THE SITUATION REGARDING MINORITY RIGHTS IN TAJIKISTAN – SLIDE 1

SLIDE 2

This statement has been prepared by the Tajikistan Civil Society Organisation Coalition 'Civic Solidarity and Cooperation', which 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; to ensure respect for their rights; and to 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.

Consultations were conducted with coalition members and partners in the development of the submission, and several coalition members participated in the consultations on Tajikistan's state report.

This statement will examine a number of issues faced by minorities in Tajikistan.

SLIDE 3

The Republic of Tajikistan is a multi-ethnic country in which, according to the latest Population and Housing Census of 2020, more than 80 nationalities and ethnic groups reside. The largest ethnic group is the Tajiks – making up for over 85 per cent of the total population – and minorities include the Uzbeks, the Kyrgyz, the Russians, the Roma/Jughi/Mugat, as well as the Pamiri and the Yaghnobi peoples, all speaking distinct languages and having distinct cultures.

SLIDE 4

During the last UPR review, in 2021, only two recommendations, from Mexico and from Timor-Leste, addressed the challenges faced by minorities. We call on states to pay greater attention to the situation of minorities in Tajikistan, that constitute around 15% of the population and face particular challenges that must be addressed.

SLIDE 5

We will address three points today. First, we will raise structural challenges in terms of protection of minority rights in Tajikistan. We will then look at discrimination in terms of access to public services, with a particular focus on language barriers. To finish with, we will then raise the issue of access to justice and legal aid for minorities.

SLIDE 6

ISSUE 1: First, let's start with **structural challenges**.

The Constitution of Tajikistan contains a number of provisions on human rights that have special significance for minorities, including constitutional guarantees of the right for all ethnic communities to freely use their native language, and equality of all before the law regardless of nationality, race, language or religion. However, these provisions do not necessarily translate into realities in law and practice.

Most importantly, on 19 July 2022, the Law of the Republic of Tajikistan 'On Equality and the Elimination of All Forms of Discrimination' was adopted, which stipulates that the state is obliged to guarantee protection against the infringement of rights and to implement programmes to eliminate all forms of discrimination.

However, the UN Committee on the Elimination of Racial Discrimination noted with concern that the definition of discrimination in Article 1 of the law does not encompass indirect discrimination, as it requires that the discriminatory action be intended to harm or impair the recognition, enjoyment or exercise of human rights. Since the adoption of this law, there has not been a single instance in which this law has been applied for protection of minorities. Furthermore, the mechanisms for applying this law in practice have not yet been established.

Finally, the principles of non-discrimination are enshrined in the Civil, Labour, Criminal, Family and Procedural Codes of the Republic of Tajikistan.

SLIDE 7

Discrimination against certain minorities, and in particular the Roma or Jughi community, remains prevalent and structural, including in terms of access to high-quality education, health and social services, as reflected in the Concluding Observations from the CERD in 2023. CERD also noted that, at present, there is no separate statistical report on ethnic minorities regarding the services provided by labour and employment agencies. Regarding education, in line with official figures, some 1,329 children out of a population of 12,000 Roma attend school, which is an extremely low proportion. In general, the community experiences problems when accessing education, for instance when transitioning from primary to secondary school as well as when seeking vocational and higher education, according to a CERD alternative report by ADC Memorial.

Pamiri minority's rights are protected in law by the Constitutional Law of the Republic of Tajikistan on the Gorno-Badakhshan Autonomous Region; however, in practice, the application of the law remains a serious challenge and a matter of concern, as noted by the UN Committee on the Elimination of Racial Discrimination in 2023.

SLIDE 8

Lastly, we must also stress that Tajikistan has not yet ratified the Convention on the Rights of Persons with Disabilities, even though a National Plan to prepare for ratification was adopted back in 2020. The adoption of this Convention is crucial for the deaf and hard-of-hearing community, who use sign language as a linguistic minority, in order to remove barriers to accessing public services.

SLIDE 9

We call on states to make the following recommendations to address these structural issues:

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

SLIDE 10

ISSUE 2: Secondly, let's turn to discrimination in terms of access to public services for minorities.

- Although Article 27 of the Constitution guarantees citizens the right to be employed in public services, in practice access to the public services and the judicial system is restricted by language requirements. The Law 'On the Civil Service' and the Law 'On the Courts' make knowledge of the official (Tajik) language a mandatory requirement for employment as a civil servant.
- The state has not established a free and accessible system of Tajik language courses for adult members of ethnic minorities, which creates a discriminatory barrier to their career progression and integration.
- The country lacks an independent ombudsman for minority rights, and a quota system in public bodies to address the unequal representation of ethnic minorities, particularly women belonging to ethnic minorities, within public institutions and in elected bodies at the national and local levels.

SLIDE 11

We call on states to make the following recommendations to address the issue of discrimination in access to public services:

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.

SLIDE 12

ISSUE 3: Lastly, we want to say a few words about **access to justice for persons belonging to minorities**.

A National Strategy for the protection of human rights has been adopted for the period until 2038. An Action Plan was adopted, which provides, in paragraph 66, for information on legal aid centres in minority languages, in order to help minorities have access to justice.

In practice minorities face several challenges when accessing justice and legal aid:

- In the courts, the right to a free professional interpreter is implemented only in name. Technical staff or lawyers often act as informal interpreters.
- Court judgements, minutes and official documents are issued exclusively in Tajik. Court websites do not publish judgements in Russian or any other languages.
- Article 5 of the Law 'On Legal Aid' provides for equal access to primary and secondary legal aid; however, the law makes no mention whatsoever of the linguistic accessibility of such services,

SLIDE 13

We call on states to make the following recommendations to address the issue of access to justice for minorities:

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.