillo Zoirov, leader of NSDPT referred to USA and Russia, where the term for the candidate to reside in the country is set to 14 and 10 years respectively, he informed that this condition does not imply uninterrupted residence prior to elections. The candidate shall reside in the country in aggregate for 10 or 14 years by the time of elections, from the moment of birth for the USA and since the moment of obtaining the citizenship for Russia. At

⁶ Source: «Asia Plus» - /Avaz Yuldoshev/ 9 November.
<http://centrassia.ru/tajikistan/97-pivt-namerena-podkorrektirovat-zakon-o-vyborah-prezidenta.html>

⁷ «G. Rabieva: Amendments suggested by IRT to the Law On Presidential Elections create many problems»,
<http://news.tj/ru/news/g-rabieva-predlozhennye-pivt-popravki-k-zakonu-o-vyborakh-prezidenta-sozdayut-mnogo-problem>, Avaz Yuldoshev, 22.11.2012

the same time it is necessary that the candidate for presidency resides at the territory of the country for six months uninterrupted before the elections. In Tajikistan it does not matter where the candidate was born, it is important that the candidate resided for ten years in the Republic. Thus Zoirov considers that the requirement at stake deprives 1,5 million labour migrants, intellectual elite and others of a right to be candidates, because the state failed to create necessary conditions for decent life and labour thus forcing people to leave the country, keeping nevertheless the citizenship of the Republic of Tajikistan. This requirement also contradicts to the provision of the article 27 of the Constitution which sets forth in part 3 that «a citizen when reaching the age of 18 can take part in a referendum and be elected upon reaching the age set by the Constitution and constitutional laws». In other words this is the fundamental norm prescribed by the Constitution which stipulates the age not the place of residency.

Khilvatsho Khodjaev, editor in chief of Ozodagon newspaper seconds this opinion and suggests to exclude from the legislation requirement to the candidates to reside on the territory of the country for the recent 10 years.⁸

Important point in a context of elections in Tajikistan was that the head of the Central Election Commission of Tajikistan Shermukhammad Shokhiyon noted the need to set up unified register of the electoral register for the whole country. It is also required by the international standards in the field of elections, and was also one of the recommendations provided by the Organization on Democratic Institutes and Human Rights of OSCE following the results of supervision over parliamentary elections in the country in 2010.

Meanwhile, in December 20, 2012 during the meeting of the Central Election Commission issue related to the presidential elections to be held in autumn 2013 were raised, and instructions of precinct election and district election commissions on elections of the president of Tajikistan, and procedure for consideration of complaints were approved..
Elections to city majlis

On 25 of March 2012 elections to local majlis were carried out in Kulyab city. Necessity to carry out the election was related that to the fact that two formers members were relocated from Kulyab: mayor of Kulyab Khamid Abdulloev that was appointed head of Nurek city and deputy mayor Pirmad Zaripov that was appointed chairman of Muminabad district.

In line with the reports provided by the chairman of Kulyab city election committee Davlatsho Sharofuddinov the following candidates to members of the parliament were suggested within the election district #1 - representative of PDPT, new mayor of Kulyab Abdugaffor Rakhmonov and head of Kulyab regional organization for the IRPT Sharif Nabiev, under election district # 5 the only mandate to city majlis is claimed by representatives of PDPT deputy mayor of Kulyab Rustam Negmatov, head of Kulyab City Organization Abdusamat Gairatov from IRPT and head of joint Kulyab city and regional organization of DPT Amrohon Safarov.

«As a result of votes calculation in election district №1, 96,3% of voters had voted for A. Rakhmonov, 3,2% for Sh. Nabiev, other bulletins were found invalid. In total, out of 2353 voters 95% had voted», - said D. Sharofuddinov.

The data provided by the head of election committee # 5 85% of voters took part in the election and the votes were distributed as follows: for R. Negmatov - 91%, A. Gairatov - 6,3%, A. Safarov - 2%, other bulletins were found invalid.

City majlis of Kulyab consists of 40 members, 36 mandates are with People Democratic Party of Tajikistan.⁹

Political parties

Situation with the number of parties remained unchanged in 2012 in Tajikistan. There are 8 political parties in the country: People Democratic Party of Tajikistan (PDPT), Democratic Party

⁸ «It is forbidden to be a president», Ramziya Mirzobekova, 27.11.2012.

⁹ «Elecitons to city majlis were carried out in Kulyab», Turko Dikaev, Asia Plus, 26.03.2012.

of Tajikistan (DPT), National Social Democratic Party of Tajikistan (NSDPT), Socialistic Party of Tajikistan (SPT), Party of Islamic Renaissance of Tajikistan (IRPT), Communistic Party of Tajikistan (CPT), Agrarian Party of Tajikistan (APT) and Party of Economic Reforms of Tajikistan (PERT).

New political parties were not registered by the Ministry of Justice of RT although on 3 of May 2012 Political Association Junbishi Millii Tojikistan (National Movement of Tajikistan - NMT) had submitted necessary documents to the Ministry of Justice for registration. However there is no information on registration of this movement, on 24 of December 2012 NMT on its Facebook page noted in its appeal to the President of RT that it still waits for the decision of the Ministry of Justice of RT regarding the registration and in the beginning of the following year is planning to lodge a complaint with the Supreme Court of RT and provide the complaints to international community. **This movement was set up to strengthen democratic principles and to ensure transparent presidential elections of 2013 and suggests amendments to the legislation regulating elections. Known members of this movement are Kiyomiddin Shoev, Botur Kosimi and Khushruz Abdusamiev.**

Almost all parties were active throughout the year providing their view on different aspects of social life. Parties were most active on the issues related to presidential elections scheduled for November 2013.

Newly appointed head of Kulyab city A. Rakhmonov noted that regular meetings with representatives of political parties of Tajikistan are planned, which was acknowledged by the representatives of IRPT.

Furthermore in 2012 General Prosecution had carried out checks of all political parties in particular of IRPT.

IRPT

One of the most active parties in 2012 was IRPT who had faced a lot of events related to its activities. The headquarters of IRPT indicates that there are 41 thousand members of the party at the moment.¹⁰

Oinihol Bobonazarova, human rights activist while assessing the activities of the party in 2012 said that «IRPT had significant success in 2012 in comparison with previous year...Muhiddin Kabiri was able to unify the party and prevented disaccord within the party. It is really obvious that the party is very active on political arena. It was providing its assessment to most of the problems in the country...it managed to become known not only in our country but also abroad...». Zafar Kurbonov a lawyer considers that even if some suggestions were not taken into consideration IRPT succeeded to convey its opinion to the population. This indicates that the party is popular with voters. If parties are able to provide critical remarks, it shows that IRPT has corresponding authority and influence in different layers of the population». Faizinisso Vahidova is sure that in 2012 IRPT was one of the most visible parties within mass media coverage and this also indicates success of the party. At the moment IRPT is one of the most serious opponents of the ruling party».¹¹ These experts also indicated some of the mistakes made by the party:

- The party was unable to push through the Parliament several draft laws.
- The house of pray in the building of IRPT was closed, party was unable to protect it.
- IRPT was unable to define its position on the situation in Khorog and was unable to protect active members using legitimate methods.
- The party does not have concrete position on social and political issues.

¹⁰ Number of IRPT members grows every month, 11.04.12, <http://islamnews.tj/tajikistan/367>

¹¹ «2012 for IRPT?», 04.01.13, "ru.nahzat.tj"

IRPT leader as well as its members conducted the meetings with the students undergoing studies in Islamic universities abroad, labour migrants, had suggested to improve healthcare system, anti corruption appealing the president to provide amnesty to participants of civil fight in the country, had submitted the management of Committee on TV and Radio Broadcasting under the government request to register TV and Radio channel of IRPT and other activities. The most of activities IRPT carried out in the field of elections, keeping the promise given after parliamentary elections in February 2010, when IRPT leader Muhiddin Kabiri announced that his party shall start preparing to the following elections to the lower chamber of the parliament. Thus in the beginning of the year central office of IRPT had carried out special courses for activists of the party to prepare them to the elections.

Similarly the party had announced the intention to ensure more active work within the primary offices at a district level, considering them to be a core of the party.

Activities of this party as well as some other parties was checked by General Prosecution. Political Council of IRPT Kikmatullo Saifullozoda General Prosecution had started the check in March, however after an article was published on Polar Star web page under the title Tajikistan at the eve of revolution which contained several secret documents of the Government of the country representatives of the prosecution had left and then re-appeared again. Khikmatullo Saifullozoda considers that current check of IRPT is carried out under the tasks of the Government outlined in the afore article.¹²

Financial activities of the IRPT were checked by the representatives of tax services. In line with article 16 of the Law of RT on Political Parties financial report of political party is checked by the corresponding bodies of tax service of RT.

Saifullozoda considers that in line with the legislation the activities of political parties shall be checked by the Ministry of Justice. Article 5 of the Constitutional Law of RT on Prosecution states that the key areas of the activities for the Prosecution are: supervision over exact implementation of laws by ministries, state committees and other institutions of the Republic of Tajikistan, local governance bodies, local self governance, military bodies, banks, enterprises, institutions, public and religious unions, political parties and other associations regardless of ownership form and in line with legal acts that are issued by them.

Furthermore, Committee on Religious Affairs had sent notification to IRPT that members of the party shall refrain from praying in the building of the party.

Later in May, IRPT had lodged a law suit against the Prosecution on the checks that were carried out. However, on 27 of July 2012 Sino District Court of Dushanbe had rejected the complaint of IRPT. Moreover by the results of the check IRPT had to pay a fine in the amount of 20 thousand somoni.

IRPT had made passionate statements due to the events in Khorog that took place in July 2012. Political Council of IRPT urged the authorities to seize military operation to prevent civil casualties, and to identify peaceful solutions and also urged population of Tajikistan by sending one day iftar (evening meal during Ramazan period) as help to people from Badakhshan. Later the news on murder of Sabzali Mamadrizoev head of IRPT branch in GBAO was announced. He in line with the information posted on official web page was making a statement during a meeting in Khorog on 23 of July and expressed concerns related to economic and social life in the country. After that he was arrested by the law enforcement bodies and took to a place called Ka'la. There he was severely beaten and shot from Kalashnikov machine gun. IRPT rejected the rumours that Mamadrizoev was a member of illegal group and was armed and urged the government to conduct thorough investigation of the case. Youth wing of ruling People Democratic Party of Tajikistan Sozandagoni Vatan (Creators of Motherland) also condemned the murder of Mamadrizoev and urged corresponding bodies to carry out thorough investigation.

From 4 to 6 of August 2012 delegation of IRPT headed by deputy leader of the party

¹² Source: <http://islamtv.ru/news-1562.html>, «Asia Plus», 2 April

Mahmadali Khait visited GBAO and carried out several meetings with members of the party, representatives of authorities, visited Khorog where it appealed to members of IRPT in GBAO to provide support to state bodies to make sure peace and stability are restored in the district.

Later General Prosecution had allegations against the party. The supervisory body stated the IRPT is related with extremists and that one of the representatives of the party Sherik Karamhudoev is a member of armed group that is opposing government forces in Khorog. IRPT had lodged a law suit against the prosecution for abuse of power.

After the events in Khorog IRPT had noted increase in number of people from GBAO eager to join the party even though it is of islamic orientation.

CPT

Communist Party of Tajikistan was also active on the issues related to presidential elections and stated that it is going to suggest their candidate for the elections in 2013, however for security reasons the name of the candidate shall be announced only during the final sessions of the party this year.¹³

CPT also stated that during the upcoming elections due to ideologic issues it is not going to create consortiums with any other parties of the republic and is not going to support joint candidate from these parties for presidency.¹⁴

As stated above CPT was ready to support IRPT on the issues related to amending the legislation on presidential elections that were suggested by IRPT however it had doubts that all members of the parliament from the ruling PDPT that are forming an absolute majority in the lower chamber of the parliament will vote for the amendments.

Almost all the parties in the country including CPT had made statements regarding special operation in Khorog in summer 2012 condemning it. Shodi Shabdolov called it «serious geo political mistake» of the leadership of the country. «Army shall be involved at times of foreign invasion it is not the justice body it shall not take part in criminal strikes. There are special forces for these purposes which have special tested means of work, they are not using recently subscribed soldiers that are dying because of lack of experience», said Sh. Shabdolov.¹⁵

CPT leader was actively providing his opinion on the issues related to water and energy resources of Tajikistan, domestic violence, custom legislation etc.

PDPT

People Democratic Party of Tajikistan is one of the most active in upscaling the election campaign and it is the only of all the parties which had selected the candidate for the upcoming presidential elections, and indicated that current president of RT E. Rakhmon will run for presidency considering that there are no other eligible people for this position. Head of awareness department Usmon Solehov informed that to support PDPT during the following elections special Consultative Council was set up which comprises of politologists, experts and scinetists. This council is to prepare the reports for the leaders of the party on the situations, trends and challenges in the country.

At present ruling party has 180 thousand members and annual increase of membrs is around 25 thousand people. Its budget is almost 2 million somoni. The partu plans to continue increasing the number of supporters this time the target group is labour migrants. The party hopes to ensure their support during the upcoming elections in 2013. For that reason dozens of delegations were sent to Russia to carry out meetings with migrants,

¹³ «Communist party of Tajikistan will join the elections», Radio Ozodi, 24.09.2012, <http://rus.ozodi.org/content/article/24718252.html>

¹⁴ «Communist of Tajikistan will announce their candadate for presidency», Avaz Yuldoshev, 24.10.2012.

¹⁵ «Tajikistan: people of Khorog are running from the city», Anora Sarkorova, Russian BBC service, Dushanbe, 27.07.2012.

where they tried to get to know the problems of labour migrants, promoting ideas of the PDPT and tried to enroll labour migrants to the party. Khikmatullo Saifullozoda member of political council of IRPT considers that NDPT decided to work with migrants because it is afraid to lose the votes it is counting on. Saimuddin Dustov head of public fund Indem considers that all parties of Tajikistan are trying to speculate on labour migrants, but the most active parties in this regard are PDPT and IRPT. Ruling party speculates on numbers of labour migrants, informing on numbers in millions. Dustov thinks that authority need loyalty of labour migrants so that they do not rebell and do not complicate social and political situation.¹⁶

Another area of work is the activities with youth that is carried out through the youth wing of the party Sozandagoni Vatan, that has nearly 60 thousand young members. At the moment district, city and raion units of this wing are established in all districts and cities of Sogd and Khatlon regions in Dushanbe and Districts of Republic Subordination. Branch in GBAO and units in Shahrinav are also set up. Leader of this wing Adham Mirsaidov carried out meetings in Khujand with young politologists of Sogd region informing them on the activities of the youth wing and with students in Dushanbe with some sort of agitation campaign. On 10 of December dedicated to the anniversary of setting up the Youth Wing had carried out the country wide activity called PDPT in every family. Main objective of this activity was o promote the ideas and objectives of the ruling party. Furthermore Youth Wing was actively reiterating its condemning position regarding the notorious Guidelines for labour migrants, asking to get rid of it. «The pictures for labour migrants used in the govern edition, depicting labour migrants as tools are insulting national feelings of Tajik labour migrants», - as stated by Sozandagoni Vatan.

PDPT pays significant attention to capacity building of its activitsts, training are conducted on enhancing their knowledge and skills on working with people, analysis of the situation jointly with well known Tajik politologists, scientists and specialists from Civil Service Institute.

Active work is carried out by PDPT in the north of the country. There is a separate web page launched for Executive Committee of PDPT in Sogd province which contains information and updates on the activities of the party in the northern part of the country, suggestions and comments of readers. In March 2011 chairman of the party E. Rakhmon provided an assignment to Central Executive Committee of PDPT to establish radio of the party. At the time promotion department of PDPT informed that the radio channel is there and shall start broadcasting in proximate future, however in April 2012 head of this department Usmon Soleh informed that specialists did not even calculate yet the expenses related to set up and start the broadcasting for the radio, as they understood that there is not enough money for that. For that reason it was decided to postpone the radio broadcasting.

As to Khorog events PDPT was mainly organizing meetings in support of peace and accord in the country.

NSDPT

National Social Democratic Party of Tajikistan (its title was changed to national on 4 December 2011 during the reporting election session of SDPT) was one of the most active parties in 2012 which had provided comments on all important issues took place in 2012.

It was ready to participate in the elections of 2013 in one team with IRPT and CPT. It also initiated the amendments to the legislation on presidential elections considering that without radical changes it is reckless to initiate the discussions on the participation of political parties in the elections and the elections as a whole. More information on the position of NSDPT is provided above.

When talking about promoting the membership in the party, deputy chariman of NSDPT Shokirjon Khakimov said that PDPT is using command administrative measure to achieve their goals in other words puts pressure on heads of agencies to set up propaganda of the PDPT.

¹⁶ «What is the price of labour migrant's vote», Khairullo Mirsaidov, Asia Plus, 18.05.2012.

NSDPT is using efficiently scarce opportunities and tries to cooperate closely with independent media, NGOs etc.¹⁷

NSDPT had provided critical comments on Khorog events requesting the Government to identify and ensure liability of people in charge of the decision to arrest suspects in the case of special forces general Abdullo Nazarov's murder. Among other requirements of the party to the authorities there are immediate draw back of the military forces from the region and payment of compensation to the families of people died in the conflict.¹⁸ «The decision to carry out military operation in such a densely populated city is nothing but a force action against the population rather than criminal elements, as stated by the management of military services. As a result of such preventive measures there are casualties among the population and this is the responsibility of the political management of the country. Furthermore, the operation of law enforcement bodies is carried out at a holy month of Ramazan», - is emphasized in the statement.

Political Council of NSDPT considers that activities of authorities related to the decision of bringing the troops to Khorog and military operation initiated that led to civilian casualties they consider it "inhuman" and "uncivilized".¹⁹ Political council of PDPT had twice provided feedback on the situation with GBAO. At the second statement he noted that the main objective for the special operation is not the attempt to find the murderers of special forces general, but rather a preparatory step to presidential elections of 2013.

Similarly PDPT had provided feedback on scandalous article «Tajikistan at the eve of revolution» and protocol № 32-20 and serious concern that there are such documents requesting explanation from the government.

PDPT had provided its position on yet another notorious event of 2012, when mass media had disseminated the order of Ministry of Education of Tajikistan as of 8.10.2012 №05/2-414, where it informed all higher educational facilities that participation of students in different workshops, conferences and meetings carried out by the international organizations contradict the legislation of RT and urged to control this issue and prevent participation of students in these events. Co-chair of PDPT Shuhrat Kudratov stated that by this actions Ministry of Education breaches the constitutional right of citizens to freedom of will and connected the situation with the upcoming presidential election considering that international organizations initiate workshops on the issues of election one year prior to actual elections, explaining them their rights, informing on the political situation in the country and that is why the main task for authorities and the reason for such a decision is not to allow students to attend these seminars. Following up on this topic it shall be said that in April 2012 Sh. Kudratov was excluded from the list of referees and inspectors of Football Federation of Tajikistan (FFT). Sh. Kudratov himself considers that this is due to his membership and activities within PDPT, critical statements to the government. Although the official version of the Judiciary department and inspection of FFT states that Kudratov is excluded because he had not passed necessary sport tests.

DPT

At present Democratic Party of Tajikistan has almost 10 thousand members.

In 2012 Democratic Party of Tajikistan was more active due to upcoming presidential elections. M. Sobirov leader of one of the wings of the party stated that in 2013 the party shall initiate pre-election session and shall announce its candidate for upcoming 2013 presidential elections. He noted that their candidate shall not be member of the party, that they will try to put forth joint oppositional candidate.

¹⁷ «Record subscription to the ruling party», Mehrangez Tursunzoda, 13.02.12., <http://ru.kloop.tj/2012/02/13/v-pravyashhuyu-partiyu-vstupilo-rekordnoe-chislo-tadzhikistantsev/>

¹⁸ «Social democrates request compensation for Khorog», http://www.mignews.com/news/politic/world/030812_123341_05433.html, 04.08.12.

¹⁹ «PSPD requests the Government to pay compensations to Khorog victims», Avesta.tj, 02.08.12.

However there was a split within a party at the end of the year, or better to say the old split has become acute again. There are two wings in the party, one of them is headed by Masud Sabirov, that is formally registered with Ministry of Justice and has become a leader of the party in 2006 during the urgent session of the party; another wing headed by M. Iskandarov that tried to claim that management of M. Sobirov is considered illegitimate, however the attempts were not of success and the court had prohibited supporters of Iskandarov to use the attributes of Democratic Party.

In mid 2012 Democratic Party has announced that the supporters are to be united after the branch of Democratic Party in Sogd province announced that the current management is accepted by both wings, namely acknowledged Masud Sobirov. Branch in Sogd, GBAO and Khatlon requested Sobirov to announced urgent session of DPT, Sobirov agreed. However three months later nothing was done. Then management in Sogd province had annuled its previous statement and announced that is not going to unite. Democrats in Sogd were supported by democrats in GBAO who considered Sobirov as their leader before. Moreover Marod Mirasanov their representative is deputy of Sobirov. As noted by the democrats in GBAO Marod Mirasanov throughout the period when Sobirov is head of DPT he was never interested in the activities in that branch. They also request urgent session of the party.²⁰

At the same time, in October 2012 there was a session of the party in Kurgan Tube where representatives of both wings took part and decided that democrats from Khatlon will be united and requested to carry out larger meeting to settle all problems.

Finally, on 23 of December 2012 there was urgent session of PDT where 86 delegates from all the regions of the country participated, however Sobirov did not take part in the session. **During the session it was decided that political council of the party shall be set up (headed by M. Iskandarov and M. Sobirov) were united and the new leader of the party was elected. Saidjafar Ismonov had become the new chairman of the party former leader of one of the three wings of DPT.**

SPT

Socialistic Party of Tajikistan is still not very known to the population, however it has conducted a successful conference on **«Role of political parties in ensuring peace and enhancing national unity in the country»**, one of the main objectives of the conference was **to study Tajik experience in building peace and accord in the society and contribution of political parties into that process»**, - noted the source.

Agrarian party and Party of Economic Reforms are still not widely known in the country.

Recommendations:

1. To ensure equal representation of registered in Tajikistan political parties at the election commissions that have branches in the city or district.
2. Prior to presidential elections of 2013 to set up mechanisms for judicial control over complaints and appeals provided during the elections.
3. To stick to requirements of the legislation including procedural norms when carrying out checks in the parties.

Right to fair trial

«All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be

²⁰ «Democrats of GBAO are against of Masud Sobirov», Mehrangez Tursunzoda, Asia зия-Плюс, 29.11.2012 г.

entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.» (ICCPR, Article 14).

General provisions

Independent, objective and impartial court is one of the milestones of a democratic state. Human rights and civic freedoms, personal and property integrity can be protected only in the courts.

There are various positive changes in the judiciary system in Tajikistan. Implementation of Judiciary reform for 2011-2013 is ongoing in Tajikistan it is aimed at improving judiciary bodies, expanding its authorities and ensuring its transparency.

At the same time there are still problems related to formation of independent judiciary which are not settled yet and judiciary is still not fully independent.

Council of Justice is still a structure under executive authority which is in contradiction with the principle of independent judiciary. Share of acquittal verdicts is still very low in comparison with the overall number of verdicts. There is little trust to judiciary with the population.

Lawyers, human rights activists and citizens note ineffectiveness of judiciary in terms of financial provision, formation of judiciary corps and emphasize that judges are still in support of state prosecution.

Radical changes of the system of judiciary itself, formation of judiciary corps, improvement of court schemes ensuring activities of the system are necessary to set up strong, independent and professional judiciary.

The obsolete model of judiciary is still functioning in Tajikistan, where judge depends upon the chairman of the court where he works and upon the supreme court. Supreme courts are implementing controlling functions for lower instance courts and judges.

Wider authorities of court chairmen in settling down human resource issues, rights of supreme courts to carry out judiciary supervision are means of putting pressure on judges and primarily in terms of restricting their independence.

There are no objective indicators to assess the work of the judges. In practice low indicator is defined by number of annulled court decisions.

To ensure independence of judges it is necessary to change the process of judiciary corps formation providing real independence to judiciary branch of authority. First of all it is necessary to refuse of the selection and appointment system for judges by representatives of executive authority.

Statistics

As per data provided by the chairman of Council of Justice of RT Zafar Azizov there are 441 judges working in Tajikistan, each reviews annually from 500 to 800 cases. In order to decrease the load on courts it is necessary to increase number of judges and court personnel.

Azizov considers that there is a trend to decrease court errors. This conclusion is made upon decrease in number of annulment of court verdicts by courts of higher instance. Thus in 2010 there 861 annuled verdicts, in 2011 - 748 and in 2012 - 616 cases were registered».

In 2012 12 judges born administrative liability. There were no cases of criminal liability of judges in 2012.²¹

²¹ «Глава Совета юстиции: судьи Таджикистана перегружены делами, 7 января 2012 г., Наргис Хамрабаева,

Court in Tajikistan in 2012 (except for the Supreme Court) had announced 2 life long sentences for murder and rape. For comparison there were 17 life long sentences in 2011.

Since 2004 moratorium for death penalty was introduced in Tajikistan.

Before 2004 Tajikistan was the first among all countries members of OSCE on number of death penalties.²²

Life long imprisonment as alternative to death penalty is provided in RT on 5 types of crimes:

- «murder with aggravating circumstances
- terrorism
- «rape with aggravating circumstance»;
- «genocide»;
- «biocide».

Azizov says that courts had reviewed 8467 criminal cases in 2012 out of them 3706 people are condemned (7626 criminal cases were reviewed in 2011, 3545 people were condemned).

There are 42 absolvent verdicts out of them 19 are fully absolvent and others are partially absolvent.²³

There were 54 absolvent verdicts in 2011 out of them 15 fully and remaining partially absolvent.

It shall be noted that share of absolvent verdicts in comparison with last year has increased however it is still on a low level. Thus the number of completely absolvent cases in 2012 is only 0,5% of total number of criminal cases reviewed by the courts.

In 2011 this share was 0,25% (completely absolvent) of the total number of verdicts.

In general 123 thousand criminal, civil, family, administrative, economic etc cases were reviewed in 2012 which is 4 thousand more than in 2011.

Criminal Procedure Code

Results of the research conducted by PF Notabene were presented in 2012. The topic of the research was impact of new CPC on human rights implementation while administering criminal justice. New Criminal Procedure Code of Tajikistan has a number of positive aspects, however there are several shortcomings and contradictions that shall be regulated - considers head of public fund Notabene Nigina Bahrieva. From June to November 2011 PF Notabene has conducted monitoring of the impact of new CPC on human rights implementation during the criminal justice processes. The following issues were under research: reforms carried out after CPC was enacted, access of representatives of lawyers to the new text of CPC and other laws after it was enacted, educational trainings carried out to introduce new standards of criminal justice etc. In general 234 people working in the prosecution, investigators from law enforcement bodies, judges, lawyers and human rights activists were interviewed.

The results of monitoring revealed that 85% of interviewed had access to discussions of draft CPC remaining 15% had access though due to time constraints were unable to carry out thorough analysis and provide comments. 90% of respondents did not have access to developing and discussing other laws in the field of criminal justice, 37% do not have information on new legal acts.

«The text of CPC is at disposal of 16% of respondents - informed Bahrieva. - For instance out of 7 judges in Kurgan Tube only 1 has the text». The range of problems was

<http://news.tj/ru/news/glava-soveta-yustitsii-sudi-tadzhikistana-peregruzheny-delami>

²² Таджикистану рекомендовали решить вопрос по отмене смертной казни, Эргашева Зарина, Азия-плюс, 10 октября 2011 г.

²³ В Таджикистане в прошлом году вынесено два пожизненных приговора, 07.01.2013 г. , Наргис Хамрабаева

Источник: <http://news.tj/ru/news/v-tadzhikistane-v-proshlom-godu-vynesenno-dva-pozhiznennykh-prigovora>

identified while monitoring: judges are unable to select alternative punitive measures to arrest, veqq bodiiti criminal cases on serious crimes and then change the punitive measures etc.²⁴

Officers of Justice

Amendments to the Law on Executory Process were adopted in July 2012, in line with the amendments officers of justice have right to restrict the right to leave the country for people bearing debts to other people or state without court sanction. Decision on restricted right to leave the country is made on the basis of the appeal of claimant.

Amendments were also introduced to provisions that regulate cases when location of debtor is unknown. When dealing with cases related to alimony payment, damage recovery payment that was incurred due to physical injury or other damage to health or due to death of breadwinner and also in other cases when the location of debtor is unknown local courts on the basis of appeal submitted by either officer of justice or claimant is entitled to announce debtor as wanted through internal affairs office.²⁵

Minister of Justice of Tajikistan Rustam Mengliev noted that these amendments are aimed at increasing the role of officers of justice in the society. Enactment of these amendments he considers is envisaged by the judiciary reform which is carried out by the Government of the Republic.

National Human Rights Institution

While presenting the report on the activities in 2012 Ombudsman Zarif Alizoda informed that citizens in general submit complaints on decisions, acts or omissions of different bodies and authorities. Largest share of complaints is against court bodies.²⁶

For instance, as a protest against the decision made by the local judge resident of Isfara district had bedashed sulphuric acid in his face. The lawyer Vohidova F. noted that this act is a protest against the whole system. «The population had lost its patience and does not believe in court justice and for that reason such acts are committed. This is a protest of the population against the whole judiciary system in Tajikistan».

At the same time it is a first case when the participant of court proceedings protest in such a way against the verdict.²⁷

Tajik Ombudsman also informed that complaints of citizens were submitted against police, prosecution, Ministry of Justice etc.

Ombudsman reported that four additional legal centers under the NHRI were set up in the districts.

Appeals to Constitutional Court of RT

Necessity to get permission from the head of the penitentiary institution for a meeting with the lawyer violates the right of the accused to defence. Lawyers consider that this provision of the Penitentiary Code is not in compliance with the constitution of the country.

Appeal of human rights defenders Abdurakhman Sharopov and Sergei Romanov on the issue of access of the lawyer to accused was reviewed during the Constitutional Court session.

The reason behind this appeal to the Constitutional court was that in March and April, 2012 lawyers Abdurakhmon Sharipov and director of Independent Center on Human Rights

²⁴ «Research: 85% of respondents did not have access to discuss draft CPC», «Asia Plus», 2 April 2012., Nargis Khamrabaeva.

Source: <http://tjknews.ru/news/5927>

²⁵ Part 1, Article 28 Law on Executory Process

²⁶ «Ombudsman of Tajikistan had provided report on the last year», 30.01.2013, Ramziya Mirzobekova, Source: <http://news.tj/ru/news/ombudsmen-tadzhikistan-otchitalsya-za-proshedshii-god>

²⁷ Source: Tajikistan was bedashed by sulphuric acid as a protest against the verdict, «Asia Plus», Mehrangez Tursunzoda? Mavluda Rafieva, 26 July 2012. <http://www.rosbalt.ru/exussr/2012/07/25/1014984.html>

Protection Sergey Romanov addressed to the Head of the Department on Execution of Criminal Punishments of RT on getting access to their clients.

However, according to lawyers, this appointment was not provided to them. "On the basis of part 5 of article 91 of the Code on Execution of Criminal Punishments of RT appointment to lawyers or other persons to provide legal aid to the accused are provided only if they request for it. In this regard it is impossible to fulfill your request", - as stated in the reply of DECP.

According to lawyers on this ground petition to the Constitutional Court regarding the definition of part 5 of Art. 91 of given Code of IUN and its compliance to articles 21 and 92 of the Constitution of RT was submitted.

Plenipotentiary representative of a president in the Constitutional Court of RT Sodik Shonazarov did not agree with the arguments provided by human rights defenders and stated the a meeting of a accused with a lawyer without accord from the accused is a violation of his human rights.

As a result of the session court had defined that norms indicated in the Code for Execution of Criminal Punishments within part 5 of article 91 are in compliance with the Constitution of RT.²⁸

Advocateship

The reform of advocateship is still not carried out. There is no unified body of management that unites all the lawyers in the country. There is also lack of unified approach to lawyers activities, standards of access to this profession, termination of activities, unified Rules and Ethics of Lawyers and associations of lawyers, exact number of lawyers in Tajikistan is also not known.

The lawyers are still subdivided into two categories: lawyers members of Collegium of Lawyers and lawyers providing legal aid as entrepreneurs on the basis of the license provided by the Ministry of Justice of RT.

There are different associations of lawyers functioning on the territory of the country as well as private lawyers.

At present a new law on advocateship activities and advocateship is being developed. For these purposes a working group was set up that consists of the representatives of advocateship, Ministry of Justice, court, prosecution, Center on National Legislation of RT and public organizations.

The working group had drafted the Concept of Advocateship reform that envisages establishing of a unified body for advocateship management and its regional divisions. The main objective is to unite all lawyers and introduce unified approach to activities.

The working group shall finalize the work on the draft law on Advocateship activities and Advocateship. First Deputy Minister of Justice Abdumannon Kholikov who is chairing the working group informed that the draft law shall be finalized within the first quarter of 2013 and after that it shall be discussed widely with lawyers and associations and representatives of legal professions.

Pro Bono Legal Aid

High poverty level is still prone for Tajikistan and majority of the population can not afford legal services. At the same time right to pro bono legal aid shall not depend upon economic factors.

There is still no unified state policy in the field of pro bono legal aid. Norms on pro bono legal aid foreseen in the national legislation of the Republic of Tajikistan does not contain a

²⁸ Source: S. Romanov: Lawyer must be provided with unhindered access to the accused», «Asia plus», 24 October 2012, Khaidar Shodiev.

<http://news.tj/ru/news/s-romanov-advokat-dolzhen-imet-besprepyatstvennyi-dostup-k-osuzhdenному>

unified ground for pro bono legal aid and scope of such aid. There are no economic mechanisms stimulating lawyers to provide legal aid to poor population.

In this regard it is of crucial importance to reform legal aid system for the poor population. Main objective is to ensure equal right to access to justice for all.

Pro bono legal aid shall be provided by a person who has adequate qualification necessary for the legal practice. To that end such a person has to get payment for the work related to representation of the client.

Real right of poor population to qualified legal aid can be enforced only on the legislative ground, and if substantial amount of money is allocated to cover the work of the lawyers out of the state budget.

To this end it is necessary to develop a separate law on pro bono legal aid that shall ensure access of poor and vulnerable population to legal aid.

At present there is a working group set up in Tajikistan to develop draft law on pro bono legal aid.

The working group started developing the concept on pro bono legal aid of RT as well as draft law.

Liquidation of public human rights organizations

Khujand city court had passed the decision on liquidation of Association of Young Lawyers "Amparo". On January 15, 2013 the cassation instance of Sogd district court decided that the decision Khujand city court on liquidation of Association of Young Lawyers "Amparo" should remain unchanged. This is the only in human rights organization in the country which is taking up the problems of recruits and military personnel.

Lawyer of "Amparo" Junaid Ibodov considers that this judgment is illegal and unreasonable. In his opinion, "this decision is yet another mistake of the court!". At the same time, chairman of "Amparo" Dilrabo Samadova noted that she hoped for justice and independence of judicial system. "But, unfortunately, today we once again became witnesses of judiciary dependence".

To remind, Department of Justice of Sogd province had lodged a complaint on June 29, 2012 to Khujand City Court with a request to liquidate Association of Young Lawyers "Amparo" which is engaged in protection of rights of recruits and military personnel.

Justice Department claims that the head of "Amparo" acts in violation of the Law of RT "On Public Associations", organization had changed legal address without relevant decision of general meeting and had not re-registered on this occasion in Justice Department of Sogd province, and in line with the information, provided by the head of the organization, it is clear that the organization, albeit being regional organization, carries out activities outside of Sogd province, in particular in Dushanbe, and in Districts of Republic Subordination. It should be noted that branches and representations of the organization have to be registered in registering body. It is also established that the organization conducted lessons on "The Rights and Duties of Recruits to Military Service" for pupils of 9-11 classes in schools in Spitamen and B. Gafurov districts areas without corresponding license which is in breach with the legislation. Besides, "Amparo" was acting beyond its Charter by launching Internet page where "different articles" are uploaded which is serious violation of the charter and the Law of RT "On Public Associations".

Dilrabo Samadova, provided comments to these claims noted that the Justice Department failed to formulate, which actions of the head of the organization were carried out in violation of the Law RT "On Public Associations", and also failed to specify concrete violated article of this law.

"As to official Internet page of the organization, the decision is made at a general meeting of AYL "Amparo". The web page is hosted by provider. Charter of Amparo specifies that the organization has right to disseminate information on its activities. According to the legislation

the order of obtaining licenses or other types of permissions for web page opening is not stipulated, noted the head of the organization.

According to Dilrabo Samadova, "recently certain representatives of government bodies simply try to prevent activities of this youth human rights organization"²⁹

In June, 2012 Justice Department of Sogd province also filed a lawsuit on liquidation of another public organization – Educational and Analytical center "Civil Society". The basis for the claim was that the organization changed the actual address and did not pass re-registration, and also that the organization carried out its activities without establishing a board.

On January 9, 2013 Khujand city court decided to liquidate public organization "Civil Society". The lawyer Bakhtiyor Nasrullaev representing interests of the organization in court proceeding, did not agree with the verdict and noted that there were no inspections of any sort carried out in "Civil society" either from Justice Department, or from the Ministry of Justice. The lawyer declared that "it is obvious that the court decision was not based on the legislation it simply did not want to spoil the relation with higher branches of authority".³⁰

Recommendations:

1. To improve principles of formation, composition and approaches to work for Council of Justice in order to enforce its independence and role within the judiciary system, through taking the Council of Justice out of the frame of executive authority and transfer it to judiciary authority.
2. To select judges on the basis of clear and sound criteria out of adequate number of candidates.
3. Council of Justice has to review curriculum of life long education for judges in order to improve their knowledge including regarding the issues of applying the norms of international law in national courts.
4. Put authorities of the prosecution in compliance with international standards in order to reinforce independence of courts and ensure equality of parties during the court proceedings.
5. Carry out reforms in advocateship and adopt the new law On Advocateship.
6. Carry out reform of the system of pro bono legal aid and adopt the law on Pro Bono Legal AidS.
7. Include investigative activities to Criminal Procedure Code of RT and ensure court control over activities restricting human rights and freedoms.

Freedom from torture

«Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction». (Article 2 Convention Against Torture and other cruel, inhuman and degrading treatment and punishment).

Torture is one of the most serious violations of fundamental human rights. Terrifying consequences of this terrible human rights violation extend on families of victims and their social environment.

The Convention against Torture, adopted by the UN, referred practice of application of torture to category of international crimes, and also created mechanisms to condemn this practice. However, despite the efforts aimed at prevention of torture, these terrifying violations still take place in the world.

Application of torture, cruel and degrading treatment remains one of the most serious problems in the field of ensuring human rights. Information and complaints submitted to human rights

²⁹ Source: «Asia Plus», Khujand. 25 October 2012, mavluda Rafieva

³⁰ «Liquidators of justice», Asia Plus № 05 (790) 17 January 2013, Sheroz Sharipov

organizations, testify that torture, cruel and degrading treatment are often used in the divisions of Ministry of Internal Affairs. Torture remains the acute problem in penal system of Tajikistan.

Torture is often used as means of confession on crimes. More often torture is applied prior to criminal trial in the so-called Operational Search and Investigation activity (OSIA).

The criminal procedure law does not have provision on operational search activity therefore the person victim of torture has no right to lawyer and other guarantees provided by the Criminal Procedure Code of RT to suspected and accused.

Torture is used primarily to obtain knowledge from suspects and witnesses. Further, this information is used as a prove during judicial proceedings on criminal cases.

There is information about cases when torture is applied against witnesses who do not have right to lawyer.

Application of torture to obtain the information is grounded on the fact that information obtained under torture is still accepted by the court, even if during court proceedings accused or witness announce that the information was obtained under torture.

Despite the fact that court has a right to suspend the proceedings and demand investigation of the allegation of torture this is still rarely used. In most cases court do not check how truthful allegations of torture are provided by witnesses or accused.

In line with the rules of investigation the checks and investigation on complaints on torture are carried out by the prosecution of the same district where the complaint on torture, inhuman and degraded treatment which is usually instigated by the police personnel.

Prosecution of the district level can not be fully independent instance to carry out such investigation.

Lack of independent control over the activities of law enforcement bodies leads to superstitious and often formal investigation of torture complaints provided by the accused. Together with the trend of the court to ignore the information on torture it leads to lack of punishment for using torture, inhuman, cruel and degrading treatment. Existing training curriculum for the personnel of the police does not pay substantial attention to personal integrity, prohibition of torture, cruel and inhuman treatment, thus resulting in existing situation within the modus operandi of law enforcement bodies.

In line with the research carried out by Amnesty International torture in Tajikistan is widely spread in particular in the institutions of pre-trial detention where police and law enforcement structures are often using torture against arrested and sometimes witnesses in order to force them provide false information about themselves or others.

Torture, beatings and cruel treatment are still widely used in the preliminary detention centers in Tajikistan thus adding to the atmosphere of total impunity and corruption states Amnesty International in its new report. In the report organization urges Tajik authorities to condemn and eliminate this practice.

The report Broken lives: torture and cruel treatment in Tajikistan depicts threats that people face straight after the arrest, it tells that complaints on torture are not investigated properly and Tajik authority do not make sure that guilty are fully liable for their crimes.

«Methods of torture used by law enforcement are shocking. Electric shock, boiled water, cigarette end burns, threats of rape or rape are used. The only way out is to either sign the confession or to bribe», - says Rachel Bugler specialist of Amnesty International on Tajikistan.

NGO and local mass media had informed on death of 37 year old Safarali Sangov who was arrested on 1 March 2011 on allegation of drug dealing and died several days after in the hospital and 28 year old Bahromiddin Shodiev who was arrested on 14 of October and dies in hospital on 30 of October 2011. The official version states that both tried to commit suicide however relatives insist that in both cases the cause of death were traumas gained as a result of beatings in police.

A criminal case is initiated on Shodiev case in line with article 322 CC of RT against three policemen however it was terminated on two of them due to lack of substance of crime.

The case against the third policemen is reviewed in court in early 2013. He is condemned to 2 years in prison.

Safarali Sangov resident of the capital was suspected in illegal drug dealing was arrested in March 2011. However at the same day he was taken from the police office to reanimation and died in hospital several days after without coming to consciousness. His relatives are sure that he got to hospital due to severe beatings in the police office.

The opposite version is put forth by the law enforcement bodies Sangov allegedly was trying to committ a suicide by throwing himself from the staircase and heating the head against the wall.

This case was widely discussed within the society.

After Sangov's death two policement were charged for negligence. In July 2012 the criminal case against them was terminated due to amnesty.

In july Ilhom Ismanov and another 52 people were tried in court in Khujand on allegations of supporting Islamic Movement. Amnesty International informed that the judge ignored complaint of Ismanov on torture as well as other similar complaint provided by other accused.

On 21 of September 2012 in pretiral detention of Dushanbe 27 year resident of Hissar district Khamza Ikromzoda died allegedly as a result of torture. The reason to death was a quarrel between arrested and policemen in detention center #1 where the deceased was kept and further severe beatings that lead to death.

On 25 of September 2012 Penitentiary institure of Ministry of Justice had commented the death of Ikromzoda saying that it was a suicide,³¹ and the injuries are caused by the attempts to safe his life.

On 26 of September 2012 NGO Coalition against torture had provided open letter to the authorities of Tajiksitan requesting to carry out investigation of the death of Ikromzoda and punish the guilty.³²

Different state bodies promised to carry out thorough investigation on death of Ikromzoda and to punish guilty. On 28 of September head of penitentiary institution under Ministry of Justice Izatullo Sharifov had promised Ikromzoda's relatives who died on 20 of September to dismiss Rustam Toshtemirov head of colony #1, where Ikromzoda was kept regardless of the outcomes of the investigation carried out by the prosecution.³³

On 29 of September 2012 General Prosecution promised to carry out thorough investigation of the death.³⁴ A month after the incident on 23 of October 2012 NHRI head Zarif Alizoda requested General Prosecution³⁵ to carry out expeditious and impartial investigation and provide the results of investigation. On 1 of October 2012 Minister of Justice Rustam Mengliev provided statement due to death of Khamza Ikromzoda,³⁶ where he says that this issue was already discussed in the Ministry of Justice and promised that guilty will be punished after the investigation. On 12 of October 2012 criminal case related to death of Ikromzoda was initiated under the article on negligence.³⁷

On 12 of November 2012 NGO Coalition against torture had provided open statement where it expressed its concern due to regular complaints on torture from detainees or their relatives, on torture and ill treatment that is applied by the personnel of colonies against the

³¹ <http://news.tj/ru/news/guin-minyusta-tadzhikistana-prokommentiroval-gibel-zaklyuchennogo>

³² <http://news.tj/ru/news/koalitsiya-npo-protiv-pytok-prizvala-vlasti-tadzhikistana-privlech-vinovnykh-v-smerti-osuzhdeni>

³³ <http://www.notorture.tj/news/izzatulo-sharifov-obeshchal-snyat-s-dolzhnosti-glavu-kolonii-no1>

³⁴ <http://news.tj/ru/news/genprokuratura-obeshchaet-provesti-tshchatelnoe-rassledovanie-prichin-smerti-zaklyuchennogo>

³⁵ <http://news.tj/ru/news/ombudsmen-za-bespristrastnoe-rassledovanie-fakta-smerti-ikromzoda>

³⁶ <http://www.notorture.tj/news/ministr-yusticii-ni-odin-fakt-pytki-ne-ostanetsya-bez-otveta>

³⁷ <http://news.tj/ru/news/advokat-po-faktu-smerti-zaklyuchennogo-ikromzoda-vozbuzhdeno-delo-po-state-khalatnost>

inmates.³⁸ The lawyers from human rights institutions representing interests of some of the inmates faced the problem of access to their clients. In particular on 10 of November the lawyer representing the interests of Sunatullo Rizojev had visited a colony in Khujand with written appeal requesting to see his client, however he was refused to even register due to quarantine announced on 5 of November. Some of the refusals were fruitlessly submitted for re-consideration to courts.

Due to almost total impunity of torture authority had undertaken certain insignificant steps to ensure punishment of guilty. In September unprecedented judgment which condemned two law enforcement officers to eight years of imprisonment were made (amnesty had reduced the term of punishment to six years) on the case of "deliberate infliction of harm to health which has entailed death of the victim on imprudence", and "abuse of authority" after 31-year-old Ismoil Bachajonov died in police office in January. The third employee received three years for "negligence", but was released on amnesty.

"Child's Rights Center" presented the results of monitoring "Torture and child abuse in a justice context for minors in Tajikistan".

Monitoring revealed serious number of violations of the right of children on freedom from torture and ill treatment during arrest, transportation to Department of Internal Affairs, stay there and interrogation. Rights of children to legal aid, preserved contact with parents, interrogation in violation of the law (at night, with application of violence, in absence of parents and lawyers), right to stay informed on the rights during the detention, investigation, right to personal integrity are violated in the same place.

Meanwhile, human rights activists consider that torture in Tajikistan still remain a systemic problem. The branch director of PO "Human Right Center" in Khujand Tatyana Hatyukhina noted that it is not a question of separate violations by unfair police officers or security service, but rather daily routine of law enforcement agencies. "While implementing the project "Combat against torture in Tajikistan" it was revealed that ill treatment is prone from the moment of physical arrest throughout the preliminary investigation", - she noted.

In May 2012 UN Special Rapporteur on Torture Juan Méndez visited Tajikistan.

During the visit UN SR met with the representatives of the state, visited prisons and other closed institutions, and also met with representatives of public organizations of Tajikistan, in particular, with NGO Coalition against torture in Tajikistan.

He told to representatives of mass media that "torture is practiced in Tajikistan on a constant basis".

Moreover, he told, that obtaining information under torture, remains main method of investigation for law enforcement agencies and prosecution bodies.

UN SR paid attention that courts often do not react to statements of defendants on torture. "Criminal Procedure Code sets forth an exclusive right in compliance with provisions of the Convention against Torture specifying that confessions and information obtained under torture, can not be used during criminal investigation against the accused. However, in spite of the fact that this norm works some time, it was never applied by court to exclude utilization of confessions received by unlawful methods", - said Méndez.

In particular, he noted low professional level of medical experts carrying out forensic medical examination of victims of torture. "Absence of experts and necessary equipment, incomplete or fabricated reports of forensic experts related to torture cases, dependence of experts on law enforcement agencies once again emphasize need of independent institute on forensic medical examination", - said Méndez.

Upon the results of the visit, Juan Méndez on May 18, 2012 published preliminary findings where he expressed gratitude for full cooperation rendered during his visit by the Government of the Republic of Tajikistan and noted commitment of Tajikistan to combat

³⁸ <http://news.tj/ru/news/koalitsiya-npo-protiv-pytok-v-tadzhikistane-trebuetsia-rassledovat-incident-v-khuzhandskoi-kolon>

tortures and ill treatment, positive changes in the legislation of the country and set up of the working groups and other mechanisms, creation of worthy conditions for the detainees in pre-trial detention centers and correctional facilities, etc. At the same time, UN SR noted some aspects that require further improvement, in particular, he pointed insignificant sanctions and mitigation measures concerning responsible for torture which create the conditions promoting impunity. According to international law torture has to be equated to the most serious crimes and amnesties can not be applied to such cases. The statement of Juan Méndez following the results of visit, "courts and prosecution do not fulfill the obligations for usage of confessions from judicial proceedings and to carry out independent medical examination if they suspect that the detainee was subjected to ill treatment. They do not initiate independent investigation when there are sufficient grounds to believe that confession was obtained under tortures and ill treatment". Juan Méndez expressed doubts in independence of forensic medical examination service.

Furthermore on 18 of May UN SR met with the President of the country. During the meeting the issues related to ensuring human rights and freedoms, development of relations in this direction were discussed.

At the same time he emphasized that during recent two years Tajikistan had introduced amendments to normative structure and one of the most important changes in this regard is recent inclusion of separate article on torture to criminal legislation of the country.

It is expected that the conclusion of Juan Méndez will be reviewed in the report that he will provide to the Government of the Republic of Tajikistan and UN Human Rights Council in 2013.

As of February this year hot line numbers for victims of torture started functioning.

Citizens that had faced torture and ill treatment and investigation or their relatives can call any time to 24/7 phone numbers of hot line - (98) 882 37 96 in Sogd province and (98) 882 37 97 in Dushanbe, DRS and Khatlon province.

Hot line numbers are functioning within the project on Combat against Torture in Tajikistan implemented by the PO Human Rights Center with the support of OSCE in Tajikistan.

Parvina Navruzova project coordinator had informed that by means of phone communication people residing even in remote areas have an opportunity to get in contact with the lawyer to obtain legal aid.

Due to wide spread practice of torture, cruel and degrading treatment state authorities had undertaken several steps aimed at combat against torture:

- New article on torture was introduced to Criminal Code of RT.
- Resolution of the Supreme Court Plenum is adopted On applying the norms of criminal and criminal procedure legislation to combat torture.
- Tajikistan had adopted most of UN Human Rights Council recommendations under UPR procedure.
- UN SR on torture was invited.
- Persons guilty in torture and ill treatment are more often bearing liability.

Unfortunately Tajikistan had rejected the recommendations of UN Human Rights Council under UPR procedure:

- Ratification of Optional Protocol to Convention Against Torture.
- On acknowledging the competence of CAT to review individual communications.

On 7 of November 2012 Tajikistan had submitted report on implementation of CAT in Geneva where the session of the Committee against Torture was held.

Formal delegation had presented the report on Tajikistan that reflected the situation and events since the last report submitted in 2006. The report covers 2007-2010.

National report states that «key method to prevent torture by state employees is timely identification of the facts and punishment of guilty as well as enhanced institutional control and prosecution supervision over investigation and interrogation on criminal cases».

It is said that the analysis of activities of law enforcement agencies showed that immediate cause of unlawful methods of inquiry and investigation instigation is false understanding of necessary disclosure of a crime by use of unlawful methods and measures.

"According to the data of General Prosecution abuse of authority 174 people were held criminally liable and 704 to disciplinary liability (court, prosecution, SSC, Ministry of Internal Affairs, Customs Service, military personnel). All accused in abuse of authority incurred proportional punishments according to the CC of RT and other laws, taking into account gravity of committed crime or official offense and its consequences", - is noted in the report.

The UN Committee against Torture provided recommendations to Tajikistan after the Second Periodic Report was presented by the official delegation.

In particular, the Committee welcomes legislative measures during the considered period, however pointed out key concerns. Among them - definition and sanctions for application of torture. "Though the Committee welcomes inclusion of article of 143 in the Criminal Code aimed at putting the definition of "torture" in full compliance with article 1 of the Convention, but expresses concern about the sanction of five years and less, concerning the persons who had committed a crime of torture for the first time, and regards it as incommensurable to the gravity of crime (articles 1 and 4). The Committee recommends to the member state to amend this article and to provide that sanctions for torture reflects its gross character as demanded by article 4 of the Convention", - states one of the recommendations.

Members of the Committee are also concerned that in 2011 the Law on Amnesty conferred quite large prosecution on decreasing, reduction or suspension of sentences concerning the persons condemned for torture, including, three law enforcement officers condemned for participation in death of prisoner Ismoil Bachajonov.

"The member state has to provide that the Law on Amnesty contains accurate provisions providing that any person condemned for torture, is not under amnesty, and that such ban is strictly observed in practice", - demands the Committee.

Besides, concerns of the Committee are caused by messages from and non-governmental organizations in the country about several cases of death during detention. Namely Ismonboy Boboyev, Hurshed Bobokalonov, Alovuddin Davlatov, Dilshodbek Murodov, Hamza Ikromzoda, Safarali Sangov, Bakhromiddin Shodiyev. The Committee indicates lack of effective and impartial investigation of these cases.

The Committee insistently calls member state for quick, impartial and effectively investigation of all cases of death in the detention, to estimate degree of responsibility of state officials, to provide punishment to guilty and compensation to families of victims.

Moreover, the Committee asks member state to present comprehensive updated information on all registered cases of death in detention, including location, cause of death and results of any investigation of these cases, punishment of guilty and compensations provided to relatives of victims.

The Committee is concerned by lack of expeditious, effective, impartial investigation and criminal prosecution of complaints on torture and ill treatment that creates, thereby, the atmosphere of impunity

Besides, the Committee is concerned that according to article 28 (1) Criminal Procedure Code, court, judge, prosecutor or investigator have the right to stop criminal case and to exempt the person of criminal liability. Such actions can be undertaken on the basis of repentance, reconciliation with the victim, change of circumstances, or the expiration of limitation period for initiation of legal proceedings.

"The participating state should accept concrete steps on creation of effective and independent mechanism of criminal investigation not connected with the body which is carrying out criminal prosecution concerning the alleged victim; to carry out immediate fast, impartial and careful investigation of all complaints on torture and ill treatment and to make alleged offenders responsible and to exclude the provisions of Criminal Procedure Code, allowing

termination of criminal case and release of accused from criminal liability when cases are related to torture and ill treatment", - specifies the Committee in its recommendations.

The international community recognized torture as one of the most cruel and unacceptable attempts against human dignity. In this regard torture, inhuman and cruel and degrading treatment and punishment are strictly forbidden by numerous international conventions, both on universal, and regional levels.

Recommendations:

1. Adopt National Plan of Action on the recommendations of UN Committee against Torture.
2. Set up National Preventive Mechanism (NPM).
3. Ratify Optional Protocol to Convention against Torture.
4. State accession to the competence of UN Committee against Torture to receive and deal with individual communications in line with article 22 of the Convention.
5. Develop mechanism of effective and thorough investigation of all the allegations of torture, inhuman, cruel and degrading treatment.
6. Set up institute of independent medical examination.

International obligations

«Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status». (Article 2 part 1 ICCPR).

The strive to protect human dignity of everyone is a core concept of human rights. It focuses on the individual. It is based on the general universal system of values on inviolability of life, and provides basis for creating a system of human rights protection by internationally accepted norms and standards.

Standards in the field of human rights have value when they are put into practice.

It is important that the authorities of the country are informed on the international standards in the field of human rights, government officials shall apply effective remedies of legal protection, national legislation shall be in compliance with international standards.

Apart from the obligation to implement the provisions of adopted treaties each state in addition has to submit regular reports on results of implementation of these provisions. Corresponding treaty body on human rights considers these reports and provides so-called Concluding Observations where both positive aspects of treaty obligations implementation by the state are noted as well as directions which treaty body recommends that state takes additional measures.

In 2012 Republic of Tajikistan had done a lot for further recognition of human rights protection standards, further humanization of the legislation and law-enforcement practice, especially in the sphere of criminal justice were carried out.

During the European Tour in June President Rahmon discussed investment and bilateral cooperation in key areas, including energy and security with officials from European Union. During a number of meetings issues related to human rights were raised, including the meetings with Council of Europe Secretary General Turbyer Yagland and chairman of subcommittee of European Parliament on human rights Heydi Hautala.

In February and October European Union held consultations with Tajikistan on human rights, however owing to the established practice concrete results were not published. EU limited itself to general statement that the situation with human rights was discussed and

recommendations in the field of ensuring the right to fair trial, independence of judiciary and rights of women were made.

In July EU organized a seminar for civil society concerning the rights of labor migrants the results and recommendations were submitted to the Government of Tajikistan.

In April USA carried out second round of annual bilateral consultations with Tajikistan. In line with the statement of American Embassy, Deputy Secretary of State Robert Blake raised the issues of human rights and freedom of mass media during a meeting with the President Rakhmon, and also had meetings with representatives of political parties and civil society. Throughout the year USA had made several critical statements concerning freedom of mass media and religion in Tajikistan. In particular, Secretary of State Hillary Clinton spoke about it during the October visit to Dushanbe. On 3 March Ambassador of USA in OSCE Ian Kelly characterized the Government of Tajikistan as the one that "refers to problems of political security as to the basis for suppression of peaceful religious practice".³⁹

In October 2011 Tajikistan had undertaken its first UPR procedure in the UN Human Rights Council in Geneva.

Universal Periodic Review (UPR) – is the new mechanism in the field of human rights which assesses implementation of obligations and promises on implementation of human rights of each of UN member state is periodically carried out. UPR is a complex mechanism based on interactive dialogue with the state under review.

On March 14, 2012 UN Human Rights Council session was carried out in Geneva.

Human Rights Council is the leading UN body in charge of human rights. It replaces and assumes the majority of mandates, mechanisms, functions and powers which were assigned earlier to the Human Rights Commission.

Council considers the situation related to human rights violation, including gross and systematic violations, and provides recommendations.

During the dialogue within UN Human Rights Council under UPR procedure Tajikistan had received 172 recommendations from 42 countries related to implementation of human rights in the country out of which 72 recommendations were accepted by Tajikistan during the dialogue. 56 remaining recommendations were left for further consideration before the following session of UN Human Rights Council in March, 2012 in Geneva.

Out of the recommendations provided by member states of the Council considerable part was accepted by Tajikistan.

The following recommendations were accepted:

- On adoption of Optional Protocol to the Convention on Elimination of all Forms of Discrimination against Women
- On ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, on abolition of death penalty.
- On cancellation of criminal liability for slander and insult, replacing it with civil responsibility.
- On shifting Council of Justice from Executive bodies of the Republic of Tajikistan
- On regular medical examinations of the prisoners and independent and transparent investigations of all charges of human rights violations
- On legality of administrative detention, providing detainee with immediate access to lawyer, doctor and family members since the moment of arrest.
 - On prohibition of corporal punishments of children in all establishments and guarantees of the right of children to sufficient standard of living.
 - On amending Criminal Procedure Code with the purpose of introducing provision on identity record of the officer participating in arrest.
 - On implementation of UN rules on treatment of female prisoners.

³⁹ http://www.hrw.org/sites/default/files/related_material/takijistan%20WR12-rus.pdf

- On counteraction to suppression of freedom of speech, including restriction on mass media.
- On assistance in creating independent mass media.
- On introduction of separate system of juvenile justice.
- On measures for ensuring compliance of CC amendments with the international obligations concerning freedom of assembly and freedom of worship.
- On poverty and inequality eradications and rendering financial support to vulnerable segments of the population.

However, the following recommendations were not accepted by Tajikistan:

- On ratification of Optional Protocol to the Convention against Torture.
- On recognition of competence of Committee against Torture to receive individual communications.
- On ratification of the Convention on the Rights of People with Disabilities.
- On ratification of Optional Protocol to the Convention on the Rights of People with Disabilities.
- On ratification of International Convention for Protection of all persons against Enforced Disappearances.
- On ratification of the Convention on Stateless of 1954 about the status of apatrides and the Convention of 1961 on statelessness reduction.
- On opening the prisons and insulators, including temporary and investigative, for national and international monitoring, including for ICRC (international Committee of the Red Cross).
- On abolition of laws which influence negatively freedom of religion, and restrict the rights of women and minors to participate in religious activity.
- On guarantees to the religious organizations and the organizations of civil society to work without restrictions according to the international obligations.
- On sending standing invitation to all special procedures of UN Human Rights Council.
- On ratification of Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- On putting the Law on a freedom of worship and the religious organizations in compliance with the international norms, on promoting religious tolerance and abolition of restriction to religious education.

In April, 2012 Tajikistan submitted report to UN Committee on Rights of Labor Migrants on implementation of provisions of the Convention on protection of the rights of all migrant workers and members of their families.

Alternative report of NGOs was also submitted which provided information concerning the reasons which lead to mass labor migration of citizens of the Republic of Tajikistan, issues related to legislation and policy, management of labor migration, decrease in level of dependence upon main destination country – Russia. The issues related to situation of foreign labor migrants in Tajikistan were also indicated.

In May, 2012 the UN Committee on the Rights of Labor Migrants provided its Concluding Observations regarding implementation of Tajikistan of obligations under the Convention on Protection of the Rights of all Migrant Workers and Members of their Families.

Out of 19 recommendations provided by the Committee, 15 covered the issues and problems raised in the Alternative report of NGOs.

In August, 2012 Tajikistan reported in UN Committee on Elimination of all Forms of Racial Discrimination on legislative, judicial, administrative and other measures aimed at elimination of racial discrimination.

Unfortunately Alternative Report was not submitted.

UN Committee on Elimination of all Forms of Racial Discrimination provided Concluding Observations to Tajikistan.

In November 2012 Tajikistan provided report to UN Committee against Torture on implementation of the UN Convention against Torture and others Cruel, Inhuman or Degrading treatment and Punishment.

The NGO coalition against torture submitted Alternative report.

The UN Committee against Torture provided Concluding Observations to Tajikistan.

In May Tajikistan was visited by the UN Special Rapporteur on torture Juan Méndez. During the visit he met with representatives of the Government, including the staff of law-enforcement departments, representatives of non-governmental organizations, and also examined conditions of prisoners in Tajik prisons.

By end of his visit UN SR had noted several positive aspects namely amendments in material and procedure legislation of RT as well as introduction of the new article on Torture in Criminal Code of RT. At the same time he raised concern that «punishment in the form of 5 years in prison for this crime is not in compliance with the obligation to regard torture as a severe crime with corresponding punishment foreseen, as legislation contains provisions on amnesty and other forms of decreasing the penalty. Such measures are not sufficient to prevent instigation of torture».⁴⁰

The report on the results of the visit of UN Special rapporteur on torture and others cruel, inhuman or degrading treatment and punishment will be submitted to UN Human Rights Council.

In 2012 Tajikistan was also visited by UN Special Rapporteur on right of everyone to highest attainable level of physical and mental health Anand Grover. The purpose of his visit was to involve the Government, development partners and civil society in searching for the solution of financial difficulties inherent to health system of Tajikistan.

Human Rights Expert expressed concern of the fact that issues of mental health in Tajikistan remain low-priority and provide negative impact on implementation of the right to health for those with mental disabilities. Noting insufficient financing in system of mental health care which makes only 1,5% from the general expenses in health care sector that makes 2% from gross domestic product, he urged the Government to increase financing of mental health care sector considerably.⁴¹

During press conference held on 31 May 2012 Anand Grover also shared preliminary findings of the visit and noted health system problems in Tajikistan: low financing of the sector, pocket and informal payments, low wage of doctors, outflow of highly qualified specialists, and also shortage of mechanisms of lawful protection of rights, including compensation for incorrectly diagnosis and medical error.

In 2011 integrated 4th and 5th Periodic report on implementation of the Convention on Elimination of all forms of Discrimination against Women was submitted.

review of the National Report on implementation of the Convention on Elimination of all forms of Discrimination against Women is planned for October, 2013.

NGO From De Jure to De Facto Equality had submitted Alternative Report on implementation of this Convention to UN Committee on Elimination of Racial Discrimination.

In 2012 the Law of RT "On prevention of domestic violence" was adopted.

The second Periodic Report of Tajikistan on implementation of International Covenant on Civil and Political Rights, and integrated 2nd and 3rd Periodic Reports on implementation of International Covenant on Economic, Social and Cultural rights were submitted by Tajikistan to corresponding UN Committees in 2011.

⁴⁰ http://www.notabene.tj/documents/centr_asia_v_un/tajikistan/s_p/1_3_Ru.pdf

⁴¹ http://www.notabene.tj/documents/centr_asia_v_un/tajikistan/s_p/1_4_Ru.pdf

At the moment NGO Coalition on preparation of the Alternative Report on implementation of provisions of the International Covenant on Civil and Political rights was set up and started its activity. Review of the National Report on ICCPR is scheduled by UN Human Rights Committee for October, 2013.

Regretfully Tajikistan is still behind the schedule in terms of submitting National Periodic Reports on ratified treaties to UN Committees. The main reason for untimely submission of periodic reports is lack of:

- effective reporting system;
- formal monitoring of recommendations provided by UN treaty bodies implementation;
- corresponding training curriculum on drafting national reports;
- weak interaction between the Government, NGOs, NHRI and international organizations.

Recommendations:

1. Provide timely reports to UN Treaty Bodies.
2. Ensure wide coverage in mass media of National and Alternative reports as well as Concluding Observations of UN Committees.
3. Design official monitoring system for implementation of Concluding observations of UN Committees.
4. Carry out monitoring of implementation of the recommendations provided by UN Human Rights Committees.
5. Carry out regular meetings with the representatives of state authorities, NGOs, international organization involved in the process of drafting National and Alternative reports to UN Treaty Bodies.
6. Develop mechanism for consultations between representatives of state authority and NGOs while drafting the reports.
7. Develop a constant education curriculum for civil servants taking part in drafting periodic reports on implementation of international recommendations.
8. Accept remaining recommendations of UN Human Rights Council under UPR procedure.

Freedom of expression

- «1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary...» (Article 19 ICCPR).

As a rule beginning of each year is over saturated by reports from various international and local organizations on various fields of law and public life. So, International non-governmental organization Reporters Without Borders published "Press Freedom Index for 2011-2012" where Tajikistan got 122nd place out of 179 countries, the Republic of Tajikistan got 40 points and was placed between Algeria and Malaysia. The previous rating of the organization where freedom of press of 178 countries was assessed Tajikistan took the 115th place with 34,50 points.

The situation with freedom of speech in Tajikistan remained as difficult as in previous years. Human rights activists and representatives of various media organizations noted increased pressure upon Tajik mass media from the authorities that was also reiterated by carrying out large scale check of independent media in the end of February, 2012 by Prosecution, Tax

committee, Committee on television and broadcasting. In spite of the fact that the authorities declared that the checks were planned, journalists related it with the upcoming presidential elections scheduled for 2013, and desire to establish complete control over activity of independent mass media.

As noted by the reporter of Russian BBC in Tajikistan A.Sarkorova, "checks were carried out in the offices of popular radio station "Imruz", Charkhi Gardun media holding, SMT TV channel and four printing houses where Tajik newspapers are published. Inspections took place in regional and district mass media. Supervisory authorities are interested generally in the activity of independent private TV and radio channels, and printing houses of the newspapers that criticize the authorities. Inspectors check accuracy requirements implementation its compliance with the law on mass media and financial activity of the journalistic organizations, information on the income and sources of financing for private mass media"⁴².

Hurshed Atovulloev chairman of Media Alliance of Tajikistan, believes that the meeting of the President with the representatives of the press planned for March dedicated to 100 anniversary of Tajik press could be one of the reasons for these unexpected checks. In his opinion, report can be compiled on the basis of the results of these checks on situation with independent mass media which will contain data on shortcomings and errors of non-state press.

The report called "Attacks on the Press in 2011." published on 21 February 2012 was issued by the Committee on Protection of Journalists (CPJ). It states that the authorities in Tajikistan use charges of extremism and defamation, as a pretext for repressions against critical journalists. The report provides data on strengthening of pressure upon independent mass media for instance arrests and trials against M. Ismoilov, Urunboy Usmonov, Ramziya Mirzobekova, etc.

Similarly decision of the President to cancel quarterly press conferences with the top officials had made complicated access to officials even more complicated.

However, authorities do not agree with these conclusions and consider them biased, made on trifles. So, Sayfullo Safarov, deputy director of Strategic Research Center under the President of Tajikistan considers that "authorities do not interfere and restrict freedom of speech. Several journalists who were condemned, were released subsequently, and everything was resolved peacefully. Moreover, recent months showed that after a number of judicial proceedings, Tajik mass media had become more courageous and addresses pressing subjects in society"⁴³.

Decriminalization of slander and insult

11 of March is celebrated as a Day of Tajik press. In 2012 this day was especially important and positive. During a meeting of the President of the country with representatives of mass media of Tajikistan, devoted to centennial anniversary of the first issue of Bukhoroi Sharif newspaper (Sacred Bukhara), the President of Tajikistan Emomalii Rahmon suggested to transfer articles 135 and 136 from the Criminal Code of the Republic which set forth that criminal proceedings can be initiated against journalist in cases of slander and insult to the Civil code.

To achieve this human rights and the media organizations were working for a long time, in particular, regarding the need to decriminalize slander and insult, it is indicated in the Alternative Report of NGOs under the Universal Periodic Review (UPR). Over 30 organizations of Tajikistan worked on this report. furthermore the issue was raised during the Annual meetings on human dimension, carried out by OSCE and range of other actions on freedom of speech were carried out.

As to UPR, it should be noted that the governmental working group on preparing Universal Periodic Review, presented its report in fall 2011 to UN Human Rights Council of the UN, and received over 170 recommendations one of which was devoted to decriminalization,

⁴² There is a massive check of independent media in Tajikistan, 29 February 2012

Source: http://www.bbc.co.uk/russian/international/2012/02/120229_tajikistan_media.shtml

⁴³ <http://xn--c1adwdmv.xn--p1ai/news/fd-abroad/tajik/1502185.html>

however the working group declared to civil society that this recommendation is not accepted. However, it was declared before the President made personal statement on this subject. At the same time, on 14 March 2012 during 19th session of UN Human Rights Council delegation of Tajikistan, providing the decision concerning the recommendations received under Universal Periodic Review (UPR), at the very beginning of the report noted the change in an official position of RT concerning the recommendation on cancellation of criminal liability for slander and insult, providing only civil responsibility and also declared that Tajikistan accepts this recommendation.

This political will of the President of the country was supported by representatives of public and media organizations. In particular, director of the Bureau on Human Rights and Rule of Law Nargis Zokirova considers that "The president of the country declared decriminalization, and it is a positive political step! We, the journalists and human rights activists, achieved the objective, though partially, but nevertheless, it is an important step on a way to more freedom of expression".

The chairman of National Association of independent Media of Tajikistan (NANSMIT) Nuriddin Karshiboev said "It is a good initiative from the President, and we support it. Media and human rights organizations always emphasized that decriminalization of slander and insult is a victory for the society because it promotes expansion of borders for freedom of speech and mass media. There are both supporters and opponents of this steps in the authority. However we are sure that decriminalization of slander and insult promotes greater responsibility of state officials as they will no longer be able to use this administrative resource. On the other hand, decriminalization of the relevant articles from the Criminal code is not a panacea for journalists, they have to stick to legal and ethical standards of activity not to allow violation of rights of citizens".

Well known Tajik lawyer-human rights activist Junayd Ibodov considers that the initiative of the President deserves attention, support and respect. However, he considers that it is not enough ... As a matter of a fact particularly independent journalists were not concerned by not only these two articles, but also Art. 137th which sets forth provisions on slander and insult against the President. People will not be able to understand removing articles 135 and 136 from CC, though leaving article 137. Also second part of article 330 of CC deals with insult of authorities. This article also remains intact. The expert suggest that Ministry of Justice sets up a working group for further consideration comprising of independent experts, lawyers and other experts.

Meanwhile, Faraj weekly in 2012 the was accused in insult of honor, dignity and business reputation. The lawsuit was submitted against the newspaper by the deputy head of Rudaki Jamoat Fayziddin Azizov. Editor-in-chief of the newspaper Hurshed Atovullo reported, that on 20 March Dushanbe city court representative from I.Somoni district called and reported that there is a complaint from the resident of this district Fayziddin Azizov against Zevar Sharipova - the author of article published on 17 August 2011 "Horror in Rudaki district court: "Mercedes" costs 22 000 dollars" ("Dakhshat gift judge Rudaki: "Mercedes" - 22 000 dollar"). F.Azizov considers that the newspaper and the author had offended his honor, dignity and caused damage to his business reputation. The claimant demanded compensation of moral damage in the amount of 500 thousand somoni. The editor-in-chief of the newspaper did not agree with this claim as it is not legal entity as it is founded by The Center of Journalistic Investigations. In the beginning of June, 2012 the court passed decided to terminate the trial.

In May, 2012 the Renaissance Capital company had submitted private accusation and request for legal proceedings against the reporter of Asia Plus newspaper Hayrullo Mirsaidov and representative of Iranian company "Vitan" Hayrullo Husaynov uion of 135 part 3 (Slander concerning the person regarding committing serious and especially serious crimes) CC of RT. The reason to that was an article "Relatives of Important People" and "Relatives of Important People-2" published in Asia Plus newspaper where the head of the company was accused of raider capture of Iranian company "Vitan" property. Both parties have the truth, and everyone

considers himself innocent and truthful. Thus representatives of Renaissance Capital company stated that before the publication Ismoil Rajabov was found not guilty in violating articles 246 (theft of credit funds), 268 (Illegal usage of money) and 340 (falsification of documents) of CC of RT. However the correspondent informed that there was no slander in his article, and he just used the data provided during the press conference of Vitan companu in December 2010 together with the Embassy of Iran in Sharki Ozod. Time and court shall settle the parties.

At the same time head of NANSMIT noted that last year number of court proceedings against journalists had significantly decreased in comparison with 2010.

Resticting access to internet pages

Numerous restriction of access to different web pages took place in 2012, in particular Asia Plus and Tojnews.tj thus depriving the population of an opportunity to receive reliable and alternative information. From July to September 2012 Asia Plus web page, for example, was blocked for three times by Agency of Communication under the Government of the Republic of Tajikistan without explanation of reasons.

Access to such sites as RIA Novosti, YouTube, Lenta.ru and Vesti.ru, and also to two news portals - Ferghananews.com and Centrasia.ru which cover the events in Central Asia limit possibilities of the population to receive alternative information from another sources and adds to artificial aggravation of the situation and generation of rumours among the population.

According to NANSMIT, in the end of 2012 the Agency on Communication under the Government of RT applied illegal sanctions on restriction of access to 15 information resources. Another reason of concern is the position of Internet providing companies which, follow the requests of Agency on Communication, and implement illegal requirements of this authority body thus becoming accomplices of violation of the rights of legal entities and individuals.

Blocking of web pages and restriction of access to alternative information is violation of constitutional law on access to information and seriously affects freedom of speech in the country. Besides, similar blocking of web pages and sources creates censorship which is also forbidden by the Constitution.

The UN Human Rights Committee notes that right to free expression of opinion has paramount value in any democratic society, and any restrictions on implementation of this right have to be seriously justified. In this case no reasonable explanation of the reasons behind blocking was provided by the authorities.

International community due to blocking of these web pages as well as civil society of Tajikistan provided repeated statements to the Government with a request to unblock above-mentioned web pages and to explain the reason of blocking. However, all these statements and requests were ignored, and web pages remained blocked.

In May 2012 journalistic organizations of Tajikistan submitted recommendations to corresponding authorities, in particular, to the Agency on Communication under the Government, on necessary procedures that are to be developed to block access to web pages, pre-judicial actions, as well as judicial order. However, these recommendations were ignored and illegal actions against mass media and other information resources followed.

Representative of international organization Article 19 Rebecca Vincent considers that "closing and restricting of access to web pages happens during the difficult and sensitive political moments. Some sources claim that it is a result of secret arrangements between state structures and Internet service providers. If this is correct then it is violation of freedom of expression. According to international standards of human rights, forced blocking of web pages can be carried out only by a court decision. At the same time the judgment has to cover limited sphere".⁴⁴

The issue of illegal blocking was raised at Annual meeting on human dimension in Warsaw on 24 September 2012 by deputy editor of Asia Plus Olga Tutubalina and director of PO

⁴⁴ <http://www.contact.az/docs/2012/Social/073100006510ru.htm>

"Bureau on Human Rights and Rule of Law" Nargis Zokirova who noted that blocking of the web pages is illegal particularly so in absence of court decision, solely on the basis of oral (seldom written) notification to providers from the Agency on Communication under the Government. Human rights activists urged the Government of Tajikistan to unblock all listed national sites and the international portals, to stop the practice of blocking, and to solve the conflicts within the legal framework taking into account constitutional laws and rights of citizens to information. As a response head of department on constitutional guarantees under Executive office of the President Muzaffar Ashurov declared: "decisions on the issues raised by representatives of "Asia Plus" and "Bureau on human rights", will be made in line with the law". O. Tutubalina also noted that blocking of web pages and communication shutdown in the republic happens every time when economic or political situation in the country is aggravated. Official mass media sources had not once mentioned the situation in Khorog, GBAO throughout the whole period of military operation. M. Ashurov declared that state television prepared 60 reports on these events, and that some mass media provided information which justified actions of criminals (events in Khorog in July-August 2012 are at stake, editor's note), and some mass media set up preconditions for repetition of similar events.⁴⁵

Representative of OSCE on freedom of Mass Media Dunya Miyatovich had urged the Government twice to unblock the web pages, noting that this is a very sad trend as the access to web pages in Tajikistan is not blocked for the first time. Internet shall remain an open source of information in line with the obligations on freedom of mass media that are adopted by the countries members of OSCE. Albeit the issues of security are of importance it can not be the reason for preventing free flow of information. There is no security without freedom of mass media. People have to have access to information provided by different sources even on such sensitive issues as issues of security».⁴⁶

European Union had seconded OSCE and stated: «We underline necessity of freedom of expression and right of people to access the information. In this regards EU shares concerns raised by the representative of OSCE on freedom of mass media...we again support the position that was expressed in our statement as of 8 march 2012 as a reaction to blocking range of web pages in Tajikistan. We agree with the representative of OSCE on the issues of freedom of mass media that security issues regardless of legal grounds shall not be the grounds to restrict the flow of information».⁴⁷

Chairman of Association of Internet Providers of Tajikistan Parvina Ibodova considers that there is no sense in blocking the web pages in Tajikistan as it doubles the interest of users to blocked source.

Experts are sure that even house wives at the moment know what is proxy server and anonimizers and the more access to certain information is limited the more requests on obtaining this information will be provided and blocked web pages becomes at once popular and boost s the interest.

Furthermore, it shall be noted that public organization in charge of monitoring of publications in the net shall be established that consists of volunteers including Tajik journalists. Before Head of Agency on Communication of RT Beg Zukhurov informed that the agency initiated set up of this Commission that shall track down publications in the Internet aimed at providing false and insulting information.⁴⁸ Dunya Miyatovich in response to this statement expressed hope that these plans are not aimed at filtering internet content.

⁴⁵ Source: Asia Plus - /Olga Tutubalina/ - Warsaw. 25 September.

http://www.toptj.com/News/2012/09/25/m_ashurov_smi_sozdayut_usloviya_dlya_povtoreniya_khorogskikh_sobytiy

⁴⁶ Source: «Asia Plus», 25 July, tjktnews.ru/news/8063

⁴⁷ <http://ria.ru/world/20120727/710762172.html>

⁴⁸ Source: «Asia Plus , 13 July» - /Pairav Chorshanbiev/ -

http://www.toptj.com/News/2012/07/12/v_tadzhikistane_vse_publicacii_v_internete_podvergnutsya_proverke

In its turn representatives of the state consider that the right to freedom of speech and media is fully implemented in the country. Minister of Justice Rustam Megliev informed on that during the session of UN Committee on 9 of August when Tajikistan provided report on judiciary and other measures aimed at eliminating all forms of discrimination, he stated that freedom of speech and media is fully implemented in the country referring to the Constitution that guarantees freedom of speech and media assuring the UN Committee that this norm is implemented in practice. However at the same time several web pages were illegally blocked in Tajikistan including www.news.tj

Head of Agency on Communication under the Government Beg Zukhurov also said that he never provided any order on blocking the web page, and that it was a decision of internet providers and he is ready to deal with them, «why such a social web page is blocked with no reasons».⁴⁹

Attacks on journalists

In the evening on 12 of January 12 oppositional journalist Dododjon Atovulloev has become a victim of armed attack in Moscow. He was stabbed and knife touched liver and lung of D. Atovulloev, and he lost large amount of blood. However, the surgery was successful with no longer threat to life of the victim.

Atovulloev is sure that this attack was a political order, the reasons for that were refusal of Russia to send him back to Tajikistan, Atovulloev's refusal to arrive for 20 anniversary of independence of the Republic and to conclude the truce, and aggravation of Russian-Tajik relations: detention of Russian and Estonian pilots in Tajikistan and severe sentences announced by the court. One of the newspapers in Russia indicated that the investigation of the attack against Atovulloev is conducted by Khamovniki Department of Internal Affairs. Relatives and friends of Atovulloev are not satisfied with the course of investigation. This incident caused public response in media organizations of Tajikistan.

Thus on 13.01.2012 Union of Journalists of Tajikistan (UJT), National Association of Independent Media of Tajikistan (NANSMIT) and Media Alliance of Tajikistan (MAT) came up with the joint statement, condemning attack against journalist Dododjon Atovulloev and requesting law enforcement agencies of Russian Federation to conduct thorough investigation of this incident.

Also, on 13.01.12 International Association of Persian Journalists "Afroz" extended the statement in which it condemns attack against Dododjon Atovulloev, who is the founder and editor-in-chief of the independent newspaper "Charogi Ruz". Afroz considers that the attack against Dododjon Atovulloev is an infringement of freedom of speech and human rights and demands that corresponding authorities in Russia to carry out thorough investigation of this case, to make sure to identify the performer and the customer of this crime.

In the meantime, media organizations of Tajikistan provided the statement and expressed their concern in regards to the attacks and beatings of another Tajik journalists by unknown persons.

As reported in the statement, in first part of May 2012 only mass media reported three cases of attack at journalists: correspondent of TV "Safina" Daler Sharipov in Dushanbe, chairman of Society of Uzbeks of Khatlon area Salim Shamsiddinov in Kurgan Tube, writer Ravshani Yormukhammad".

<http://www.hamzabon.ru/news/ntajikistan/2186-v-tadzhikistane-vse-publikacii-v-internete-podvergnutsya-proverke.html>

⁴⁹ Beg Zukhurov promised to deal with internet providers, <http://www.news.tj/ru/news/b-zukhurov-obeshchaet-razobratsya-s-internet-provaiderami>, 20.09.2012.

The journalistic organizations demand that law enforcement agencies of the republic carry out investigation of each incident to disclose the crimes, and inform society on results of the investigation.⁵⁰

Restricting access to information to journalists

Journalists of Tajikistan continued to experience limited access to socially significant information. The situation had become even more complicated as in the of 2011 by a decree of President E.Rakhmon quarterly press conferences for journalists by high officials were cancelled. In the beginning of March, 2012 the incident which was considered by some representatives of mass media, indicated restriction of access to information of journalists took place.

Television group "Jakhonoro" and "Asia" at the request of passengers were shooting the report on delay with unclear reasons of Tajik Air flight as of 4 March 2012. The flight delay was not commented by either officials of the airport, or security service, militia. Besides, airport security service specialists tried to prevent professional activity of journalists and prohibited access of the crew to air terminal building. Chairman of NANSMIT was involved in this incident who asked unknown people to show their identity cards, and was threatened as a reply. Incident ended by a report of N. Karshiboev to crisis center of the Ministry of Internal Affairs (221 - 21-21) on the events at the airport of Khujand. Karshiboev and other colleagues affected by this incident, reported the intention to lodge a lawsuit against the above illegal actions.

Thus management of Broadcasting Company "Jakhonoro" (Gafurov) and "Asia" (Khujand) sent the letter addressed to the management of JSC International Airport Khujand and director of the airport Marufjon Makhmudov requesting to explain reasons behind the incident and to apologize.

Authors of the letter reminded that journalists have the right to collect, process and disseminate any information concerning social problems, including the issues of consumer and other rights of the citizens guaranteed by the Constitution and legal acts of Tajikistan, and setting forth obstacles to journalists in access to information, is a serious offense.

Also authors reported that the airport management, Tajik Air airline had not provided official reaction to information provided by journalists on above-mentioned incident that is direct violation of Decree No. 622 "On official response to critical and analytical reports in mass media", signed by the President of the country. Authors of the letter hope for the peaceful resolution of the matter and that similar cases will be avoided by security services of the airport..

Legislation

After one and a half year of discussion of a new draft law on mass media on 12 of December 2012 members of the lower chamber of the Parliament had voted for the adoption of the Law of RT On printed media and other mass media that is in the opinion of the developers is in line with international standards.

As noted by one of the authors member of the Parliament Olim Salimzoda the draft law was prepared and submitted by the lower chamber in March 2010. He says that a special working group was established to finalize the draft law by a decision of the council of lower chamber, the working group consisted of representatives of Government, political parties, journalistic community. As a result of more than 2 years of work the working group had carried out 18 sessions.

«In line with the norms set forth by the draft law every mass media institutions shall be registered in Tajikistan as legal entities and state bodies will have to provide replies to requests of journalists within three days not a month as set forth by the old version of the law - said member of the parliament.

⁵⁰ Source: <http://rus.ozodi.org/content/article/24589194.html>, «Asia Plus» - /Nargis Khamrabaeva/ - , 23 May.

In the statement of Minister of Culture of RT Mirzoshohruh Asrori acting law on mass media was adopted in March 1992 and is not in line with the requirements of contemporary journalism.

Member of the parliament Sukhrob Sharipov considers that new draft law is in line with all international norms and standards on freedom of expression. He also noted that at the moment Tajik journalists are defending national interests of the country during discussions and debate on sensitive issues. «I suggest that mass media of Tajikistan will provide criticism to the law under adoption today. However I shall say that there are no perfect laws in the world», - noted Sharipov.

Member of the parliament Shodi Shabdolov who is at the same time a member of the working group on finalization of given law most of the comments of journalists were included in the final version of the law⁵¹.

Head of the Department on Editorials, Poligraphic activities and printed media under Ministry of Culture Saifullo Kodirov article 6 of the law does no longer contain the phrase prohibiting to publish the information that could affect honour and dignity of the state and president. Instead a new phrase was included prohibiting to publish information that can affect territorial integrity and independence of Tajikistan.

Head of National Association of Independent Mass Media of Tajikistan Nuriddin Karshiboev considers that development of legislation in terms of adopting the law on mass media with improvements to some extent influences positive image of the management of the country.

Chariman of the Council of Mass Media of Tajikistan Kironshoh Sharifzoda noted that the new Law on Mass Media has become one of the few laws adopted by the Parliament that was developed with participation of civil society. Representatives of the society, journalistic associations and political unions took part in drafting process.

Nuriddin Karshibaev considers that adopting of the new Law on Periodic media, printed and other media shall be considered as a step forward in development of the legislation on mass media, however even this law can not prevent “bureaucracy related to mass media registration”.

Karshibaev also noted that during the discussion of the new version of the law we had missed a chance to change the situation with mass media registration. He thinks that the members of parliamentary working group also realized importance of suggested amendments however due to institutional interests the suggestions based on solid arguments were not taken into consideration.

The new law stipulates that each public or political organization registered as the legal entity entitled to the right to publish a newspaper, has to be registered again due to publishing the newspaper which creates an artificial barrier in implementation of democratic standards.

At the same time head of NANSMIT also pointed at serious contradiction within the new law on mass media. He emphasized that article 7, part 4 sets forth that mass media source can be a structural division of other legal entity, however the first part of article 10 says that each mass media has to be registered as legal entity which creates many disputes leading to contradictions between the parties. "I understand, -said Karshiboev, - that, maybe in line with Tax committee of the country for better collection of tax revenues it is necessary to increase number of legal entities, however it is inappropriate way out". Head of NANSMIT considers that would be better to create favorable conditions for development of mass media leading to bigger profits at the journalistic organizations, thus increasing transfers to tax services. At present, artificial methods to fill up treasury and to bigger end to develop business in the sphere of mass media makes it impossible, added Karshibaev.

Talking on shortcomings of the previous law, Kironshokh Sharifzoda emphasized that it did not regulate the conditions for obtaining information, that journalists were not considered as subjects of information relations, thus having equal rights with other citizens. The new law

⁵¹ <http://news.tj/ru/news/v-tadzhikistane-prinyat-novyi-zakon-o-smi>

provides clear access to information mechanism providing three days term to answer to the request of mass media instead of the month provided by the previous law, and if the information is related to emergency situations and other aspects then authorities have to provide journalists data on the event immediately.

This norm also contains mechanisms of reacting at analytical and critical articles indicating clear terms for the response of authorities to the issues raised by the society.

Another positive aspect of the law is the norm regarding the responses and refutations which makes it easier for the journalists in case of claims against their activities thus adding to pre trial regulation of conflicts.

However the **status of internet editions which disseminate information among wider public was not set forth in the new law on Mass media**. Possibly it is related to the fact that internet was considered as a sphere to be regulated by another law. Similarly the terms for transition period were not defined and everything depends on how fast the Parliament will be in terms of launching implementation mechanisms.

At present there are 330 newspapers in Tajikistan out of them 125 are of state or agency character, remaining are public.

For the first time the Law on Mass Media was adopted in Tajikistan on 14 March 1992 and was amended for three times ever since - in 1996, 1999 and 2000. The new law shall be enacted after it is published in official newspapers⁵².

Recommendations:

1. Put national legislation of Tajikistan on mass media in compliance with international documents;
2. Exclude remaining defamation related articles from the Criminal legislation in particular articles 137 and 330;
3. Provide norms in the legislation on mass media and Civil Code stipulating that state authority bodies and authority representatives being the complainants in the cases on protection of honour, dignity and business reputation are entitled to claim for refutation of untruthful information but not for moral damage compensation;
4. Stop the practice of web pages blocking;
5. Settle conflicts within the legal sphere in line with constitutional right of the citizens to information.
6. Provide journalists with unhindered access to significant public information that is not included in the list of data of state secret.
7. Stop persecution of journalists and carry out thorough investigation of attacks against the journalists announcing the results to society.

Freedom of conscience and religion

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. The States Parties to the present Covenant undertake to have respect for the

⁵² <http://news.tj/ru/news/eksperty-novyj-zakon-o-smi-imeet-nedostatki>

liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions. (article 18 ICCPR).

Situation with freedom of conscience and religion in 2012 remained tense. On 30 July 2012 State Department had published its regular report on religious freedom in the world. The report was rather critical in regards to countries under review.

In particular the report states that the Constitution of RT protects religious freedom in the country however other legal acts and policies restrict this freedom, the Government of Tajikistan had applied some of the restrictions, provided by the legislation in practice, Government demonstrated the trend of aggravating the situation of implementation and protection of freedom of religion. The report provided key violations in Tajikistan in the sphere of freedom of religion:

- mosks are attended by adult men-muslims,
- some of the religious organizations received refusal to re-register and were closed;
- information was provided on social abuse and discrimination on religious attribution and belief;
- some women that were wearing hijab and bearded men were discriminated in terms of employment.⁵³

The following countries were included in the list of countries where the freedom of religion is mostly violated: Afghanistan, China, Cuba, Eritrea, Iran, North Korea, Pakistan, Saudi Arabia, Sudan, Syria, Turkmenista, Uzbekistan, Russia and Vietnam.⁵⁴

At the same time Committee on Religious Affairs of Tajikistan had initiated official web page www.din.tj (at the moment only in Tajik, it shall be also functioning in Russian and English). There is more detailed information on the activity of the Committee on the web page as well as events organized by the Committee.

The official web page will be soon launched by Islamic Center of Tajikistan - www.islamiccenter.tj.⁵⁵

It shall be acknowledged that in first six months of 2012 Islamic Center together with the Association of Visually Impaired with the support of the Government had published Quran in Braille alphabet, 20 copies were published each consists of 9 volumes.

Holy Quran in Braille alphabet was published for the first time for visually impaired muslims of Tajikistan. Official ceremony for transfer of the books for people with disabilities had took place in Islamic Center on 15 of May.

The sides announced on the intention to further publish the books for visually impaired people in Tajikistan. At the same time Islamic Center plans to publish notonly religious literature for visually impaired people but also books that inspired their readers, invoke interest to life, creativity, development and work.⁵⁶

Closure of mosks

In the beginning of december 2011 the Council of Ulamas of Tajikistan had disseminated a statement which accused Turajonzoda brothers in conducting religious ritual Oshuro (is a ritual

⁵³ Source: «Asia Plus», 1August.

http://www.toptj.com/News/2012/08/01/gosdep_ssha_khidzhab_i_boroda_yavlyayutsya_prichinami_otkaza_v_trudoustroystve_v_tadzhikistane, <http://ru.salamnews.org/ru/news/read/155457/gosdep-ssha-xidab-i-borodanbsp--prichini-otkaza-v-trudoustroystve-v-tadikistane/>

⁵⁴ Russia is included in the list of countries where religious freedoms are violated, http://www.gazeta.ru/social/news/2012/07/31/n_2460557.shtml

⁵⁵ Source: «Asia Plus» - , 23 August, tjknews.ru/news/8573

⁵⁶ Source: http://www.islampenza.ru/news/nezryachim_musulmanam_tadzhikistana_podarili_koran_na_shrifte_brajli_a/2012-05-21-5422

«Asia Plus» - /Mehrangez Tursunzoda/ - , 16 May.

http://www.toptj.com/News/2012/05/16/nezryachim_musul_manam_tadzhikistana_podarili_koran_na_shrifte_braylya

of shiah movement. At the day of Oshuro the participatns of the ritual beat themselves with the chains to commemorate grandson of prophet Muhammad imam Khusein), saying that this is an attempt to split muslims in Tajikistan.

On 9 of December head of Ulama Council of Tajikistan Saidmukaram Abdukodirzoda together with the charman of Committee on Religious affairs and Mayor of Vahdat city arrived to the mosk Muhammadiya belonging to Turanjonzoda brother. However congregation of the mosk started shouting in protest and did not allow officials to finish their statement.

The following day in line with the decision of the Committee on Religious Affairs Nuriddin and Mahmudjon Turajonzoda were dismissed from the positions of imam hatibs of this mosk. in this regards officials provided the complaint to the prosecution against the actions of Turajonzoda brothers and later were fined brothers for 350 somoni for the insult of the head of the Council of Ulamas of Tajikistan Saidmukaram Abdukodirzoda.

Already in March 2012 in line with the appeal submitted by Committee on Religious Affairs of RT a court proceeding was initiated against eshon Nuriddin Turajonzoda for violating the decision of the Committee on Religious Affairs and spoke to the congregation as imam hatib.

As a result Vahdat city court had deprived family mosck of Turajonzoda family of the status of Friday mosk and allowed to conduct only daily five prayers.

One of the founders of of the mosk Khoji Akbar Turajonzoda announced that «when a house of Allah is closed at a command of the state it is an insult».

At the same time Turajonzoda noted that the family is not going to submit casation complaint as they do not believe in court justice and they consider that the Committee on Religious Affairs and court were carrying out political order.⁵⁷

In the city of Vahdat during a meeting with religious leaders and law enforcement bodies of Vahdat, Roghun, Nurabad, Rasht, Jirgital and Faizabad head of the Committee on Religious Affairs had promised to undertake all measures necessary to ensure transparency in selecting the pilgrims and requested to undertake measures in terms of sanitary in religious organizations and requested to support the authorities in implementation of the Law on Traditions, Customs and Celebrations, as islam “condemns excessive and unnecessary expenses».

Religios education

In line with amendments to the Code of Administrative Violations that were adopted as of 6 June 2012 during the third session of Majlisi Namoyandagon Majlisi Oli of Tajiksitan the fine that citizens of Tajikistan will have to pay when violating the rules of religious education abroad in the amount of 2-4 thousand somoni.

Furthermore Tajik religious communities and organizations will be fined for the amount 1,2-1,6 thousand somoni for unauthorized international links with foreign religious organization.

In line with the amendments approved for propaganda and educational events that are carried out by religious organizations and persons on the territory of educational facilities in the country and residential buildings belonging to the citizens of the republic they will be fined up to 2 thousand somoni.

While presenting the suggested amendments first deputy chairman of the Committee on Religious Affairs under the Government of Tajikistan Jumakhon Giyosov noted that they are in line with the requirements of the Law of the RT on Freedom of Conscience and religious unions adopted in Tajikistan last year.

Representatives of IRPT, members of Parliament Muhiddin Kabiti and Saidumar Khusaini tried to introduce corrections to suggested amendments.

In the opinion of IRPT leader it is not clear what does the expression “educational events on the territories of schools” mean. If religious leader at schools is going to be involved in the events dedicated to propaganda of human values such as respect to teachers it means that he is

⁵⁷ «Asia Plus», 4 May. - /Mehrangez Tursunzoda/, http://www.tajikradio.ru/news/ID_2045.html
http://www.toptj.com/News/2012/05/03/mechet_turadzhonzoda_oficial_no_lishena_statusa_pyatnichnoy_mecheti

subjected to fine - said Kabiri. It is not clear what does “establishing links with foreign religious organization without the authorization of the authorities mean. It means that for sending SMS or e-mail we need to get authorization from the authorities? - asked the member of the Parliament.

Another member of the Parliament from IRPT Saidumar Khusaini suggested to decrease the fines for afore said actions.

Majority of the members of the parliament without any discussion held regarding suggestions of IRPT representatives supported the amendments suggested by the Government⁵⁸.

At the same time 83 residents of Khatlon province studying in religious educational facilities abroad did not come back to Tajikistan.

Tolibjon Azimov, senior assistant of the Prosecutor of Khatlon Province informed Asia Plus that in general 978 residents of Khatlon province had been studying in religious educational facilities abroad, out of them 897 people came back to Tajikistan.

«Out of students that returned to Tajikistan 58 had continued their studies in general educational facilities, 52 in higher educational facilities, 39 were recruited to military service and 357 people are employed. However majority had left the country in search of money or are not provided by employment», - noted Azimov.

He also informed that 278 who had returned from religious educational facilities had left Tajikistan for CIS in search of work and nothing is known on their whereabouts and 111 men are still unemployed.

Azimov also noted that unfortunately number of state agencies such as Agency on Social Protection and Employment that were obliged to register and work with returned students failed to carry out its duties adequately.

To cope with these problems prosecution of khatlon province had sent the order to corresponding bodies.

Full rehabilitation campaign for student repatriation from foreign educational religious facilities was launched after the statement of the President Emomali Rakhmon made on 25 of August 2010 during the visit to Khatlon province. He demanded to bring the students studying in religious educational facilities back.

«Unfortunately in most cases, teenagers that were left without any control are not studying to become mullas but rather join the path of terrorism and religious extremism. It is necessary to bring them back otherwise they will become traitors of the motherland», - stated the President.

After this statement massive repatriation was initiated. Special forces stated that it is of utmost importance to identify exact number of students studying abroad in islamic educational facilities⁵⁹.

Religious symbols

Council of Ulamas of Islamic Center of Tajikistan in line with the assignment of the Committee on Religious Affairs of Tajikistan had set forth the norms for beards for men and clothing for women in November 2012.

In line with the information provided by Islamnews.tj the measure set forth by the Islamic Center of Tajikistan is in line with Khanafi movement of Islam. The source said that khanafi mazhab men can wear the beard with the size of a fist. Women are allowed to wear satri aurat - clothes covering the prohibited areas, the whole body except for face, palms and feet.

At the same time this source did not clarify what shall happen to Tajik muslims who violate the set norms.

«We had set forth such norms in line with the request on of the Committee on Religious Affairs for that reason we can not provide comments on the outcomes», - noted the source.

⁵⁸ <http://24kg.org/bigtiraj/130698-v-tadzhikistane-budut-shtrafovot-za-religioznuyu.html>

⁵⁹ http://www.toptj.com/News/2012/06/19/prokuratura_khatlona_nedovol_na_tem_kak_rabotayut_s_vernuvsheysya_iz_religioznykh_vuzov_molodezh_yu

Committee on Religious Affairs refused to comment on the situation referring to absence of management.

In 2009 Ministry of Education had introduced limits of the length of beard for teachers up to 3 centimeters, however teachers younger than 50 years of age are not allowed to wear beard at all.

This year State Department of USA had published its new report on the situation with religious rights in different countries which says that although there are no laws in Tajikistan prohibiting to wear beard the authorities undertake raids to arrest bearded men. It is informed that in January 2011 30 men were arrested. It is also indicated that the authorities had prohibited civil servants, teachers and students to wear beards. The authors of the report indicate that there was a case against the bearded player of Hair football team, when Football Federation had suspended him from the national cup. State Department report also indicate that the legislation in the countries of Central Asia authorities adopt legislation that restricts possibilities of religious followers to register and set up the religious cult⁶⁰.

Recommendations:

1. In order to fulfill freedom of thought, conscience and religion it is necessary to review national legislative norms and put them in compliance with the Constitution and international norms;
2. Lift restrictions to religious education, activities of religious organizations and wearing of religious clothing in particular hijab;
3. Prevent interference of state bodies in the activities of people related to worship, religious rituals etc.

The right to housing

December 16, 1966 the UN General Assembly unanimously adopted the International Covenant on Economic, Social and Cultural Rights. The Pact was ratified by Tajikistan in 1998. In accordance with Art. 11 of the Covenant: "Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing the essential importance of international cooperation based on free consent. "

The new Housing Code

For the past 8 years, with a few interruptions are discussions around the adoption of the new Housing Code of RT.

In 2009, President Emomali Rahmon in his annual address to National Assembly (Parliament) of Tajikistan declared the advisability of the new Housing Code of the Republic of Tajikistan. And in the same year was established the Government working group to develop a new version of the Housing Code of the Republic of Tajikistan, which included representatives of relevant ministries and agencies, the Supreme Court, the Prosecutor's Office, the Parliament and the Executive Office of the President. The Working Group adopted the revised concept paper developed by Consumers Union back in 2006 it was expected adoption in 2010, but it did not. During this time, in the governmental working group personnel changes occurred due to the rotation of its members, for a time, the work was suspended. And so, in 2012, work on the development of a new LCD RT was restarted.

⁶⁰ <http://www.tjknews.ru/news/9602>

This activity will be eliminated of the new Housing Code of the RT is funded by the Swiss Program for Human Rights and OHCHR (the Swiss Human Rights Programme and UNOHCHR). Initiative group consisting of 4 members, staff of the President Office, executive of the Majlisi Milli and three representatives of civil society, as well as two international observers. Public organization "Academy dialogue" facilitative process of the group. During 5 months of work, the group, according to the coordinator of the project Faredun Hodizoda, are worked 55% out of the Code. "We try to keep the votes of all members of the group have been answered. We hope that the Code will be submitted after the Nawrooz. It is quite possible that there will be a public hearing,"- said F. Hodizoda. At the moment, members of the group working on its version of the Tajik, bringing it into line with other legislation, as well as conducting its editing.

Meanwhile, in Tajikistan, the first time was adopted the Town Planning Code, which was signed by the President of the republic in December 29, 2012 and will step into force after its official publication. Head of the Agency for Construction and Architecture under the Government of Tajikistan Abduvali Komilov said that the Code regulate field of construction and architecture in the country, will increase the responsibility of state agencies in the construction of new facilities, eliminate bureaucratic obstacles in obtaining permits for the construction of various facilities. Delegate of the Parliament and leader of the Communist Party of Tajikistan shoddy Shabdolov sure this code will end the problem of illegal construction and demolition, as well as put an end to the activities of certain individuals involved in the illegal sale and purchase of land.

The general plan the city of Dushanbe and the demolition of houses and other buildings.

Updating the General Plan of the city of Dushanbe to the present day is a hot topic discussion residents of the capital (although this issue is still relevant today). But many interesting to know what the house identified for demolition, and which streets will be expanded if there are any of these sites and homes residents, when and where will be built new housing estates and office buildings, what can they expect in the case of the demolition of their homes, etc .

According to the Agency for Construction and Architecture under the Government of Tajikistan, in the last five years, by the government developed and approved for more than 30 general plans of cities and regional centers of the country. Currently, the process of preparing the General Plan of 10 cities and districts. The most rapid pace is the General Plan of Dushanbe.

Despite the fact that in 2009 by the resolution of the chairman of the Dushanbe city from 24 January to 18 March 2009 was declared an open tender for a project to correct General plan of the city of Dushanbe, among the domestic and foreign legal entities holding all licenses and permits all relevant structures of the capital and the tender winner was known - JSC "Russian State Institute of Urban Construction and Investment Development" Giprogor ", for NGOs and civil society in general, the Draft of Generalr Plan, until recently, was inaccessible. Towards ensuring access to information in the context worked out the NGO "Bureau for Human Rights and Rule of Law". Currently, this document is available and open to review by all interested persons. It should be noted that, according to the notes posted on the official website of the Executive body of the city of Dushanbe, the present project of the General Plan is adjusted Dushanbe city planning project, developed by the institute "Dushanbegiprogor" during the 1975-1983 period, approved by the Cabinet Council of the Tajik SSR № 382 of December 30, 1983 with calculation for 750 thousand people (on 2005 year). In preparation for future work on the new version the General Plan was developed, "Programme of social and economic development of the city of Dushanbe for 2007-2015", in order to determine the basic, priorities of the Executive body of the Dushanbe and identify ways to address the priorities phased. "Program" provides the following key objectives:

- accelerating the pace of reconstruction and modernization of enterprises and organizations to ensure high growth efficiency;
- overcoming the disproportions in economic development of the city, strengthening the material-technical base of construction companies, provision of housing, water supply improvement with the real growth of the population;
- improving the operation of all types of transport, road infrastructure and communication;
- development and improvement of trade and consumer services;
- expansion of the network and strengthen the resources of preschool institutions, schools, hospitals, libraries, sports facilities;
- improving the organization of leisure, cultural and leisure activities of the population.⁶¹

Concept the General Plan Dushanbe designed with the integrated use of the two variants of the territorial development of the city - "A" with the development of the city to the south and the "B" - the development of the north and north-east. According to this concept now exists spontaneous adobe residential buildings (kibitochnaya) everywhere should be dismantled, the area should be used for multi-storey residential building. Dilapidated 1-3-storey residential building communal living of the population should also be taken down, and the released territory used by a multi-storey residential building. Substantial 2-4-storey houses can be built on top of 1-2 floors. Residential areas along Rudaki, Aini Street, Mirzo Tursunzade, Pushkin, Ahmad Donish can be reconstructed with the construction of 10 to 12-storey buildings with angled inserts high-rise buildings. All residential and public buildings along these streets should have built Service Provider set.

Individual housing construction will be stored only in areas with the permission of the Executive Body of Dushanbe city and, subject to certain requirements.⁶²

The territory's main city of Tajikistan will be expanded through land of Gissar, Vahdat and Rudaki districts.

"Rise above - is one of the future priorities of the capital. Undoubtedly, you should save an outstanding building that has become monuments, which are located along Rudaki. Among them, the Opera and Ballet Theatre named after S. Aini, the building of the Government of Tajikistan, the building of the Majlisi Oli, state complex "Kohi Vahdat", hotel "Poytaht", the building of the Academy of Science and the building of Tajik State Medical University named after Abu Ali ibn Sina," said capital Chief architect and Head of the Architecture and Urban Planning of the Executive body of the Dushanbe government.

From the start in 2012, the city began the demolition of illegal buildings that were built in high-rise buildings. This work was conducted as part of Cleaning day, which invited members of all municipal organizations, enterprises, regardless of ownership, members of the public.

In addition, in accordance with the General Plan, July 17, 2012 Mayor M. Ubaydullaev approved a list of low - rise buildings to be demolished in 2013, instructed the relevant urban functions, design organizations in the implementation of the general plan of the city to take into account the wishes of property and other real estate owners. This is a buildings on Prospect Rudaki streets Nodira, Govorova Aini Ahmad Donish and Titov.

It is planned to demolish 148 buildings, including 88 residential buildings and 60 other buildings for different purposes. In particular, the 50 - one-storeyed building, 66- two-storeyed and 32- three-storeyed buildings, the demolition of these buildings will be held in three phases.⁶³

⁶¹ <http://www.dushanbe.tj/ru/masttplan/rewnote/>

⁶² Fayzulloyev Kudratullo, "General Plan of Dushanbe - what, where and when?" Jamila Huseynova, Vecherni Dushanbe, 31.03.2011

⁶³ "In Dushanbe demolished about 150 low-rise buildings," Azim Muhidindzhanov, 28th July, 2012 2:43 AM kloop.info.

In Rudaki Avenue shall be demolished four administrative buildings, 16 residential buildings, including the building of cultural and leisure complex "Vastan" center "Orash" cafe "Port Said," building "TV Safina", College of Medicine.

In Aini Street to be demolished: school number 6 and number 15, dwellings number 42, 54, 58, and houses with shops, bank branches and other institutions a number of - № № 32, 34, 40, 60, 64 .

In Rudaki Avenue to be demolished office buildings number 11/1, 32, 33a, 37a, house number 77, 79, 84, 103, 105, 102, 108, 110, 114, 124, 126, 128, 130, 132, 134, 136, including the building of the entertainment complex "Vastan" center "Orash" cafe "Port Said," etc. In this case, the implementation of the General Plan for the protocol sections Aini Street and Rudaki Avenue be completed no later than September 2013

In the Karamova street, 3 office building to be demolished.

The entire list of buildings to be demolished, can be found at the link: <http://vecherka.tj/news/me-r-dushanbe-utverdil-spisok-zdanij-podlezhashhih-snosu/>

According to the mayor's press secretary Shavkat Saidov, in place of the demolished buildings will be built multi-storey residential buildings and those residents who have been displaced, will return to the new buildings. According to preliminary calculations, and on behalf of the mayor, in September 2013 on the site of the houses should be already new constructions, but these conditions can be adjusted to the challenges of resettlement residents homes. Meanwhile Investment companies offer residents prior to completion, to rent apartments in any district of the capital, which will be paid by the companies to the terms of the contract, or offer a full compensation for the apartment. However, the relocation by these companies will not be paid.⁶⁴

Most people are willing to relocate, but they complain about the lack of information about the conditions under which they will move, what assurances they have that they will return for their apartments, etc.

It should be noted that even before the full approval of the list of buildings to be demolished, the mayor of Dushanbe M. Ubaydullaev in June meet the owners of 160 apartments, located on the Rudaki street. He informed the residents of the impending demolition and informed of the rights that are residents have during the demolition, noting in particular that the homeowners in homes slated for demolition, instead of the apartments are entitled to receive an equivalent accommodation in high rise buildings or money for their apartments at market prices.⁶⁵ In the future, almost in each working session mayor mentioned the subject on the part of all responsible agencies the rights of settlers and provide them with all the guarantees provided by the law of the country.

Feedback

Recently there has been activity on the part of the administration of the city of Dushanbe in matters of meetings, discussions and debates with the public. During the year more than once, meetings were held with residents of the capital to discuss different issues related to the city's infrastructure, housing rights, etc.

One of the most memorable of these meetings was a meeting entitled "Without intermediaries." In August, M. Ubaydullaev addressed to users of social network Facebook with the offer to meet "Without intermediaries" to discuss problems of the Tajik capital. One

⁶⁴ "In Dushanbe demolished about 150 low-rise buildings," Azim Muhidindzhanov, 28th July, 2012 2:43 AM kloop.info.

⁶⁵ "The mayor of Dushanbe has tenants of houses to be demolished," Avaz Yuldoshev, Asia-Plus, 21/06/2012

important fact, he proposed for discussion were the issues of the Development Plan of Dushanbe and the demolition of dilapidated housing, the future shape of the capital, the problems of housing, etc. The meeting was held on August 23 in downtown Dushanbe. The residents were able to directly ask any of their questions directly to the mayor of the capital. The meeting lasted for 5 hours without a break. There were a lot of issues (of course, and responses) from different areas. Issues of housing rights in the context of the demolition of dwellings also not be overlooked. So, when asked about the settlers houses came under demolition, Ubaydullaev said: "I am more than sure that none of you are worried about this issue more than I do. No outstanding issues in the Law no. I personally do with this issue. But if there is a problem, come to court. "Also was a question regarding the preservation of historical sites and appearance of the capital: "It was impossible to keep the old objects as historical, and to build new ones in other places?" To which the mayor replied that "in Dushanbe 4 projects that are of historical and cultural value. This - Library. Firdausi, Opera and Ballet Theatre, the building of the Executive Office of the President and the Parliament building. No other objects that could have been legally classified as historic. Dushanbe population is growing. What to do with? We can not keep these Khrushchev, low houses. They also talked about the Main Post Office. I understand you - nostalgia and all that. If someone somewhere kissing a beautiful girl in your life, this is the place or object will be his sacred. "But we want to build a modern city."⁶⁶

The mayor of the city promised that meetings will be held regularly. In addition, in December, the mayor in his speech told that at the next session deputies of the Dushanbe town council the city administration plans to launch a new interactive project called "Be mienaravho" ("Without intermediaries"), which together with education, health, culture, social welfare, sports, youth policy, family, shopping and services, corruption, innovation, and will cover the issues of implementation of the Development plan of the city. Through this project, all residents and visitors can communicate with the city authorities on the above-mentioned sectors.

Another project that has become a "breakthrough" in the activities of the executive body of Dushanbe and its native served as a "bridge" with the citizens, has become an online project called "Mo metavonem" (We can), which started to be realized from February 1, 2012. This is a special site (<http://www.mometavonem.tj>), created in support services and residents of the capital city. This information resource is working round the clock and is designed to promote the system to improve service utilities, energy, sanitation, transport, security and other areas of the capital. Any citizen, visiting the website, can leave your message here on any issue relating to the infrastructure of the city. Any question or complaint will react employees related entities.

Also on behalf of the mayor of Dushanbe, since May 2012, and his deputies shall have regular meetings with residents in areas where residents of the capital living after the close of working day of officials every week from Monday to Thursday and will last until October 31.

Resettlement due to the construction of Rogun HPP

As already known, from 2009, was a process of resettlement Rogun and Nurobod in connection with the construction of the Rogun HPP. It should be noted that this is not a "global" resettlement in the Rogun project, but only the resettlement associated with restoration works at the Rogun HPP, the purpose of which make the amount of work that has already been made at the time of the Soviet Union and bring it to the level of 1993 when disaster washed away part of the dam. And in relation to the data required to carry out restoration work relocation of residents who are in the danger zone and the zone of risk.

⁶⁶ «Ubaidullaev without intermediaries», Firuz Umarzoda, Asua Plus, 28.08.2012., <http://news.tj/ru/newspaper/article/ubaidullaev-bez-posrednikov>

The World Bank at the request of the Tajik Government is funding a two key evaluative studies of Rogun - Feasibility Study (FS), and the Environmental and Social Impacts of the project (ESIA). As part of these studies, the World Bank and the Government of the Republic of Tajikistan in December 2010, agreed that the new construction will be started, and the new resettlement will not be long until the Evaluation studies will be presented and discussed with the countries river basin, as well as by an independent panel of experts to determine the viability of the project.⁶⁷

Along with a specially created State institution "Directorate of the flood zone Rogun HPP", the active participation in this process showed local authorities, and some of the representatives of civil society.

In particular, in order to minimize the possible negative impacts of resettlement for local residents Public organization "Bureau for Human Rights and Rule of Law" in December 2010 launched the project "Promoting the interests of persons displaced due to construction of the Rogun HPP", financed by the European Union. Expected parallel study of the situation with the company to undertake social and environmental impact of the Rogun HPP, which was to provide a report on a wide range of people in the study in 2011, but, in view of certain circumstances relating to the political things, the issues of inconsistency process and methodology research in the Rogun project, etc., from companies conducting an evaluation study Rogun (ESIA and feasibility studies), these studies were not completed in time, and the timing of reporting on their results have been moved.

However, despite this, the public work in the field of its independent monitoring of compliance with the rights of migrants has continued and in June 2012 completed a broad discussion of all aspects identified in the implementation of activities. According to the results of realized activity on the part of the Bureau of Human Rights and Rule of Law recommendations were developed:

1. Establish an independent institution (or working group) to assess housing and other property and to establish the exact number of people that will be affected by the project.
2. Respect the principles of free, prior and informed consent (FPIC) in the construction of Rogun, especially during the migration of citizens.
3. All actions on the movement should be based on "full replacement cost" during the resettlement of citizens. To take into account inflation and rising prices in terms of compensation.
4. To compensate citizens for the first phase of resettlement in the amount of 70-80% of the total valuation of the property and not at 30%, as proposed by the government. Relocated citizens should have enough money to build a new and equivalent housing.
5. Provide adequate housing and compensation residents displaced from flooded areas Rogun in the Soviet Union period and returned to their place of residence at the time of the civil war.
6. Compensate not only homeowners, but also to his family members, if possible without making her split apart.
7. Take measures to eliminate the inconvenience and damage brought by reconstruction work on Rogun villagers Tagi Qamar (earthquakes, backfilling with gravel, dust, roof collapse due to explosions of dynamite, etc.).
8. Amount paid for transportation of property to settlers free of charge, and not on credit, as was previously proposed by the government.
9. Promptly notify persons on the measures and innovations related to resettlement.
10. Timely, complete and clear answer letters, requests from civil society.

⁶⁷ Information Sheet: The support provided by the World Bank in the field of energy and water resources in Central Asia, December 2, 2010, Almaty, <http://web.worldbank.org/WBSITE/EXTERNAL/EXTRUSSIANHOME/EXTRUSSIANCOUNTRIES/ECAINRUS/SIANEXT/0,,contentMDK:22781021~pagePK:146736~piPK:226340~theSitePK:488750,00.html>

11. Performed with the resettled people's real consultation on resettlement, which organize the questions and answers for the authorities. The authorities on these consultations to people interested in the opinion.
12. Take urgent measures to build schools, clinics, kindergartens, of power lines, roads, etc. in all areas where information is carried out (or have already done) relocation of residents from flooded areas Rogun.

It is gratifying to note that almost all of the above recommendations have been taken by the World Bank as well as the state represented by the Directorate of the flood zone Rogun, and efforts to implement them.

Meanwhile, the company undertake social and environmental impact of the Rogun HPP - Poyry Energy Ltd. later this year completed the environmental and social screening and in November 2012 submitted its report on the results of this work.

The main conclusions drawn in the report, is almost similar to the conclusions that were made by the representatives of the Bureau for Human Rights and Rule of Law, as part of their project to promote the interests of persons displaced due to construction of the Rogun HPP. In particular, in their report states that one of the important issues to be first resolved, is electricity, where it is necessary to increase the number of transformers.

Another important issue is the supply of water for drinking and irrigation, not all areas where people have moved, water is constant, this problem needs to be addressed in the near future. The process of construction of schools, roads, health centers, etc. Marked and compensation issues in the context of the fact that in one household, be relocated, live several independent families, but only the household owner receives compensation. In conclusion, the resettlement issues are referred to the main area of concern for the ESIA second important after the Hydrology.

The progress made in the area rights of settlers in connection with the construction of Rogun HPP, gives hope that the process of resettlement in the future will be even more transparency and compliance with all national and international standards on the right to adequate housing.

Rights of the Child

“States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.” (Article 3 of the UN Convention on the Rights of the Child).

Juvenile Justice

Very often young people are influenced by the streets and break the law, not knowing that they face in the event of a crime. But then they and their parents, in many cases, need a lawyer. One of the major problems in the country is the issue of children's access to justice. According to the lawyer of the Center for Children's Rights Gulchekhra Rakhmanova center works with children in conflict with the law, and the main goal is that the child escaped punishment and was sent to the rehabilitation center. These centers is 13, they are mostly daytime. According to G.Rahmanova, in legislation many outstanding matters related to juvenile justice.

For example, should the adoption of such law, that it was clearly articulated participation lawyers in juvenile proceedings and attorneys' fees procedure. At the moment, there is no line in the budget, on which we would be able to provide free legal aid. In this regard, lawyers are often reluctant to participate in such cases on the grounds that they can not then get your money. As noted G.Rahmanova, detention does nothing positive. Teens who will not be granted legal aid,

will go from one colony to another, and will be a lifetime dependent on the state. Budget money will leave the country for prisons. 68

According to the Director of NGO "Center for Children's Rights" Tojiddin Jalolov, when the question of children's access to justice it is themselves problems the unqualified lawyers. According to him, his incompetence they are most evident in juvenile delinquency and the juvenile justice system. Because of this, by the court or a commission for children's rights, children are sent to special closed institutions for them to educate or rehabilitation work. He also said that for these reasons, some children after release from closed institutions to re-commit crimes. In addition, T. Jalolov as noted in national conference "Aspects of access to justice for vulnerable groups in Tajikistan, there are children who are back to institutions 5 times.⁶⁹

In his view, the problem also comes from rotation. For example, international organizations spend a lot of training sessions for members of the Department for Children's Rights, the police, prosecutors and courts. But, soon after, a trained professional is transferred to another department or management and in its place comes a specialist who does not know the system of juvenile justice. And all this work is carried out is meaningless. ⁷⁰

Centre for Children Rights implemented the project "Support for Children", which consists of two components - the "Children's duty lawyer" and "Support for children in closed institutions."

According Jalolov, duty lawyers provide legal assistance to children in conflict with the law, in the form of consultation, participation in the preliminary investigation and in court. Their task is to protect the rights of the child and to avoid severe punishment and a fair trial.

Human rights activists in Tajikistan believe that the scheme "Children's duty lawyer" should be spread across the country, as a necessary measure to protect the rights of the child, who was in conflict with the law, that every child has the opportunity for a qualified lawyer.⁷¹

Jalolov stopped at several points of concern: first, children are detained by the investigating authorities on the same basis, are delivered in sections, where they interrogated with no skills to adolescents. Second, some investigators, holding the child, taking with him the primary explanation, which later formed the basis of a court sentence. In addition, these statements are taken without a lawyer, and often under pressure - the children said to lawyers that were used against them by unlawful methods - torture, threats, deception, psychological pressure. "The statements of counsel that the testimony taken without protection, investigation, prosecution and the court did not take into account", - he said.

The second component of the project "Support of children in closed institutions" was designed to provide legal and psychosocial support to children in institutional care. In addition, children were assisted in obtaining 19 documents of identity.

"We found that after the adoption of the law "On the responsibility of parents for the education and upbringing of children", the number of children who end up in closed institutions has increased. Parents have led to the detention of difficult children and discard them. Substantiates of this idea that the child is intractable, and they do not want to pay the fines, believe that it is better to send a child to the specialized agency and, thus, remove the obligations", - said Jalolov.

In 2012, the resonance was relatively torturers. However, as it turned out, torture touched not only adults. Centre for Child Rights, presented the results of monitoring, "Torture and ill-treatment of children in the context of juvenile justice in Tajikistan."⁷²

⁶⁸ "Prison is not a way out," "Digest-Press", № 51 (939), December 20, 2012, Aziz Klycheva

⁶⁹ "Asia-Plus", November 16 - /Makhpora Karimova/ -

⁷⁰ In the same place.

⁷¹ <http://tjknews.ru/news/5911>

"Asia-Plus", April 2. - /Nargis Khamrabaeva/ -

⁷² "Asia-Plus" - /Nargis Khamrabaeva/ - ,September 3.

http://www.toptj.com/News/2012/08/31/monitoring_deti_v_konflikte_s_zakonom_stanovyatsya_zhertvami_pytok_chashe_vsego_pri_zaderzhanii

As reported in this center, as part of monitoring were interviewed 37 children aged 10 to 18 years, 44 parents and health workers, employees of private institutions and representatives of the Commission on the Rights of Dushanbe, RRS, Sughd and Khatlon.

Of the total number of respondents, nine children had the experience of being in the police department, 6 - were in a reception center, 3 children had the experience of being in the children's colony, 5 - were in a special school, and 3 - in the vocational school. The respondents children aged 15-17 years most often fall into the detention center.

Monitoring revealed the greatest number of violations of children's right to freedom from torture and ill-treatment during detention of children, drive to the police station, stay there and questioning. There, and violates the rights of children to legal assistance, to maintain contact with their parents, the questioning in violation of the law (at night, with the use of violence, in the absence of parents and lawyers), the right to information about their rights to stages of detention, investigation, the right to privacy integrity.

The report provides an example where one of the capital's police stations have been delivered three teenagers from 15 to 17, who were suspected of committing a robbery. From the words of their mothers after their children were taken to the police station, they were badly beaten, beaten with batons on they legs, was applied a gun to his head of one of the teen threatened. The interrogation lasted from 17 to 3 am, and only after 03-30 hours of confessions were obtained, children were released into the care of their parents. Court verdict children convicted of robbery by imprisonment for 5 years (at the moment the sentence appealed).

Another example, quite famous, was the case of Yavanese teenager. It was here that was first introduced a new article providing for liability for torture. The south of Tajikistan, Khatlon criminal case against a policeman department MIA Yavan district Mashraf Aliyev filed under Art. 143 prime. 1 (torture), 109 (incitement to suicide) and 316 (abuse of power) of the Criminal Code of Tajikistan.

April 29 underage villager Kulobod Jamoat Chorgul Yavan district Khushvakhtov Mahmadsaid was found hanged in his home. Relatives of the boy removed from the loop, and in serious condition were taken to a hospital.

The investigation revealed that shortly before this case the district called him into his office on suspicion of theft, insulted and beat him, trying to knock the testimony and confession. As a result, the former Yavanese police inspector found guilty of torture against a minor and was sentenced to seven years in prison.

The Report also cases where children are victims of ill-treatment by staff infant colony.

At the same time, the parents of juvenile convicts detained in labor colony for minors RT, complain that their children are beaten and abused by various workers of the colony. According to them, these cases began to appear after the colony was named the new chief Esmat Kurbanov.⁷³

According to parents, with similar complaints, they asked the representative of the Ombudsman and asked to sort out the situation, as some of the kids are already saying that they will undertake suicide, if no one can stop it. As reported by parents, according to their children after a new chief, they were constantly beaten and otherwise mistreated. They were stripped naked on a cold day, they build on the parade ground and beaten with batons.

Parents of juvenile offenders asked the Ombudsman to inspect and forensic examination of jail prisoners and prosecute those responsible. At the same time, they requested has not been announced the names of their children, as they are afraid that their children will be punished for it. The representative of the Ombudsman promised to investigate them all the arguments in their appeals.

Meanwhile, the complaint came in the National Social-Democratic Party. According to its chairman Rakhmatillo Zoirov, they were sent to various authorities, including the Human

Rights Ombudsman of Tajikistan, the Ministry of Justice, the State Committee for National Security, the General Prosecutor's Office and the OSCE statement, application for objective investigation of the facts of violence and torture in the colony.

In a statement, they express a common concern to all the facts of torture, of which we hear in recent times, and therefore, do ask and demand of Parliament to create a competent joint committee with civil society for objective, comprehensive and adequate investigation of the facts of violence and torture in republican correctional labor colony (Detention facility).

NSDP asks members to include in addition to this commission of the Ombudsman or his representative and representatives of the Ministry of Justice, the Prosecutor General, political parties, bar associations, human rights NGOs and the media.

In this case, NSDP has expressed willingness to provide five lawyers from the party and expresses its full readiness to work in the Commission.

The monitoring result of the Center for Children's Rights has shown that the law and practice provide a measure of recovery from the minors while serving their sentence in a children colony as placement in disciplinary facilities for up to 7 days. This practice is frowned upon by the international standards on children's rights because the solitary confinement of a negative impact on the physical and mental condition of the child. In addition, as the facts show, while in disciplinary confinement underage children are beaten by the staff of the colony.

As monitoring shown, none of the children who reported facts mistreatment by police, prison staff and the children's colony, not complain about the actions mentioned officials, among other things, due to the fact that the law is not clear feeder complaints on such matters. "In particular, there is an obvious gap in the law on compulsory medical examination of juveniles admitted to closed facilities and regular medical examination in closed institutions, enabling the identification of cases of torture and ill-treatment, and to the investigation of these facts, - the report says.

Based on the results of monitoring, the Center for Children's Rights recommends that the law on the rights of the child protection system or the rights of the child, who also established the right of the child to freedom from torture and ill-treatment in the RT, to amend the Criminal Procedure Code in order to provide order and immediately alerts parents legal representative of a minor about the detention, prosecution for a more careful supervision over observance of legislation of RT on detention of juveniles and the investigation, etc.

Child labor

Child labor remains relevant for our country (and not only for Tajikistan). This includes both the compulsory and voluntary child labor. Children, often from families with low income are forced to go to the market to trade, wash cars, to have at least himself. This and absenteeism rates, gaps in education, and sometimes juvenile delinquency. This year, the International Labour Organization called on governments around the world to intensify the fight against child labor.

On the eve of the World Day against Child Labour, the ILO published its latest report, "Stop child labor, from commitment to action" in which, in particular, noted that the ratification of conventions on child labor and action of countries to address this problem, a serious gap.

According to the new ILO estimates the scale of forced labor, about 5 million children are victims of forced labor, which includes work in such conditions as the commercial sexual exploitation and debt bondage. The ILO noted that these estimates are not complete.

The report noted that among the number of ILO conventions Convention 138 on the Minimum Age for Admission to Employment and Convention number 182 on the worst forms of child labor have the largest number of ratifications. Of the 185 states - members of the ILO had ratified 88% of these conventions, and 95.1% - the second. Today the ambition for universal ratification of the two conventions in 2015, according to a press release from the ILO.

The largest gap between commitment and action is noted in the informal economy, where the majority of violations of fundamental rights at work, the report said. Children in rural areas,

including the children of migrants and indigenous people are the most vulnerable to the risks of child labor.⁷⁴

According to the International Labor Organization (ILO) in Tajikistan, about 200 thousand minors are forced to work in the market as arobakashov (the driver of the cart), sales of plastic bags, car washers and movers.⁷⁵

This number also includes children involved in agriculture - cotton and other heavy rural work.

Issues related to child labor in Tajikistan discussed constantly, but the problem remains relevant for the past many years.

Independent expert Firuz Saidov sees the main cause of this problem in labor migration.⁷⁶

According to him, the study of child labor in Tajikistan showed that, in general, are the children of migrants.

According to Saidov, child labor is illegal and officially banned in Tajikistan, however, is mainly used in rural areas because of the "lack of hands."

According to him, the monitoring conducted in 2007 to identify the number of children working in different sectors, showed that in Dushanbe, about 10 thousand children do not attend school. "Instead, they are working in the markets and at the car wash. Since then, little has changed."

Lawyer Shukhrat Kudratov sure that the statistics "working children" exaggerated, although he agrees that labor migration - this is one of the reasons for the growth of the children who are forced to work.⁷⁷

"The problem is the socio-economic situation in Tajikistan. The state can not provide its citizens with financial independence, to work well and so they are forced to go abroad for work. They can not always send money home, and their children are forced to work here" - said the lawyer.

As noted by the coordinator of the International Labour Organization (ILO) in Tajikistan Muhayo Hosabekova permanently located within the migration of more than 9 thousand children, who due migration of parents are left without supervision, are exposed to child labor, and do not attend school.

According to the ILO, 85% of working children in the country are involved in agriculture, 3.4% - in construction, 3.7% - in trade and 7.4% - in the industry.

According to various reports, 70% of workers and the children are boys, respectively, 30% - girls. These children, mostly collected in the cities, where there are more likely to find a job, and of course be exploited.⁷⁸

The problem of child labor in the country were also discussed at the workshop "The priorities and objectives of the National Policy for the Elimination of the Worst Forms of Child Labour (WFCL) in Tajikistan for the period 2013-2020", initiated by the Ministry of Labour and Social Protection and the International Labour Organization (ILO).

The seminar discussed the three major documents on child labor, one of which is to "develop a list of hazardous work prohibited for persons under 18 years."

⁷⁴ <http://www.pressa.tj/news/v-mire-5-mln-detey-yavlyayutsya-zhertvami-prinuditelnogo-truda>

"Asia-Plus" Dushanbe. June 12. 2012.

⁷⁵ "Child labor in Tajikistan remains popular", author - Azim Muhiddinzhanov, editor - Zarina Ergasheva, <http://ru.kloop.tj/2012/02/22/3165/>

⁷⁶ In the same place

⁷⁷ "Child labor in Tajikistan remains popular", author - Azim Muhiddinzhanov, editor - Zarina Ergasheva,, <http://ru.kloop.tj/2012/02/22/3165/>

⁷⁸ Shahloi Gulkhoja, <http://rus.ozodi.org/content/article/24570578.html>

"December 27 the document will be discussed at the board of the Ministry of Labor, and then begin its practical implementation," He said in Tajikistan is no legal act that defines a list of work prohibited for minors (under 18 years).

"The list of such work exceeds the figure 200. For example, all types of construction work, all kinds of carrying goods in agriculture - is work with pesticides, picking cotton, and all of which prevent the child's education," - explained the source.

According to a source, today, in the regions occupied by different types of work 176 thousand children, accounting for 10-12% of the total number of juveniles aged 12 to 14 years.

With regard to the list of work prohibited for persons under the age of 18, after drawing it will be submitted to the Government of the country. 79

It should be noted that research on the subject of child labor in Tajikistan in the beginning of this year conducted by the Agency for Statistics under the President of the Republic of Tajikistan and the International Labour Organization (ILO). This work is part of the "Survey of child labor and the creation of a database on child labor in Tajikistan."

As reported by the National Statistical Agency, the program for 12 months and includes a sample survey of households in all regions of Tajikistan. "A sample survey will provide enough reliable information on the activities of children aged 5-17 years, school attendance, work at home and abroad, as well as the distribution and causes of child labor in the country," - Statistics Agency said.

According to the source, the total sample size of the study on child labor was 6400 households in 400 clusters. The sample represented 57 of the 58 districts, 57 of 74 towns and 165 rural Jamoats.

The household survey began on 29 October and will continue until November 27 of this year. The study will entail interviews selectively sampled households by asking how adults and children aged 5-17 years, to obtain the above information. The source added that all work on the project should be completed by July 2013. 80

The authors of the ILO report also noted that the national courts to reach a relatively small number of cases of child labor. Penalties for violation of child labor laws are often too small and inefficient to put a barrier to the exploitation of children. This calls for further strengthening of the judiciary and law enforcement, and the protection of victims of child labor at the national level.

However, the authors noted some positive changes, such as: increase in the number of countries with national plans to combat child labor, and a large number of new legislative prohibitions established to identify and prevent hazardous forms of child labor, an increasing number of laws aimed at combating child prostitution and the use of children for the production of pornography, a marked increase in the scale of international cooperation and mutual assistance between the states - members of the ILO, in particular on issues related to child trafficking.⁸¹

Education

By ratifying the Convention on the Rights of the Children, Republic of Tajikistan has assumed certain obligations, including the right of the child to education, and "with a view to achieving this right on the basis of equal opportunity, states, in particular, encourages the

⁷⁹ "Child labor in Tajikistan may prohibit," IA "Avesta"

⁸⁰ "Asia-Plus", on November 20. - / Payrav Chorshanbiyev /

⁸¹ <http://www.pressa.tj/news/v-mire-5-mln-detey-yavlyayutsya-zhertvami-prinuditelnogo-truda>, "Asia-Plus" Dushanbe. June 12, 2012.

development of different forms of secondary education, including general and vocational education, make it available to every child and take appropriate measures such as the introduction of free education and offering, if necessary, financial support."⁸²

Education is one of the important factors in the education of a new generation. Everyone has the right to education. Often children from low-income families due to various factors not even have access to basic education. The introduction of mandatory school uniforms and the general practice of "extortion" make the children drop out of school because their parents can not afford the financial burden. Hence the growing illiteracy. Children out of school, start looking for ways to get income.

This year, the Institute "Open Society" - Assistance Foundation in Tajikistan opened six community centers in Khatlon and Sughd. These centers, OSI Boboeva Lola as project coordinator, said the program "Early child development", are public institutions of preschool education and are designed to ensure the right to quality education for all children between the ages of three and seven years old, who for some reason do not visit children garden, and therefore deprived of quality education and training.

The education department advisor the city of Kurgan-Tube Mutabar Rakhmatova said that the education department of the city of Kurgan-Tube planned to organize at all schools and kindergartens such centers to prepare preschool children for school.

According to her, today in Kurgan-Tube, only 15% of children attend pre-school institutions. "Every year, more than two thousand children enter the first grade, but only 300-350 of them go to school after preschool - stressed Rakhmatova. - That is why we would like to develop this experience to children of school age in the first place, of the poor, getting ready for school in such centers."⁸³

It should be noted. that the President of Tajikistan Emomali Rahmon on August 13 signed a decree "On measures to strengthen the level of social protection of the population, an increase in the salaries of existing employees of the institutions, organizations, social services, pensions and scholarships."

According to the Commentary to Decree, which is posted on the site of the head of state, on the basis of the item 1 of the Decree, the minimum wage in all sectors of the economy increased by 2.5 times and its size is set to 200 somoni.

Thus, under this Ordinance, the salaries of employees of educational institutions, in particular, secondary school teachers from 1 to 11 classes, colleges, high schools, all types of boarding schools, preschool teachers - nurseries and kindergartens, as well as employees of houses - homes for the elderly and disabled are increased by 60 percent.

However, for the implementation of the Decree for the four months of the year, that is, from 1 September 2012, at the expense of the state budget additional funds are needed for the payment of wages to workers social sectors 233 million somoni for the payment of state scholarships – 4,4 million somoni for the payment of all pensions and benefits -70 million somoni, which are provided by the unencumbered balance, over-fulfillment of the local budget revenues through savings in other expenditure items, and from special funds of budgetary organizations and agencies.⁸⁴

Children of migrant workers who are with their parents to work, probably even more difficult to adaptation and education.

⁸² Article 28 of the Convention on the Rights of the Child of 20 November 1989.

⁸³ http://www.toptj.com/News/2012/05/23/v_tadzhikistane_budut_sozdany_obshestvennye_obrazovatel_nye_centr_y_dlya_detey_iz_maloimushikh_semey

<http://novosti-tj.ru/novost/47>, "Asia-Plus" - / Sayrahmon Nazriyev / - Kurgan-Tube. May 24, 2012

⁸⁴ "Asia-Plus", on August 15. - / Avaz Yuldashev /, <http://lenta.ru/news/2012/08/15/raise/>

In August this year, handing out leaflets about the rules of admission to the school children of migrant workers, according to the Committee for External Relations of St. Petersburg administration.

The text of the leaflets in Russian, Uzbek, Azerbaijani, Tajik published on the website of the city program "Tolerance". It contains information on the procedure of data and submission of the necessary documents, addresses Department of the Federal Migration Service in St. Petersburg and Leningrad region, address regional education departments, Centre address psychological, medical and social assistance, legal framework, regulating the child enters school, law and responsibilities of parents and the educational institution.

"On the eve of the school year was marked by experts the problem of access to education for children of migrant workers who have come to live and work in St. Petersburg, - the head of the Committee for External Relations of St. Petersburg Alexander Prokhorenko. - According to statistics, every year in St. Petersburg comes 100-130 thousand migrants. Every twentieth worker arriving with family and children, half of whom are not fluent in Russian. "

According to him, this social group access to information is very limited. "We appealed to the volunteers who are already working with the children of migrants, brought copies of leaflets," - said Prokhorenko.

He noted that "children who do not attend educational institutions do not speak Russian, can not absorb the traditions and culture of our city."

"If we want to avoid the mistakes of the European states, we need to overcome language and cultural isolation of living next to us", - said A. Prokhorenko.⁸⁵

It should be noted that in February discussed the draft law "On the pre-school education" of the lower chamber of the Parliament of Tajikistan. According to the press service of the Majlisi Namoyandagon RT, discussions also attended by representatives of government ministries and agencies and international organizations.

Over the past five months in Tajikistan since the adoption of the Law "On the responsibility of parents for the upbringing and education of children" to the criminal charges brought against more than 60 parents.

As the Minister of Internal Affairs Ramazan Rakhimov informed that, for 47 parents filed cases for preventing their children receive education, another 15 parents are accused for given in married their underage daughters.

"During this period the country's law enforcement officials was held on 2 thousand 716 raids, which resulted in the identified about five thousand children and teenagers who have committed an offense," - said the Minister.

The law "On the responsibility of parents for the upbringing and education of children" came into force in August last year. According to representatives of government and the parliamentary majority of the country, the aim is to enhance the enactment of parental responsibility for the training and education of children in the spirit of humanism, patriotism, respect for national, human and cultural values, as well as protection of the rights and interests of children.⁸⁶

Recommendations:

1. Develop a plan of joint actions between state bodies and public organizations to combat child labor.

⁸⁵ "Asia-Plus" - August 24,, tjknews.ru/news/8640

⁸⁶ "Asia-Plus", on January 23. - / Nargis Hamrabaeva /

2. Adopt the Law "On the Legal Aid", which include procedures for the participation of lawyers in juvenile procedure and payment procedure for lawyers.
3. Introduce to the state budget article for payment for providing free legal aid..
4. Distribute scheme "Children duty lawyer" across the country, as a necessary measure to protect the rights of the child, who was in conflict with the law, so that every child had the opportunity to a qualified lawyer. **Women's right**

“The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant”. (Article 3 ICCPR)

“States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.” (Articles 2, 3 Convention on the elimination of all forms of discrimination against women).

Family violence

Unfortunately, domestic violence remains an actual problem in Tajikistan. Women subjected to domestic violence, limited access to justice and have difficulty in obtaining legal support and protection in law enforcement and the courts, and often face misunderstanding relatives and close friends.

The end of 2012 marked an important event such as the adoption of the Law "On Prevention of Domestic Violence." Heated debates against the bill were made in the last 8 years. One of the main arguments against the adoption of the law was that all necessary provisions to protect women from violence are in the acting Criminal, Family and Criminal Procedure, and no reason to duplicate them.⁸⁷

During this time, the law had several times changed and supplemented, the name of the law also changed, but finally the perennial debate on the law ended, and in December the law was passed.

The main purpose of the law is to protect the rights of the family, as it defines the ways in which the legal, medical and psychological assistance to victims of violence to citizens.⁸⁸

According to a member of the Committee on the Elimination of All Forms of Discrimination against Women, Dubravka Shimanovich adoption of the law - only part of problem solving, and making a law is not enough. "The law will work when we have, changes in

⁸⁷ Asia-plus №64(653) from 24 August 2011 "Who will protect the Tajik women from violence?" By Valentina Kasymbekova.

⁸⁸ Tajikistan adopted law "On prevention of Domestic Violence", 19.12.2012 г., Avaz Uldashev, Source: <http://news.tj/ru/news/v-tadzhikistane-prinyat-zakon-o-predotvrashchenii-nasiliya-v-seme>

other laws. For example, in the same Criminal Code. This is a very complicated process. All laws must be related to each other".⁸⁹

In 2012, Tajikistan has disintegrated over 7 thousand 600 families. This figure is higher than the number of 811 cases of broken marriages in 2011.

According to the Chairman of the Committee on Women and Family Affairs under the Government of Tajikistan Sumangul Tagoeva, "the trend of divorce is most seen among young couples. The main reasons are the low level of women's legal literacy and labor migration of men. Lack of awareness among women of their rights, they have no rights in the family, which in many ways led to a desperate situation, are the main causes of suicide women: in 2012, committed suicide 287 women."⁹⁰

According to members of Parliament, one of the major factors contributing to the disintegration of families in our society is the presence of domestic violence.

For example, in 2012, in the 29 crisis centers, which operate in the regions, addressed more than 32 thousand people. Of these, about 35% of the complaints it to domestic violence.

According to the First Deputy Minister of Internal Affairs of Tajikistan Nurullo Oripov, in 2012, the country's police registered 55 cases of violence in the family.

The representation of women in the state bodies

According to the UN News Centre, in general, in the world of women, who constitute 51% of the world's population, is still under-represented in the representative bodies to make important decisions that affect their lives. Currently, on average, women hold only 20% of parliamentary seats worldwide.

In Tajikistan, women currently hold just over 15% of the seats in parliament are currently only five members (15%) and the upper chamber of 10 members (16%) of the lower chamber of the Tajik parliament - are women. Among civil servants, women make up less than 30%.

The Law of the Republic of Tajikistan "On state guarantees of equal rights for men and women and equal opportunities for their realization" in Article 5 emphasized that "The State shall ensure equal representation of men and women in the legislative, executive and judicial branches of power through legal, organizational and other mechanisms." In the Government of the Republic of Tajikistan is only one woman among the ministers there are no women. However, the Government of Tajikistan uses weak mechanism, such as "temporary special measures". For example, according to the five strategic goals of the State Program "State policy to ensure equal rights and opportunities for men and women in Tajikistan for 2001-2010" where provided for the implementation of the principle of soft quota in competitions for positions in the public service. However, this point of the state program is not executed. In the RT Law "On Civil Service", the Regulations of the competition for vacancies in administrative civil service were not included provisions for the use of the principle of quotas.⁹¹

⁸⁹"Who defend the rights of women?", Asia-Plus, 12/15/2011, by Akhmadali Todzhiddinov Source: <http://www.news.tj/ru/newspaper/article/kto-zashchishchaet-prava-zhenshchin>

⁹⁰ Low legal literacy of women affects the growth of divorces in Tajikistan, 25.01.2013, Mahpora Kiromova Source: <http://news.tj/ru/news/nizkaya-pravovaya-gramotnost-zhenshchin-vliyaet-na-rost-razvodov-v-tadzhikestane>

⁹¹ Information provided by a coalition of public associations "From legal equality - the equality in fact".

The head of UN - Women Michelle Bachelet urged the government to take temporary special measures to increase the number of women in parliament and in high places where decisions are made, according to the UN News Centre. According to her, in the world today, there are 33 countries where women constitute at least 30% of members of parliament. 30 countries have achieved this success by establishing quotas.⁹²

Girls' rights

October 11, 2012 all over the world for the first time was the International Day for girls, whose goal is to fight against early marriage.

In honor of this day in the Ismaili Centre in Dushanbe hosted the event, which was the basic idea that the rights of the girl child must be equal to the rights of boys in the family and in society in Tajikistan.

Participants of the event recognized the problem of limiting the rights of girls to education, suicide between teenage girl's early marriage and domestic violence, and offered them to be addressed comprehensively.

According to some sources today, more than 30% of girls in developing countries are married before the age of 18 years, an additional 14% - up to 15.

Each year, about 16 million girls aged 15 to 19 become mothers - they account for about 11% of all births in the world.

Worldwide, more than 580 million women are illiterate - this is more than twice the number of illiterate men.

According to the Executive Representative of the United Nations Fund for Population (UNFPA) in Tajikistan Aziza Khamidova "Tradition does not allow the family to consider the opinion of girls in choosing a potential spouse and age for marriage."

Representative of the Committee for Religious Affairs under the Government of Tajikistan Abdurahmon Mavlonov noted that the view that Islam puts the status of girls and women is lower than the status of men, is fundamentally wrong. According to him, in Tajikistan, as well as throughout the world, there are people who misinterpret Islamic canons and the holy book Quran. Today, in Islam, in his words, the status of women is high: it has the same rights as a man, and an education for her is necessary.

Her problem is the suicide girls. Reasons - lack of understanding in the family, child marriage, violence. To deal with the problem and, in the first place, involving religious leaders and leaders, but also to impose on them the responsibility for solving the problem is not "- said Mavlonov.⁹³

International obligations of the RT in the elimination of all forms of discrimination against women

⁹² The head of UN Women urged to introduce quotas to increase the number of women in parliament, "Asia-Plus", October 4, 2012, Payrav Chorshanbiyev.

Source: http://www.toptj.com/News/2012/10/04/glava_oon_zhenshiny_prizvala_vvodit_kvoty_dlya_uvelicheniya_c_hisla_zhenshin_v_parlamentakh

⁹³ In Tajikistan, recognize the problem violation of girls' rights, "Asia-Plus", October 11, 2012, Zarina Ergasheva.

Source: http://www.toptj.com/News/2012/10/10/v_tadzhikistane_priznayut_problemu_narusheniya_prav_devochek

September 7, 2000, Tajikistan signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; however, the OP has not yet been ratified. In October 2011, the Working Group of the UN Council on Human Rights during the dialogue as part of the Universal Periodic Review of Tajikistan was recommended to ratify the Optional Protocol. It should be noted that this recommendation was accepted by Tajikistan and included in the National Action Plan to implement the recommendations of the UN member states in the UPR 2012 - 2015 years.

Ratify the Optional Protocol to CEDAW, the State party thus recognizes the competence of the Committee on the Elimination of Discrimination against Women to receive and consider communications that can be sent within the jurisdiction of a State Party by persons or groups of persons or on their behalf, who claim to be victims violation by that State Party of any of the rights set forth in the Convention on the Elimination of All forms of Discrimination against Women.

Recommendations:

1. To ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
2. Introduce special measures to ensure equal access of women to senior positions of public service.
3. Engage in practice the principle of quotas or "soft" quota for women in competitions for positions in the public service.⁹⁴
4. Conduct outreach to eliminate gender stereotypes.

Rights of Persons with Disabilities (PWD)

"...Disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others".⁹⁵

In a world over a billion people live with some form of disability, of whom nearly 200 million experience serious difficulties in functioning. In the coming years will be a disability is of increasing concern because of its prevalence increases. This is - the result of the aging population, increasing the risk of disability in older people as well as the global increase in the prevalence of chronic conditions such as diabetes, cardiovascular disease, cancer and mental disorders.⁹⁶

According to official data of the Ministry of Labor and Social Protection, from early 2012 to the present day in the country registered 171 thousand 414 people with disabilities. Of these, 30 thousand 133 people - children.⁹⁷

Accessibility

Highly relevant to people with disabilities is a problem of access to buildings and vehicles. Existing buildings and structures, for the most part, do not conform with the building

⁹⁴ A coalition of public associations "From legal equality - the equality of the actual."

⁹⁵ Item «e» The preamble of the UN Convention on the Rights of Persons with Disabilities

⁹⁶ World report on disability, the World Health Organization, the World Bank 2011,.

⁹⁷ In Dushanbe discussing Rights of the Disabled. Sources: "Asia-Plus", Dushanbe, November 8

accessible to PWD, although legal issues of accessibility of social infrastructure and vehicles are explicitly stated in the Law "On social protection of persons with disabilities"⁹⁸.

According to the law, public authorities, government bodies of towns and villages, and other organizations should create conditions for persons with disabilities easy access to all facilities and services.

Human rights activists in the past (2012), proposed Chairman of Dushanbe to take appropriate measures to accommodate these facilities to access of persons with disabilities, in particular, to instruct all organizations properly equipped buildings and other facilities and special devices for PWD devices, and those do not fulfill the requirements of government agencies for architecture and urban planning in terms of providing access to facilities for PWD, subject to administrative liability.⁹⁹ Unfortunately, no responses from the Mayor of Dushanbe on the statement of human rights defenders are not followed.

Medical re-examination of persons with disabilities.

Wide public resonance offered to accompany the 2012 medical re-examination for the presence of disability and confirmation of disability in regard to PWD in Tajikistan, including those whose disability is not in doubt (absence of limbs legs and hands, eyes, etc.) and confirmed conclusion of the civil service medical and social assessment, outside the time limits established by law. The request came from under the Ministry of Health RT structures with the requirement to go through the whole process of re-examination, with reference to the existing order of the Minister of Health. Representatives of the Commission, as well as health workers, who re-examined, not explained to people with disabilities aim of these events, which led to even more confusion among the PWD.

In addition, the current situation is contrary to the law, according to which re-examination disabled only at their request.

A number of NGOs working in the field of protection of the rights of PWD, made a public statement¹⁰⁰, in which expressed concern about the situation and call for the authorities to take measures to prevent violations of PWD in these activities. In response the Minister of Health of Tajikistan Nusratullo Salimov met with community organizations, issuing a statement. During the conversation, Salimov said the re-examination was carried out to identify the persons have issued unlawfully and unnecessarily disability is too large a disability pension. According to the minister, the steps to re-examination - is one of recovery measures aimed at protecting the rights and interests of the disabled. Representatives of the Ministry made it clear that this campaign is not for re-examination of disability and normal routine medical examination.

The representative of the League of Women with Disabilities "Ishtirok" Sanovbar Raupova noted that "If we were originally told that the action of the authorities aimed solely at identifying false disabled, and the purpose of re-examination defence the rights and interests persons with disabilities, there would not be so much panic and confusion among with disabilities».¹⁰¹

Monitoring the rights of persons with disabilities

⁹⁸ Adopted on 29 December 2010, entered into force in January 2011.

⁹⁹ Source: "Asia-Plus", March 19, 2012, author: Zarina Ergasheva

¹⁰⁰ Source: http://www.toptj.com/News/2012/05/04/npo_tadzhikistana_obespokoeny_narusheniem_prav_invalidov, "Asia-Plus", May 7, 2012, Nargis Hamrabaeva.

¹⁰¹ Source: http://www.toptj.com/News/2012/06/08/minzdrav_tadzhikistana_i_pravozashitniki_obsudili_voprosy_meditsinskogo_osvidetel_stvovaniya_invalidov, "Asia-Plus", June 11, 2012.

From December 2011 to June 2012 Khujand branch of the public organization "Bureau for Human Rights and Rule of Law," in partnership with the League of Women with Disabilities "Ishtirok", with the support of UN Women, was implemented the second phase of the project "Monitoring the rights of persons with disabilities opportunities in the Sughd region". "This project is part of a large-scale project "Gender and democratic governance in development - Provision of basic services to women in Tajikistan."

As the results of the monitoring, the last year in Tajikistan by the state has been paid more attention to the welfare of persons with disabilities, and began the development of mechanisms for implementing statutory benefits to this category of persons. At the same time, many of the provisions of the Law "On Social Protection of Disabled People" continue to wear declarative. The law guarantees a large number of rights and privileges of people with disabilities who remain on paper and are not implemented in practice.

In Tajikistan, the disability is still seen as a health issue, and prevails charity approach to PWD.

Persons with disabilities themselves are passive when it comes to their rights and use of privileges. In general, such a lack of information due to the passivity of PWD on their rights, difficulties in walking (many PWDs, due to problems in the musculoskeletal system, the problems with the weak (eye) sight which is hard to walk by different institutions, PWD hearing impaired hard to communicate with the various structures in the absence of sign language interpreters).

PWD and the parents of disabled children, most of them, are just waiting for charity from the government, organizations and individuals in the form of cash, food and clothing.

Society of the Disabled are given little attention on legal protection of persons with disabilities, does not train their dealings with public authorities and other organizations to protect their rights, limited only by irregular material support.¹⁰²

Individual rehabilitation programs (IRP)

Rehabilitation of Disabled Persons implement in accordance with the individual rehabilitation program, measured by the conclusion of the authorized body of medical and social examination of each invalid.

IPR is a very important mechanism for rehabilitation of the disabled and the return to a dignified life in society. The importance of this document have not been recognized in full. Absence of IPR of disabilities limiting their rights creates barriers to the realization of their social rights.

Well-written IPR, as well as the practical implementation of the program by authorized bodies, enables PWD feel within society, get a job, to study in secondary schools, to receive quality health care. In addition, having a IPR, PWD has a much better chance to find a suitable job to him.

PWD itself may refuse to implement the activities outlined in the IRP, at the same time, the IRP mandatory to implement for all public authorities, non-governmental organizations.

Thus, the practical situation is still not in compliance with the legislation of the Republic of Tajikistan, in particular, the Law "On Social Protection of Disabled People", whose provisions

¹⁰² "Monitoring the rights of persons with disabilities in the Sughd region", Bureau for Human Rights and Rule of Law, 2012.

clearly provide for the development of the program for each of the adult person with a disability and children with disabilities.

Legislation in the areas of pensions

Most of the issues related to the Pension Benefits allocated in the Law "On pensions of citizens of Tajikistan."

Pension benefits people with disabilities includes social pension and retirement pension.

It should be noted that in April 2012, a number of articles of the Law have been amended and supplemented, for example, the age of children with disabilities has been changed from 16 years to 18 years.

Amendments made to Article 27 of the Law "On Pension Benefits Act RT" and came into force in April 2012, was established the maximum disability pension:

- Disability Group I - 10 times the minimum old-age pension;
- Disabled Group II - 8 times the minimum old-age pension;
- Disabled Group III - six times the minimum old-age pension.

August 13, 2012 The President of Tajikistan Emomali Rahmon signed a decree "On measures to strengthen the level of social protection of the population, an increase in the salaries of existing employees of the institutions, organizations, social services, pensions and scholarships." According to the decree, the minimum and maximum pension age increase by 30%, size, respectively, in the month equated to 104 somoni and 520 somoni. Previously, the sizes of these figures were equated to 80 somoni and 400 somoni.

It should be noted that, in accordance with an increase in the minimum pension, increase benefits and social pensions, which are calculated from the minimum pension.

At the same time, all labor pensions, which are assigned with full seniority, which are smaller than 150 somoni, equal to 150 somoni.

Since January 1, 2013 be put into effect a new law of the Republic of Tajikistan "On insurance and state pensions", according to which charges for all types of pensions defined basic pension. The basic pension from 1 January 2013 is set at 105 somoni. That is, starting from 1 January 2013, instead of the minimum pension for calculating all types of pensions and allowances will be used basic pension.¹⁰³

It is worth noting that in Tajikistan, the average pension is 180.1 somoni. At the same time, head of the Social Welfare Department of Labor Kudratullo Kurbanov said that today with 180 somoni pensioners as well may well live, the state provides them with nearly 20 types of social security, such as exemption from payment of electricity and gas.¹⁰⁴

The UN Convention on the Rights of Persons with Disabilities

Tajikistan has ratified 7 of the 9 major UN documents on human rights, demonstrating its commitment to human rights. In international UN system law the there are very important document, the right of persons with disabilities - is the Convention on the Rights of Persons with

¹⁰³ In Tajikistan, a 2.5 times increase of the minimum wage, Sources: "Asia-Plus", August 15, 2012, Avaz Yuldashev.

¹⁰⁴ Ministry of Labor: the pensioner can live for 180 somoni, 18.01.2013, Mahpora Kiromova, Source: <http://news.tj/ru/news/mintruda-pensioner-mozhet-prozhit-za-180-somoni>

Disabilities¹⁰⁵. The Convention pays special attention to women with disabilities and children with disabilities, because they are often subject to multiple discrimination. Unfortunately, the UN Convention on the Rights of Persons with Disabilities has not yet been ratified by the Republic of Tajikistan. To December 2012, 154 countries signed the Convention, including Kyrgyzstan, Kazakhstan and Uzbekistan, 126 countries have ratified it - among them Russia, Azerbaijan, Armenia, Turkmenistan, Moldova and Ukraine. Thus, from the CIS countries only Tajikistan and Belarus not signed and ratified the Convention.

Under the Convention, States shall take appropriate measures to ensure that persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to buildings, roads, transportation and other, inside and outside facilities, including schools, housing, medical facilities and working places, as well as information and communication.

In October 2011, the Working Group of the UN Council on Human Rights during the dialogue as part of the Universal Periodic Review of Tajikistan was recommended to ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol in order to further promote and protect the rights of persons with disabilities, and to adopt new criteria for determining disability in accordance with international standards and provide a higher level of awareness in order to overcome stigmatization. Unfortunately, the recommendation to ratify the Convention on the Rights of Persons with Disabilities was not adopted by country.

Tajikistan also announced that it would consider the recommendation in the future in view of the financial and economic opportunities.

Recommendations¹⁰⁶:

1. Sign and ratify the Convention on the Rights of Persons with Disabilities.
2. Adopt new criteria for determining disability in accordance with international standards (including the International Classification of Functioning (ICF), and delete the criterion of ability to work in the definition of disability.
3. Conduct a gender analysis of the law governing the right PWD;
4. Take steps to educate the public to eliminate stigma and discrimination against PWD.
5. Make amendment to the Code of Administrative Violations responsible for construction of the owners of objects without considering the needs PWD, and for approving building plans of such objects without considering the needs PWD.
6. Provide the conditions in preschool and school institutions for the general type of education and training in these CWD.
7. Oblige the responsible authorities (medical-social examination) Develop a written IPR (individual rehabilitation program) for the PWD and CWD and monitor its performance, to organize a spa treatment, free treatment, etc.). Necessary to conduct training for MSE on the development of IPR.

¹⁰⁵ The Convention on the Rights of Persons with Disabilities was adopted resolution 61/106 of the General Assembly December 13, 2006 and entered into force on 3 May 2008.

¹⁰⁶ "Monitoring the rights of persons with disabilities in the Sughd region", Bureau for Human Rights and Rule of Law, 2012

8. Increase the budget allocated to ensure the practical realization of the rights CWD and PWD have access to free medical services, receipt of essential drugs free, etc.).

Right of national minorities

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language. (Article 27 ICCPR)

In Tajik society widely held perception that no special problems of national minorities. Of the opinion, for the most part, adhere to the titular nation. Indeed, at first glance, the national community in Tajikistan is not experiencing any harassment. There are no observed differences or conflicts over international relations. However, in the opinion of these same representatives of the various ethnic communities, the situation of ethnic minorities is not as well as it seems at first glance. However, ethnic minorities and diasporas prefer not to report on these issues in public, and the existing problems are often latent.

Representatives of the national minorities concerned about such problems as limited access to education in their mother tongue, weak representation in the government and, therefore, limited ability to influence the decision-making processes of ignorance or poor command of the state language, etc;

In early August 2012, in Geneva, the UN Committee on the Elimination of All Forms of Racial Discrimination heard the National Report of the Republic of Tajikistan on the legislative, judicial, administrative or other measures aimed at eliminating racial discrimination.

Speaking to members of the Committee, the Minister of Justice of Tajikistan Mengliev Rustam said that racial equality is enshrined in the Constitution, in which there are 137 ethnic groups with a population of 7.8 million people. The minister stressed that his country is pursuing a consistent policy of non-discrimination on grounds of race, sex, language, nationality and religion. He reported that the hatred of racial and religious discrimination in Tajikistan is punishable under criminal law.

Tajik authorities to educate the younger generation of tolerance and respect for the culture of other nations. The Minister said that the country's freedom of speech prevails, many news agencies work in different languages.

Experts had asked the delegation of Tajikistan questions about the situation of religious minorities and cooperation with non-government organization as well as other issues¹⁰⁷.

However, it should be noted that the UN Committee on the Elimination of All Forms of Racial Discrimination was not presented an alternative report which is usually prepared and sent by the civil society. This situation indicates that currently in Tajikistan no governmental organization working on this issue at the system level.

Participation in social and political life

Today in Tajikistan, there are 13 national and cultural communities. Although, according to statistics, the country is home to more than 120 nationalities. But most of them are small in number, are only a few dozen people. The largest Diasporas - Uzbek. Uzbeks in Tajikistan -

¹⁰⁷ <http://www.unic.ru>

almost 20 percent. Representatives of other communities, including the Russian, together account for about three percent of the population¹⁰⁸.

A resident of Gissar district, an ethnic Uzbek by nationality and a family physician working in a rural hospital, said that among the residents do not have any conflicts. He and his family live in the village for 15 years and in all that time there was no conflict. However, in his address discrimination on ethnic grounds, he still feels, especially at work.

"I have for many years working in the hospital and was considered a good expert, but when the question of the appointment of the head by one of the departments of our hospital, my candidacy was not even considered because of my nationality, - said the man. - In this position he was appointed a young professional, a Tajik, and I was not appointed because I Uzbek. Complained about it to my, colleagues our chief medical officer. To be honest, I am not particularly eager to get the job, but still unpleasant to realize that because of their national origin I have no way to make a career in the country where I was born and raised. "

Apparently, therefore, some Uzbek families in obtaining passports by their children, take the decision to change nationality, Tajiks and written only for the future of their child to get a decent education, and freely pursue their careers in the country.

"The representatives of the Diaspora-represented in politics and at the state level, but we will not relocate there. The most important thing - that we were given the opportunity to quietly and without prejudice to our rights to live and work here, because this is our home. Many representatives of the Uzbek community in business, markets, distribution network, "- said the representative of the Uzbeks society in Tajikistan, to anonymous conditions.

Different opinion, Deputy Director of the Center for Strategic Studies under the President of RT Saifullo Safarov: "As for the under-representation of the largest ethnic groups - the Uzbeks - in government, I do not agree with this statement. The fact that two people are so mixed that in any ministry, department, or at the very top officials there, in which flows the Uzbek blood, "- he said.

According Bobodzhanova Umeda, a representative of the Commissioner for Human Rights in Tursunzade city, the office of the Commissioner did not receive any treatment at the hands of ethnic minorities on the violation of their rights based on nationality. According to Bobodzhanovoy, in general, the Tajiks and Uzbeks in the region live quite amicably and never observed any serious conflicts on ethnic grounds, at least since the Civil War. It should be noted that the Uzbeks successfully enough manifest themselves in the business. If you go to our market or visit any restaurant or dining room, the naked eye will notice that there is a trade mainly ethnic Uzbeks and work and are no longer repairing any obstacles, "- she said.

Hakim, a businessman who owns a catering business in Dushanbe, belongs to the Uzbek community. He says that any problem with the conduct of its business is on a national basis, it does not.

"Next to my restaurant, the restaurants of my countrymen. Even a lot of my friends from the Uzbek community owned chain of supermarkets, shops at flea markets and food and I never heard from them to develop problems. For example, the famous owner of the supermarket chain "Orima" an Uzbek, Maroof Oripov, was convicted and recently released under the amnesty. Today, he opened a chain of supermarkets under a different name and it seemed to him actions are successful. Another thing - the competitors, who are all for the prosperity of the business.

¹⁰⁸ <http://www.dw.de/dw/article/0,,2514110.00.html>

Recently, my friend who owns a restaurant, burned all the facility. Officially been named the cause of a short circuit wiring, but my friend convinced that it was arson, likely from competitors.

The fact that we often checks by the tax and other bodies - the situation all the same, even though you Tajik, Uzbek and Russian. Law enforcement agencies also get their "share" and then not disturb us. "

Restaurateur Hakim even sure those visitors prefer to visit the restaurants in which chefs are Uzbek or Urgut. "It has long been famous for its cuisine, our dishes, and chefs were valued at a premium. Now the same situation. Many come to us willingly, knowing that the Uzbeks are cooked, which means that everything will be delicious, "- he said.

According to the chairman of the Society of Tajikistan Kyrgyz Zurakan Davletalieva, currently living in Tajikistan 62 thousand ethnic Kyrgyz, their places of compact residence - is remote mountainous Murghab and Jirgatal areas, where they are engaged mainly in cattle breeding and potato growing.

"Maybe that's why ethnic Kyrgyz almost no represented in state institutions of the country. Many are teachers, doctors, "- says Davletalieva.

According to her, she few years ago was a member of the lower house of Parliament, now works there Olim Safarov also has membership in the Diaspora. In addition, the upper house of the Tajik parliament is another native of the Murghab district of ethnic Kyrgyz.

Previously, recalls Davletalieva, during the Union is part of the Kyrgyz authorities at the local level, for example, managers Jirgatal and Murghab district, whose population is 60% composed of Kyrgyz, necessarily were ethnic Kyrgyz, now this trend is waning.

With regard to discrimination to a national sign, then, according to her, there is practically no such thing. "If something happens, it is only at the household level," - said the head of the Society Kyrgyzstan Tajikistan.

According to the Chairman of the Coordination Council of Russian Compatriots Tajikistan Marina Kovtun, Russian compatriots almost everything except for a few people, do not even think about a career in politics. "Did you hear that a representative with Slavic or another name, claimed to deputies or was the choice of his candidacy to Parliament? Most of the Russian-speaking population are in education (school teachers, university professors), it is also highly skilled workers (turners, fitters, etc.), experts in the field of business and management, "- she said.

According to Kovtun, for 1991, there were about 800-850 thousand people, whom we now refer to Russian compatriots. Today, according to unconfirmed reports, the number of Russian-speaking population is about 30-35 thousand mostly Russian compatriots living in the big cities - Dushanbe, Khujand and Kurgan-Tube, etc., in areas with large construction projects and enterprises - Rogun, Nurek, Istiklol (former Taboshar), Kayrakkum, Isfara etc.

Access to education

Access to quality education is one of the most serious problems in Tajikistan. Limited access to such education is a big part of the population. However, ethnic minorities feel this problem twice, due to the small number of schools with Uzbek, Russian and Kyrgyz language training, lack of textbooks and teachers.

The representative of the Uzbek community in Tajikistan believes that this is one of the main problems of the Uzbek community, which is the largest in Tajikistan and is 17% of the total population of the country.

"Have not enough books in our language, and the question I'm trying to solve. Several years ago, our President has allocated funds from its collection to print textbooks in Uzbek, for which we are very grateful, but time is running out now, there is need for additional batch of books. But there is good news. For example, earlier this year in Dushanbe Pedagogical University rebuilt the group with the Uzbek language learning. Now there are 40 students are learning, "- said in a society Uzbeks.

Meanwhile, according to the Ministry of Education, currently in Tajikistan only 3 thousand 785 schools, most of which - 2 thousand 685 - are schools with Tajik language instruction.

However, according to a source from the Ministry of Education, the Tajik authorities to pay attention to the diaspora and their children to learn their native language. Thus, the country has 100 Russian-Tajik schools (115 thousand students), two schools from the Tajik-Russian-Kirghiz (1 thousand 076 students), one Russian-Uzbek school (38 students) and 18 schools, where instruction is only in Russian (11 thousand 225 students).

According to the Education Ministry, the country also has 603 schools, where instruction is in two languages Tajik and Uzbek (about 400 thousand students), 24 of the Tajik-Kyrgyz schools (7 thousand 434 students), 5 Tajik-Turkmen schools (two thousand . 725 children), 2 schools with Kyrgyz and Uzbek language of instruction (about 600 students), as well as 282 schools in which learning takes place exclusively in Uzbek (80 thousand 803 students), 37 Kyrgyz schools (7 thousand 381 pupils) Turkmen and one school (34 students), and one school with the Tajik, Uzbek and Turkmen languages teaching (1 thousand 024 students).

According to the source, a school for diasporas are concentrated in places of their residence. Thus, schools with the Turkmen language schools are located in Jilikul area with Kyrgyz language - Jirgatal, Murghab, Kanibodom areas with Uzbek - in almost all regions, except in Rasht.

Education Ministry emphasized that there has been a declining trend in schools is not the Tajik-language schools, with the exception of schools with Russian language instruction, due to the fact that the representatives of the diasporas have come to prefer to send their children to first form in Tajik schools.

According to a source from the Ministry of Education is also confirmed by the director of the secondary school № 3, located in the town Somoniyon Rudaki district, which is 17 kilometers south of Dushanbe. According to the director, this is a mixed school, where instruction is in two languages - Tajik and Uzbek. However, every year reduced the number of Uzbek classes, because, she said, is parents prefer to send their children to classes is with the Tajik language instruction.

To date, according to the director of the school, from the first to the fourth grade has first grade with the Uzbek-language schools, and from the sixth to the ninth grade - two such classes. The school principal has confirmed that there is a lack of Uzbek school textbooks, mainly for physical sciences, as well as in language and literature. With regard to personnel, the shortage of teachers, according to her, this school is not observed.

The town is also located Somoniyon and operates the only Uzbek-language school number 2, whose director is an ethnic Tajik Nazri Sharipov. He explained that the training is conducted at the school in the Uzbek language, but in spite of this, all the documentation is prepared in the national language, as well as meetings and other activities are conducted in Tajik.

According to the director, the school has 1,000 students in first through 11th grades. Moreover, he said, the school no problems with the textbooks or the faculty. "The students

themselves are buying textbooks, and the Ministry of Education provides in part to our school textbooks," - he said in an interview.

In Tursunzade city, where most of the population are ethnic Uzbeks, as a decline in schools and classes with Uzbek language learning. According to some experts and teachers of secondary schools, the parents themselves prefer to send their children to school or to the Tajik-language schools, or to Russian.

According to Bobodzhanova Umeda, a representative of the Commissioner for Human Rights in Tursunzade city, now many families prefer to send their children to Tajik school, so they understand that the Uzbek language in the country has no future, and that their children will be difficult without the knowledge of the state language and live work in Tajikistan.

Director of secondary school № 78 Tursunzade city M. K, also reported that the school taught in two languages - Tajik and Uzbek. However, in recent years to reduce the number of classes with Uzbek language learning. Five years ago, Uzbek classes were 80 percent and 20 percent of Tajik, then today is the opposite.

"Today, in our school, 18 classes with the Uzbek language and 55 - with the Tajik language. Total number of students in our school is 1600. If last year we scored 16 first form class with the Uzbek language learning, this year we did not score any of the first form class ", - she said.

The school director also said that this year she had to take about 30 students from other Uzbek schools in remote villages Tursunzade region who wish to study in Tajik classes.

The cause of declining trend in schools and classes with the Uzbek-language schools, the director of the school also sees that the Uzbek families have begun to recognize the importance of the Tajik language. She believes that from the Tajik authorities side there is no pressure on the Uzbek community and the diaspora, and all that happens is a completely natural process.

Similar problems faced by ethnic Uzbeks in Khatlon province. In the course of the monitoring was revealed one of the problems, which is typical for all schools with Uzbek-language schools, located in this region - not enough textbooks.

December 17 in an interview with the radio "Ozodi" ("Freedom"), head of the Uzbek diaspora in Khatlon province Salimjon Shamsiddinov said that the Ministry of Education of Tajikistan does not allow to operate at least one class in the Uzbek school № 25 named Rumi district in Khatlon province. "Children of Uzbek families are unable to study in their native language," - he said. According to him, the same situation arose in the school № 59 in Jami district, where completely shut down the Uzbek class. Shamsiddinov sure that in many districts of Khatlon region, including in the Vakhsh and Dangara, local authorities restrict classes with Uzbek language learning. Schools Tajikistan trained 320,000 children from Uzbek families.

However, the Ministry of Education of Tajikistan considers unfounded criticism head of the Uzbek diaspora in Khatlon that in schools in the region have introduced restrictions on training in Uzbek. Shoev Mahmoud, head of the press service of the Ministry of Education said in an interview with radio Ozodi (Freedom) that the Tajik authorities "never will limit the number of classes, leading teaching in Uzbek." Shoev said that according to recent research of the Ministry of Education of Tajikistan, many parents of Uzbek families prefer to send their children to the Tajik classes. "In some schools, the number of children enrolled in the Uzbek language, is so reduced that it is necessary to close the classes." According to Shoev as having a certain number of students who wish to obtain a secondary education in Uzbek or Kyrgyz languages, these classes will be open again.

A school with Russian language instruction is also faced with many problems. In particular, the lack of human resources, as well as textbooks.

17-year-old ethnic Tatar Alfira student in grade 10 Russian school № 11 of Shurab city Sughd province. According to her, in their schools lack teachers of physics, mathematics, algebra, English, Tajik language, for this reason, lessons on these subjects simply are not held. Her mother, a teacher of mathematics, has to teach in their schools of the Russian language and literature. Alfira noted that almost all of the teachers who teach in Russian-language schools are ethnic Kyrgyz.

Director of the local boarding school ethnic Kyrgyz Maria Holbekova complains the same problem. This school does not have enough teachers for several subjects. She is concerned that in the near future, when the older generation of teachers retires, there will be nobody to teach and all are facing to close schools with Russian language instruction. According to her, it is now in the process of combining Kyrgyz and Russian classes in a Russian class, and a couple of years, it is possible that Kyrgyz and Russian will have to study in Tajik classes.

The city Istaravshan Sughd province operates one Russian-language school № 1, which also lack of teachers as the main composition migrated to Russia. With regard to the school textbooks in Russian, the particular problems of the school do not test because the Consulate General of the Russian Federation in the Sughd region periodically provides textbooks in Russian.

A group of parents whose children are studying in the school № 56 of the capital city of Dushanbe in classes with Russian language of instruction, addressed to the Editor weekly newspaper "Vecherka", expressing its grave concern at the fact that the management of the educational institution Russian classes asks students to transfer to other schools city. Thus justify its request that the school needs renovation and repair. Moreover, according to them, writes "Vecherka" (from 23.11.2012), transfer exclusively Russian classes, Tajik stay in the school. "Why this discrimination? That our children do not have the right to an education?" - They asked in despair.

Head of the city Department of Education Hamidullohon Fakerov, commenting on the situation, said that now at secondary school № 56, designed for one thousand people, has about three thousand students, learning takes place in three shifts.

- Children are returning home, almost night. In classes of more than 45 people, how can you get in this situation and give the normal knowledge?! Parents say they are afraid to transfer children to another school because of the distance range, but that of any other school of the question, we just translate the elementary school in another building, which is specially prepared for this, - he said.

Now, according to the school management, there is planned to construct a new building and renovation of the existing. In the meantime, will be carried out all this work, the Office of Education to offer an alternative. Transfer all primary schools in the empty shell of a kindergarten located in the same area. According to him, here, in the kindergarten building will be transferred to all primary school children in grades 1-4, with both Russian and Tajik (4 Russian class, 9 Tajik, a total of 500 children). "I think, do not put the emphasis on ethnicity in this matter is completely useless. We unload the existing school and is willing to expand it," - he said in an interview with "Vecherka".

Another issue that drew the attention of members of ethnic minorities and experts - ignorance by or poor command of the state language representative of ethnic minorities.

Recall that in 2009 on the initiative of the President of Tajikistan Parliament passed a new law "On the state language of the Republic of Tajikistan", according to which all citizens are required to know the state language, and public agencies should switch completely to the exclusive use of the state language. Training should also be in the Tajik language at foreign universities operating in the country, his teaching should be mandatory. For Tajik verbiage attached special legal status in cultural activities, scientific research and promotional activities. Also provides for liability for breach of the provisions of the new law¹⁰⁹.

The Act states that the country will create the conditions for free use and development of Badakhshan and Yagnobi languages and for learning Arabic writing and publication of literature in the language. On the Russian language, which has earlier status of interethnic communication, the law does not mention the least, and in fact, the use of the Russian language in official and, therefore, in the business sector is excluded, creating serious problems for minorities, most of whom not aware of the Tajik language¹¹⁰.

"There are a number of institutions, where courses are held in English, Chinese, Russian, and where you could get expert guidance to the study of the Tajik language? Tajik language teaching in schools with Russian language instruction, is low. For many years studying the language in school, then in high school, and the result - zero. Knowledge of the language in everyday life, everyday level does not guarantee a well-paying job. Float is another problem for the Russian-speaking population without knowledge of the state language is difficult to get a job in government. This is one of the reasons why the Russian-speaking population continues to leave our country in search of better life conditions,"- said the Chairman of the Coordination Council of Russian Compatriots Tajikistan Marina Kovtun.

According to head of the PO "Panorama" Tatiana Bozrikova, the country adopted a law "On the state language of the Republic of Tajikistan", amended in a number of other laws, the authorities are paying particular attention to the implementation of the state language in the paperwork, etc. "A lot of it is done by the state after the new law to deal with this problem? In my opinion, the holding of separate information campaign is necessary. To solve this problem you need to create a system of teaching the state language ", - said Bozrikova.

In her view, such a system of training should include: the development and adoption of the State Program for the Study of the state language at all levels, development of methods for teaching the state language as a foreign language, appropriate textbooks and reference books, training teachers for the teaching of the official language in schools non - Tajik language learning; division of classes into sub-groups in the study of the state language in schools with non - Tajik language training, etc.

December 8 at the Russian Centre of Science and Culture of the City of Dushanbe hosted a round table discussion on "Minorities: the problems of preserving their language and culture", organized by the Coordination Council of Russian Compatriots Tajikistan (CCRCT), with the support of the Russian Embassy in Tajikistan and Rossotrudnichestvo representative office in Tajikistan.

Head of the Representative of Rossotrudnichestvo in Tajikistan Vladislav Kurnushko emphasized the importance and priority of the work that is carried out of Rossotrudnichestvo in

¹⁰⁹ <http://www.postsoviet.ru/publications/2346/>

¹¹⁰ <http://www.postsoviet.ru/publications/2346/>

Tajikistan to support and preserve the Russian language in the first place under the federal program "Russian Language for 2011-2015" (holding the "Feast Russian Literature in Central Asia" in Kulob, Kurgan-Tube and Dushanbe retreat workshop for teachers of Russian national primary and basic schools on the teaching of the Russian language in a bilingual environment in Sughd Province).

All the reports sounded concerned about the lack of qualified teachers in Russianists in rural areas, lack of training hours devoted to the study of the Russian language in Tajikistan classes.

Taskhira Mirhaydarova said about the importance of the work carried out Sunday schools, the problems that arise in connection with the outflow of teachers - native speakers.

Access of national minorities to the media in their own language

The monitoring showed that not all the studied areas of the national minorities have access to media in their own language. For example, in the area Tursunzoda published weekly "Dieri Tursunzade", one of the page that - in Uzbek. In Rudaki published two newspapers - "Nasimi Ayom" and "Nuri Marifat", which also contain the individual pages in the Uzbek language. In Gissar district there is no newspaper published in Uzbek language or other national minorities. According to H. K, working postman in Gissar district, newspapers in the Uzbek language, basically, "Khalk Ovozi" and "Zamondosht" come out of the capital and distributed among the public by subscription. "For example, last year, for a newspaper "Halk Ovozi" signed 25, and the newspaper" Zamondosht "3 people. I do not know how to be the case in the new year. As for the newspapers that are published in Russian, then come to us almost all the newspapers from the capital, and for them demand there," - said the postman.

According to the representative of Uzbeks society in Tajikistan, recently was released Uzbek community newspaper "Haq suz" came only 6 issues. The newspaper is published twice a month by 17 pages in small editions. "There is a newspaper of the national level in the Uzbek language" Halk Ovozi ", and with the recent change of the chief editor, I think it will improve the quality of the newspaper, and to the problems of the Diaspora will be given more attention," - said in a Uzbeks society.

As for the electronic media, on public television and radio almost no any broadcast programs in the languages of national minorities.

However, this situation is not very upset ethnic minorities, particularly ethnic Uzbek, Russian, Turkmen and others, as the Tajik state television and radio are not very popular among the population. Most residents mounted parabolic antennas, with which, as a national minority and Tajiks have the opportunity to watch Russian, Uzbek, Turkmen and other channels.

Most of the Uzbek-language teachers Khatlon province complained that they are forced to subscribe to national newspapers, in particular, to the newspaper "Hulk Ovozi" in Uzbek language, but newspapers are delivered very rare. Teachers, ethnic Uzbeks, have expressed a desire to get at least in the Tajik language newspaper on time, but they come very late. In the study area there are almost no journalists writing in the Uzbek language, the problem of filling a page dedicated for the materials in the Uzbek language in regional newspapers, remains unresolved. The newspapers "Istiqlol" (Temurmaliq) and "Gulhani Vose" (Vose) all journalists - a Tajik.

In the district Shahrستان of Sughd province only newspaper "Chashmai Hayot" published, one of the pages which is published in the Uzbek language. According to residents

Shakhristan jamoats, Uzbeks do not have difficulties regarding access to information, as well as the main channel of TV Tajikistan "Shabakai Awwal" broadcasts news in Uzbek.

The representative of the Russian Cultural Centre in Khujand Sughd province T. Andreeva said that earlier in the TV broadcasting transmission went out on national minorities in Russian on a regular basis, and this transmission raised the most pressing issues related to national minorities. Unfortunately, this initiative does not become permanent.

In Istaravshan city Sughd province published three papers that have applications in the Uzbek language - "Payomi Istaravshan", "Korvoni Umed", "Haqiqati Sugd".

Recommendations:

1. Create equal conditions and opportunities for effective participation of national minorities in state administration;
2. Develop a national education program on access to education for minorities;
3. Develop and adopt a national program for learning the official language at all levels of the education system, but rather the development of methodologies for teaching the state language, appropriate textbooks and other literature, the training for the teaching of the Tajik language in schools and universities of instruction with non-Tajik language, etc.
4. Extend airtime for programs and broadcasts in minority languages on state radio and television.

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