

# Tajikistan: Joint Coalition NGO submission to the United Nations Committee on Economic, Social and Cultural Rights ahead of the 72nd Session

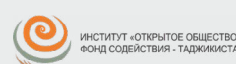
**Right to work - Right to social security - Right to adequate housing and shelter - Right to health - Right to education**

**29 AUGUST 2022**

**Joint NGO submission: Notabene, International Partnership for Human Rights, Association of Parents of Disabled Children, Human Rights Center, Independent Center for Human Rights Protection, NGO World of Law**

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## Introduction

This submission provides information on the observance of economic and social rights in Tajikistan since the Committee on Economic, Social and Cultural Rights last reviewed Tajikistan in 2015. It focuses on **Articles 6, 7, 9, 11, 12, 13 and 14** of the Covenant.

This submission was jointly prepared by the following NGOs: Notabene, International Partnership for Human Rights, Association of Parents of Disabled Children, Human Rights Center, Independent Center for Human Rights Protection, NGO World of Law

The Public Foundation Notabene coordinated the preparation of the submission and compiled the input of the participating organisations and experts and International Partnership for Human Rights provided assistance with finalising the report as part of an EU joint project with Notabene.

### COVID-19: DETRIMENTAL EFFECT ON TAJIKISTAN'S SOCIAL AND ECONOMIC DEVELOPMENT

Despite some progress, the **social and economic wellbeing of the population severely deteriorated following the outbreak of COVID-19 in 2020**. Due to border closures and travel restrictions the number of Tajikistani labour migrants actively working fell from 89 per cent in February to 25 per cent in April 2020.<sup>1</sup> This had a negative effect on the majority of households in Tajikistan. In 2020, the World Food Program estimated that 47 per cent of Tajikistanis were living on under USD 1.33 per day, with a third of the population suffering malnutrition.<sup>2</sup> Lower public investment, reduced remittances, and weak foreign investments had a detrimental effect on Tajikistan's social and economic development in 2020 and 2021. A Presidential Order "Concerning the prevention of the impact of COVID-19 on the socio-economic spheres of the Republic of Tajikistan" was issued in June 2020 outlining measures to support vulnerable groups of the population.

### CORRUPTION

Ongoing **corruption at most levels of government poses major obstacles to citizens' access to social and economic rights** in the country. In 2022, Transparency International ranked Tajikistan 150th out of 180 countries in the fight against corruption.<sup>3</sup> Tajikistan's State Agency for Combating Corruption estimated the state loss due to corruption at 467 million Tajikistani Somoni (TJS, USD 41.5 million) in 2021,<sup>4</sup> claiming that corruption is particularly widespread in banks, government agencies, education and science sectors, health care and social protection.

Corruption amongst government officials is punishable by law, with the Ministry of Internal Affairs, the Anti-Corruption Agency and the Prosecutor General's Office responsible for investigating and prosecuting officials suspected of corrupt practices. Although a few lower-ranking officials have been put on trial for taking bribes, the law is not consistently enforced. Nepotism and regional hiring bias at all levels of government pose obstacles to both the development of the country and equitable access to social and economic rights.

## The right to work (Article 6,7)

### ARREARS IN THE PAYMENT OF WAGES

One of the most serious problems pertaining to workers' rights in Tajikistan during the reporting period is arrears and outstanding payments of wages. Even President Rahmon expressed concerns about the **late**

1 <https://thedocs.worldbank.org/en/doc/31daefc06ca29a9b91bb734fd5991828-0080062021/original/Listening2Tajikistan-COVID19-Update4-en.pdf>

2 <https://www.wfp.org/countries/tajikistan>

3 <https://www.transparency.org/en/countries/tajikistan>

4 <https://tj.sputniknews.ru/20211209/korruptsiya-tajikistan-statistika-2021-1044046760.html>

**payment of salaries to workers in various industries** during a meeting with representatives of the Federation of Independent Trade Unions of Tajikistan on 24 October 2019.

According to the Agency for Statistics of Tajikistan, until January 2022, the wage arrears of enterprises amounted to TJS 36.6 million (about USD 3.2 million). Compared to 2021 this is a slight positive development when the salary arrears amounted to TJS 48.2 million (USD 4.3 million), and compared to 2020, when the total amount of salary arrears amounted to more than TJS 65.1 million (USD 6.3 million). According to the Statistical Agency under the President of Tajikistan from the beginning of 2020, wage arrears amounted to more than 29.7 million, or 45.6% of the total amount of debt.

The **greatest indebtedness persists in the material production sectors**. The largest amount of debt is in the mining sector (TJS 14.6 million), followed by the manufacturing industry (approx. TJS 6.6 million) and construction sector (TJS 5 million).

Workers in the education and health sectors lost their salaries of TJS 984 000 and TJS 324 000, respectively.

According to the Interstate Statistical Committee of the CIS, the average monthly salary in Tajikistan by the end of 2021 was TJS 1812 or USD 160, and the minimum - TJS 400 or USD 35. These figures show that many people live below the poverty line and that the debt problem affects tens of thousands of people.

## UNEMPLOYMENT AND THE SHADOW MARKET

**Unemployment and poverty have been major problems since Tajikistan's independence.**

As of May 2022, more than 55 800 unemployed persons were officially registered in the country. Experts criticised the data of the State Committee on Unemployment in Tajikistan which - in their view - does not reflect the real situation. Hundreds of thousands of Tajikistani residents are not registered as unemployed, for at least two reasons: Because of the cumbersome and lengthy bureaucratic registering process with social security agencies, which require a huge amount of documents and certificates, and because of their legal illiteracy.

Experts estimate that **unemployment in Tajikistan increased during the pandemic**. The situation on the labour market was exacerbated by the authorities' lack of preparedness to respond to the challenges presented by the coronavirus pandemic, which they initially denied in the country; then, after recognizing it, they proclaimed the total eradication of COVID-19 in Tajikistan.

Due to these circumstances, the shadow economy is flourishing, especially for handicrafts and services, known as "mardikor-bozor," (the market of handymen and women) that exists across the country.

Every day hundreds of mardikors gather at the bazars in the cities. These people are hired for any kind of work for little money without labour contracts/services; each worker sets his or her own rates. Many mardikars report that they are often cheated and paid less than promised or sometimes not paid at all. Thus, there is a high risk of labour exploitation and forced labour.

Women in the informal economy constitute a particularly vulnerable group, exposed to sexual assault in addition to labour rights violations.<sup>5</sup>

## DISCRIMINATION AT WORK

The **Labour Code** contains a closed list of **grounds for discrimination**, which **does not include important categories such as health or gender identity** and others. In addition, the Labour Code contains special provisions aimed at protecting certain persons on account of their age, disability or gender and family

<sup>5</sup> See also <https://www.youtube.com/watch?v=go2NoECm9s8>

responsibilities. This legal protection is often the reason for refusal of employment for categories of workers such as persons with disabilities, minors, pregnant women and others.

Independent Tajikistani labour rights activists concluded that the **legislator places an additional burden on employers to fulfil certain social guarantees for certain categories of workers, but does not oblige the state to assist employers in fulfilling these obligations**. In other words, the state does not create incentives for employers to employ persons with disabilities, women-single parents, and other marginalised and vulnerable groups of citizens.

For information on sexual harassment of women in the workplace and discrimination of PLHIV in the labour market, refer to the Joint NGO submission on *Non-discrimination and vulnerable groups (women, LGBT people, persons with disabilities, persons living with HIV, homeless and stateless people)*.

With the adoption of the new Labour Code in 2016, some of the provisions for protecting the labour rights of citizens in the case of illegal dismissal or illegal transfer to another job have worsened. The new Labour Code specifies a one-month period for an employee to appeal to the court if he or she believes that he or she has been illegally dismissed. But at the same time, there can be circumstances when the employee may miss this term for various valid reasons. The previous Labour Code (from 1994) gave the court the right to restore the missed term, however, in the new Labour Code such a provision is absent resulting in diminished protection of labour rights.

## The right to social security (Article 9)

The procedure for calculating social benefits relating to sick leave and maternity leave is based on the average wage<sup>6</sup> and only applies to employees. Self-employed people do not participate in the social security system and receive no benefits in case of disability, pregnancy, childbirth or temporary inability to work.

### WOMEN

At present, Tajikistan is in the process of **creating a new unified system of pension provision**, which will consist of **insurance pension** provision and **state pension** provision. It is envisaged that the amount of the pension will depend not only on the number of years of work and a person's earnings over the last five years, but also on the amount of insurance contributions that will be paid by both citizens and their employers. According to the law, the basic part of the pension (minimum) is set and determined in proportion to the established minimum subsistence level of the pensioner. However, since the size of the basket has not yet been determined, there is no living wage. It should be noted that the average pension in Tajikistan is TJS 318 (USD 31,47). The minimum retirement pension is TJS 187 (USD 18,51).<sup>7</sup>

There is a **risk** that the transition to the new pension system will **widen the gender pensions gap** and lead to a worsening of the position of women. Given the low level of employment of women in the country, women are disadvantaged in terms of "saving" a decent pension. In addition, the introduction of a new contribution policy may reduce the role of redistributive elements in the pension system.<sup>8</sup>

For further information on the discrimination of women in Tajikistan, refer to the Joint NGO submission on *Non-discrimination and vulnerable groups (women, LGBT people, persons with disabilities, persons living with HIV, homeless and stateless people)*.

6 Approved by Government Decree № 313 of 1 July 2007.

7 <https://tj.sputniknews.ru/20211223/tajikistan-razmer-pensiya-1044345938.html>

8 Legislation and policy of Tajikistan in the sphere of social protection of the population: A gender analysis. Dushanbe 2012.

Another problematic area is the availability of accessible and qualified free legal aid, especially to the **vulnerable and poor** segment of the population.<sup>9</sup> Although a State Legal Aid Centre has been established under the Ministry of Justice as the main responsible agency and a law “On Legal Aid” was adopted in July 2020, the law **does not stipulate** that legal aid, both primary (legal advice) and secondary (counsel at the investigation stage and in court), **will be provided at the expense of the State** and the law **does not provide for clear procedures** for the participation of public associations in State tenders for the provision of such services. While the provision of the primary legal aid (legal advice) is available to all population, the secondary legal aid (counsel at the investigation stage and in court) is ensured only for the **beneficiaries of the Targeted Social Assistance (TSA)**, which creates **obstacles** accessing legal assistance for the population<sup>10</sup>. First of all, obtaining the status of a recipient of targeted social assistance has a **long, unclear, complicated and at times corrupted procedure**. The determination of who is poor is made by **Jamoat** (local community) heads, and it’s widely reported that they do this on the basis of **personal connections and bribes**. Secondly, the law “On targeted social assistance” connects the criteria of this status with the degree of education of the head of the family, while not defining who is the head of the family. And thirdly, the Law of the Republic of Tajikistan “On Legal Aid” imposes the obligation to find out the social status of a person for a barrister/state lawyer, which is unjustified from the point of view of the effectiveness of the provision of legal aid and its accessibility.

## CHILDREN WITH DISABILITIES AND THEIR PARENTS

**Parents of children with disabilities receive no financial benefits and are therefore often in a difficult financial situation.** They are also not entitled to any tax breaks. When parents of a child with a disability go to work, they are not entitled to the assistance of a social worker, and have to hire a caregiver for their child at their own expense.

Parents of children with disabilities who are employed are entitled to take **one day off per month**, paid for out of state social insurance funds. **In addition**, the Labour Code gives parents of children with disabilities the right to **14 days of leave per year at their own expense**.

The Labour Code prohibits the termination of employment with regard to parents of children with disabilities. However, this provision applies only to permanent contracts.

**Persons with disabilities** who are unable to work are entitled to minimum **pensions**, which are **significantly lower than the minimum wage**. If the minimum wage is TJS 600<sup>11</sup> (approx. USD 59), the pension for disabled persons is TJS 283 (approx. USD 26).<sup>12</sup>

For further information on the discrimination of persons with disabilities in Tajikistan, refer to the Joint NGO submission on *Non-discrimination and vulnerable groups (women, LGBT people, persons with disabilities, persons living with HIV, homeless and stateless people)*.

## The right to adequate housing and shelter (Article 11)

On 18 March 2022, President Rahmon signed the **new Housing Code**, which will come into force on 1 September 2022. The Code regulates the purchase of housing, its use, communal services, maintenance and state registration of housing and aims to develop the sector.<sup>13</sup>

9 Information is provided by the Tajik Network on Rule of Law and Access to Justice, Coordinated by the Human Rights Center.

10 Siniša Milatović and Nigina Bakhrieva, SALAC Vision Report 2021. UNPD 2022.

11 <https://wageindicator.org/salary/minimum-wage/minimum-wages-news/2022/minimum-wage-updated-in-tajikistan-from-01-july-2022-august-20-2022>

12 <https://rus.ozodi.org/a/30922864.html>

13 <https://ichrptj.org/ru/blog/prezident-tadzhikistana-podpisal-zhilishchnyy-kodeks>

Tajikistan is making some efforts to implement the norms of international law into its national legislation which foresees the possibility of protecting the right to adequate housing in pre-trial and judicial procedures and guarantees of housing rights in cases of eviction: it is necessary to obtain consent from the owner in the event of eviction and provide housing of equal value. Owners have a right to appeal if they disagree with the authorities' eviction decision.

However, **in practice, the right to adequate housing has frequently been violated during the reporting period.** Legal procedures have not been followed when determining the seizure of land for state and public use, when establishing the amount of compensation or when communicating and notifying about evictions. There is also a lack of effective protection measures for vulnerable persons, as well as for persons whose rights have been violated in evictions.

In 2010, the Government adopted a Concept of Housing Reform and Communal Services in the Republic of Tajikistan for 2010-2025. The adoption of this document led to a construction boom throughout the country, with extensive land seizures and demolition of low-rise residential buildings (two to four floors) as well as private houses.

## **FORCED EVICTIONS**

The UN Committee on Economic, Social and Cultural Rights defines forced eviction as “the permanent or temporary removal of individuals, families and/or communities against their will from their housing and/or land without access to adequate legal or other protection.”

Evictions must take place legally, only in exceptional circumstances and in full respect for the relevant provisions of the international human rights and humanitarian law. Under international human rights law, evictions may be carried out only as a last resort, once all other feasible alternatives have been explored in genuine consultation with the people affected. Evictions cannot be carried out until appropriate procedural and legal safeguards are in place. Those legal requirements include, inter alia, genuine consultations with those at risk of eviction, reasonable notice, making all plans transparent and informing all those affected, as well as providing alternative housing and compensation and access to legal support.

National legislation does not provide a definition for “forced evictions”, however, it guarantees the inviolability of the home at the constitutional level. The commonly used references to justify expropriations and evictions are for “public interest”, “common good”, “public good”, “public benefit”, “state interests”, “national interests”, “general welfare”, or “serving the public good”. However, in order to invoke such arguments, evictions have to meet certain conditions, e.g. according to international human rights standards, evictions should not result in homelessness or leave people in a state of danger to life or health. Stable alternative accommodation must be provided prior to any eviction. Evictions should not be carried out in bad weather.

The **newly adopted Housing Code only includes one article** (Article 22) **that protects the rights of citizens in case of demolition (eviction) and several indirect articles concerning issues of compensation** in case of demolition (or eviction from the dwelling). It is still lacking precise and human rights conform regulations on how such evictions should be carried out. The previous Housing Code did not even provide for alternative accommodation and also lacked procedural regulations according to international standards. There was also no provision to cover the costs of moving belongings to another place and there was no state support and protection system for such persons.

The authors of this report monitored many cases where these and other conditions were not met:

### **Lack of genuine consultation with affected persons about alternatives**

According to the Land Code, land can only be confiscated in exceptional circumstances for state and public use and in the absence of other siting options. However, decisions to demolish dwellings on land confiscated

for public use in most cases do not list the conditions justifying such occupation. **Decisions are often taken without the participation and consultation of the persons concerned**, in this case with the inhabitants and owners of the dwellings on the land to be confiscated. There is no justification for the lack of alternatives and no assessment of the impact of such actions on property owners.

## State obligations are not fulfilled prior to eviction

Human rights lawyers dealing with victims of forced evictions are **not aware of any public hearings that have been or are being held on decisions pertaining to land seizure and demolition**. Alternatives are not considered with affected individuals and/or communities. No impact assessments are carried out. Information on evictions is often provided in an unreasonably short time, not all evictions are attended by public authorities, evictions are carried out during bad weather, without the consent of the occupants. If persons at risk of eviction seek legal assistance they have to cover the costs themselves.

## Unreasonable notice periods

By law, owners of housing due to be demolished must be notified six months in advance of the impending demolition. In practice, however, **construction companies**, while in the process of implementing the Resolutions of the City and District Chairmen, **in most cases give owners three months or less notice of demolition**. Such deadlines are considered unreasonable, as they are insufficient to take measures to protect the rights of tenants. Such deadlines limit the access to effective remedies.

For example, in 2017, 50 Dushanbe residents were left homeless. The demolition notice was given three days before the demolition, the tenants were not provided with rental accommodation and compensation. Demolition began without a prior agreement on the terms of compensation and the terms of demolition.<sup>14</sup>

The notices that tenants receive typically only include the reasons for the impending demolition and the requirement to provide copies of title documents for the property. The notices of impending demolition contain no evidence of the lack of **reasonable alternatives, no chronology of events or compensation, no information on what measures will be taken to minimize the negative consequences of eviction** in the absence of alternatives, and no information on the procedure for filing a complaint.

Copies of land expropriation decisions made on the basis of town planning plans are not always given to evicted persons. NGO monitoring conducted in four regions of the country in 2019 showed that approximately 40 per cent (out of 245 respondents) explained that they did not receive a copy of the decision to seize land for public needs. In the city of Dushanbe, 33 of the 50 tenants interviewed said that they had not been approached by any of the State bodies, they had not received a copy of the decision to confiscate land, and they had not been given any reasons for the demolition. In each district or city, the procedure for informing about eviction is different.

## Impact of evictions on women and children

In Tajikistan, women, children and persons with disabilities typically suffer the worst consequences from evictions. The short notice prior to demolition and the start of demolition before all tenants have been evicted create many psychological, housing and financial problems. Many tenants who face eviction are women and children; many are single parents, divorcees or their husbands are abroad for labour migration. Representatives of developers are mostly men and women often find it difficult to talk to them.

In several cases, the homeowners had only a few hours left, at best, to collect personal belongings, valuables and temporarily relocate or live in inadequate housing.

14 Ни компенсации, ни квартир: в Душанбе десятки семей останутся без крыши над головой. <https://rus.ozodi.org/a/28858069.html>



In 2020, Salima Kurbonova refused to sign a contract to compensate her for the demolition of her home, as she did not agree with the amount of compensation. The developer proceeded with the eviction regardless of her disagreement. Kurbonova stayed in her apartment until she was taken to the police department. Her child was reportedly injured while Kurbonova was at the police station as representatives of the local authorities started taking down the roof of the apartment and parts of the walls.

## Inadequate compensation

The assessment to determine the market value of an apartment is always initiated by the construction company, which will carry out the demolition without the participation of the owner. The legislation does not require construction companies or a public authority to inform the owner about the evaluation. This means that the results of the assessment are not provided to the owner, but to the construction company.

**The amount of compensation is only disclosed to the owner in response to his/her request for information after the decision on eviction has already been taken.** Such estimates only cover the value of the living space.

There are no independent valuation companies in Tajikistan to whom owners could turn, so if the developer has already applied to a government valuation company, then residents have no alternative but to go to court.<sup>15</sup> If the case comes to court, the court, at the request of the parties or on the owner's initiative, orders forensic construction and technical expertise, on the evaluation of the real estate. However, in many cases owners do not lodge complaints with the courts.

## Homelessness as a consequence of eviction

In 2016, the court expelled 140 residents from a dormitory in Dushanbe owned by the construction company LLC Dushanbesohtmon, who had lived there from 10 to 30 years. No alternative accommodation was offered to them by the court.<sup>16</sup>

**Residents of dormitories** are in a particularly vulnerable position. Because they are not homeowners, they **do not receive any compensation during eviction.**

During the pandemic, no comprehensive programmes or regulations have been adopted in Tajikistan to protect the right to adequate housing. Evictions were not suspended during the pandemic.

## The right to health (Article 12)

Tajikistan was hit hard by the COVID-19 pandemic. According to official information, there were 17 786 confirmed cases of COVID-19 with a total of 125 deaths in 2020, 2021 and up to 23 August 2022.<sup>17</sup> However, for several weeks **at the onset of the pandemic the authorities denied that the virus had spread to Tajikistan** although medical doctors and independent media outlets reported deaths from COVID-like symptoms. Even after the authorities confirmed the first cases on 30 April 2020, they strongly **discouraged independent media reporting about the pandemic** and the number of officially confirmed deaths has been consistently lower than civil society estimates. Especially at the beginning but also during the pandemic, there were also allegations that authorities put pressure on medical doctors not to talk about cases of suspected coronavirus infection.

These obstacles to access to information, together with the suppression of freedom of expression in connection with reporting on COVID-19, created a heightened **climate of fear among journalists and**

15 There are two State owned valuation companies, "Narkhguzori" and "Bakhodhi", and in exceptional cases, owners apply for an assessment to the State Republican Centre of Forensic Expertise and Criminalistics under the Ministry of Justice of Tajikistan.

16 <https://ichrptj.org/ru/blog/vyseleniya-ne-dolzheny-privodit-k-bezdomnosti-pravozashchitniki-podgotovili-doklad-o-pdzh-v>

17 <https://covid19.who.int/region/euro/country/tj>

**health workers**, making it very difficult to assess the true extent of the pandemic.<sup>18</sup> Up until May 2021, the **authorities maintained that no further COVID-19 cases were reported** since the President declared Tajikistan's victory over the infection on 26 January 2021. However, independent media reported that hospitals across the country are treating COVID-19 patients, with doctors being forced not to identify them as such. Laboratories in the country reportedly therefore only issue negative tests. It was not until late June 2021 that the Ministry of Health admitted that there were new cases of COVID-19, and three weeks later, on 12 July 2021, the government's Coronavirus taskforce announced a total of 13 834 infections and 103 deaths.<sup>19</sup>

## REPORTING ABOUT COVID-19 DISCOURAGED

On 4 July 2020, President Rahmon signed into law amendments to the **Code of Administrative Offences** that impose fines and criminal penalties on individuals who **disseminate "inaccurate" information about COVID-19, spread infectious diseases, or fail to wear protective masks in public**. Prior to the amendments, the **Ministry of Health had complained publicly about independent, factual reporting on COVID-19 in the country**, claiming that such reporting mischaracterized the situation and would lead to panic. Human rights defenders, media watchdogs and civil society organizations protested against the new law, arguing that it would undermine freedom of expression and critical media coverage of the COVID-19 pandemic.

Following passage of the law, news sites began reporting less frequently on suspected deaths from COVID-19. An independent website that maintained an unofficial list of COVID-19 deaths based on reporting from surviving family members stopped posting regular updates, allegedly because families had become concerned about government reprisals for sharing such information. When COVID-19-like illnesses were officially reported as pneumonia by authorities, local news outlets typically refrained from questioning the diagnosis.

## INSUFFICIENT ACCESS TO HEALTH CARE

The **pandemic revealed and exacerbated systemic and structural deficiencies** in the health system that had a particularly severe impact on the most vulnerable segments of the population. During the peak of the pandemic many people were unable to access medical care.<sup>20</sup>

Tajikistan **lacks a sufficient number of medical facilities** to serve the 9.5 million population and those that do exist are in poor shape. Moreover, the country has seen a significant deterioration in the number and quality of its health professionals over the last two decades. The **difficult working conditions and the excessively low salaries of doctors and nurses** discourage young people from entering into the medical profession, fuel pervasive corruption, and provide incentives for doctors to emigrate. Of all the states of the former Soviet Union, Tajikistan invests the least in health, only USD 55 per capita, an amount essentially equivalent to that in Afghanistan.<sup>21</sup>

The number of doctors per capita has declined since the 1990s. Today, with only *170 physicians per 100 000* people, Tajikistan has one of the lowest ratios of doctors to citizens in Central Asia or Europe<sup>22</sup>. It has

18 For further information about media freedom during the pandemic, refer to the joint IPHR/Article 19 report The price of silence vs. the cost of speaking out Media freedom in Tajikistan, issued in July 2020: <https://www.iphronline.org/wp-content/uploads/2020/07/ENG-Media-Report-TJ.pdf>

19 For further information about the health system in Tajikistan and its shortcomings, refer to the IPHR report The Alarming State of the Healthcare System in Tajikistan, issued in July 2020: <https://www.iphronline.org/wp-content/uploads/2020/07/final-report-on-medical-infrastructure.pdf>

20 See the report The Alarming State of the Healthcare System in Tajikistan (Sebastien Peyrouse for IPHR), July 2020: <https://www.iphronline.org/new-report-the-alarming-state-of-the-healthcare-system-in-tajikistan.html>

21 <https://data.worldbank.org/indicator/SH.XPD.CHEX.PC.CD?view=map>

22 [https://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0007/308833/HiT-Tajikistan.pdf?ua=1&fbclid=IwAR3hKxZ31p928csjM9LU4cOiQdDCxByoXsgNmHHQ3gyIVP70ajWGhOk81P8](https://www.euro.who.int/__data/assets/pdf_file/0007/308833/HiT-Tajikistan.pdf?ua=1&fbclid=IwAR3hKxZ31p928csjM9LU4cOiQdDCxByoXsgNmHHQ3gyIVP70ajWGhOk81P8)

approximately **444 nurses per 100 000 people**, a figure far lower than that in other CIS States. Additionally, most doctors work in the capital, Dushanbe, while the provinces and rural areas in particular suffer a serious shortage of health professionals, including administrative staff.

The overwhelming majority of medical facilities were built between the 1930s and late 1970s and have deteriorated significantly since the collapse of the Soviet Union. There has been a lack of funds to modernise the old structures or build new ones. **Many medical facilities have outdated or dysfunctional equipment, lack basic medicines or even a satisfactory supply of electricity, water, and heating, as well as a sewage system.**

**Access to medical facilities** can be **difficult**, especially in remote or mountainous areas. Many Tajikistanis live far away from medical centres. This isolation is compounded by a faulty road system made worse in some areas by harsh winter climatic conditions, and an inadequate public transport system with poor connections to cities. In emergency situations like the ongoing COVID-19 pandemic, the lack of easily accessible hospitals is particularly critical.

According to the Tajikistan Economic Update 2021 that was issued by the World Bank, since the beginning of the pandemic 30 per cent of households per month reported that at least one member needed in-person medical treatment.<sup>23</sup> However, a large share reported that they were unsuccessful in accessing treatment. In July 2021, when COVID numbers were high in Tajikistan, only 76 per cent of respondents said that they were able to access treatment, rising to 78 per cent in August.<sup>24</sup>

Health workers and caregivers had a heightened risk of being infected and dying from coronavirus infection. At the beginning of the pandemic some doctors in remote areas of Tajikistan reported that they lacked hygienic and personal protective equipment and often had to examine patients without protective gear. Their salaries did not allow them to buy sufficient disposable protective equipment.

On 1 May 2020, President Rahmon pledged to double salaries for health workers over a three-month period.<sup>25</sup> According to World Bank information, about 14 percent of poorer households reported receiving new financial or in-kind support from the government aimed at easing the effects of the pandemic, at least once.<sup>26</sup>

## VACCINATION

Tajikistan is one of 92 countries eligible to receive donor-funded vaccines under the COVAX Advance Market Commitment mechanism (AmC) of the Global Alliance for Vaccines and Immunisation. COVAX has committed to fully subsidise vaccines for 20 percent of the population prioritised in the National Deployment and vaccination Plan (NDVP).<sup>27</sup>

On 8 March 2021, Tajikistan received the first 192 000 doses of the Oxford/AstraZeneca vaccine through COVAX. The national vaccination program was launched on 23 March 2021. As of 23 August 2022, a total of 14 192 444 vaccine doses had been administered.

23 <https://documents1.worldbank.org/curated/en/532641628870881778/pdf/Tajikistan-Rebounding-Economy-Challenges-Remain.pdf>

24 <https://www.worldbank.org/en/country/tajikistan/brief/listening2tajikistan>

25 <https://asiaplustj.info/en/news/tajikistan/power/20200505/employees-of-tajikistans-financial-sector-called-to-volunteer-their-one-month-salary-to-support-medical-workers>

26 <https://www.worldbank.org/en/country/tajikistan/brief/listening2tajikistan>

27 <https://www.flandersinvestmentandtrade.com/export/nieuws/corona-virus-situation-tajikistan> The international community has donated dozens of millions of dollars to help Tajikistan combat the Covid pandemic, with the EU alone providing at least 52.2 million EUR (57 million USD for Covid support through partners such as the World Health Organization; UNICEF and the German Development Agency GIZ. Millions of dollars' worth of other emergency support has come, in either money, logistical guidance or in-kind aid, such as PPE, thermometers and even food, from the World Bank, the United States, China, Russia, Kazakhstan, Uzbekistan, Switzerland, and the Asian Development Bank.

## The right to education (Articles 13 and 14)

**Corruption in the Ministry of Education was systemic in the reporting period.** In February 2020, Tajikistan's Anti-Corruption Agency, reported that most cases of corruption were discovered in the Ministry of Health and Social Protection (135 cases), followed by the Ministry of Education and Science (122 cases).<sup>28</sup> According to the Anti-Corruption Agency, there were 85 registered corruption cases in the education sector during the first six months of the year, but it is believed that most cases are not registered and investigated.<sup>29</sup>

Prospective students were reportedly required to pay thousands of Tajikistani Somoni in **bribes to enter the country's most prestigious universities**, and **provincial colleges** reportedly demanded several hundred Somoni for entrance. Students reportedly often paid additional **bribes to receive good examination grades**.

The authors of this submission are concerned that **peaceful, pious Muslims are vulnerable to getting caught up in the authorities' fight against religious extremism and terrorism**. For example, the government requires all persons studying religion abroad to **register with the Committee on Religious Affairs (CRA), the Ministry of Education and the Ministry of Foreign Affairs**. Domestic legislation provides criminal penalties for violating restrictions on sending citizens abroad for religious education, preaching and teaching religious doctrines, and establishing ties with religious groups abroad without CRA consent.

In February 2018, the Ministry of Education issued a regulation requiring **all students and academic staff to request government permission before any educational or work travel abroad**. The Regulation requires students who wish to travel abroad for educational purposes to provide detailed personal information about close relatives but does not specify consequences for noncompliance. Civil society organisations requested the Ministry to exclude the data requirement, stating that it violates legislation on personal data protection, but the Ministry has not yet responded.

## Suggested recommendations to the authorities of Tajikistan

### THE RIGHT TO WORK

- Take primary measures to reduce and further prevent wage arrears
- Ratify ILO Convention 190 on the Elimination of Violence and Harassment at Work
- Ratify ILO Convention 158 on termination of employment relations
- Introduce the concept of sexual harassment in the sphere of labor in the legislation of Tajikistan and criminalize all types of sexual harassment
- Provide legally and practically effective legal remedies for direct and indirect discrimination in labor relations
- Create incentives for employers for hiring people with disabilities, people with HIV, women, especially pregnant women and women raising their children alone, as well as people combining school and work
- Development of an anti-crisis programme for job creation in the context of COVID-19
- Creation of tax breaks for small and medium-sized businesses
- To study the phenomenon of labour markets (mardikars), including those of women, and to offer alternatives for training and employment

### THE RIGHT TO SOCIAL SECURITY

- Improve legislation on free legal aid in accordance with international standards of the right to a fair trial.
- It is necessary to develop quality standards for the provision of free legal aid and adopt them at the legislative level.

28 <https://www.occrp.org/ru/daily/11616-2020-02-14-13-23-35%C2%A0/>

29 <https://tj.usembassy.gov/wp-content/uploads/sites/143/TAJIKISTAN-2019-HUMAN-RIGHTS-REPORT-RUS.pdf>

- Develop a clear and transparent system of payment for the services of lawyers in all categories of cases related to the provision of legal protection in free cases.
- Revise the law “On Legal Aid” so that legal aid, both primary (legal advice) and secondary (counsel at the investigation stage and in court), will be provided at the expense of the State to vulnerable groups, and that public associations can participate in State tenders for the provision of such services.

## **THE RIGHT TO ADEQUATE HOUSING AND SHELTER**

- Ensure that any eviction must be subject to a judicial decision and must be carried out with full respect for the physical integrity and dignity of the persons evicted. Under no circumstances should the authorities start demolishing or dismantling buildings that still contain residents.
- The State has to fulfil its obligation to provide fair and adequate compensation, which includes all losses from evictions. Fair and adequate compensation for all damages should include the loss of personal, real and other property or things, including the right to or interest in such property, as well as the material and social losses of those evicted. Compensation should be provided for any damage in accordance with the established procedure and in proportion to the gravity of the violation and the circumstances of each case, including for death or injury; for physical or mental harm; for missed opportunities, particularly in the areas of employment, education and social benefits; for property damage and loss of profit, including loss of earning opportunities; for moral damage; for the costs of legal or expert assistance, medicines and medical care, as well as psychological and social services.
- At the legislative and practical level, ensure that information on legal remedies, compensation in demolition notices is included. Such information should be provided in a timely manner.
- Remove from the law the obligation of homeowners to pay the State fee in court proceedings for the demolition of houses on the basis of the implementation of the Master Plans, and the seizure of plots of land for public or State needs.
- At the legislative level and in practice, provide alternative accommodation to those who have been evicted and do not have the means to purchase or rent other housing to prevent homelessness.
- Include in a separate chapter the norms providing for the protection and guarantee of the housing rights of children and minors, women and persons with disabilities, including their rights in cases of forced eviction and resettlement.
- Ensure transparency and timely access to master plans and other information regarding evictions. Consult and meet with affected persons to discuss alternatives, not after a decision has been taken and demolition has begun. Indicate the dates and priorities of the list of sites to be demolished. Oblige local authorities to place demolition decisions with reference to the Master Plan on their website. Require statistical agencies to publish data on house demolitions in connection with land seizures by the State.

## **THE RIGHT TO HEALTH**

- Launch a special programme to address issues related to decaying infrastructure and access to medical institutions, especially in rural areas.
- Address systemic corruption in the medical sector by identifying its root causes, and setting up information campaign on patient’s rights.
- Support dialogue on reforms in the health care system between political authorities and local stakeholders (e.g. medical staff, civil society, local population).

## **THE RIGHT TO EDUCATION**

- Address systemic corruption at all levels of education and develop appropriate measures.
- Repeal the requirements of “The rules of trips to work or official trips or to study abroad of education and science workers of Tajikistan, in particular students, bachelors, masters, postgraduate students, doctoral students and employees of universities» were approved on 28 February 2018.

# ANNEX

## ACCESSION TO INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND ADOPTION OF KEY LEGISLATION

Since the last review of Tajikistan by the Committee, Tajikistan has ratified a series of international human rights instruments and passed relevant legislation including:

- “Political Declaration on HIV and AIDS: speeding up the fight against HIV and ending the AIDS epidemic by 2030”.
- In 2018, President Rahmon signed the Convention on the Rights of Persons with Disabilities (CRPD) and on 27 February 2020, the Government adopted the *National Action Plan on preparing the Republic of Tajikistan for the ratification and implementation of the Convention on the rights of invalids*, until the end of 2024.<sup>30</sup> The Plan includes legislative measures and policies aimed at improving the social situation of persons with disabilities, including removing barriers, and educational events.
- On 1 April 2017, a Government Resolution “On the Commission under the Government of the Republic of Tajikistan on ensuring the implementation of international human rights obligations” was adopted, which detailed the tasks of the Commission.
- In January 2017, the Government approved a Regulation for a National Commission on the Rights of the Child, tasked with the coordination of state implementation of Tajikistan’s international obligations on children’s rights.

The secretariat of the Commission is the Office for Human Rights Guarantees of the Executive Office of the President (Office for Human Rights Guarantees), whose tasks include the preparation of reports to United Nations bodies, developing Action Plans for the implementation of UN bodies’ recommendations, and monitoring the implementation process. From 2016, human rights focal points (responsible persons) were appointed in all ministries and departments, who liaise with the Commission and collect human rights information for reporting and monitoring the implementation of UN recommendations.

## NATIONAL ACTION PLANS

In December 2017 a working group was established to draft a National Human Rights Strategy until 2030 which involved overseeing a transparent process of developing the Strategy with the participation of representatives of ministries and departments, donor organisations and civil society organisations. Draft documents were translated into Russian and English and posted on the google document platform, to enable all concerned parties, including CSO and international organisations to provide their feedback and recommendations. At the time of writing, drafts of the Strategy and the Plan of Action for 2021-2023 have been developed, agreed with all ministries and departments and are expected to be approved in Autumn 2022.

Since the last reporting in 2015 the Government of Tajikistan has adopted 10 National Action Plans to implement the recommendations of United Nations bodies (see below). The Action Plans include measures aimed at implementing the UN human rights mechanisms’ recommendations, as well as a timetable for their implementation and the responsible State bodies.

- National Plan of Action for the implementation of the recommendations of the Member States of the United Nations Human Rights Council under the Universal Periodic Review (Second Period) Procedure for 2017 - 2020 of 7 June 2017;

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30 The working group for the preparation of the action plan included representatives of the Executive Office of the President, the Office of the Human Rights Commissioner, the Ministries of Justice, Education and Science, Labour, Migration and Employment, Health and Social Protection, in cooperation with organisations of persons with disabilities and international organisations, including UNDP, UNICEF and others.

- National Action Plan for the implementation of the recommendations of the combined third and fifth periodic report on the implementation of the Convention on the Rights of the Child 2018-2022 of 19 April 2018;
- National Plan of Action for the implementation of the recommendations of the initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and pornography for 2018-2022. of 19 April 2018;
- National Plan of Action for the implementation of recommendations of the initial report on the implementation of the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict for 2018-2022. (19 April 2018);
- National Action Plan for the implementation of recommendations of the UN Committee against Torture for 2019-2022 of 24 January 2019;
- National Action Plan for the implementation of the recommendations of the United Nations Committee on the Elimination of Discrimination against Women for 2019-2022 of 8 May 2019;
- National Action Plan for the implementation of the recommendations of the United Nations Human Rights Committee for 2020-2025 of 7 April 2020;
- National Action Plan on the implementation of the recommendations of the United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families for 2020-2024 of 17 December 2019;
- National action plan for the implementation of United Nations Security Council resolutions 1325 and 2242 for 2020-2022. (Approved by the First Deputy Prime Minister of the Republic of Tajikistan, the Chairman of the Commission under the Government of the Republic of Tajikistan for the implementation of international human rights obligations Davlati Said from 2019);
- National Action Plan to prepare the Republic of Tajikistan for ratification and implementation of the Convention on the Rights of Persons with Disabilities until 2024 (Adopted by Government Decision of 27 February 2020).

In parallel, the Government has adopted strategic documents in the field of human rights and development, including:

- National Education Development Strategy 2030;<sup>31</sup>
- State Programme for the Prevention of Domestic Violence 2014 - 2023;<sup>32</sup>
- National Development Strategy 2030;<sup>33</sup>
- Judicial and Legal Reform Programme 2019-2021;<sup>34</sup>
- The concept of free legal aid;<sup>35</sup>
- Programme of Reform of the Child Justice System for 2017-2021 (approved by Government Decision of 29 June 2017, #322);
- National Programme for the Prevention of Juvenile Delinquency 2020-2024;<sup>36</sup>
- In 2020, the Government of Tajikistan approved the National Programme to HIV/AIDS Epidemic in the Republic of Tajikistan 2021 – 2025, along with the overall budget and Action Plan which includes the SDGs and other international human rights and HIV instruments.<sup>37</sup>

31 approved by Decree No. 526 of the Government of the Republic of Tajikistan on 29 September, 2020.

32 approved by Decree No. 294 of the Government of the Republic of Tajikistan, 3 May 2014

33 approved by Decree of the Majlisi Namoyandagon Majlisi Oli, 1 December 2016, No. 636

34 approved by Presidential Decree No. 1242 of 19 April 2019

35 approved by Decree No. 425 of the Government of the Republic of Tajikistan, 2 July 2015

36 Appendix 1 to the Decree of the Government of the Republic of Tajikistan dated 30 July 2020, № 431

37 The National Program to Combat the Human Immunodeficiency Virus (hereinafter HIV) and Acquired Immunodeficiency Syndrome (hereinafter AIDS) Epidemic in the Republic of Tajikistan 2021 - 2025. This program was approved by the decree of the Government of the Republic of Tajikistan No. 50 dated 27 November 2020