



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-fifth session
2 – 20 August 2004

**CONSIDERATION OF REPORTS SUBMITTED BY STATEPARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

TAJIKISTAN

1. The Committee considered the initial to fifth periodic reports of Tajikistan, due respectively from 1996 to 2004, submitted as one document (CERD/C/463/Add.1), at its 1658th and 1659th meetings (CERD/C/SR.1658 and 1659), held on 11 and 12 August 2004. At its 1670th meeting (CERD/C/SR.1670), held on 19 August 2004, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted and the opportunity thus afforded to enter into dialogue with the State party in a constructive manner. The Committee also appreciates the presence of a high-ranking delegation and the efforts it made to respond to the questions asked.

3. The Committee welcomes the efforts made by the State party to comply with the reporting guidelines of the Committee, in particular by providing information relating to the ethnic composition of the population as well as statistical data. More information should be provided, however, on the practical implementation of the Convention.

4. Taking into consideration that economic difficulties have prevented the State party submitting its initial report until nine years after its ratification of the Convention, the Committee invites the State party to take due account, in the submission of its future reports, of the timetable provided for by the Committee.

B. Positive aspects

5. The Committee welcomes the establishment, in 2002, of the Commission on Fulfilment of International Human Rights Commitments entrusted with a mandate to

receive individual complaints and to draft periodic reports under the international human rights instruments.

6. The Committee notes with satisfaction the State party's accession to major United Nations human rights instruments, as well as to the Commonwealth of Independent States Convention concerning the Rights of Persons Belonging to National Minorities.

7. The Committee notes with interest that the State party's legislation appears to be generally in conformity with article 4 of the Convention and that under article 62 of the Penal Code, racial discrimination is an aggravating circumstance in the commission of criminal offences.

8. The Committee notes with appreciation that Tajik law guarantees the freedom of citizens to choose their language of instruction and to use their language when dealing with government bodies and authorities, enterprises, institutions and associations.

9. The Committee welcomes the fact that the State party consulted with several organizations representing ethnic groups while preparing the report.

10. The Committee takes note with satisfaction of the statement made by the delegation that ratification of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness is currently under study, and encourages it to ratify these instruments in a timely manner.

C. Concerns and recommendations

11. The Committee notes that there is no definition of racial discrimination in domestic law. The definition provided in the Convention may, however, be directly invoked before tribunals.

The Committee is of the view that the elaboration of legislation on racial discrimination, including all elements provided in article 1 of the Convention, would be a useful tool for combating racial discrimination.

12. The Committee regrets that insufficient information was provided on the effective level of participation of members of national and ethnic minorities in State institutions.

The State party should provide more information on this issue, including statistical data, in its next periodic report.

13. The Committee is concerned that the criteria for prohibiting refugees and asylum-seekers from living in certain settlements under the 2002 Law "On Refugees" are not clear and that, as a result, article 5 (d) (i) of the Convention may be violated.

The Committee requests the State party to provide more information about the Law "On Refugees" and limitations of freedom of movement and residence in order to ascertain whether the Law is in conformity with the State party's international commitments.

14. The Committee is concerned that, according to some information, refugees have been denied Tajik citizenship despite the fact that they comply with the requirements set out in the Law “On Citizenship”.

The Committee draws the attention of the State party to its general recommendation XXX on discrimination against non-citizens and recommends that it apply the Law “On Citizenship” without discrimination, as requested in article 5 (d) (iii) of the Convention.

15. The Committee is concerned that, according to some reports, refugees, in particular Afghan refugees, have been forcibly returned to their countries.

The State party should pursue its cooperation with UNHCR in order to protect persons who have sought refuge in Tajikistan. The Committee also urges the State party to ensure, in accordance with article 5 (b), that no person will be forcibly returned to a country where there are substantial grounds for believing that his/her life or health may be put at risk.

16. The Committee regrets that no information was provided by the State party on the situation of the Roma community in Tajikistan.

The Committee recommends that the State party include detailed information in its next report on the situation of the Roma. Drawing the attention of the State party to its general recommendation XXVII, the Committee recommends that it adopt a strategy to improve the situation of the Roma and their protection against discrimination by State bodies as well as by any person or organization.

17. The Committee, while appreciating the State party’s efforts to provide children belonging to ethnic minorities with education in their native languages, notes with regret that there is an insufficient number of Uzbek textbooks in the Latin alphabet, adapted to new curricula.

The Committee encourages the State party to undertake consultations with the Uzbek minority and make every effort to address their concerns on this issue. The State party should submit additional information on the effective implementation of the Education Act, in particular on the number of schools teaching in minority languages and their geographical distribution, the quality of education provided and the difficulties encountered, if any.

18. The Committee notes with concern that, according to some information, minority languages are rarely used on public television and radio, newspapers and magazines.

The Committee recommends that the State party ensure that sufficient time is devoted to programmes in minority languages on public radio and television. The State party should take steps to facilitate the publication of newspapers in minority languages. Particular efforts should be made

in this regard in relation to the use of Uzbek, which is the language spoken by the largest minority.

19. The Committee notes with interest that the 1997 Culture Act guarantees the right of national and ethnic minorities to preserve and develop their cultural identity.

The Committee wishes to receive more information on the content and effective implementation of this law, the specific programmes adopted to that end, and the mechanisms ensuring the participation of the groups concerned in the elaboration and implementation of these programmes.

20. The Committee notes that there have been no court cases concerning racial discrimination.

The Committee recommends that the State party verify that the lack of any such complaints is not the result of victims' lack of awareness of their rights, individuals' lack of confidence in the police and the judicial authorities, or the authorities' insufficient attention or sensitivity to cases of racial discrimination. The next periodic report should contain an analysis of the situation in this respect.

21. The Committee notes with interest that the establishment of a national human rights institution is currently being studied.

The Committee encourages the State party to establish promptly such an institution, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134).

22. The Committee regrets the lack of information on action taken by the State party to enhance better understanding, respect and tolerance between ethnic groups in Tajikistan, in particular on programmes, if any, that have been adopted to ensure intercultural education.

The State party should adopt measures to promote intercultural understanding and education between ethnic groups, in particular in the areas of teaching, education, culture and information. It should provide more detailed information on this issue in its next periodic report.

23. The Committee welcomes the efforts to train judges and other law enforcement personnel in the field of human rights.

The State party should provide information on the effectiveness of such training and its impact regarding the implementation of the Convention.

24. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention and recommends that it consider the possibility of so doing.

25. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee refers to General Assembly resolution 57/194, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment. A similar appeal was reiterated by the Assembly in resolution 58/160.

26. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures they have taken to implement the Durban Declaration and Programme of Action at the national level.

27. The Committee encourages the State party to continue consulting with civil society working in the area of combating racial discrimination in the elaboration of its next periodic report.

28. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

29. The Committee recommends that the State party submit its sixth periodic report jointly with its seventh periodic report, due on 10 February 2008, that the report be comprehensive and that it address all points raised in the present concluding observations.
