

UNIVERSAL PERIODIC REVIEW
2010-2015
REPORT №2 SOCIAL AND ECONOMIC RIGHTS

This report was drafted by the Coalition of associations of Tajikistan with the support of the FIDH (International Federation for Human rights). Coalition consists of 12 organisations of civil society. Reports of international and public organisations, mass media sources and national legislation were used.

Bureau on Human Rights and Rule of Law
League of women with disabilities “Ishtirok”
Independent Center of the Protection of Human Rights
Society of persons with disabilities “Imkoniyat”
Coalition of public associations “From legal equality to actual equality”
Public Fund “Your choice”
Public organisation “Association of parents of children with disabilities”
PF “Public health and human rights”
Rights and prosperity
Union of consumers
Tajik alliance of family planning
Human Rights Center

I. WOMEN’S RIGHTS

1. National legislation does not establish mandatory use of gender expertise in the elaboration of draft laws, strategies and programme documents. This results in the adoption of laws and programmes which do not respond to current challenges in the field of gender discrimination. The Committee on women’s and family affairs established a gender network on mainstreaming of gender in the activities of ministries and agencies of the RT. However, gender groups work on a voluntary basis, but they are not involved in the development of sectoral strategies and gender expertise of newly adopted strategies and action plans. Besides, gender groups have not been established in all ministries.

2. The National strategy on advancement of the role of women for 2011 – 2020 was adopted, but the strategy does not include indicators of achievement, which substantially hinders monitoring of its implementation. There is lack of gender budgeting and targeted funding from the national budget for implementation of adopted programmes and action plans.

3. Poor gender sensitiveness is observed among civil servants working in various spheres. In the civil servants training institution special courses on gender problems are conducted, however, they are not part of mandatory training curricula of programme of improvement of qualification of civil servants. Limited number of civil servants going through improvement of qualification. As a rule, senior managers of the ministries don't attend these special courses.

4. The Labour Code does not establish any difference in benefits for women and men combining work with studies. Due to the persistent sharp asymmetry in domestic work

between women and men this approach of formal equality established by the Labour Code results in conditions for indirect discrimination against women both in the field of labour and education.

5. The use of the “propiska” system (mandatory registration of place of residence) is a barrier for children, women, wives of migrant workers, abandoned women, widows and divorced women, single mothers, women internal migrants in accessing adequate free education and quality health care assistance.

6. Temporary measures to accelerate achievement of equal representation of women are rarely applied. A definition “temporary special measures” is not included in the Law “On State guarantees of equality between women and men”.

7. In 2013 the Law “On prevention of family violence” was adopted. Family violence remains a prevalent phenomenon in Tajikistan. Number of suicides among women increased by 4% from 2012 to 2013 and reached 300 in 2013¹. Many of these cases are linked with family violence. Comprehensive statistical data on number of victims of family violence doesn't exist.

8. Article 21 of the Law “On prevention of family violence” establishes conditions for the issuance of protection order for victims of family violence for a period of 15 days (which can be extended for up to 30 days). However, the Law does not stipulate information on the procedure for issuing protection orders and does not specify how this order is issued, which body issues this order, during which period it should be issued etc. Protection orders do not require the offender to leave the place of family residence and specifies requirements which cannot be enforced without further monitoring, for instance, prohibition to consume alcohol and narcotics. There is no monitoring of families where violence has been committed and a protection order issued. There is no monitoring of effectiveness of protection orders and their impact on the situation of victims.

9. Family (domestic) violence is not criminalised under the Criminal Code. Family violence is defined as an administrative offence. Article 93 of the Code of administrative offences establishes responsibility for violation of legislation on the prevention of family violence as well as violation of protection orders. Legal proceedings for family violence must be initiated by private prosecution. This means that victims are responsible for the collection of evidence, payment of forensic experts and legal representation in court.

10. National legislation doesn't define or criminalise harassment.

Recommendations

11. Conduct permanent monitoring and evaluation of adopted gender strategies and programmes. Ensure implementation of article 19 of the Law “On state guarantees of equality of women and men and equal opportunities of its implementation” on annual drafting of an analytical report on findings of monitoring of implementation of the Law and disseminate these reports widely in mass media.

12. Allocate targeted funding from national budget for implementation of the National action plan on implementation of the National Strategy on advancement of the role of women in the RT for 2015 – 2020 and the State programme on prevention of family

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<http://www.avesta.tj/security/22893-v-tadzhikistane-otmechen-rost-samoubiystv-sredi-zhenschin.html>

violence for 2015-2020. Introduce gender budgeting in the system of development and execution of the annual national budget of the RT.

13. Abolish the system of registration of the place of residence (“propiska”).

14. Introduce a definition of “temporary special measures” into the Law “On state guarantees of equality of women and men” and ensure effective implementation of such measures.

15. Amend the Law “On prevention of family violence” to define and widen responsibility for violations, ensure issuance of protection orders by court; establish criteria for monitoring of measures for prevention of family violence and include detailed provisions on establishment of a referral mechanism for victims of family violence. Assign responsible executive body for implementation of this Law.

16. Criminalise family violence by means of introduction to the Criminal Code of a provision establishing criminal responsibility for family violence which takes into account dependence relations between victim and abuser. Introduce amendments to the Code on Criminal Procedure to stipulate that cases of family violence must be brought by public prosecution and victims of family violence should be provided by free legal aid (including legal representation) on mandatory basis and other amendments related to issuance of protection orders.

17. Develop and introduce mechanism for implementation of the Law “On prevention of family violence”.

18. Draft and adopt Resolution of Plenum of the Supreme Court of the RT on cases related to violence against women and children taking into account recommendations of the UN CEDAW.

19. Adopt legal regulations on forced eviction in cases of family violence that will stipulate judicial procedures respecting property rights of citizens for housing. Provide for the legal possibility to evict a partner who uses the violence from common housing.

20. Encourage the sharing of family responsibilities between women and men through the elimination of stereotypes and traditional attitudes that discriminate against women; and strengthen efforts to eliminate structural inequalities and occupational segregation and to adopt measures to narrow and close the pay gap between women and men.

II. RIGHTS OF THE CHILD

21. In the republic there no laws and regulations stipulating procedure of transfer of children to foster families. According to UNICEF, only 3% of children in orphanages are full orphan, about 2/3 of children are placed there for economic reasons, only 30% of them were adopted. None of children received foster care or guardianship, because these mechanisms don't function. Contact of children with families and community is restricted, orphanages don't facilitate establishment of contacts of children with families and social integration.

22. Institutionalisation is a main form of support of families. In 2013, 6270 children stayed in boarding schools and 2811 children in boarding schools for children with disabilities and only 3-4% of these children were full orphans. Despite the ongoing reforms number of children in boarding schools for 2012–2013 increased for 5% in Tajikistan. Children deprived of parental care “temporarily” placed to orphanages and boarding schools. In practice, these children stay in boarding schools and orphanages for years, but they are so-called “social orphans” with undetermined status.

23. Article 122 of the Family Code establishes a list of children left without guardianship of parents in need of special care. "Illness of parents" is one of the grounds of recognising that child is left without guardianship of parents, thus degree and severity of illness are not specified. "Long-term absence" of parents is also a ground for recognition of lack of parental guardianship, but the duration of absence is not precised.

24. Child labour is used widely in various spheres. In regions of the country 176000 children or 10-12% of total number of underage of 12 to 14 years are involved in various forms of labour. According to annual report of the International Labour Organisation for 2012, up-to date only 7% of cotton is collected with use of child labour. The Law of the RT "On protection of rights of a child" adopted in 2015 doesn't establish prohibition of forced labour, but establish a prohibition of engagement of children to hard, underground works or harmful conditions of work.

Recommendations:

25. Develop alternative kinds of upbringing (custodial family, foster family, guidance) instead of placement of children to institutions.

26. Place orphans and children left without guardianship of parents to state institutions only as a last resort. Define duration of temporary placement of children to orphanages and boarding schools. Upon expiration of this term guardianship authorities should undertake measures on alternative upbringing of children including through arrangement of adoption of these children. Introduce amendments to national legislation prohibiting placement of children who have one of the parents or children from poor families to boarding schools. Adopt programme of social /economic support to vulnerable families.

27. In article 122 of the Family Code establishing list of children left without parents' guardianship delete paragraphs "illness of parents", "long-term absence", "and in other cases of absence of parental guardianship" and introduce amendments specifying cases when it is recognised that child is left without parental guardianship.

28. Fight with worst forms of child labour, abolish its practice including work in cotton fields.

III. RIGHT TO ADEQUATE HOUSING AND ACCESS TO WATER

29. Official policy of development of social housing doesn't exist in RT. There is no programme of subsidising purchase of housing depending of level of income. There is lack of respective strategy on housing issues for vulnerable groups like: families with low income, with many children, single mothers with small children, minorities, persons with disabilities, elderly people, refugees.

30. During 2008–2012 2316 cases on forced evictions and displacements were submitted to courts. Protection of rights through courts is complicated and expensive. State bodies conduct campaigns informing citizens on planned reconstructions and urban constructions. This is not enough.

31. Official data to assess number of homeless doesn't exist. National legislation doesn't define homelessness and "homeless person". There are no specialised shelters or social centers for homeless persons.

32. Housing Code adopted in 1997 is outdated. In 2012 working group was established. It consisted from members of Parliament, representatives of government and civil society to draft new Housing Code in Tajikistan. It was not yet adopted.

33. More than half of the population, 51, 4%, don't have access to drinking water. For drinking and household needs water from dangerous sources (water from ponds, rivers, channels and other unsafe sources) is used. Currently, coverage by services of water supply and sanitation is limited, especially in rural areas. Situation can't be improved without resolving problems of sustainability.²

Recommendations:

34. Ensure access to information about general plans of urban construction and encourage participation of public in their development.

35. Develop national social housing policy for the most vulnerable groups of population as a priority and on the basis of principles of equality and non-discrimination; increase state allocations for construction of subsidised housing; conduct review of legislation and policy to ensure wider access to mortgage credit lending for low income families taking into account their restricted opportunities for repayment of credit; develop and regularly update existing indicators disaggregated by sex, age, health status (disability), place of residence (city, village) and ethnic origin in order for unprotected and marginalised persons and groups have access to adequate housing.

36. Maintain and update statistical data on homeless through holding sociological research and census of housing fund. Introduce definition "homeless person" to national legislation. Establish special shelters / social centers for homeless.

37. Ensure access of population to drinking water. Consider transferring of local systems of water supply to rural residents and their associations for their use.

38. Adopt new Housing code establishing exercise of right to adequate housing.

IV. RIGHT TO HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH

39. In 2008 the Law "On health insurance" was adopted. System of mandatory health insurance does not function in the country. According to the Law, mandatory health insurance paid by national budget covers: unemployed pensioners and persons with disabilities; unemployed registered in bodies of employment of population; children until they reach 16 years of age (pupils of general schools until they end education) and number of other persons, but in practice provisions of this Law are not enforced.

40. Funding of mental health isn't sufficient and doesn't increase. Only hospital treatment is used.

41. In 2011 strategy and policy on mental health for 2012 – 2015 was drafted. Strategy was submitted to the Ministry of health, but wasn't yet adopted. Unified, clear and detailed plan in the field of protection of mental health doesn't exist.

42. Court proceeding on forced placement to psychiatric institution is based on controversial legislation. Decision on forced hospitalisation of persons is usually made by one doctor, mostly by doctor on-duty. In many cases doctors makes decision on

hospitalisation and don't submit report to court as they act in accordance with instruction of 2001 that contradicts to the Law "On psychiatric care" (2002).

43. Level of awareness of population about rights of patients is very low.

Recommendations:

44. Establish mechanism of enforcement of the Law "On health insurance".

45. Substantially increase funding for mental health care, specifically, for services related to protection of mental health. Conduct modernization of services of protection of mental health care taking into account obligations taken by the state in direction of decreasing of role of hospitals.

46. Adopt Strategy on mental health and clear and detailed Plan of policy and strategic approach in the field of protection of mental health.

47. Amend of Law "On Psychiatric care", specifically, elaborate provisions on possibility of direct effect of the law. Bring regulations that are applied in mental health care institutions in compliance with the Law "On Psychiatric health".

48. Develop mechanism of regular independent control of all cases of forced hospitalization and treatment of patients in mental health clinics.

49. Conduct awareness-raising campaigns on rights of patients.

V. RIGHT TO EDUCATION AND ACCESS TO IT

50. There is acute shortage of teachers in the country. According to the Ministry of education of Tajikistan, in 2015 system of education lacked 3715 teachers. 466 teachers are missing only in Dushanbe. 3,5 – 4 thousand people annually leave from education system annually for various reasons (change of qualification, low wages, migration).

51. There are serious problems related to lack of access to preschool educational institutions and low levels of graduation among girls. As a result, more than 90% of children do not have access to preschool education and 20% of girls leave schools without completing full course of basic education (9 grade).

52. Only 48% of national minorities speak state language. There is low level of qualification of teachers of state language; methodology of teaching of non-native language is poorly used in organisation of education, textbooks and methodological manuals; lack of system of training of teachers of state language for schools with non-Tajik language of instruction. There is acute shortage of textbooks in native languages in classes with Uzbek, Turkmen and Kyrgyz languages of instruction. Classes with non-Tajik language of instruction are reduced.

Recommendations:

53. Increase access and quality of education, especially, in rural areas, improve training of human resources in colleagues, higher teachers' training institutions and universities of country. Take special temporary measures such as benefits, housing and so on to make this profession attractive.

54. Develop programmes on involvement of all children to preschool education, especially in rural areas. Amend the legislation of the RT on mandatory preschool education. Provide more opportunities to private sector to establish preschool educational institutions and provide them with tax benefits.

55. Use complex approach in resolving problems of attendance focusing on special integration of children with disabilities, children left by migrant workers, children in conflict with law; children working and living in streets and children in rural districts.

56. Establish structural unit in the system of the Ministry of education of the RT on development of teaching and methodological package for schools with Russian, Uzbek, Kyrgyz and Turkmen languages of instruction.

57. Adopt long-term plan on publication of educational curricula, textbooks, training and methodological and visual manuals for schools with Russian, Uzbek, Kyrgyz and Turkmen languages of instruction.

VI. RIGHTS OF PERSONS WITH DISABILITIES

58. In April 2015 human resource assistant to the president of the RT submitted a ruling № 15 adopted on 9 April 2015 to the State Agency of social insurance and pensions under the Government of the RT prescribing to dismiss from work pensioners, soldiers and disabled receiving pensions within three days. Cases of forcing persons with disabilities to resign voluntarily as well as dismissal of persons with disabilities in view of their restricted capacities were documented. In several cases persons with disabilities gave up their disability status to secure jobs. This ruling is discriminatory and results in increased levels of unemployment among persons with disabilities.

59. One of the key problems of persons with disabilities is their restricted access to social infrastructure. Buildings and public transportation are generally not adapted to needs of disabled persons.

60. Women with disabilities and mothers of children with disabilities don't have equal access to health care. Situation in rural areas is particularly complicated. Polyclinics, hospitals have lots of architectural barriers. Gynecological rooms are not accessible, there is lack of accessible equipment for check-up of women on wheelchairs or on crutches. Reproductive health programmes (including awareness raising campaigns) don't cover women and girls with disabilities.

61. In June 2013 in order to implement National Concept of inclusive education of children with disabilities for 2011-2015 new Law of the RT "On education" was adopted. For the first time it included definition of inclusive education and established guarantees of education and upbringing of children with disabilities in state educational institutions at the expense of state budget. Schools for provision of inclusive education are located only in big cities. At the same time, situation with access of children with disabilities to education in regions of the country is particularly difficult. Level of legal literacy of parents of children with disabilities also impacts dropout of such children from education process. Lack of methodological manuals, programmes for teachers on work with this group of children results in lack of quality education of children with disabilities as they require individual approach. Teachers don't have knowledge about working with children with special needs.

62. Article 22 of the Law of the Republic of Tajikistan "On education" regulating special education mentions that special classes should be opened for children with physical and mental disabilities who are not capable of studying in educational institutions of general education. This educational process takes place in special educational institutions, it hinders opportunity of children with disabilities to exercise right to "life and upbringing in the family" in accordance with article 12 of the National

Concept of Inclusive education, because it results to institutionalization of children with disabilities.

63. Quota for admission of persons with disabilities to work constitutes not less than 5% of total number of workers in the organisations, where total number of workers is above 20 people. This provision of law is not enforced due to lack of effective mechanism of its implementation. Number of persons with disabilities employed using quota system remains minimal.

Recommendations:

64. Sign and ratify the Convention on rights of persons with disabilities.

65. Abolish ruling on dismissal of pensioners, soldiers and persons with disabilities and take measures to reinstate citizens in rights violated by this ruling.

66. Develop state programme on barrier-free environment or establishment of accessibility for persons with disabilities. Bring officials to administrative responsibility for failure to comply with instructions of state bodies on architecture and urban construction on ensuring accessibility of building for persons with disabilities.

67. Adopt new criteria of defining disability in accordance with international standards (taking into account International classification of functioning) and exclude criteria of working capacity in defining disability.

68. Include girls and women with disabilities to adopted state programmes aimed at advancement of role of women including to educational programmes, reproductive health programmes, preventions of STDs and HIV/AIDS.

69. Provide parents of children with disabilities with psychological, methodological and counseling support to render care, upbringing and rehabilitation of children with disabilities.

70. Establish accessible environment and conditions in preschool institutions, schools, universities and other educational institutions to ensure access of children and persons with disabilities to education.

71. Develop separate programme on encouragement of employment among persons with disabilities.

72. Include to the national legislation of the RT provisions on direct prohibition of discrimination on the ground of disability *inter alia* in the field of labour relations.

73. Include to the legislation of the RT provisions on reasonable adaptation of working place to needs of persons with disabilities.

74. Conduct regular monitoring of implementation of quota for jobs and conditions of work for persons with disabilities among employers.

75. Maintain statistics of unemployment among persons with disabilities in need of employment and employed persons with disabilities disaggregated by years, sex, types of work.

76. De-institutionalise special institutions in day-care centers, where children will develop intellectually and physically.

77. Reform system of training of teachers and educational workers on provision of education to children with physical and mental disabilities.

78. Ensure practical implementation of the Concept of inclusive education of children with disabilities.

VII. RIGHTS OF MIGRANT WORKERS

79. The volume of remittances sent back to the RT has declined significantly over the 6 months of 2015 compared to the same period of 2014. Migrants earned, in general, 40-50% less in USD. Net inflow of remittances from Russia to Tajikistan in the first quarter of 2015 totalled USD 364 million. Over the same period in 2014 individuals transferred USD 648 million from Russia to Tajikistan. In 2014, the Russian Federation toughened the migration regime, introducing new requirements of knowledge of the language, laws and regulations of residence in Russian Federation by foreign nationals. 313,000 citizens of Tajikistan were denied entry to the Russian Federation as of July 2015³ and more than 400,000 workers from Tajikistan are “at risk” of being refused entry on the basis of not having complied with migration regulations.⁴ Overall, according to estimations of the Federal Migration Service of the Russian Federation, the number of Tajik migrants in Russia decreased by 15% and is estimated at 1 million people.⁵

80. The Government made some efforts to create new jobs in the country to reduce external labor migration. In general the new jobs are not attractive due to low wages.

81. Measures for reintegration and employment of returned migrant workers or migrants denied entry to Russia are inadequate. The strategy on labor migration of Tajik citizens abroad for 2011-2015 (hereinafter, Strategy) establishes a mechanism for reintegration of returned migrants in the country's economy. In 2012 several centers on social/professional reintegration of returned migrant workers were established. They did not function due to lack of funding and qualified staff.

82. Findings of the mid-term monitoring and evaluation of implementation of the Strategy demonstrate that out of 24 main paragraphs and 34 sub-paragraphs of the Action Plan, only 3 paragraphs (including sub-paragraphs) were fully implemented, 9 paragraphs (including sub-paragraphs) were not. 12 paragraphs (including sub-paragraphs) have been partially implemented. Core activities of the Strategy that should have established an effective system of management of labour migration abroad were not implemented.⁶

83. In 2015 a new law “On Labour Migration” is expected to be adopted. Article 8 and 15 of this draft law include provisions that risks violating the right to freedom of movement. Part 5 of article 8 of the draft law provides that the authorities of the state

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Speech of the Minister of labour, migration and employment of population S. Tagozoda at a press-conference in Dushanbe on 16.07.2015. Source: <http://rus.ozodi.org/content/article/27130383.html> , last visit on 27.08.15

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According to information from the head of representation of the Federal migration service of RF in the RT, V. Markevich, in the informational database of RF all Tajik nationals who entered RF are mentioned. Those who did not go through migration registration or violated established migration rules risk being banned from future entry to RF. Source: <http://news.tj/ru/news/migratsiya-vo-vsekh-podrobnostyakh>, last visit on 27.08.15

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According to data of FMS of the RT, 999,000 Tajik migrants, (of which 840,000 men), have officially registered their residence in RF. Source: <http://news.tj/ru/news/fms-rf-v-rossii-nakhoditsya-okolo-1-mln-tadzhikskikh-grazhdan-infografika>. Last visit on 27.08.15

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“Report on findings of midterm monitoring and evaluation of implementation of National Strategy of labour migration of nationals of the Republic of Tajikistan abroad for the period of 2011-2015”, PA Human Rights Center, 2015.

body in the field of external policy include issuance of labour visa to national of Tajikistan. Part 2 of article 15 of the draft law specifies that it is a duty of a national of the RT prior to travel for labour migration to register with a competent body in the field of migration and receive “referral” (rohhat) from this body. At the same time, the issuance of a labour visa and the receipt of a referral don't guarantee preparation of migrants for labour migration and further employment. The draft law establishes only two articles governing labour migration of foreign nationals and stateless persons to the RT concerning only the procedure of employment and quotas. The draft law doesn't establish any provision guaranteeing the rights of foreign nationals and stateless persons coming to the RT for work.

84. Access of civil society to participate in current processes of regulation of labour migration has considerably deteriorated since 2013. The public council under the Migration Service established earlier, hasn't functioned for the past 3 years. Civil society has restricted access to discussions on the draft law on labour migration and draft of the Migration policy of the RT for 2016-2020.

Recommendations:

85. In order to reduce of the needs to migrate for labour and create conditions for employment of returned/deported migrant workers, adopt urgent measures on establishment of favourable conditions for development of small and medium business in Tajikistan, e.g. by means of reduction of the administrative and tax burden.

86. Urgently develop a mechanism of reintegration of returned migrant workers and ensure their access to existing services on reintegration in accordance with the Strategy.

87. Conduct a comprehensive study on assessment of direct and indirect contribution of migrant workers to the economy of the country. Based on this data develop strategies and programmes on support of migrant workers.

88. Conduct analysis of the Law “On Labour migration” and based on findings of analysis introduce respective amendments in accordance with obligations of the RT under the International Convention on protection of rights of all migrant workers and members of their families (1990.). Ensure implementation of all recommendations of the UN Committee on the Rights of Migrant Workers issued to Tajikistan in 2012.

89. Renew work of Public Council of Labour Migration abroad under the Migration service.

90. Include representatives of civil society in the working group on development of new programme document on labour migration for 2016-2020.

VIII. RIGHTS OF REFUGEE

91. About 2,000 refugees are registered in the Republic of Tajikistan. They are recognised by the state in accordance with the procedure established by law, as coming under the Convention on the Status of Refugees, ratified by the RT. There are 148 asylum seekers, 320 UNHCR mandate refugees and 79 persons hold a UNHCR protection letter. More than 80% of them are nationals of Afghanistan.

92. Rejection of an application for asylum by the Permanent Commission for the establishment of refugee status, under the Ministry of Interior of the RT, can be subject to court appeal in the framework of special proceedings that are governed by the Chapter 24 of the Code of Civil Procedure (hearing of appeals, actions (failure to act) of bodies of

state power, local self-government bodies, public officials and civil servants). There is a tendency by courts to dismiss applications from asylum seekers and refugees. In making decisions judges do not always duly assess provisions of substantive law taking into account circumstances of the case.

93. The UNHCR budget is insufficient to cover the needs of all refugees, only the most vulnerable and indigent. One-time assistance to an indigent person is 300 somoni per family. The monthly allowance for the most low income families is 232 somoni per head of the family, 198 somoni for maintenance of unemployed members of families. This assistance only lasts from 3 to 6 months.

94. The Law guarantees refugees the right to receipt of financial and other kinds of assistance in accordance with procedures established by the Government of Tajikistan. However, currently, the mechanism of provision of financial and other assistance is not developed and assistance from the state is not provided. Representation of UNHCR provides this kind of assistance on a permanent basis. Danish Refugee Council provides these services on occasional basis.

95. Resolution of the Government of the RT № 325 adopted in 2000 revised by the Resolution of the Government of Tajikistan № 328 adopted in 2004 was not repealed. It restricts right of refugees to reside in many areas of Tajikistan including its capital – Dushanbe, and second biggest city Khudjand as well as the majority of cross-border districts in the county.

Recommendations:

96. Develop a programme of integration of refugees indicating sources of funding to ensure social/ economic rights are guaranteed according to international standards under national legislation. Establish a possibility for refugees for vocational training to ensure their access to job market in Tajikistan and develop training curricula for teaching Tajik language and writing (including Cyrillic script) to refugees.

97. Repeal the Resolution of the Government № 325 adopted in 2000 revised by the Resolution of the Government № 328 adopted in 2004 as it restricts right of refugees for selection of place of residence.

IX. RIGHTS OF STATELESS PERSONS

98. The Government of the RT established an interagency working group that drafted legal acts on granting amnesty and further legalization of legal status of persons with irregular status in the RT. At the time of writing, these documents are at the stage of concurrent review by other competent bodies of the state.

99. According to the UNCHR, 42,000 persons at risk of statelessness reside in the RT. Official statistics demonstrate that 603 stateless persons are permitted to reside in the Republic of Tajikistan. These persons are officially registered as stateless persons by state institutions.

100. Most of identified persons live on an amount below 240 Somoni per month per member of the family. One of the reasons they are unable to receive identity documents is the lack of possibility to pay state duty of USD 10 and fines of 40 to 80 Somoni for untimely receipt of documents. Persons residing illegally in the RT for 20-25 years do not

apply for identity documents due to likelihood of application of administrative expulsion and fine.

101. Due to the lack of documents, stateless persons are unable to access permanent jobs. The main income they receive is through seasonal labour which is insufficient to cover the basic needs of families.

102. Lack of identity documents among parents is a main factor in the lack of birth certificates, national passports among their children.

103. So called cross-border wives are mainly nationals of Uzbekistan and Kyrgyzstan married to nationals of the RT prior to the collapse of USSR. The only identity document they have is a passport of 1974 (national of USSR) issued in Uzbekistan. This constitutes in practice an obstacle to receipt of Tajik nationality as the USSR passport should have had indication of nationality of Tajikistan.

Recommendations:

104. The Government of the RT should adopt legislation on regularisation and amnesty of persons at risk of statelessness (stateless persons and foreign nationals (nationals of former USSR) for their further integration to local community.

105. Assess extent of statelessness disaggregated by sex, ethnicity, status in country of residence, marital status through nationwide campaign with participation of NGOs.

106. Develop a procedure of documentation of these persons, inter alia use simplified procedure of review of requests of these persons about their permanent residence in Tajikistan.

107. Reduce payment for receipt of permanent residence in the RT for persons who live in conditions of extreme poverty, i.e. for 240 Somoni per month per member of the family.

108. Assist in awareness-raising and free legal aid for stateless persons and persons at risk of statelessness through projects, especially in rural districts.

109. Ratify the UN Convention 1954 “On Status of Stateless” and UN Convention 1961 “On Reduction of statelessness”.

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