



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION**

Fifth periodic report of States parties due in 2004

Addendum

TAJIKISTAN*

[30 January 2004]

* This document contains the initial, second, third, fourth and fifth periodic reports of Tajikistan, submitted in one document, due on 10 February 1996, 1998, 2000, 2002 and 2004.

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Article 1

1. There are more than 120 nationalities and ethnic groups represented in the Republic of Tajikistan, including Tajiks (80 per cent), Uzbeks (15.3 per cent), Russians (1.1 per cent), Kyrgyzes (1.1 per cent), Turkmens (0.3 per cent), Tatars (0.3 per cent) and others (see table 1).
2. In the years since gaining independence Tajikistan has endeavoured to find the optimum model for ethnic and cultural cooperation among the different nationalities living in the country. The ethnic situation in the Republic over this period has been characterized by an increase in ethnic awareness and a return by minorities to their ethnic roots: language, customs and traditions. The result has been a coalescence of minorities into national communities, associations and societies. The collapse of the Soviet Union, the civil war in Tajikistan and its aftermath resulted in a sharp rise in emigration. Russians, Uzbeks, Ukrainians, Kazakhs, Belarusians, Armenians, Azerbaijanis, Georgians, Koreans, Germans, Tatars and others left the country.
3. The problems of harmonizing inter-ethnic relations and strengthening trust, agreement and cooperation became a matter of close attention for State institutions and the public at large.
4. The International Convention on the Elimination of All Forms of Racial Discrimination was taken into account when drafting and adopting Tajikistan's new Constitution in 1994. The Constitution completely rules out the possibility of discrimination on the grounds of race, sex, language, nationality, faith, political beliefs or social or material status. The State guarantees individual rights and freedoms, and everyone is equal before the law and the courts. Under article 10 of the Constitution, international legal instruments ratified by Tajikistan form an integral part of the national legal system. In the event of conflict between domestic legislation and ratified international legal instruments, the latter apply. However, the definition of "racial discrimination" and some other provisions of the Convention have thus far not been further developed in domestic legislation and administrative practice.
5. The prohibition of discrimination on the grounds of race, language and faith is stipulated in many Tajik laws and regulations, among them the Criminal, Civil, Labour and Family Codes, the Citizenship Act, Migration Act, Employment Promotion Act, Religion and Religious Organizations Act, Foreign Nationals (Legal Status) Act and the Forced Migrants Act.
6. Under article 2, paragraph 3, of the Constitution, all nationalities and minorities living on the territory of the Republic are entitled to use their mother tongues without restriction. According to article 5 of the Language Act, every citizen is guaranteed the right to choose for him/herself the language to use in dealing with government bodies and authorities, enterprises, institutions and associations (including voluntary ones), and to receive information and documentation from them in the official language (Tajik), Russian and another acceptable language.
7. Article 3 of the Language Act provides that the Republic of Tajikistan should create conditions for the unhindered development and use of the Gorno-Badakhshan (Pamir) languages and for the preservation of the Yagnobi language. The Gorno-Badakhshan Autonomous Oblast decides independently on matters relating to the use of local languages.

8. A State programme to improve the teaching and study of English and Russian in Tajikistan between 2004 and 2014 was approved by Government decision No. 508 of 2 December 2003. Pursuant to that decision, the study of Russian has been included in the national television programme “Paemy subkh”, which is broadcast twice a week.

Table 1

Comparative statistical data taken from population censuses carried out in 2000 and 1989 in the Republic of Tajikistan: breakdown of the population according to nationality and ethnic group¹

Nationality or ethnic group	Population according to 2000 census (thousands)	Population according to 1989 census (thousands)	Increase (+, -) (thousands)	Increase (%)	Number as % of total population (in 2000)	Number as % of total population (in 1989)
Total population	6 127.5	5 092.6	1 034.9	20.3	100	100
Tajiks	4 898.4	3 172.4	1 726.0	54.4	79.94	62.3
Azerbaijanis	0.8	3.6	-2.8	-77.8	0.01	0.1
Armenians	1.0	5.7	-4.7	-82.5	0.02	0.0
Belarusians	0.5	7.3	-6.8	-93.2	0.01	0.2
Georgians	0.2	1.0	-0.8	-80.0	0.00	0.01
Kazakhs	0.9	11.4	-10.5	-92.1	0.01	0.2
Kyrgyzes	65.5	63.8	1.7	2.7	1.07	1.3
Moldovians	0.3	0.9	-0.6	-66.7	0.00	0.0
Russians	68.2	388.0	-320.3	-82.4	1.11	7.6
Turkmen	20.3	20.5	-0.2	-1.0	0.33	0.4
Uzbeks	936.7	1 197.8	-261.1	-21.8	15.29	23.5
Ukrainians	3.8	41.4	-37.6	-90.8	0.06	0.8
Tatars	18.9	72.2	-53.3	-73.8	0.31	1.4
Roma	4.3	1.8	2.5	138.8	0.07	0.02
Arabs	14.5	0.3	14.2	47.3	0.24	0.01
Afghans	4.7	2.1	2.6	123.8	0.08	0.0
Koreans	1.7	13.4	-11.7	-87.3	0.03	0.2
Latvians	0.1	0.3	0.2	-66.7	0.00	0.01
Lithuanians	0.1	0.5	-0.4	-80.0	0.00	0.01
Germans	1.1	32.7	-31.6	-96.6	0.02	0.7
Estonians	0.0	0.1	-0.1	...	...	...
Mingis ²	0.2	...	...	...	0.00	...
Durmens ²	3.5	...	...	...	0.06	...
Laks ²	51.0	...	...	...	0.83	...
Kataganis ²	4.9	...	...	...	0.08	...
Yuzi ²	1.1	...	...	...	0.02	...
Barlosi ²	3.7	...	...	...	0.06	...
Other nationalities ²	6.0	54.9	48.9	-88.9	0.1	1.1

¹ Information from the National Statistics Office of the Republic of Tajikistan.

² In previous censuses during the Soviet era these ethnic groups were included as part of the Uzbek people. In the 2000 census these groups were counted as separate ethnic groups in Tajikistan.

9. Freedom to choose the language of one's education is governed by the Education Act. Tajikistan guarantees its citizens the freedom to choose their language of instruction and provides a general secondary education in the official language (Tajik), but in the native tongue in areas with high concentrations of citizens of another nationality. The freedom to choose one's language of instruction is ensured by the establishment of the requisite number of corresponding educational institutions, classes and groups and the necessary conditions for them to operate (article 6 of the Education Act).

10. Tuition in primary and secondary schools in Tajikistan is given in five languages: Tajik, Russian, Uzbek, Kyrgyz and Turkmen. In vocational training schools, special secondary schools and higher educational establishments, groups with tuition in Russian and Uzbek operate in parallel with teaching in Tajik.

Table 2

Distribution of students in secondary schools according to the language of tuition in the national minority languages (number of classes)³

Year	1999	2000	2001	2002
Russian	1 240	1 282	1 424	1 478
Uzbek	17 543	18 047	18 609	18 897
Kyrgyz	810	913	902	899
Turkmen	153	156	155	137

Table 3

Distribution of groups of schoolchildren and students in secondary specialist schools according to the language of tuition in the national minority languages⁴

Year	Language of tuition	Number of students	Number of female students
2001-2002	Russian	6 825	2 972
	Uzbek	2 089	1 649
2002-2003	Russian	5 530	2 827
	Uzbek	2 554	2 067

³ Information from the Ministry of Education.

⁴ Information from the Ministry of Education.

Table 4**Distribution of groups of students in higher educational establishments according to the language of tuition in national minority languages⁵**

Year	Language of tuition	Number of students	Number of female students
2001-2002	Russian	23 560	6 658
	Uzbek	2 695	919
2002-2003	Russian	7 634	2 818
	Uzbek	3 348	1 119

Table 5**Schoolbooks published in national minority languages⁶**

Russian-language teaching				Uzbek-language teaching			
Title of textbooks	Year	Class	Number of textbooks (copies)	Title of textbooks	Year	Class	Number of textbooks (copies)
	2000			1. Alifbo 2. Adabieti Batan 3. Oila Marifati	2000	1 5 9	20 000 20 000 10 000
	2001			1. Odobmoma 2. Mathematics	2001	3-4 5	20 000 40 000
26 titles - Humanitarian assistance to the Russian Federation	2002	1-11	30 154	1. Zabon va adabieti uzbek 2. Ona tili	2002	5 2	1 500 1 500

11. The Russian-Tajik Slavonic University opened in Dushanbe in 1995.

Article 2

12. Tajikistan condemns racial discrimination; it pursues a policy of not tolerating any form of racial discrimination, and its domestic legislation guarantees that any laws or decisions that give rise to racial discrimination will be overturned or rescinded.

⁵ Information from the Ministry of Education.

⁶ Information from the Ministry of Education.

13. The preamble to the Constitution declares that the people of Tajikistan are an integral part of a world community which recognizes that human rights and freedoms are immutable, while respecting equality and friendship among all nations and nationalities.
14. Article 17 of the Constitution stipulates that everyone is equal before the law and the courts. The State shall guarantee individual rights and freedoms irrespective of nationality, race, sex, language, faith, political beliefs, education, or social or material status.
15. Article 30 of the Constitution bans propaganda and agitation that arouse social, racial, religious and linguistic enmity and hatred.
16. Chapter 19 of the Criminal Code adopted in 1998, which covers offences against the constitutional rights and freedoms of the individual and the citizen, specifies in article 143 what constitutes a criminal violation of the equal rights of citizens, namely:
 - (a) A direct or indirect breach or restriction of the rights and freedoms of the person and the citizen on grounds of sex, race, nationality, language, social origin, personal, material or official status, place of residence, attitude to religion, beliefs, or membership of a political party or voluntary association that damages the rights and legitimate interests of the individual is punishable by a fine of between 200 and 500 times the minimum wage or by deprivation of liberty for up to two years;
 - (b) The same conduct, when committed by an individual using force or the threat of force or abusing his or her official position, are punishable by deprivation of liberty for between two and five years, which may be accompanied by deprivation of the right to hold certain positions or engage in certain occupations for up to three years.
17. In addition, in Chapter 21 of the Criminal Code covering offences against public safety, article 189 defines criminal liability for incitement to ethnic, racist, local or religious enmity:
 - (a) Conduct intended to arouse ethnic, racial, local or religious enmity or differences or to degrade ethnic dignity, and propaganda singling citizens out on the grounds of their attitude to religion or their ethnic, racial or local origin, if committed in public or using the mass media, are punishable by restriction of liberty for up to five years or deprivation of liberty for the same period of time;
 - (b) The same conduct, if repeated, or accompanied by the use of force or the threat thereof or by abuse of one's official position, or engaged in by a group of persons or by prior conspiracy, are punishable by deprivation of liberty for between 5 and 10 years, which may be accompanied by deprivation of the right to hold certain positions or engage in certain occupations for up to 5 years;
 - (c) If the conduct referred to in paragraphs (a) and (b) above is engaged in by an organized group, or inadvertently causes a person's death or other serious consequences, or leads to the forcible eviction of a citizen from his or her permanent place of residence, or constitutes a dangerous or especially dangerous repeat offence, it is punishable by deprivation of liberty for between 8 and 12 years, which may be accompanied by deprivation of the right to hold certain positions or engage in certain occupations for up to 5 years.

18. There have been no court cases relating to those articles of the Criminal Code.
19. Aside from the legislative measures aimed at prohibiting racial discrimination by any individual, group or organization in Tajikistan, conditions now obtain in which ethnic minorities actively take advantage of their constitutional right to assemble and form voluntary associations. Fifteen associations of various foreign communities, national societies and associations have been registered with the Ministry of Justice. There are a further six ethnic minority associations which are not officially registered (they have not submitted the documents for registration).
20. Other areas of activity of the ethnic associations include cultural and educational activities and humanitarian assistance for those in need.
21. Article 8 of the Constitution stipulates that public life is to be conducted on the basis of political and ideological pluralism; no one ideology, religious or other, may be established as the State ideology, and the State shall provide voluntary associations with equal opportunities for their activities.
22. Voluntary societies and parties that propound racial, ethnic, social or religious enmity may not be established or operate.
23. In accordance with the Constitution, article 6 of the Voluntary Association Act prohibits the establishment and operation of voluntary societies that propound racial, ethnic, social or religious enmity or war, or that call for the constitutional order to be forcibly overthrown or for the organization of armed groups. Voluntary societies that propound local enmity are also prohibited.
24. During the civil war and the post-war years Tajikistan's ethnic groupings made a certain contribution to the process of national reconciliation. Associations of the various foreign communities play an active role in the country's political and cultural life. Their leaders participated in the work of the commission that drafted the Constitution in 1994. In 1996 they signed a compact on social harmony and set up the Social Council. In 2001 and 2002 they twice participated in discussions on the draft outline of national policy on ethnic issues and in drafting the State programme for the support and development of ethnic minorities in Tajikistan from 2004 to 2006. Under the auspices of the OSCE Centre in Dushanbe and with the support of the Swiss Development and Cooperation Agency in Tajikistan, round tables are being conducted to discuss the minorities' future development and the problems they face in the country.
25. According to the Foreign Nationals (Legal Status) Act, foreign citizens in Tajikistan are equal before the law, irrespective of their origin, social or material status, race or nationality, sex, education, language, attitude to religion, type of employment and other circumstances.
26. The Refugees Act defines the grounds and procedure for recognizing persons seeking asylum in the Republic of Tajikistan, establishes economic, social and legal safeguards to protect refugees' rights and legitimate interests and defines refugees' legal status.

27. Article 5 of the Criminal Code establishes the principle of equality before the law, i.e. persons who have committed offences are equal before the law and are subject to criminal liability irrespective of their sex, race, nationality, citizenship, language, attitude to religion, political beliefs, education, social, official and material status, membership of political parties, voluntary societies, place of residence and other circumstances.

Article 3

28. The Republic of Tajikistan condemns apartheid and racial segregation.

29. In cooperation with the international organizations, the International Olympic Committee and international and regional sporting federations, Tajikistan combats racism in sport by educating young people with the help of sports activities pursued with no discrimination of any kind, in the spirit of the Olympic ideals of human understanding, tolerance, justice and solidarity.

30. In accordance with paragraphs 87-168 of the Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, Tajikistan has acceded to the Geneva Conventions of 12 August 1949 and the two Protocols Additional of 8 June 1977 with a view to fully complying with its obligations under international humanitarian law, in particular the provisions prohibiting discrimination. Article 403 of its Criminal Code provides for criminal prosecution of “the practice of apartheid and other inhuman and degrading conduct based on racial discrimination that offends against human dignity during armed conflict. There have been no court cases relating to this category of offence.

Article 4

31. Tajikistan condemns all propaganda and all organizations that are based on ideas or theories of the superiority of one race or group of people of a certain colour or ethnic origin, or that attempt to justify or encourage racial hatred and discrimination in any form. Its legislation allows for swift, affirmative action to stamp out any incitement to such discrimination, and makes a punishable offence of any dissemination of ideas based on racial superiority or hatred, any incitement to racial discrimination, any violence or incitement to violence, and the provision of any assistance, including funding, to carry out racist activities. The Criminal Code (art. 189) establishes penalties for conduct intended to arouse ethnic, racial, local or religious enmity, namely:

(a) Conduct intended to arouse ethnic, racial, local or religious enmity or differences or to degrade ethnic dignity, and propaganda singling citizens out on the grounds of their attitude to religion, or their ethnic, racial or local origin, if committed in public or using the mass media, are punishable by restriction of liberty for up to five years or deprivation of liberty for the same period of time;

(b) The same conduct, if repeated, or accompanied by the use of force or the threat thereof or by abuse of one's official position, or engaged in by a group of persons or by prior conspiracy, are punishable by deprivation of liberty for between 5 and 10 years, which may be accompanied by deprivation of the right to hold certain positions or engage in certain occupations for up to 5 years;

(c) If the conduct referred to in paragraphs (a) and (b) above is engaged in by an organized group, or inadvertently causes a person's death or other serious consequences, or leads to the forcible eviction of a citizen from his or her permanent place of residence, or constitutes a dangerous or especially dangerous repeat offence, it is punishable by deprivation of liberty for between 8 and 12 years, which may be accompanied by deprivation of the right to hold certain positions or engage in certain occupations for up to 5 years.

32. Commission of an offence with local, ethnic, social or religious enmity, religious fanaticism, taking vengeance against legitimate action by others, or mitigating or covering up another offence as a motive is an aggravating circumstance (article 62 (e) of the Criminal Code).

33. Under article 8 of the Constitution, voluntary associations and political parties that propound racial, ethnic, social or religious enmity or that call for the constitutional order to be forcibly overthrown or for the organization of armed groups may not be established or operate.

34. The Press and other Mass Media Act bans propaganda in favour of racial, ethnic or religious exclusion and intolerance (articles 6, 22 and 34).

Article 5

Paragraph (a)

35. Article 17 of the Constitution of Tajikistan proclaims:

“Everyone is equal before the law and the courts. The State shall guarantee individual rights and freedoms irrespective of nationality, race, sex, language, faith, political beliefs, education, or social or material status. Men and women shall have equal rights.”

36. According to article 21 of the Constitution:

“The law shall uphold the rights of victims. The State shall guarantee victims judicial protection and compensation for damage inflicted.”

37. In accordance with the Code of Criminal Procedure, criminal justice can be administered only by the courts. No one can be adjudged guilty of a crime and subjected to a criminal penalty otherwise than by a court sentence.

38. Article 9 of the Code of Criminal Procedure requires criminal justice to be administered on the basis of equality before the law and the courts for all citizens, irrespective of their social, material and official status, their ethnic or racial origin and their faith.

39. Legal proceedings are conducted in Tajik or the language of the majority population in a given locality. Parties to a case who are not fluent in the language in which the proceedings are conducted are guaranteed the right to make statements, give evidence and make petitions in their

mother tongue, and to use the services of an interpreter. In accordance with article 12 of the Code of Criminal Procedure, investigative and judicial documents are to be given to the accused translated into his or her mother tongue or another language in which he or she is fluent.

Paragraph (b)

40. Article 5 of the Constitution reads:

“The human being and human rights and freedoms are paramount. Life, honour, dignity and other natural human rights are inviolable. The rights and freedoms of the individual and the citizen shall be recognized, observed and protected by the State.”

41. According to article 18 of the Constitution:

“Everyone has the right to life. No one’s life may be taken except by judicial sentence for an especially serious crime. The inviolability of the person shall be guaranteed by the State. No one may be subjected to torture, cruelty or inhuman treatment. Compulsory medical and scientific experiments on humans are prohibited.”

42. According to article 16 of the Constitution of the Republic of Tajikistan:

“Tajik citizens abroad shall be under the protection of the State. No citizen of the Republic may be extradited to a foreign State. The extradition of a criminal to a foreign State on the basis of a bilateral agreement shall be permitted.

“Foreign citizens and stateless persons shall enjoy the stated rights and freedoms and shall have the same rights and responsibility as citizens of Tajikistan, except in those cases specified by law.

“Tajikistan may offer political asylum to foreign citizens who are the victims of human rights violations.”

43. Section VII of the Criminal Code (Crimes against the person) lays down penalties for the following crimes:

- (a) Crimes against life and health;
- (b) Crimes against personal freedom, honour and dignity;
- (c) Crimes against sexual freedom or sexual inviolability;
- (d) Crimes against the constitutional rights and freedoms of the individual and the citizen;
- (e) Crimes against the family and minors.

Paragraph (c)

44. Article 27 of the Constitution reads:

“Citizens shall be entitled, directly or through representatives, to participate in political life and the governing of the State.

“Citizens shall have equal rights to enter public service.

“Upon reaching 18 years of age, citizens shall be entitled to participate in referendums, to vote and, upon reaching the age laid down in the Constitution, constitutional laws and legislation, to stand for election.

“Persons declared by a court to be incompetent or being held in places of detention pursuant to a judicial sentence shall not be entitled to participate in elections and referendums.”

45. According to article 65 of the Constitution, any citizen of the Republic over the age of 35 who is fluent in the official language and has been a permanent resident of the Republic for at least the previous 10 years may stand as a candidate for the post of President.

46. Any restriction on the electoral rights of the citizens of Tajikistan is prohibited, except in the cases specified by law.

47. Under article 4 (universal suffrage) of the Constitutional Law on elections to the Majlis-i Oli, citizens who have reached the age of 18 by the day of the elections have the right to vote, irrespective of their social or material status, political beliefs, race or nationality, sex, language, education, attitude to religion or type of employment.

48. Under article 48 of the Constitution, the Majlis-i Oli - the Parliament of Tajikistan - is the supreme representative and legislative organ of the Republic.

49. The Majlis-i Oli of the Republic of Tajikistan is composed of two chambers (majlisi) - the Majlis-i Milli and the Majlis-i Namoyandagon. They are elected for five-year terms.

50. Article 49 of the Constitution reads:

“Elections to the Majlis-i Namoyandagon shall be conducted on the basis of universal, equal and direct suffrage by secret ballot. The Majlis-i Namoyandagon shall function as a standing professional body. Any citizen of the Republic of Tajikistan who is no younger than 25 and has a university-level education may be elected a member of Majlis-i Namoyandagon.”

[...]

“Any citizen of the Republic of Tajikistan who is no younger than 35 and has a university-level education may be elected or appointed to the Majlis-i Milli.”

Thus no restrictions on racial, national, ethnic or other grounds are allowed.

Paragraph (d), subparagraphs (i) and (ii)

51. The right to freedom of movement and residence and the right to leave and return to the country are enshrined in article 24 of the Tajik Constitution, which states that citizens have the right to freedom of movement, to choose their place of residence and to leave and return to Tajikistan. The basic travel rights and obligations of foreign citizens are set out in articles 5 and 19 of the Foreign Nationals (Legal Status) Act.

52. Article 5 of this Act stipulates that foreign citizens shall enter the Republic of Tajikistan on an entry-exit visa issued by the Ministry of Foreign Affairs and its offices overseas.

53. If foreign citizens enter Tajikistan for more than six months, they must acquire a residence permit from the internal affairs authorities, which will be extended when, but not unless, the entry-exit visa is. A residence permit that has been extended without extending the entry-exit visa is deemed invalid.

54. Foreign citizens present in Tajikistan on other legal grounds are considered temporary residents. They must register their national passports or equivalent documents under the proper procedure within three days and leave Tajikistan upon expiry of the period of residence.

55. Under article 19 of the Foreign Nationals (Legal Status) Act, foreign citizens may move about the territory of Tajikistan and choose their place of residence under the procedure established by Tajik legislation. Restrictions on movement and choice of place of residence are permitted when so dictated by considerations of national security or the defence of public order, health and morals, or to protect the rights and legitimate interests of Tajik citizens and other persons.

56. A violation of this right, in the form of improper (unlawful) restriction on the right to resettle, to freely choose one's place of residence, or to leave or return to Tajikistan, is an offence under article 149 of the Tajik Criminal Code.

57. All citizens are entitled to choose for themselves their place of residence irrespective of their place of birth, to travel freely within Tajikistan and to travel abroad at any time. The previous practice whereby Tajik citizens had to seek permission to travel abroad was abolished by Government Decision No. 325 of 3 August 2002, and Tajik citizens returning home are not required to obtain entry visas.

58. Some categories of persons are exempted from registering their passports:

(a) Foreign heads of State and Government, members of parliamentary and government delegations, the technical personnel attached to these delegations, and family members of the above;

(b) Persons arriving in Tajikistan on laissez-passer issued by the United Nations;

- (c) Foreign citizens arriving in Tajikistan for a stay of up to three days;
- (d) Foreign tourists on organized tours;
- (e) The crew of military and civil aircraft arriving in Tajikistan in accordance with the legally established procedure.

59. In the interests of national security, maintaining public order and protecting public health, the Government may impose restrictions on choice of place of residence in specified areas of the country. Such restrictions are regulated by the State Frontier Act, the Foreign Nationals (Legal Status) Act and the Refugees Act.

60. Official migration figures are given in table 6 below.

Table 6
One-way migration with change of residence⁷

	Gross migration (internal and foreign)			Foreign migration		
	Arrivals	Departures	Migration flow	Number of immigrants (arrivals)	Number of emigrants (departures)	Migration flow
1989	89 659	107 834	-18 175	25 130	44 246	-19 116
1990	81 962	140 827	-58 865	22 210	81 246	-59 036
1991	74 947	101 327	-26 380	20 012	48 599	-28 587
1992	51 283	146 024	-94 741	11 296	104 722	-93 426
1993	71 392	146 099	-74 707	11 964	86 301	-74 337
1994	43 268	88 904	-45 636	6 586	55 059	-48 473
1995	37 156	74 920	-37 764	5 484	45 322	-39 838
1996	26 061	53 654	-27 593	3 691	34 128	-30 437
1997	20 832	37 158	-16 326			-16 326
1998	18 100	33 200	-15 100			-15 100
1999	15 089	30 351	-15 262			-15 262
2000	15 072	29 514	-14 442			-14 442
2001	17 024	31 089	-14 065			-14 065
2002	18 187	31 683	-13 496			-13 496
Jan.-Sept. 2003	12 671	21 746	-9 075			-9 075

⁷ Data from the State Statistical Committee.

Table 7
One-way foreign migration, by ethnic group

	Total	of which:						
		Tajiks	Russians	Kazakhs	Kyrgyz	Uzbeks	Tatars	Others
1990								
Immigrants	22 210	5 787	6 856	209	678	4 416	1 314	2 950
Emigrants	81 246	4 937	42 494	777	291	5 651	6 340	17 806
1991								
Immigrants	20 012	4 521	6 627	164	702	3 811	1 309	2 878
Emigrants	48 599	3 786	20 809	1 076	709	5 238	3 595	13 386
1992								
Immigrants	11 296	2 723	3 447	100	348	2 588	722	1 368
Emigrants	104 722	5 426	51 298	1 257	566	14 151	10 585	21 439
1993								
Immigrants	11 964	2 795	3 424	49	331	3 363	797	1 205
Emigrants	86 301	6 686	38 860	879	1 350	11 169	8 622	17 530
1994								
Immigrants	6 586	1 604	2 062	30	221	1 409	500	760
Emigrants	55 059	6 338	26 171	229	796	6 019	6 322	9 184
1995								
Immigrants	5 484	1 398	1 848	41	175	1 027	423	572
Emigrants	45 322	6 998	19 382	219	1 422	5 806	2 068	9 427
1996								
Immigrants	3 691	1 052	1 201	9	139	567	300	423
Emigrants	34 128	6 237	13 724	204	961	5 028	3 722	4 252

61. According to the official figures, more than 200,000 migrants leave Tajikistan every year in search of work. Some 206,700 people went abroad in 2002 in search of seasonal work. On 1 August 2003, there were 348,000 working migrants outside the country, including 190,000 who left Tajikistan during the reporting period. Ninety-three per cent of all working migrants are in the Russian Federation.⁸

Paragraph (d), subparagraph (iii)

62. Article 15 of the Constitution defines a person who on the day the Constitution is adopted is a citizen of the Republic of Tajikistan as a citizen of Tajikistan.

⁸ Data from the Ministry of Labour and Social Welfare.

63. The overall procedure for the acquisition and loss of nationality is regulated by the Constitutional Act on Nationality, article 1 of which states that the right to nationality is an inalienable human right. In Tajikistan, everyone has the right to a nationality. No one may be deprived of a nationality or the right to change it. Tajik nationality is acquired:

- (a) By birth;
- (b) By naturalization;
- (c) By registration;
- (d) By choice (election of nationality) when an area passes from the jurisdiction of one State to that of another, and on other grounds stipulated in international treaties;
- (e) On other grounds stipulated in the Constitutional Act on Nationality.

64. A refusal by the appropriate authority to register the acquisition or loss of Tajik nationality, or to decide whether a person is a Tajik citizen, may be challenged in the courts. In addition to the Constitutional Act on Nationality, all relevant international treaties to which Tajikistan is party apply when resolving issues connected with nationality.

65. If the rules established by an international treaty to which Tajikistan is party differ from those in the Constitutional Act on Nationality, the treaty rules shall apply.

66. Article 15 of the Constitution and article 4 of the Constitutional Act stipulate that Tajik citizens may not possess the nationality of another State, except as provided for by law and treaties between Tajikistan and other States. Dual nationality is permitted under the 1995 Treaty between Tajikistan and the Russian Federation regulating issues pertaining to dual nationality. Information on renunciations of Tajik nationality is reproduced in table 8 below.

Table 8

Year	Number of persons renouncing nationality ⁹
1999	1
2000	2
2001	0
2002	110
2003	269
Total	382

⁹ Data from the Executive Office of the President.

Paragraph (d), subparagraph (iv)

67. The right to marry and choose one's spouse is enshrined in article 33 of the Constitution, which states that: "Being the foundation of society, the family shall be under the protection of the Government. Everyone has the right to found a family. Men and women of marriageable age have the right to enter freely into marriage. Spouses shall have equal rights in family relations and in the event of dissolution of a marriage. Polygamy is forbidden."

68. According to the Family Code, family relations are to be regulated in accordance with the principles of a voluntary marital union and equal rights for the spouses within the family.

69. Article 1 of the Code prohibits any kind of restriction on citizens' rights, upon entry into marriage and in family relations, that is based on social status, race, ethnicity, language or religion.

70. A total of 28,021 marriages were registered at registry offices in 1996; in 2,372 of these marriages - 8.5 per cent of the total - the spouses were of different ethnic origin.¹⁰

Paragraph (d), subparagraph (v)

71. Article 32 of the Constitution stipulates that: "Everyone has the right to own property and the right to inherit. No one is entitled to deny or restrict a citizen's property rights. Acquisition of personal property by the State for social needs shall be permitted only as provided for by law and with the assent of the owner, full compensation being payable for the value of the property. Individuals shall be compensated in accordance with the law for material and moral injury suffered owing to unlawful action by State bodies, voluntary associations, political parties or individuals, at the culprits' expense."

72. Title II of the Civil Code is entitled "Right of ownership. Other rights *in rem*". Article 232 of the Code states that: "An owner has the right of possession, use and disposition of his property. The right of possession is the legally guaranteed capacity to exercise de facto enjoyment of the property. An owner has the right, at his discretion, to perform, with regard to the property belonging to him, any actions including disposition of his property to the ownership of other persons, transferring to them rights of possession, use and disposition of the property while remaining its owner, mortgaging the property, and disposing of it by other means."

73. Article 235 of the Code specifies who is entitled to exercise the right of ownership. This right may vest in the State, Tajik citizens, voluntary and religious organizations, other associations of citizens and collective bodies, administrative/territorial units, foreign States, international organizations, and other foreign legal entities and private individuals.

74. Ownership in Tajikistan may be either private or public (State). Property may be owned in common (on a distributed or joint basis) by several persons at the same time, irrespective of the form of ownership.

¹⁰ Data from the State Statistical Committee.

75. The Tajik Civil Code contains no restrictions on racial grounds.

Paragraph (d), subparagraph (vi)

76. The right to inherit is guaranteed by article 32 of the Tajik Constitution. It is regulated by the Civil Code, which prohibits discrimination on racial, ethnic or linguistic grounds.

Paragraph (d), subparagraph (vii)

77. In the right to freedom of thought, conscience and religion, the Republic of Tajikistan guarantees that everyone is equal before the law, without any distinction as to race, skin colour, or national or ethnic origin.

78. The right to freedom of thought, conscience and religion is enshrined in the Constitution and the Religion and Religious Organizations Act of 1994 as amended in 1997.

79. Article 8 of the Constitution states that public life in Tajikistan is to be conducted on the basis of political and ideological pluralism.

80. Article 26 of the Constitution states that everyone is entitled to determine for themselves their attitude to religion, to practise any religion alone or in association with others, or to practise no religion, and to participate in the performance of religious cults, rituals, and ceremonies.

81. No coercion may be applied when a citizen declares his or her attitude to religion, to the practice of or refusal to practise a religion, to participation in or abstention from acts of worship, religious rites and ceremonies, or the teaching of religion. The exercise of the right to freedom of conscience is subject solely to such restrictions as are necessary to protect public safety and order, health and morals, and the legally established rights and liberties of other citizens that are compatible with Tajikistan's international obligations (Religion and Religious Organizations Act, art. 3).

82. Articles 8 and 17 of the Constitution and article 4 of the Religion and Religious Organizations Act guarantee equality irrespective of attitude to religion in all areas of civil, political, economic, social and cultural life. Any direct or indirect restriction of rights or conferment of any advantage on citizens depending on their attitude to religion, like any arousal of hatred or enmity in this connection or wounding of citizens' feelings, shall render the culprit liable to prosecution as established by law.

83. Article 5 of the Religion and Religious Organizations Act stipulates that the State shall foster mutual tolerance and respect between those citizens who practise a religion and those who do not, between religious organizations of different faiths and among their adherents, and that it shall eliminate religious fanaticism and extremism. All religions and faiths are equal before the law. The conferment of any advantages or imposition of any restrictions on one religion or faith by comparison with others is not permitted.

84. Article 157 of the Criminal Code makes it a punishable offence to obstruct the lawful activity of religious organizations or the performance of religious rites, provided they do not breach public order or encroach upon citizens' rights.

85. The State respects the freedom of parents or legal guardians to provide for the religious and moral upbringing of their children in accordance with their own beliefs (Religion and Religious Organizations Act, art. 3).

86. Citizens may receive religious instruction and religious education from the age of 7 years with the written consent of their parents or persons acting in loco parentis, and from the age of 16 they may pursue such studies outside school hours in the language of their choice, either alone or in association with others, again with parental consent. Citizens may also be educated at institutions established by religious organizations (Religion and Religious Organizations Act, art. 6).

87. Religious freedom is exemplified by the activity of religious organizations in Tajikistan. The 1994 Religion and Religious Organizations Act outlined a very broad framework for the exercise of religious freedom. Under the Act, religious organizations (art. 7), religious societies (art. 8), religious boards, centres and associations (art. 9) are permitted to operate freely in the Republic. All such entities are formed for the purpose of satisfying citizens' religious needs to practise or propagate their faith. Operating as their respective structures dictate, they elect, appoint and replace their officers in accordance with their internal rules (statutes). Provided they abide by the requirements of current legislation and public policy, religious organizations are entitled to participate in public life and make use of the mass media on the same footing as voluntary organizations. Their clergy have the right to take part in political life like any other citizens (art. 5). Religious centres and boards are entitled, in accordance with their registered rules (statutes), to found monasteries, religious brotherhoods and missionary organizations (missions) (art. 10), and seminaries to train ministers and any specialist clergy they may require (art. 11).

88. Since 97 per cent of the population of Tajikistan professes Islam, the State takes special care to ensure that ethnic and religious minorities do not feel oppressed. A legal framework has also been developed to enable religious minorities to assert and satisfy their religious needs more fully.

89. The following non-Islamic religious organizations operate in Tajikistan: the Roman Catholic Church; the Evangelical Baptist Church (present in six cities and districts); the Evangelical Christian Church (present in eight cities and districts); the Sonmin missionary centre; the Grace Sonmin missionary society; the Baha'i religious centre; the New Apostolic Church; the Russian Orthodox Church (in three cities); the "Hope" missionary centre; the Seventh Day Adventist Church; the Society for Krishna Consciousness; the Jehovah's Witnesses society; the Lutheran Church, and others.

90. In December 2003 there were 69 non-Muslim religious organizations operating within the country.¹¹

¹¹ Data from the Tajik Government's Committee for Religious Affairs.

Paragraph (d), subparagraph (viii)

91. With regard to the right to freedom of opinion and expression, the Republic of Tajikistan guarantees that everyone is equal before the law, without any distinction as to race, skin colour, or national or ethnic origin.

92. Article 30 of the Constitution states that everyone is guaranteed freedom of speech, freedom of the press, and the right to use information media.

93. The Press and Other Mass Media Act, the Television and Radio Broadcasting Act, the Information Act, the Information Science Act, the Electronic Documents Act and the Citizens' Complaints Act guarantee and protect the right of every person freely to express opinions and to seek, receive and disseminate information.

94. It is a punishable offence under the Tajik Criminal Code to refuse to provide a citizen with information (art. 148) or to obstruct the legitimate professional activity of a journalist (art. 162). In the period 1999-2003 not one criminal case was opened under these articles, the law enforcement agencies having received no complaints from citizens on these matters.

95. The Press and Other Mass Media Act enshrines every citizen's right to hold his or her own views, freely to express his or her beliefs and opinions, and to disseminate them in any form in the press and other mass media (art. 2). Government censorship and victimization for making criticisms are forbidden (Constitution, art. 30, Press and Other Mass Media Act, art. 2).

96. The Tajik mass media broadcast in the official language and other languages in accordance with the Constitution and relevant legislation (Press and Other Mass Media Act, art. 3).

97. Article 8 of the Press and Other Mass Media Act confers the right to found mass media organs upon *hukumats* (local authorities) and other State bodies, political parties, voluntary organizations, mass movements, unions of creative artists, cooperative, religious and other associations of citizens established according to law, staff at the workplace and individuals who have attained the age of 18.

98. Refusal to register a mass media organ, failure by a State body to observe the deadline for registration, and decisions to close down mass media organs may be challenged by the founder or editorial board in the courts. The courts are required to hear such cases, including property disputes, in accordance with the procedure set forth in the Code of Civil Procedure (art. 16).

99. Where a breach of the Press and Other Mass Media Act has occurred, the procurator or the Ministry of Culture officially cautions the party in breach of the law. If the violation is repeated, the procurator or Ministry will apply to the courts to have the mass media organ closed down (art. 14).

100. People belonging to ethnic, religious and linguistic minorities in Tajikistan have the right freely to express their beliefs and opinions and to disseminate them in any form in the press and other mass media. The State upholds the right of Tajik citizens to use their native languages and

other languages spoken in the Republic when receiving and disseminating information for a mass audience (Press and Other Mass Media Act, arts. 2 and 3). At the time of writing, 42 newspapers and 24 magazines are published in ethnic minority languages - Russian, Uzbek, Kyrgyz, Shugni and Farsi. Six news agencies disseminate information in Russian.¹²

101. National State Television (TVT) channels and the public television company “Poitakht” carry news bulletins, films and other programmes in Russian and Uzbek, and the bulk of the programming of the private television company “Somonien” is in Russian. The main Russian television channels are routinely retransmitted in Tajikistan.¹³

Paragraph (d), subparagraph (ix)

102. With regard to the right to freedom of peaceful assembly and association, Tajikistan guarantees that everyone is equal before the law, without any distinction as to race, skin colour, or national or ethnic origin.

103. Article 29 of the Constitution guarantees citizens the right to participate lawfully in meetings, rallies, demonstrations, and peaceful marches.

104. No one may be forced to participate in such activities. The use of various symbols, emblems and other means of publicly expressing collective or individual opinions, and of means of agitation, is permitted. Foreign citizens and stateless persons have the same right to take part in demonstrations as Tajik citizens. The conduct of peaceful assemblies, demonstrations and marches is regulated by the 1998 Peaceful Assemblies, Rallies, Demonstrations and Marches Act.

105. Article 161, paragraph 1, of the Criminal Code states that unlawfully obstructing an assembly, rally, demonstration, march or picket, preventing a person from taking part or forcing a person to take part under duress is punishable by a fine or deprivation of liberty for up to three years, which may be accompanied by deprivation of the right to hold certain positions or engage in certain occupations for up to three years. The same conduct, when committed by a person acting in an official capacity, is punishable by deprivation of liberty for between three and five years and deprivation of the right to hold certain positions or engage in certain occupations for up to three years (art. 161, para. 2).

106. In the period from 1999 to date, no complaints have been received from citizens in connection with a refusal to hold demonstrations, rallies or peaceful assemblies. No criminal cases have been opened under articles 160 and 161 of the Criminal Code.

107. Ethnic communities and groups may form their own groupings, associations and unions. Under article 3 of the 1998 Voluntary Associations Act, citizens’ right to organize includes the

¹² Data from the Ministry of Culture.

¹³ Data from the Tajik Government’s Committee on Television and Radio Broadcasting.

right to found voluntary organizations to protect common interests and achieve common goals, and voluntarily to take part in the meetings of such organizations. At present, 15 ethnic minority voluntary associations are registered with the Tajik Ministry of Justice: the Association of Soviet Koreans in Tajikistan; the Association of the Russian Community in Tajikistan; the Tatar-Bashkir social and cultural centre of the Republic of Tajikistan; the Arab Society of Tajikistan; the Tajik Uzbek Culture Centre; the “Sadvisto-Iberia” Georgian cultural society; the Society of Turkmens of the Republic of Tajikistan; the Lakai community; the “Khoverim” Jewish society; the Association of Uighurs of the Republic of Tajikistan; the “Witenburg” Society of Germans of the Republic of Tajikistan; the Kyrgyz Society of the Republic of Tajikistan; the “Russian Compatriots” Society; “Rus”, the Tajik branch of “Rossotech”, the international foundation affiliated to the State Duma of the Russian Federation to support persons of Russian descent living abroad; and the national voluntary association “Slav Union”. There are also ethnic voluntary associations that have not been registered by the Ministry of Justice: the Armenian community, the Ukrainian community, the Society of Cossacks of Tajikistan, and the Ossetian “Alan” Society.¹⁴

Paragraph (e), subparagraph (i)

108. Article 7 of the Labour Code states that all citizens shall enjoy equal opportunities in the sphere of employment relations. All distinctions, exclusions and preferences are forbidden, as is refusal to engage a person for work on grounds of ethnic origin, race, skin colour, sex, age, religion, political beliefs, place of birth, foreign or social origin that would violate equality of opportunity in the employment sphere.

109. Distinctions in the employment sphere are not discriminatory if they are based on requirements inherent in the job or prompted by the State’s special concern for persons requiring especial social protection (women, minors, persons with disabilities).

110. Anyone who believes that he or she has been discriminated against in matters of employment is entitled to apply to the courts.

111. Article 35 of the Constitution states that everyone has the right to work, to choose a profession and a job, to labour protection and to social protection against unemployment. Remuneration must be no less than the minimum working wage. Restrictions of any kind in employment relations are forbidden. Equal remuneration is payable for work of equal value. The basic rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, and to just and favourable remuneration are regulated by the Labour Code, which in accordance with the Constitution sets forth the basic principles of State policy in the sphere of employment relations, establishes State guarantees for citizens’ employment rights and seeks to uphold the legitimate interests of workers, employers and the State.

¹⁴ Data from the Ministry of Justice.

112. Pursuant to article 4 of the Labour Code, the State guarantees to each worker:

- (a) Fair and timely remuneration for work performed;
- (b) Working conditions that conform to safety requirements.

113. Breaches of the rules on safety arrangements and precautions in the workplace, unmotivated refusal to hire a worker and unfounded dismissal of a woman with a child aged under 3 attract appropriate penalties under articles 154 and 155 of the Criminal Code, the seriousness of the offence being taken into account.

114. Pursuant to the Tajik Constitution, the 2003 Promotion of Employment Act lays down legal, organizational and economic safeguards of citizens' rights to work in the context of a market economy, specifies that different forms of ownership carry equal rights, and lists the commitments undertaken by the State to uphold citizens' right to work.

115. Tajikistan is party to a number of international treaties, including:

- (a) The 1951 Convention relating to the Status of Refugees;
- (b) The 1967 Protocol relating to the Status of Refugees;
- (c) The 1989 Convention on the Rights of the Child;
- (d) The 1979 Convention on the Elimination of All Forms of Discrimination against Women;
- (e) The 1966 International Covenant on Economic, Social and Cultural Rights;
- (f) The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

116. Article 11 of the Tajik Labour Code specifies that, where international legal acts recognized by the Republic of Tajikistan contain rules more favourable to workers than Tajik laws or regulations, the rules in the international legal acts shall apply.

Paragraph (e), subparagraph (ii)

117. The right to form and join trade unions is enshrined in article 28 of the Tajik Constitution, and is also regulated by article 2 of the Trade Unions (Rights and Guarantees) Act, where it is stated that workers and students at educational institutions have the right, without distinction of any kind, voluntarily and of their own choosing to form and join trade unions without prior authorization. The Act lays down the procedure for organizing the activities of trade unions and lists their rights and obligations.

118. The exercise by Tajik citizens of their constitutional right to form and join trade unions is also governed by the Voluntary Associations Act.

119. According to the Trade Unions (Rights and Guarantees) Act, unions are voluntary social organizations bringing together working people bound by shared occupational interests, both inside and outside industry, to defend the employment, social and economic rights and interests of their membership.

120. Trade unions are independent of and not accountable to the Government, business or political parties.

121. Trade unions independently draft and approve their own rules (statutes), determine their internal structure, elect their governing bodies, organize their activities and hold assemblies, conferences, plenary meetings and congresses.

122. Membership or non-membership of trade unions in no way restricts citizens' statutorily protected employment, social, economic, political or personal rights or freedoms.

123. It is forbidden to make hiring, promotion or dismissal conditional on membership of a specified trade union, or on joining or leaving a trade union.

124. Trade union rules allow any worker to become a union member without distinction as to race, language, religion, or political leanings.

125. The Federation of Trade Unions of Tajikistan brings together 18 industrial-sector-based national committees, three oblast-level councils, more than 200 oblast-level, city and district trade union committees and 9,416 primary trade union organizations with 1.3 million members, of whom 650,000 are actually working, the rest being pensioners, students and persons attending courses at technical institutes and colleges.¹⁵

Paragraph (e), subparagraph (iii)

126. According to article 37 of the Tajik Constitution, "Everyone has the right to housing. This right shall be upheld by means of public, social, cooperative and individual housing construction."

127. Housing relations in Tajikistan are governed by the Housing Code and other relevant laws and regulations. Pursuant to article 10 of the Housing Code, Tajik citizens have the right to be allocated living accommodation under the established procedure from the State or public housing stock or in units belonging to house-building cooperatives.

¹⁵ Data from the Federation of Trade Unions of Tajikistan.

128. Living accommodation in State and public housing and in units owned by house-building cooperatives is made available to citizens for an indeterminate period.

129. Citizens are entitled to own their own homes, parts of a house or apartments in State or public housing stock, in accordance with Tajik law.

130. No one may be evicted from their home, nor shall their right to housing be restricted, otherwise than on grounds and in a manner prescribed by law.

Paragraph (e), subparagraph (iv)

131. “Everyone has the right to health care. Within the limits established by the law, everyone shall be entitled to free medical care at State health-care institutions. The State shall take steps to clean up the environment and promote popular sports, physical fitness and tourism. Other forms of medical care shall be determined by law” (Tajik Constitution, art. 38).

132. Under the Public Health Care Act, citizens have the right freely to choose a medical institution and a physician. At their discretion, they may pay for the services of private medical institutions or private doctors practising in accordance with Tajik legislation. Under Tajik law, the public health-care system in Tajikistan is managed by the State authorities.

133. Citizens can obtain urgent medical assistance at the nearest medical institution, irrespective of the authority that operates it or its form of ownership.

134. Article 39 of the Constitution states that: “Everyone is guaranteed social assistance in old age, in the case of illness, disability, loss of ability to work or loss of breadwinner, and in other cases established by law.”

135. In the event of partial or complete loss of ability to work, Tajik citizens are entitled to social assistance under Tajik law. In accordance with the Tajik Citizens (Pension Provision) Act, all citizens living in the country have the right to be supported in their old age and in other circumstances through the provision of occupational and social pensions.

136. The Act is designed to ensure that more account is taken of work as the source of growing prosperity for the nation and every Tajik citizen, by ruling out an egalitarian approach to pension provision. It establishes a single set of conditions and rules governing pension provision for blue- and white-collar workers, members of agricultural cooperatives and other categories of employees.

137. Tajik citizens are entitled to State old-age pensions, disability benefits, survivor benefits and other State benefits.

138. Citizens of other States and stateless persons resident in Tajikistan are entitled to pension benefits on the same footing as Tajik citizens, except where Tajik law provides otherwise.

139. Article 2 of the same Act lists the following types of pensions:

(a) Occupational pensions:

- Old-age pensions;
- Disability benefits;
- Survivor benefits;
- Seniority pensions.

(b) Social pensions.

140. All citizens incapable of work, irrespective of their social status, are entitled to social pensions on the terms defined by Tajik legislation. Persons with concurrent State pension entitlements are paid a single pension of their choice.

141. The Labour Code regulates the payment of benefits to Tajik citizens:

Article 217 - Temporary disablement allowance;

Article 218 - Pregnancy and childbirth allowance;

Article 219 - Family allowances;

Article 220 - Burial allowance;

Article 221 - Unemployment benefit.

Paragraph (e), subparagraph (v)

142. The Education Act guarantees the right to education in Tajikistan, irrespective of a person's origin, sex, language, race or ethnic background, social and material standing, type or nature of occupation, place of residence, opinions, religious beliefs or attitude to religion.

Paragraph (e), subparagraph (vi)

143. The Culture Act is one of the core planning documents for developing the cultures of the peoples inhabiting Tajikistan. Articles 5 and 6 of this Act set forth the rights of Tajik citizens in the cultural domain and the rights of national and ethnic minorities freely to enjoy the benefits of national and universal culture. The State encourages the development of inter-ethnic and intercultural understanding and the ethnic culture and traditions of the various peoples living in Tajikistan. In the cultural sphere, support is given to theatres, ensembles and other artistic groups run by minorities or performing in minority languages. There are currently five minority

artistic groups, namely “Dustlik”, the Tatar-Bashkir artistic ensemble in Dushanbe; “Slavyanochka”, the Russian artistic ensemble in Dushanbe; the Uzbek artistic ensemble “Umed” in Naus district; the Uzbek ethnographic ensemble “Assor” in Kanibadam; and the family ensemble “Turkmeny” in Dzhilikul district. Tajikistan also has two Russian dramatic theatres, the Mayakovsky Theatre in Dushanbe and the Russian theatre in Chkalovsk (Sogdi oblast). Mention should also be made of the Shukur Burkhonov Lyric Theatre in Naus district and the Russian puppet theatre in Chkalovsk (Sogdi oblast).¹⁶

Paragraph (f)

144. Tajik and foreign citizens, irrespective of their race or ethnic origin, have the right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.

145. No distinctions based on racial or ethnic characteristics are made when providing services in the Republic of Tajikistan.

Article 6

146. Article 17 of the Constitution states that everyone is equal before the law and the courts.

147. The State guarantees the rights and liberties of all, irrespective of their ethnic background, race, sex, language, religion, political views, education and social and material standing.

148. Under the Code of Criminal Procedure and the Code of Civil Procedure, criminal and civil justice is administered on the principle that all citizens are equal in the eyes of the law and the courts, irrespective of their social and material standing, official position, ethnic or racial origin or religion. The law enforcement agencies have no records of advantages being conferred upon citizens in connection with their racial or ethnic background.

149. Article 23 of the Constitution guarantees privacy of correspondence, telephone conversations and telegraphic and other personal communications, except as provided for by law. The collection, storage, use and dissemination of information about a person’s private life without her or his permission is forbidden.

150. Under article 30 of the Constitution, propaganda or agitation designed to arouse social, racial, ethnic, religious or linguistic hatred or enmity is forbidden.

151. Articles 31 and 32 of the Constitution provide for the right of Tajik citizens, alone or in association with others, to file complaints with Government bodies, and stipulate that individuals shall be compensated in accordance with the law for material and moral injury suffered owing to unlawful action by State bodies, voluntary associations, political parties or individuals, at the culprits’ expense.

¹⁶ Data from the Ministry of Culture.

Article 7

152. Following ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and the obligation to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, the Republic of Tajikistan took a number of steps in 1994 to give practical effect to its commitments.

153. A systematic programme is being followed in the field of human rights education, with instruction in raising the level of legal awareness and knowledge of human rights; this is an effective means of forestalling discrimination on the grounds of race, nationality or ethnic background. The Centre for Strategic Research, which reports to the President of Tajikistan, has drawn up a programme for a State system of human rights education in Tajikistan, pursuant to Presidential Decree No. 2 of 1 December 1999, as ratified by Decision No. 272 of the Tajik Government on 12 June 2001. The programme aims, among other things, “to promote understanding, tolerance, equality between the sexes and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups”.

154. Under this programme, a core module entitled “Human rights” has been introduced at tertiary education establishments, and a similar course is being piloted in secondary schools. Non-governmental organizations (NGOs) in Tajikistan are also making a significant contribution to teaching, education, culture and information, promoting wider knowledge of the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination. Educational and public information programmes are being conducted to instil a culture of tolerance among the national and ethnic groups living in Tajikistan. Over the period 2002-2003, the NGO “Civil Society” ran youth programmes on the themes of “Tolerance and diversity - the vision of the twenty-first century” and “Youth and human rights”. A series of seminars on the theme of “Human rights and the civil service” was offered for civil servants at local authority and local government level. Tajikistan celebrates Human Rights Day every year on 10 December.

155. With a view to combating racial prejudices, xenophobia and the related intolerance that breed racial discrimination, the Tajik mass media are pursuing targeted public information campaigns to promote wider knowledge of the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination. In 2002, with the support of the Swiss Cooperation and Development Agency (SDC), the radio station “Asia Plus” broadcast a series of programmes on the development of human rights in Tajikistan. In 2003, with financial support from the Open Society Institute in Tajikistan, the Tajik Society for Friendship with Foreign Countries commenced publication of the magazine *Dusti*, focusing on the life and problems of ethnic minorities in Tajikistan; also in 2003, the NGO “Koh-i-noor” organized a photo exhibition on “The Ethnic Minorities of Tajikistan”.
