HUKUKSHINOSON
PUBLIC ORGANIZATION

# MINORITY RIGHTS IN TAJIKISTAN

CSO Coalition “Civic Solidarity and Cooperation”

UPR Info Pre-sessions

# CSO Coalition «Civic Solidarity and Cooperation»

Tajikistan Civil Society Organisation Coalition 'Civic Solidarity and Cooperation' was established to:

- promote the implementation of state policy regarding ethnic, religious and linguistic minorities, persons with disabilities, survivors of gender-based violence and other vulnerable groups;
- ensure respect for their rights
- exercise civic oversight over Tajikistan's fulfilment of its international obligations, with a view to improving the social situation of vulnerable groups and protecting their interests.

# Situation in Tajikistan – Minority Rights

- Tajikistan is home to more than 80 nationalities and ethnic groups
  - Majority ethnic group: Tajiks – 85%
  - Minorities: Uzbeks, Kyrgyz, Russians, Roma/Jughi/Mugat, Pamiri, Yaghnobi
  - All have distinct cultures, languages and religions

# Recommendations – 3rd Cycle

- Only two recommendations regarding minority rights received in previous cycle:
  - Adopt a comprehensive legislative framework to prohibit all forms of discrimination and repeal policies or provisions that promote stigmatization or segregation, especially against ethnic and religious minorities and against lesbian, gay, bisexual, transgender and intersex persons (Mexico)
  - Redouble its efforts to ensure the equitable political representation and participation of ethnic minorities (Timor Leste)

# Issues regarding minority rights

- ISSUE 1: Structural challenges
- ISSUE 2: Access to public services
- ISSUE 3: Access to justice

# ISSUE 1: Structural challenges

- The Constitution guarantees specific rights to minorities:
  - Right to freely use native language
  - Equality of all regardless of nationality, race, language or religion
  - These don’t always translate into practice
- 2022 Law ‘On Equality and the Elimination of All Forms of Discrimination’
  - CERD notes that Article 1 of the law doesn’t include indirect discrimination in the definition of discrimination
  - Not a single instance of application of the law for protection of minorities
  - Mechanisms for applying this law in practice have not yet been established
- Principles of non-discrimination enshrined in the Civil, Labour, Criminal, Family and Procedural Codes of RT

# ISSUE 1: Structural challenges

- Roma or Jughi community face prevalent and structural discrimination
  - No separate statistics on minorities by labor and employment agencies
  - 1,329 children out of estimated population of 12,000 Roma are in school
  - Issues when transitioning from primary to secondary and seeking higher and vocational education
- Pamiri minority rights protected by Constitutional Law of the Republic of Tajikistan on the Gorno-Badakhshan Autonomous Region - application of the law remains a challenge

# ISSUE 1: Structural challenges

- CRPD remains unratified
  - 2020 National Plan for ratification
  - Adoption crucial for the Deaf community who use sign language as a linguistic minority

# ISSUE 1: Recommendations

1. Amend the 2022 Anti-Discrimination Law to explicitly integrate indirect discrimination in the definition of discrimination, and expedite the establishment of its implementation mechanism.
2. Ensure the effective realization of the Constitutional Law on the Gorno-Badakhshan Autonomous Region and its guarantees for Pamiri minority rights.
3. Develop a specific plan of action or strategy to protect Roma/Jughi against discrimination and stigmatization and to promote their human rights, in close consultation with community representatives and minority rights defenders
4. Speed up the ratification process of the UN Convention on the Rights of Persons with Disabilities, with a view to formally recognising sign language as a minority language and providing legal safeguards for the deaf and hard-of-hearing community

# ISSUE 2: Access to public services

- Knowledge of the official (Tajik) language a mandatory requirement for employment as a civil servant – contradicts Article 27 of the Constitution
- Lack of free and accessible Tajik language courses for adult members of ethnic minorities
- Lack of dedicated ombudsman for minority rights
- Lack of quotas in public bodies

# ISSUE 2: Recommendations

5. Develop and launch a state programme offering free and accessible Tajik language courses for adult members of national minorities, thereby ensuring they have equal opportunities for career progression and integration.
6. Create a mandate of independent ombudsman on minority rights with adequate resources
7. Ensure a more equal representation of persons belonging to minorities, particularly women belonging to ethnic minorities, within public institutions and in elected bodies at the national and local levels.
8. Expand the use of minority languages in areas where they are spoken by significant numbers of people (in public services, healthcare and the media), including sign language.

# ISSUE 3: Access to justice

- National Strategy for the Protection of Human Rights for the period until 2038
  - Action Plan Paragraph 66 – information on legal aid centers in minority languages
- The right to a free professional court interpreter is implemented only in name, not in practice
- Court judgements, minutes and official documents are issued exclusively in Tajik
- Article 5 of the Law ‘On Legal Aid’ provides for equal access to primary and secondary legal aid but no mention of the linguistic accessibility of such services.

# ISSUE 3: Recommendations

9. Establish a single register of certified court interpreters (including sign language interpreters) and ensure guaranteed state funding for the services of professional interpreters in all types of legal proceedings.
10. Amend the Law ‘On Legal Aid’ to introduce an explicit requirement to provide primary and secondary legal aid in minority languages.