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WATCH

“We Suffered When We Came Here”

Rights Violations Linked to Resettlements for Tajikistan’s Rogun Dam



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Rogun Dam

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Summary	1
Key Recommendations.....	9
To the Government of Tajikistan.....	9
To the World Bank and Other Potential Donors	9
Methodology	10
I. The Rogun Dam in Context	13
Tajikistan’s Political and Economic Climate.....	13
Human Rights in Tajikistan	14
The Rogun Hydropower Project	15
The World Bank’s Role in the Rogun Dam Project.....	17
II. Social and Economic Rights Violations Following Resettlement	20
Lack of Access to Land for Farming and Raising Livestock.....	22
Access to Land in Villages Near the Rogun Dam	22
Farming and Animal Husbandry in Villages Near the Rogun Dam	23
Lack of Land for Agriculture and Livestock in Resettled Communities	24
Reduced Access to and Variety of Food.....	27
Loss of Income-Generating Activities	28
New Resettlement Sites with Land Readily Available.....	29
Lack of Employment in Resettled Communities	30
The Dilemma of Migrating for Work	31
Unreliable and Insufficient Access to Essential Services.....	32
Electricity.....	32
Water.....	33
Exemptions for Utility Payments.....	37
Inadequate Access to Education and Forced Child Labor	38
Lack of Local Schools in Some Resettled Communities	38
School officials in Dangara Force Children to Harvest Cotton.....	41
People with Disabilities	43

Housing Specifically Designated for People with Disabilities	44
Access to Healthcare and Disability Pensions	45
III. Lack of Fair or Adequate Compensation	47
Flaws in Compensation Awards.....	48
Process of Determining Compensation	48
Compensation Does Not Reflect the Loss of Agricultural Activities.....	49
Compensation Does Not Reflect the Cost of Building a New Home.....	50
Flaws in the Implementation of the Compensation Process	57
Delays in Payment of Compensation Installments	57
IV. Physical Dangers and Disruptions to Essential Services in Villages Adjacent to	
Rogun Dam	60
Blasting Near Populated Villages	60
Government Demolition of Inhabited Homes in Talhak Cheshma	62
Decreased Access to Water and Farmland	64
V. Lack of Transparency and Effective Complaint Mechanisms	65
Lack of Information About Securing Land for Agriculture and Household Plots	65
Land for Agricultural Use	65
Securing Household Plots	67
Lack of an Accessible and Effective Complaint Mechanism.....	68
VI. Tajikistan’s Responsibilities under National and International Law and Standards	71
Rights to Food, Water, Housing, Work, Health, and Education.....	71
Human Rights Obligations Regarding Resettlement.....	73
The World Bank’s Involuntary Resettlement Policy.....	74
The Right to an Effective Remedy	75
Recommendations	76
To the State Committee of Investment and Management of State Property of the Republic of Tajikistan, the Directorate for the Flood Zone of Rogun Hydropower Plant, and the Local Authorities in All Districts	76
To the Directorate for the Flood Zone of Rogun Hydropower Plant	77
To the Local Authorities in All Relevant Districts	79
To the World Bank	80
To the World Bank and Other Potential Donors	80
Acknowledgements.....	81
Appendix	82

Summary

The proposed Rogun Dam in Tajikistan has the potential to bring much-needed electricity and heat to people across the country and to bolster Tajikistan's economy through exports of surplus power. At 335 meters, the Rogun Dam is slated to become the tallest dam in the world. Tajik President Emomali Rahmon has stressed that completing the Rogun Dam is of "life or death importance" for the nation, which suffers from chronic energy shortages in the winter months. But thousands of people have already been compelled to resettle to make way for the dam and more will be resettled in the future. The government has obligations to respect their rights and to ensure that they do not suffer undue hardships and harm.

The dam will create a massive reservoir that will displace an estimated 7,000 families (about 42,000 people) by the time the project is completed. Between 2009 and early 2014, the government has already resettled approximately 1,500 families out of the reservoir zone to several other locations in Tajikistan.

This report documents the human rights violations associated with the resettlement process and makes specific recommendations both to remedy past abuses and to prevent future human rights violations for the tens of thousands of individuals who have yet to be resettled. Based on interviews with people at various stages of the resettlement process, Human Rights Watch has found that the standard of living for many resettled families has seriously deteriorated and that there are a number of barriers that undermine their ability to re-establish the standard of living they enjoyed prior to being resettled. Loss of land for farming and raising livestock, lack of employment, and poor access to essential services in resettled communities have combined to create significant hardship for resettled families, seriously diminishing the exercise and enjoyment of fundamental rights.

Various parties, including the government of neighboring Uzbekistan, have raised other concerns about the Rogun Dam project, such as the feasibility of its height or composition, its potential environmental impacts – including their potential to further harm human rights – potential political consequences, and where Tajikistan will procure the estimated US\$2 to \$6 billion required for its construction. These issues have been the subject of much international discussion but are beyond the scope of this report.

Many families compelled to resettle by the government have faced serious hardships in trying to re-establish their lives in new locations, including reduced access to food, water, and education. The government has allocated land to displaced families, but it has not built houses for them on that land nor provided sufficient compensation to all families in accordance with international human rights standards to build new homes of a similar size and standard to those they previously owned. In many cases, families suffered undue burdens due to the loss of agricultural lands that provided means of subsistence and income to the majority of families prior to resettlement. The government of Tajikistan should urgently take steps to address shortcomings in the resettlement process and prevent similar types of issues from occurring during future resettlements.

In 2010 the government suspended future resettlements pending the release of two World Bank-sponsored studies on the construction of the Rogun Dam, one of which examines Tajikistan's compliance with the bank's safeguard policies, including its involuntary resettlement policy and the Rogun Dam's effects on those subject to resettlement. However, resettlements continue from initially designated villages in Rogun and Nurabod districts.

The government plans to resettle all families living in the reservoir zone, in addition to those in villages adjacent to the construction site who will be subject to safety risks caused by the construction even though their homes will not be submerged. The government agency in charge of resettlement, the Directorate for the Flood Zone of Rogun Hydropower Plant (Flood Zone Directorate), has prioritized resettlement of families residing in lower lying areas that are among the first to be submerged as well as those closest to the Rogun Dam's construction site. The 1,500 families already resettled now live in purpose-built sites in four locations, three of which are located between 100 and 200 kilometers from the original villages.

To resettle families out of the flood zone, the government first appraised each house, including its fences, fruit-bearing trees, and other structures such as barns. The government then determined compensation awards to be paid in three installments. Because all land in Tajikistan is by law the property of the state, residents do not receive compensation for land, but the government allocates a land plot to each family at the resettlement site of their choice. Because the government does not begin to distribute compensation payments until it allocates land, most residents have waited for several years between the assessment and the time that they receive their first compensation payment.

Most villagers within the flood zone engage in farming or raise livestock and other animals, either on their household land or on additional lands known as dekhan farms. They grow wheat and cultivate vegetable gardens and orchards of varying sizes that produce apples, pears, mulberries, apricots, cherries, and walnuts. People used produce from the land as well as eggs, milk, and meat from poultry and livestock as a major food source and, in some cases, as a supplemental source of income. Very few resettled individuals have applied for or begun cultivating dekhan farms, in part because they do not know whether the government has made dekhan land available in their new communities.

In addition to losing dekhan farmland, resettled families have been awarded significantly smaller household land plots. Over 85 percent of resettled families interviewed by Human Rights Watch stated that they had lost access to land or described feeling compelled to sell livestock due to lack of adequate land in the resettlement sites and the need to raise additional funds to finance home construction. Although multi-family households receive one plot per family, the size of each plot is such that a house occupies much of it, leaving little room for livestock or farming. People who had previously relied on their lands to provide food reported that, after resettlement, they had to purchase most or all of their food at markets, leaving less money for other household needs.

Government representatives have acknowledged the importance of farmland to people facing resettlement. The Flood Zone Directorate has allocated 100 and 80 hectares of land for farms and pastures in two of the resettlement sites, Saidon y Bolo and Yoli Garm Oba, respectively, close to existing villages near the dam site that were under construction when Human Rights Watch visited in early 2014. However, those resettled to some other sites will not have access to farm and pasture land.

Resettled people also reported few prospects for formal, long term employment. Resettled people in some communities complained that, despite government promises of job placement and assistance, they have not been able to secure employment. For example, according to Paiman J., who resettled to the community in Tursunzoda district from Sech village in early 2013, “Employment is the biggest problem we have here. I am an experienced plumber, but I can’t find work here. My wife and [adult] daughter recently got jobs as cleaners in the new school, but they earn only 100 somoni [about \$20] each per month. There are no jobs here.” Unemployment is prevalent throughout Tajikistan, but resettled

people often face particular hardship because they have been uprooted from communities where they were able to produce their own food through farming and raising livestock.

Some people who had worked in Russia told Human Rights Watch researchers that they could not migrate for work until they finished building their houses, a process that can take several years. Hundreds of thousands of migrant laborers from Tajikistan work in other countries each year, and remittances from migrant work comprise nearly half of Tajikistan's GDP. Resettled individuals who would otherwise earn income from employment abroad are faced with the dilemma of leaving their families in an unfinished home to earn money for construction or staying while spending their savings.

In some resettled communities visited by Human Rights Watch, residents faced water shortages that left them without sufficient water for drinking and other household needs and prevented them from growing even a small amount of food. Prior to resettlement, families typically had continual access to water via mountain springs. In certain resettled communities, they often receive water supplied by electric pumps for only a few hours a day. To compensate for the lack of reliable water supply, resettled families collect water in bottles and tanks to use throughout the day for drinking and household tasks, but when mechanical problems interrupt the water supply, they must walk several kilometers to a canal or river and carry containers of water home. Resettled residents also stated that water shortages made it difficult to mix concrete or make clay bricks used to build their homes, slowing construction times.

The government is responsible for building schools in each resettled community, but despite Flood Zone Directorate representatives emphasizing plans to prioritize building schools, the communities in Rudaki and Dangara have been without a local school for several years. Children and parents in those areas reported that children spent as much as two hours walking to school, due to the long distances. During certain times of the year, children as young as seven years old must walk to or from school in the dark. Some parents told Human Rights Watch that they keep their children home from school in the cold or inclement weather and reported that their children resisted attending school because of the long walk. Parents in both resettled and yet to be resettled communities reported that children with disabilities did not attend local schools, and only a few went to specialized education programs in Dushanbe for a few weeks per year.

People in all resettled communities reported that the authorities promptly built small healthcare facilities known locally as “med-points” to address routine, basic medical care and that these facilities functioned reliably. Med-points distribute prescriptions, treat minor injuries or illnesses, and send a healthcare practitioner into the surrounding neighborhoods to visit people who cannot leave their homes. As is common throughout rural Tajikistan, however, those with serious medical conditions or disabilities must travel to the capital, Dushanbe, for specialized care.

Some people awaiting resettlement remain in the villages closest to the Rogun Dam construction site, where workers accumulate vast amounts of earth and stones to be used as building materials for the dam and associated structures. People still living in these communities stated that blasting for these materials has damaged their homes, shattering all of their windows and cracking their walls. According to all resettled people Human Rights Watch interviewed, the government has not awarded compensation to any residents for this damage.

Some of the difficulties that resettled people face, such as lack of local employment and limited access to electricity and water, mirror nationwide issues affecting millions of people in Tajikistan. The government should nonetheless take steps to address these issues in resettled communities because it was government action that caused or exacerbated their effects with respect to resettled people. For instance, people in the resettled communities in Rudaki have been without a local school or an adequate, reliable water supply for several years, marking a significant and long lasting reduction in their standard of living and social and economic rights that the government has an obligation to rectify.

People at all stages of the resettlement process reported that the government did not provide sufficient compensation for the homes that they must leave behind. Most people told Human Rights Watch that they had to spend considerable amounts of their own money in order to build a house of similar size and quality to their former home. Residents stated that they were compelled to contribute their own funds to construction not only due to the amount of compensation awarded but also due to significant delays between assessment and compensation, during which time the cost of construction materials increased significantly due to inflation. Most people reported taking several years to complete construction of their main house and needing to repeatedly travel long distances from their existing homes to resettlement sites to do so.

In addition, outside of the summer months, the government provides electricity to resettled communities for only a few hours per day. While this is common throughout Tajikistan, including in some of villages where families were moving from, people reported that the absence of electricity for lighting and power tools was increasing construction times.

While the authorities responsible for resettlement have developed an assessment and compensation system based on actual measurements and what they term “market value,” as required under Tajik law, they award compensation that does not reflect the actual cost of building materials for a new home, let alone the cost of hiring qualified builders. Human Rights Watch documented some instances where some individuals in female headed households or households containing a person with a disability stated that they lacked adult relatives to help with construction and that they therefore required practical or financial assistance from the government.

Government representatives told Human Rights Watch that they had built a number of homes for people needing special assistance, such as for widows, war veterans, and people with disabilities. But when researchers visited those houses and spoke with residents, they found that only government employees (who did not have disabilities) lived there and that the houses were in any event not wheelchair accessible.

Those who built their own houses told Human Rights Watch researchers that they spent on average three years building the main house, plus additional time constructing outbuildings such as a kitchen, bathing room, food storage shed, and toilet, consistent with their previous living structures and typical households in Tajikistan.

Longer construction times often compelled families who resettled quickly to new villages to live in half-completed houses, sometimes cooking outdoors or bathing in unfinished basements. In other cases, families remained in their original homes while male relatives regularly traveled distances of up to 200 kilometers to complete construction of new homes, often spending significant amounts of money on transportation. Men reported spending as much as a month at a time away from their families, sleeping in tents, neighbors’ homes, or in their unfinished houses while building their new homes. Many families in this situation noted the significant costs of running two households at once. Others expressed satisfaction that they were able to continue using their old homes and farms while construction was ongoing.

The government has not taken sufficient steps to provide families awaiting resettlement and those who have already resettled with timely, accurate, and specific information about certain aspects of the resettlement process such as compensation procedures, complaint mechanisms, availability of land for farms and pastures, employment opportunities, and other assistance. Nor did the government provide people with an opportunity to meaningfully participate in the crafting of the proposed resettlement plan or facilitate legal, technical and other advice to people about their rights and options. For instance, many residents told Human Rights Watch that they had no idea whether farmland was available in their new communities or how to apply for it. Similarly, people with other concerns reported not understanding the complaint process or the roles of the many government agencies involved in providing particular services or resolving problems. In many cases, residents expressed resignation and a sense of futility with respect to interacting with the government about any aspect of the resettlement process.

The government does not have an on-the-ground monitoring or outreach system to assess resettled people's needs, to determine whether officials and agencies are fulfilling their duties, or to provide assistance to people in crisis. Instead they rely on an opaque complaint system to settle issues on a case-by-case basis. The government's approach does not address structural flaws in the resettlement process, and it risks overlooking serious harms that may occur as consequences of resettlement to marginalized individuals such as widows, divorced women, and persons with disabilities. Inadequate compensation, lowered standards of living due to inadequate housing as well as loss of access to food, water and education may impact these individuals disproportionately. Marginalized individuals may also face specific challenges when bringing complaints. In addition, it has not always recognized many of the particular negative impacts marginalized people might suffer as a consequence of resettlement.

Tajikistan's government has a unique opportunity to address problems with the resettlement process before they impact thousands more families. It should re-examine its policies and practices to ensure that it respects human rights and makes changes that address the violations documented in this report. Further, it should provide adequate remedies to those who have already suffered violations because they were resettled.

On June 17, 2014, the World Bank published the final draft of its Rogun Dam studies for consultation, as well as its own draft paper, "Key Issues for Consideration on the Proposed

Rogun Hydropower Project.” The World Bank acknowledged that the required resettlements would have a major impact on building the Rogun Dam, that the project would result in economic, as well as physical, displacement, and that restoring livelihoods during and after resettlement would be a critical element of the resettlement process. However, while the draft Environmental and Social Impact Assessment importantly considers international environmental treaties and international water laws, it does not consider relevant international human rights instruments regarding resettlement. As these studies are finalized, the World Bank, its consultants, and its economic and social panel of experts should be guided by international human rights standards.

While the World Bank has not committed to funding the Rogun Dam itself, it and other international actors should provide financial assistance to the resettlement process, including funding for effective monitoring to ensure that human rights standards are being met.

The government of Tajikistan has obligations under the constitution of Tajikistan as well as under international law to protect people’s rights to adequate housing, food, water, health, work, and education. It must also avoid taking any steps that would negatively impact or cause a regression in people’s realization of these rights. In the context of involuntary resettlement, the government must ensure fair compensation for all losses that resettlement imposes upon people forced to resettle and ensure that people do not bear an undue burden as the result of being resettled. The government must provide timely and adequate information to and consult in advance with residents facing resettlement and provide access to effective remedies if rights violations occur.

As it moves forward with the Rogun Dam project, the government of Tajikistan should respect and uphold the United Nations Basic Principles and Guidelines on Development-Based Evictions and Displacement, the international human rights standards that they are based on, and the World Bank’s Involuntary Resettlement Policy. With over 5,500 families yet to be resettled, the government has an opportunity to effect a positive change on many lives in the near future.

Key Recommendations

To the Government of Tajikistan

- Fully compensate all resettled individuals for the full replacement cost of their homes and other property, including the cost of hiring qualified laborers, and ensure that their livelihoods are restored to pre-resettlement levels.
- Provide continuous access to services such as water, electricity, health care, and education to people at all stages of resettlement. Promptly fill any gaps in such services and ensure that these services are functional in all future resettlement sites before residents relocate to those sites.
- Engage in systematic monitoring and outreach to individuals at all stages of the resettlement process. Periodically inform residents about the availability of land and the process by which to apply for it, as well as complaint mechanisms.
- Allow civil society free access to areas from which residents are being resettled as well as to resettlement sites to enable them to independently monitor and report on the resettlement process and assist people in filing complaints.
- Provide special assistance in ensuring housing and essential services to marginalized groups such as people with disabilities, widows, and divorced women.

To the World Bank and Other Potential Donors

- Fund the resettlement aspect of the Rogun Dam construction project if this would ensure that human rights standards are being met.
- Engage in regular monitoring of the resettlement process and work with the government to promptly address all violations of human rights or international standards.
- Urge the government to facilitate civil society representatives' access to areas from which residents are being resettled as well as resettlement sites and enable them to independently monitor and report on the resettlement process and assist people in filing complaints.

Methodology

In mid-2013 Human Rights Watch began researching the effects of large-scale resettlements due to the construction of the Rogun Dam, also known as the Rogun Hydropower Project (HPP), in Tajikistan. From November 2013 to February 2014 Human Rights Watch undertook two visits to pre- and post-resettlement communities in Tajikistan to interview affected people.

This report is based on 156 in-person interviews with individuals at varying stages in the resettlement process. Researchers conducted 83 interviews with individuals resettled to villages in Tursunzoda, Dangara, Rudaki, and Nurabod districts, 46 additional interviews with people in villages in Nurabod district, and 27 interviews in Rogun district with people who have not yet been resettled. Human Rights Watch did not interview villagers in a third district, Rasht, because the government has advised that it will not resettle them until the reservoir created by the Rogun Dam is almost full, which will occur approximately 17 years after the dam is constructed.

The majority of the interviews were conducted in individuals' homes, either in private or with a spouse or family members present. The interviews were conducted by three Human Rights Watch researchers, one of whom is fluent in Russian. Researchers asked interviewees a semi-structured set of questions about various aspects of their lives, including access to land, food, water, education, healthcare, and employment as well as about various aspects of the resettlement process including compensation, the availability of land, and access to complaint mechanisms. Most interviews were conducted in Tajik, with interpretation into English or Russian. A few interviews were conducted in Russian.

Human Rights Watch identified affected communities with the help of local activists, and researchers traveled to those communities where they conducted interviews. In most cases, the research team first spoke with the informal head of the community to discuss the team's presence in the area before going from house to house. In the vast majority of cases, the researchers approached interviewees directly, but in some cases, the community leader introduced residents to us and residents decided independently if they would like to participate in an interview.

Before being interviewed, interviewees were told of the purpose of the interview, informed what kinds of issues would be covered, and asked if they wanted to proceed. No incentives were offered or provided to persons interviewed.

In some cases, affected people declined to speak to Human Rights Watch researchers out of fear of repercussions for speaking about the abuses they have faced. In all cases, we have changed the names of interviewees to protect their safety. We have used pseudonyms with a first name and last initial throughout the report for all of the people interviewed in the interest of their security and privacy. In some cases we have also withheld the location and date of the interview also to protect interviewees' safety.

In all of the resettled communities, Human Rights Watch was able to freely enter, conduct interviews, and take photos. To gain access to pre-resettlement villages in Nurabod district, we obtained permission from the local authorities and from the Directorate for the Flood Zone of Rogun Hydropower Plant. Local and national authorities provided permissions for Human Rights Watch to visit villages in Nurabod and Rogun districts and to interview residents who had yet to be resettled. In all areas, Human Rights Watch interviewed individuals in private, without the presence of government officials.

We also conducted numerous meetings with government representatives at the village, city, and district level. These included local administrators in Rogun and Nurabod cities as well as in Sicharog village in Rogun district. In addition, we met with Ramazan Mirzoev, then head of the Flood Zone Directorate, the cabinet level government agency in charge of resettlements, three times. We also met with the Flood Zone Directorate's representative in Rogun City on several occasions during the course of our second mission.

Human Rights Watch also met with six World Bank officials who have played key roles in the studies surrounding the Rogun Dam project. We also spoke with a member of the bank's Panel of Experts who studied the Rogun Dam's potential environmental and social impacts.

In February 2014 Human Rights Watch shared some of our preliminary findings in a meeting with Mirzoev. We then sent letters to the Flood Zone Directorate, the office of the Prime Minister, the local authorities in charge of resettled communities in Dangara, Nurabod, Rudaki, and Rogun districts, and to the World Bank. In these letters we shared our complete findings and asked for the addressee's response. On June 17, 2014, as this

report was going to print, the World Bank published drafts of the Environmental and Social Impact Assessment (ESIA) and the summary of the Techno-Economic Assessment Study (TEAS), as well as its own paper, “Key Issues for Consideration on the Rogun Hydropower Project.” While Human Rights Watch was unable to fully analyze these assessments in advance of publication, this will be done and submitted to the World Bank during the comment period June 17-July 29, 2014.

I. The Rogun Dam in Context

Tajikistan's Political and Economic Climate

Tajikistan is a mountainous, landlocked nation of 8 million people that borders Afghanistan, Uzbekistan, Kyrgyzstan, and China.¹ The border with Afghanistan is a favored route for drug traffickers and has increasingly become a regional security concern as the withdrawal of United States troops from Afghanistan in 2014 draws closer.² Almost immediately after its independence from the Soviet Union in 1991, Tajikistan entered a five-year civil war that killed 50,000 and displaced nearly 800,000 people. Tajikistan's current president, Emomali Rahmon, won the 2013 elections amid claims that he effectively forced the leading opposition candidate, who would have become the first woman to run for president of Tajikistan, out of the race.³

Tajikistan is one of the poorest of the post-Soviet States with per capita income of US\$860 per year in 2012.⁴ Poverty and high unemployment lead hundreds of thousands of citizens to migrate to Russia each year for work, and remittances from migrant workers contributed to 48 percent of Tajikistan's GDP in 2013.⁵ In 2009, 46.7 percent of Tajikistan's population lived in poverty.⁶ Over three-quarters of the population live in rural areas and rely on

¹ "Factbox: Key Facts about Tajikistan," Reuters, November 3, 2013, <http://www.reuters.com/article/2013/11/03/us-tajikistan-election-factbox-idUSBRE9A2o2Y20131103> (accessed June 9, 2014).

² "The Significance of the Tajik-Afghan Border," Indian Review of Global Affairs, May 23, 2013, <http://www.irgamag.com/component/k2/item/2867-the-significance-of-the-tajik-afghan-border> (accessed April 14, 2014); "Putin Orders Support of Tajik Military After US Pullout from Afghanistan," RIA Novosti, August 1, 2013, <http://en.ria.ru/world/20130801/182533633.html> (accessed April 14, 2014).

³ David Trilling, "Tajikistan's Opposition Candidate Forced out of Race," *Eurasia.net*, October 11, 2013, <http://www.eurasianet.org/node/67616> (accessed April 14, 2013).

⁴ World Bank, "Tajikistan," Country Data, <http://data.worldbank.org/country/tajikistan> (accessed April 14, 2014).

⁵ World Bank, "Migration and Remittance Flows in Europe and Central Asia: Recent Trends and Outlook, 2013-2016, October 2, 2013, <http://www.worldbank.org/en/news/feature/2013/10/02/migration-and-remittance-flows-in-europe-and-central-asia-recent-trends-and-outlook-2013-2016> (accessed April 14, 2014); Sohibai Karomatullo and Daisy Sindelar, "Tajik Migrants: Both Parents Leaving For Work Puts A Strain On Those Left Behind," Radio Free Europe, December 18, 2012, <http://www.rferl.org/content/tajik-migrants-children-caregivers-burden/24802412.html> (accessed April 14, 2014). Dilip Ratha, Gemechu Ayana Aga, and Ani Silwal, "Remittances to developing countries will surpass \$400 billion in 2012," Migration and Development Brief 19 (2012), <http://siteresources.worldbank.org/INTPROSPECTS/Resources/3349341288990760745/MigrationDevelopmentBrief19.pdf> (accessed October 28, 2013), p. 2.

⁶ According to the World Bank, a person lives in poverty if their income is less than US\$1.25 per day. "Poverty Overview," World Bank, <http://www.worldbank.org/en/topic/poverty/overview> (accessed April 14, 2014); "Tajikistan," World Bank Country Data, <http://data.worldbank.org/country/tajikistan> (accessed April 14, 2014). Tajikistan's poverty rate has declined in recent years but is still estimated at about 40 percent. "Tajik poverty rate may decline to 31.5% in three years," *Universal Newswires*, March 29, 2013, <http://www.universalnewswires.com/centralasia/tajikistan/security/viewstory.aspx?id=13889> (accessed April 14, 2014).

subsistence agriculture to survive.⁷ Poverty in Tajikistan is complicated by the fact that 93 percent of the country is mountainous and not suitable for cultivation, contributing to high levels of food insecurity nationwide.⁸ In January 2013 close to 3 million people were unable to meet their fundamental food needs and still afford other basic necessities.⁹ Roughly half the nation lacks access to safe drinking water.¹⁰ Close to 99 percent of people in rural Tajikistan lack modern sanitation facilities, instead using latrine-style pit toilets.¹¹ Early childhood mortality in Tajikistan is the highest in Central Asia, with 58 of every 1,000 children in Tajikistan dying before the age of five.¹²

Human Rights in Tajikistan

Tajikistan has a poor human rights record. Past elections have been marred by detention and harassment of opposition candidates and their staff as well as by ballot box stuffing and improper electoral procedures.¹³ The government restricts freedom of religion, expression, the press, association, and the Internet, and it has harassed human rights

⁷ “Rural Population (% of Total Population) in Tajikistan,” *Trading Economics*, <http://www.tradingeconomics.com/tajikistan/rural-population-percent-of-total-population-wb-data.html> (accessed April 14, 2014).

⁸ World Bank, “Integrating Environment into Agriculture and Forestry Progress and Prospects in Eastern Europe and Central Asia, Volume II, TAJIKISTAN Country Review,” November 2007, <http://www.worldbank.org/eca/pubs/envint/Volume%20II/English/Review%20TAJ-final.pdf> (accessed April 14, 2014) p.3; “Tajikistan,” *Forbes*, <http://www.forbes.com/places/tajikistan/> (accessed April 14, 2014); Shokhrukh-Mirzo Jalilov, “Impact of Rogun Dam on Downstream Uzbekistan Agriculture,” <http://library.ndsu.edu/tools/dspace/load/?file=/repository/bitstream/handle/10365/16332/ms-thesis-shokhrukh-mirzo%20jalilov.pdf?sequence=3> (accessed April 14, 2014), p.7; “IPC Tajikistan: Food Security Classification Overview – January 2013,” USAID, <http://documents.wfp.org/stellent/groups/public/documents/ena/wfp255696.pdf> (accessed April 14, 2014).

⁹ “IPC Tajikistan: Food Security Classification Overview – January 2013,” US AID, <http://documents.wfp.org/stellent/groups/public/documents/ena/wfp255696.pdf> (accessed April 14, 2014), pp. 1, 4. The World Food Program reported that 870,277 people were in the “crisis” state of food insecurity, defined as “[having] [f]ood consumption gaps with high or above usual acute malnutrition; OR [being] marginally able to meet minimal food needs only with accelerated consumption of livelihood assets that will lead to food consumption gaps.” Another 2,381,754 people were in the “stressed” category, defined as having “minimally adequate food consumption but [being] unable to afford some essential non-food expenditures without engaging in irreversible coping mechanisms.”

¹⁰ “Tajikistan Fact Sheet,” *Feed the Future*, http://www.feedthefuture.gov/sites/default/files/country/strategies/files/ftf_factsheet_tajikistan.pdf (accessed April 14, 2014), p. 1.

¹¹ WHO/UNICEF Joint Monitoring Program (JMP) for Water Supply and Sanitation, “Estimates on the Uses of Water Sources and Sanitation Facilities, 1980-2012,” http://www.wssinfo.org/documents/?tx_displaycontroller%5Btype%5D=country_files&tx_displaycontroller%5Bsearch_word%5D=Tajikistan (accessed May 9, 2014), “Tables_W” tab.

¹² World Bank, “Mortality rate, under-5 (per 1,000 live births),” <http://data.worldbank.org/indicator/SH.DYN.MORT> (accessed April 14, 2014).

¹³ Human Rights Watch, *World Report 2011* (New York: Human Rights Watch, 2011), Tajikistan chapter, <http://www.hrw.org/en/world-report-2011/tajikistan>.

defenders and organizations.¹⁴ Police torture is common.¹⁵ The state does not effectively protect women and girls from discrimination and gender-based violence.¹⁶

The Rogun Hydropower Project

At a projected height of 335 meters, the Rogun Dam will be the tallest dam in the world. It is situated along the Vakhsh River, about 110 kilometers from Dushanbe, Tajikistan's capital. Its reservoir will flood over 170 square kilometers of land and require that at least 42,000 people resettle.¹⁷ The Rogun Hydropower Project (HPP) will have an installed capacity of 3,600 megawatts of electricity and is projected to lower Tajikistan's energy costs.¹⁸ By comparison, the Nile River's Aswan Dam has an installed capacity of 2,100 megawatts.¹⁹

Tajikistan's biggest natural resource is water. Tajikistan controls 51.5 percent of the water that flows into the Aral Sea Basin, which other Central Asian countries such as Uzbekistan rely on primarily for commercial agriculture.²⁰ The government of Uzbekistan strongly

¹⁴ For example, in October 2012 Tajikistan arbitrarily shut down Amparo, a leading NGO that investigated torture. Human Rights Watch, *World Report 2013*, (New York: Human Rights Watch, 2013), Tajikistan chapter, <http://www.hrw.org/world-report/2013/country-chapters/tajikistan>. For more information on Tajikistan's treatment of human rights defenders, the political opposition, and journalists, see "Tajikistan 2012 Human Rights Report," US State Department, Bureau of Democracy, Human Rights, and Labor, Country Reports on Human Rights Practices – 2012: Tajikistan, <http://www.state.gov/documents/organization/204625.pdf> (accessed April 14, 2014), pp. 8-10.

¹⁵ *Ibid.*, pp. 2-4.

¹⁶ For example, although 58 percent of women in Tajikistan reported being either physically or sexually assaulted by their husbands, there is only one shelter in the country for victims of domestic violence. "Report of the Special Rapporteur on Violence Against Women, its causes and consequences, Yakin Erturk: Addendum – mission to Tajikistan," April 29, 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/130/50/PDF/G0913050.pdf?OpenElement> (accessed May 9, 2014), paras. 24, 76.

¹⁷ The World Bank, Environmental and Social Impact Assessment for Proposed Rogun Hydro Power Plant: Resettlement and Infrastructure Replacement Cost Estimates for Dam Alternatives, <http://siteresources.worldbank.org/INTECCU8/Resources/563344-1360501336092/Resettlement-and-Infrastructure-Replacement-Cost-Estimates-for-Dam-Alternatives-ENG.pdf> (accessed April 14, 2014), p. 10; "Onwards and Upwards," *International Water Power and Dam Construction*, June 4, 2008, <http://www.waterpowermagazine.com/features/featureonwards-and-upwards> (accessed April 14, 2014).

¹⁸ Eli Keene, "Solving Tajikistan's Energy Crisis," *Carnegie Endowment for National Peace*, March 25, 2013, <http://carnegieendowment.org/2013/03/25/solving-tajikistan-s-energy-crisis/fta8> (accessed April 14, 2014); "Folie de grandeur: A president with an edifice complex is screwing the motherland," *Economist*, July 27, 2013, <http://www.economist.com/news/asia/21582325-president-edifice-complex-screwing-motherland-folie-de-grandeur> (accessed April 14, 2014). When the Rogun Dam is complete, "the cost of energy per MWh in Tajikistan is going to be \$10-40, while in neighboring Afghanistan it is \$25-350, in Pakistan \$65-150, and in China \$30-75." Shokhrukh Mirzo-Jalilov, "Impact of Rogun Dam on Downstream Uzbekistan Agriculture," http://www.ndsu.edu/fileadmin/nrm/Pdfs/Shokhrukh-Mirzo_Jalilov_MS2010.pdf (accessed April 14, 2014), p. 2.

¹⁹ Water-technology.net, "Aswan Dam, River Nile, Sudan, Egypt," <http://www.water-technology.net/projects/aswan-high-dam-nile-sudan-egypt/> (accessed June 10, 2014).

²⁰ Jalilov, "Impact of Rogun Dam on Downstream Agriculture," p.12; World Bank, "Environmental and Social Impact Assessment Study (ESIA) for the Rogun Hydroelectric Power Plant Construction Project: Terms of Reference," April 3, 2010,

opposes the construction of Rogun Dam, claiming that reduced water flow could result in a loss of 2 percent of GDP and up to 300,000 jobs.²¹

While the potential impacts on downstream nations such as Uzbekistan are a significant source of controversy, they are beyond the scope of this report. The World Bank's Inspection Panel, the European Union's Parliamentary Library, scholars, and journalists have examined these concerns elsewhere.²²

President Rahmon has repeatedly asserted that building the Rogun Dam to access the Vakhsh River's hydropower potential is the only way for Tajikistan to provide sufficient, affordable, energy to its people throughout the year.²³ According to the World Bank, 70 percent of the population suffers from extensive energy shortages in the winter, causing adverse health due to the cold and indoor air pollution caused by using coal as a source of heat during periods of the day when electricity is unavailable due to rationing.²⁴

The Soviet government began planning for the Rogun Dam in 1965 and commenced construction in 1976.²⁵ The collapse of the Soviet Union halted work in 1991, and in 1993 flooding destroyed a portion of the construction completed during the Soviet era.²⁶ Over

http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2010/06/08/000334955_20100608033451/Rendered/INDEX/E24760v10EAoPo1006042010000infoshop.txt (accessed April 14, 2014), para. 11.

²¹ "Rogun Damage to Uzbekistan Estimated at \$600 Million – US Experts," *European Dialogue*, October 5, 2012, <http://eurodialogue.org/Rogun-damage-to-Uzbekistan-estimated-at-600-million%E2%80%94US-experts> (accessed April 17, 2014)

²² World Bank: The Inspection Panel, "Tajikistan: Energy Loss Reduction Project (Request from Uzbekistan)," October 8, 2010, <http://ewebapps.worldbank.org/apps/ip/Pages/ViewCase.aspx?Caselid=27> (accessed April 14, 2014); "Transboundary Water Management: The Rogun Dam in Tajikistan," Library of the European Parliament, August 21, 2013, [http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130621/LDM_BRI\(2013\)130621_REV1_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130621/LDM_BRI(2013)130621_REV1_EN.pdf) (accessed April 14, 2014); Jalilov, "Impact of Rogun Dam on Downstream Agriculture"; Joshua Kucera, "Tajikistan's Folly? The Rogun Dam," *Pulitzer Center on Crisis Reporting*, June 10, 2013, <http://pulitzercenter.org/reporting/central-asia-tajikistan-rogun-vakhsh-river-dam-impoverished-uzbekistan-worldbank-UN> (accessed April 14, 2013).

²³ "[T]he Tajik president repeatedly stressed that the Rogun issue is non-negotiable and that the completion of the project is "imperative" and "of life or death importance" for Tajikistan. He referred to the construction of the Rogun HPP as "our national idea" and a "battlefield" for "national pride and honor." "Rogun hydro-power plant-a disputed issue in Central Asia," *The Journal of Turkish Weekly*, April 3, 2013, <http://www.turkishweekly.net/news/148558/rogun-hydro-power-plant-a-disputed-issue-in-central-asia.html> (accessed April 14, 2014). See also Amanda Lanzillo, "Rogun Dam Promises Energy Security," *Global Risk Insights*, May 23, 2013, <http://globalriskinsights.com/2013/05/13/rogun-dam-promises-energy-security/> (accessed April 14, 2014).

²⁴ World Bank, "Tajikistan's Winter Energy Crisis: Electricity Supply and Demand Alternatives, November 2012, http://siteresources.worldbank.org/ECAEXT/Resources/TAJ_winter_energy_27112012_Eng.pdf (accessed April 14, 2014) p. 5.

²⁵ "Onwards and Upwards," *International Water Power and Dam Construction*, June 4, 2008, <http://www.waterpowermagazine.com/features/featureonwards-and-upwards> (accessed April 14, 2014).

²⁶ "Rogun dam," *Britannica.com*, <http://www.britannica.com/EBchecked/topic/506865/Rogun-Dam> (accessed October 28, 2013); "Onwards and Upwards," *International Water Power and Dam Construction*, June 4, 2008, <http://www.waterpowermagazine.com/features/featureonwards-and-upwards> (accessed April 14, 2014).

120 families were resettled during the Soviet era construction, and all but 12 families returned to their old homes in the reservoir zone during the intervening years.²⁷

The World Bank's Role in the Rogun Dam Project

The World Bank's position on large-scale dams has been inconsistent in recent decades. During the 1970s and 80s, the bank financed many hydropower projects, some of which resulted in human rights violations including forced evictions of indigenous persons, flooding of populated areas without notice, and killings of villagers in the project area by security forces.²⁸ Partly due to these problems, which the bank describes as environmental and social concerns, World Bank investments in large hydropower projects stagnated in the 1990s.²⁹

Recent concerns about sustainable development have led the bank to reverse its position on funding large dams, however, and it has increased its financing of other types of hydropower projects around the world.³⁰ In addition, under the World Bank Group's new strategy, the group is endeavoring to invest in projects that promise high returns and which also purport to have a transformative effect on the country in which they are implemented.³¹ In 2013 the bank's vice president, Rachel Kyte, told the *Washington Post*

²⁷ Bureau of Human Rights and the Rule of Law, "Report on Relocation Cases Study Results," Dushanbe, 2012, <http://www.bhr.tj/public/userfiles/Eurocomission/Eng.pdf> (accessed May 29, 2014), p. 11.

²⁸ Mario Blaser, Harvey A. Feit, and Glenn McRae, *In the Way of Development: Indigenous Peoples, Life Projects, and Globalization* New York: Zed Books, 2004, http://books.google.com/books?id=oUwtqpeBtvQC&pg=PA212&lpg=PA212&dq=the+pangue+dam+bio+bio+river+chile+human+rights&source=bl&ots=F2HqKa48fB&sig=LNPCVsmTaYi3ebok_JTptIHUM8&hl=en&sa=X&ei=7_BOUv_WCNe44AOvIHQCg&ved=oCDoQ6AEwAg#v=onepage&q=the%20pangue%20dam%20bio%20bio%20river%20chile%20human%20rights&f=false (accessed April 14, 2014), pp. 214-216; David Vargas, "PARAGUAY: Concerns, Tension Rise with Water Level in Yacyreta Dam," Inter Press Service News Agency, August 14, 2008, <http://www.ipsnews.net/2008/08/paraguay-concerns-tension-rise-with-water-level-in-yacyreta-dam/> (accessed April 14, 2014); John Ahni Schertow, "The World Bank And Its Broken Human Rights Record," IC Magazine, November 19, 2012, <http://intercontinentalcry.org/the-world-bank-and-its-broken-human-rights-record/> (accessed April 14, 2014); Human Rights Watch, *Abuse Free Development: How the World Bank Should Safeguard Against Human Rights Violations*, July 2013, http://www.hrw.org/sites/default/files/reports/worldbank0713_ForUpload.pdf, p. 10, footnote 10; "The World Commission on Dams," InternationalRivers.org, <http://www.internationalrivers.org/campaigns/the-world-commission-on-dams> (accessed June 13, 2014).

²⁹ World Bank, "Directions in Hydropower," http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2010/05/27/000334955_20100527072807/Rendered/PDF/547270WPoDirec10Box349424Bo1PUBLIC1.pdf (accessed April 14, 2014) pp. 3, 8.

³⁰ World Bank, "Energy Overview (Strategy tab)," last updated March 25, 2014, <http://www.worldbank.org/en/topic/energy/overview> (accessed April 14, 2014); Howard Schneider, "World Bank turns to hydropower to square development with climate change," *Washington Post*, May 8, 2013, http://articles.washingtonpost.com/2013-05-08/business/39105348_1_jim-yong-kim-world-bank-hydropower (accessed April 14, 2014).

³¹ The Bujagali Dam in the Democratic Republic of the Congo represents an example of such a transformative project. World Bank, "Energy Overview," last updated March 25, 2014, <http://www.worldbank.org/en/topic/energy/overview> (accessed

that the bank's previous move away from hydropower was "the wrong message.... That was then. This is now. We are back."³²

In March 2010 the World Bank provided roughly \$10 million via a concessional loan from the International Development Agency (IDA) to fund two independent assessment studies of the Rogun Dam project to determine the local, national, and regional impacts that such a large project might have, including impacts on individuals subject to resettlement; a Technical and Economic Assessment (TEAS) and an Environmental and Social Assessment (ESIA).³³ In 2012 the bank allocated an additional \$18 million to Tajikistan's Energy Loss Reduction Project, a portion of which it designated to "cover the financing gap for the Assessment Studies."³⁴ In 2010 the government of Tajikistan agreed to comply with the relevant World Bank Safeguard Policies during the development of Rogun Dam.³⁵ The bank has not committed to funding the construction of the Rogun Dam. The bank required that Tajikistan halt construction of the dam and resettlements until the release of assessment reports.

On June 17, 2014, the World Bank published the final draft of its Rogun Dam studies for consultation, as well as its own draft paper, "Key Issues for Consideration on the Proposed Rogun Hydropower Project."³⁶ The World Bank acknowledged that the required

April 14, 2014); Jim Lobe, "World Bank Clears Congo's Controversial Dam Project," *InterPress Service*, March 21, 2014, <http://www.ipsnews.net/2014/03/world-bank-clears-congos-controversial-dam-project/> (accessed April 14, 2014).

³² Howard Schneider, "World Bank rethinks stance on large-scale hydropower projects," *Washington Post* (reprinted in *The Guardian*), May 14, 2013, <http://www.theguardian.com/environment/2013/may/14/world-bank-hydropower-dam-rethink> (accessed on April 14, 2014).

³³ World Bank, "Tajikistan Energy Loss Reduction Project," <http://www.worldbank.org/projects/Po89244/energy-loss-reduction-project?lang=en> (accessed April 19, 2014); Bank Information Center, "Tajikistan's Rogun Hydro, Social and Environmental Aspects," <http://www.bicusa.org/wp-content/uploads/2013/02/Rogun+Hydro+Brief.pdf> (accessed April 14, 2014); World Bank, "Projects and Operations," <http://www.worldbank.org/projects/search?lang=en&searchTerm=rogun> (accessed April 14, 2014).

³⁴ World Bank, "Extension of Closing Date: Energy Loss Reduction Project," http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2012/07/16/000333038_20120716001420/Rendered/PDF/686640PJPProv100ftoJuneo28oRevo2012.pdf (accessed April 19, 2014), para. 4.

³⁵ World Bank, "Environmental and Social Impact Assessment Study (ESIA) for the Rogun Hydroelectric Power Plant Construction Project: Terms of Reference," April 3, 2010, http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2010/06/08/000334955_20100608033451/Rendered/PDF/E24760v10EAoPo1006042010000infoshop.pdf (accessed April 14, 2014), para. 5.

³⁶ World Bank, Fifth Information-Sharing and Consultation Meeting on the Assessment Studies of the Proposed Rogun Hydropower Project (HPP), Materials, <http://www.worldbank.org/en/events/2014/06/17/fifth-information-sharing-and-consultation-meeting-on-the-assessment-studies-of-the-proposed-rogun-hydropower-project-hpp#4> (accessed June 17, 2014). The World Bank published the draft summary of the Techno-Economic Assessment Study (TEAS), Phase II, the draft three volumes of the Environmental and Social Impact Assessment (ESIA), and the Key Issues for Consideration on the Rogun Hydropower Project on June 17, 2014 as this report was going to print. While Human Rights Watch was unable to fully analyze these assessments in advance of publication, this will be done and submitted to the World Bank during the comment period June 17-July 29, 2014.

resettlements would have a major impact on building the Rogun Dam, that the project would result in economic, as well as physical, displacement, and that restoring livelihoods during and after resettlement would be a critical element of the resettlement process. However, while the draft Environmental and Social Impact Assessment importantly considers international environmental treaties and international water laws, it does not consider relevant international human rights instruments regarding resettlement.³⁷ As these studies are finalized, the World Bank, its consultants, and its economic and social panel of experts should be guided by international human rights standards in addition to World Bank policies.

³⁷ Poyry, “Environmental and Social Report (Draft) Volume I, Rogun HPP,” Ref. No. 9A000304.01, June 17, 2014, http://www.worldbank.org/content/dam/Worldbank/Event/ECA/central-asia/ESIA%20Rogun%20Vol%20I%20_eng.pdf (accessed June 18, 2014), hereinafter “Draft ESIA,” chapter 2.

II. Social and Economic Rights Violations Following Resettlement

Land in Tajikistan is the exclusive property of the state.³⁸ National law allows the government to compulsorily acquire land for power and water supply facilities, provided that no other option exists for the placement of those facilities.³⁹ However, the law requires the government to give individuals forced to resettle equivalent land and housing in addition to “full compensation for all other losses, including loss of profit.”⁴⁰

In 2009 President Emomali Rahmon empowered the Directorate for the Flood Zone of Rogun Hydropower Plant (Flood Zone Directorate) to manage key aspects of the resettlement such as creating infrastructure (roads, water, and electric supply, schools, medical facilities), developing a schedule for resettlements, allocating household land plots, and disbursing compensation payments to resettled people.⁴¹

By November 2013 the government had resettled roughly 1,500 families from villages in Rogun and Nurabod districts adjacent to the Rogun Dam construction site to purpose-built communities in Dangara, Nurabod, Rudaki, and Tursunzoda districts.⁴² Another 5,500 families await resettlement, and the World Bank estimates that all together the project will require that over 42,000 people resettle from villages in the reservoir and dam construction zone.

Resettled families reported to Human Rights Watch that they had significantly less access to land in resettlement sites than in their former communities, greatly restricting their

³⁸ Constitution of the Republic of Tajikistan, 1999, amended 2003, art. 13, and Land Code of the Republic of Tajikistan, 1996, arts 2, 5a (hereinafter Land Code).

³⁹ Land Code art. 48.

⁴⁰ Land Code art. 37.

⁴¹ Ibid.

⁴² Human Rights Watch interview with Ramazan Mirzoev, Director, Directorate for the Flood Zone of Rogun HPP, Dushanbe, November 24, 2013. The villages scheduled for initial resettlement are: Saidon, Sech, Sicharog, Tagi Agbar, Tagi Kamar, Kishrogh, Mirogh, Talhak Cheshma (Rogun District); Ali Galabon y Poyon, Hakimi, Chorsada, Surxo Most, “Airport” area, Old Komsomolabad, Saripul, and Chinor. The government has established the following relocated communities: Toychi 1, 2, and 3 (Tursunzoda District); Chorsada 2 (Dangara District), Micro-districts 1-5, and Darband (Nurabod District); Teppai Samarkandi 1, 2, 3, and Moinkaj (Rudaki District). As of February 2014, the government was in the process of completing infrastructure for two relocated communities in Rogun District, close to the reservoir zone, Saidon y Bolo and Yoli Garm Oba.

ability to grow food and raise livestock for consumption and income and thereby reducing their ability to restore their livelihoods to the level they had previously experienced. Following resettlement, people reported spending a significantly greater portion of their income on food since being resettled. The impact of this has been exacerbated by limited employment opportunities in resettled communities.

Resettled people in some locations also lack adequate access to essential services like electricity and water for drinking and household consumption since the government provides these services for only a few hours per day. The lack of water in some resettled communities further hampers resettled people's ability to grow food.

Families in some villages reported decreased access to schools for their children, often because the government had not completed construction of school buildings prior to relocating residents to new villages. In Dangara, Human Rights Watch documented how school officials forced children, including resettled children, to harvest cotton during school hours or on weekends for extended periods and in extreme weather conditions.

The government has resettled families to settlements located at long distances from the villages where they lived originally.⁴³ Climatic conditions in new settlement zones are often significantly different. Some of the resettled sites, however, are closer to major cities and the services and employment opportunities they offer than the old villages.⁴⁴

In response to some villagers' requests to live closer to their current communities, the Flood Zone Directorate has begun building infrastructure for two additional resettlement sites in Rogun district, Saidon y Bolo (Upper Saidon), and Yoli Garm Oba. The Flood Zone Directorate has promised to make adequate land available for farms and pastures,

⁴³ According to official information from the Flood Zone Directorate, 261 families from Nurabod district are in the process of relocating to villages in the Rudaki district, near Tajikistan's capital, Dushanbe, and 115 kilometers from the nearest original villages; 256 families to settlements in the Dangara district located 157 kilometers from their nearest original villages; and 287 to the Tursunzoda district, 166 kilometers from the nearest original villages. All of these districts have considerably hotter and more arid climates with less natural water supply. In addition, 336 families are relocating to settlements within Nurabod district that are close to but outside of the reservoir zone. Information as of August 2013: About the Implementation of the Resolution of the Government of the Republic of Tajikistan #47, dated January 20, 2009, "On the resettlement of the population of Rogun city and Nurabod district from the flooding zone of the Rogun Hydropower Plant" in Nurabod district. On file with Human Rights Watch.

⁴⁴ For example, resettlement sites in Rudaki and Tursunzoda districts are roughly 20 and 60 kilometers, respectively, from Dushanbe, and residents of the Tursunzoda resettlement site also have access to train service to Dushanbe.

prioritize building schools, and ensure water for drinking, household uses, and irrigation in these as yet unpopulated resettlement sites.⁴⁵

Lack of Access to Land for Farming and Raising Livestock

Access to Land in Villages Near the Rogun Dam

Most resettled residents interviewed told Human Rights Watch researchers that the government allocated them household land plots in resettled communities that were significantly smaller than what they had lived on prior to resettlement. Prior to resettlement, many residents reported living on household plots ranging from 1,500 to 4,000 square meters.⁴⁶ The Flood Zone Directorate allocated each eligible family a household plot of only 800 to 1,000 square meters in resettled communities, although it allocated plots to each family in a multi-family household. The Flood Zone Directorate defined an “eligible family” as: a married couple, with the exception of the youngest son, who is expected to continue living with his parents after he marries, and so is not counted as a separate family; a divorced woman; and a widow or widower.⁴⁷

Many families interviewed also cultivated additional lands called *dekhan* (peasant) farms prior to resettlement, ranging in size from 2,000 to 40,000 square meters.⁴⁸ As explained fully in Section VII, although the government has made *dekhan* land available in resettled communities in Dangara and Tursunzoda districts, few resettled people interviewed by Human Rights Watch reported being aware that such lands are available or the process by which to apply for them. In the resettled community in Rudaki, the Flood Zone Directorate stated that *dekhan* land is not available, but the local authorities wrote to Human Rights Watch that the Flood Zone Directorate had made 100 hectares of *dekhan* farmland available to resettled people.⁴⁹

⁴⁵ Human Rights Watch interviews with Kashyar A., community leader, Toychi, November 12, 2013, Sharif Faiziboevich Sharipov, Chairman, Rogun City Hukumat, and Kiromiddin Quodratovich Qamariddinov, Directorate for the Flood Zone of Rogun Hydropower Plant, Rogun City, January 28, 2014.

⁴⁶ For example, see Human Rights Watch interviews with Kambiz and Hoshang F., Dangara, November 13, 2013, Hurmoz T., Teppai Samarkandi, November 14, 2013, and Banafshah T., Teppai Samarkandi, November 14, 2013.

⁴⁷ Human Rights Watch interview with Ramazan Mirzoev, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, November 19, 2013.

⁴⁸ For example, see Human Rights Watch interviews with Paiman J., Toychi, November 13, 2013, Pari M., Teppai Samarkandi, November 14, 2013, and Morad W., Teppai Samarkandi, November 14, 2013.

⁴⁹ Human Rights Watch interview with Ramazan Mirzoev, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, November 24, 2013; Letter from F.U. Ismatov, Deputy Chairman, Rudaki District, to Human Rights Watch, April 24, 2014.

Farming and Animal Husbandry in Villages Near the Rogun Dam

People living in villages near the Rogun Dam typically took advantage of the availability of agricultural land, the region's temperate climate, and ample water supply to grow a variety of vegetables. Many residents in villages in Rogun and Nurabod districts interviewed by Human Rights Watch stated that the produce from their gardens supplied most or all of the fresh vegetables for their entire family during the growing season.⁵⁰ Some families also grew wheat that they used for flour to make *non*, a traditional Tajik bread. Many families also maintained orchards that produced apples, pears, cherries, nuts, berries, and other fruits. Even households without orchards in this area often had one or more fruit- or nut-bearing trees which residents used for household consumption. According to Soudabah R., a married woman with six children, all of whom are under 16 years of age, living in Rogun district in a village to be resettled,

Here we don't buy anything. We grow tomatoes, onions, carrots, pumpkin, wheat, apples. We have no shortage. Also we grow pears, walnuts, mulberries, two types of cherries, almonds, all different kinds of fruits.⁵¹

Soudabah told Human Rights Watch that her farm helped generate family income. "I didn't buy vegetables for the seven years I've lived here," she said. "I was selling, not buying! I would prepare food for travelers in a small kitchen by the road."⁵² In Tajikistan traditional gender roles and the gender gap in higher education causes many rural women to turn to informal sources of income such as Soudabah's to earn much needed income for household necessities and to pay for unexpected expenses.⁵³

Most people interviewed also raised livestock – including cows, sheep, goats, and chickens – and in some cases kept bees in the villages in which they lived prior to resettlement. They relied on milk, eggs, meat, and honey for home consumption and sold

⁵⁰ For example, see Human Rights Watch interviews with Kamyar M., Chorsada, November 20, 2013, Yagana S., Saripul November 22, 2013, and Rastin R., Tagi Kamar, January 28, 2014. The World Bank-financed draft environmental and social impact assessment similarly found that "[a]gricultural production on the house plot and livestock are the most important sources for HH [household] subsistence." Poyry, Draft ESIA, p. 190.

⁵¹ Human Rights Watch interview with Soudabah R., Ali Galabon y Poyon, November 20, 2013.

⁵² Ibid.

⁵³ International Labor Organization, "Work and Family: The Republic of Tajikistan," http://www.ilo.org/public/english/region/eurpro/moscow/info/publ/box_eng.pdf (accessed April 19, 2014), p. 2.

or bartered any excess for household income. Many families, particularly those with young children, relied on their cows for milk throughout much of the year.⁵⁴

Kamyar M. a 64-year-old man who lives in Chorsada village, in the proposed reservoir zone, described the importance of his family keeping between 15-20 chickens and 3 cows for both household consumption and for selling: “We get five or six eggs every day during the warm season. Our cows give three liters of milk every day, from spring to autumn. We never buy milk, and actually my wife sends the surplus to relatives.”⁵⁵ According to Soudabah R., “Our [family’s] main source of income was cattle, sheep and goats.”⁵⁶

Lack of Land for Agriculture and Livestock in Resettled Communities

Residents of resettled communities described reduced availability of food because they can no longer engage in farming and raising livestock and other animals.⁵⁷ For many families, houses together with outbuildings such as kitchens and bathrooms occupy much of the smaller land plots in resettled communities, leaving little room for agriculture or livestock. As a result, families reported losing the ability to sustain themselves through their own agriculture and lost opportunities to generate income by selling agricultural products.

For example, Daryush S. resettled to the site in Tursunzoda with his wife and three sons in early 2013 from Nurabod district where they had a household land plot of 2,000 square meters plus an additional 30,000 to 40,000 square meters of farmland. He described to Human Rights Watch the significant changes in his family’s circumstances and the difficulties they have faced:

We used to grow all kinds of vegetables and potatoes. We didn’t sell them, but we gave extra food to relatives and neighbors. We also had seven or eight cows. Here, in the new village, we planted potatoes and harvested,

⁵⁴ For example, see Human Rights Watch interviews with Bahram P, Teppai Samarkandi, November 16, 2013, Khorsheed G., Chorsada, November 17, 2013, and Tarana S., Chorsada, November 17, 2013.

⁵⁵ Human Rights Watch interview with Kamyar M., Chorsada, November 20, 2013.

⁵⁶ Human Rights Watch interview with Soudabah R., Ali Galabon y Poyon, November 20, 2013.

⁵⁷ For example, see Human Rights Watch interviews with Varshasb H., Toychi, November 12, 2013, Namdar V., Toychi, November 12, 2013, Banafshah T., Teppai Samarkandi, November 14, 2013, and Tarana S., Chorsada, November 17, 2013.

and that was enough. But we only have 800 square meters each, so we can't grow enough food for the family.⁵⁸

Many families also reported that they felt compelled to sell livestock because the government had not made sufficient lands for grazing available in resettled communities.⁵⁹ For example, Omaid and his wife Sheefta received an 800-square-meter plot in the resettled site in Dangara, but they continue to live in their village of Saripul where they depend on their livestock for food and income. Omaid explained that, in addition to growing his own vegetables, "We have 5 cows with calves and also 10 sheep. They are our main source of livelihood. It won't be possible to take them there as there will not be enough to feed them. We might just take one cow so we will have some milk."⁶⁰ The World Bank-commissioned draft environmental and social assessment similarly found that while most residents engaged in animal husbandry prior to resettlement, pasture land was not available in all resettlement sites.⁶¹

Khorsheed G., a mother of five who moved to the resettled community in Dangara in 2013, explained that before resettlement keeping animals had served as an insurance policy of sorts for times of financial crisis.⁶² Others interviewed said they regarded their livestock in similar terms.⁶³ Khorhseed G. told Human Rights Watch that following resettlement, her family faced significant financial hardships that they had not experienced previously in the absence of land for agriculture and livestock:

Now when we need money, my husband's brothers send it from Russia, but we can't always ask them for it. Sometimes we ask neighbors for loans, which we have to pay back. In Nurabod we didn't have to borrow money ... because we had everything in our garden, and we had the livestock. With

⁵⁸ Human Rights Watch interview with Daryush S., Toychi, November 23, 2013.

⁵⁹ For example, see Human Rights Watch interviews with Kamyar M., Chorsada, November 20, 2013, Shahrzad B, Toychi, November 23, 2013, and Shahrzad B., Toychi, November 23, 2013.

⁶⁰ Human Rights Watch interview with Omaid and Sheefta L., Saripul, November 22, 2013.

⁶¹ Poyry, Draft ESIA, p. 175.

⁶² Human Rights Watch interview with Khorsheed G., Chorsada 2, November 17, 2013.

⁶³ Human Rights Watch interviews with Farhana D., Chorsada 2, November 13, 2013, Mahasti B. and Lila N., Teppai Samarkandi, November 16, 2013. See also, Poyry, Draft ESIA, p. 191: "Livestock is also used to barter for household goods and food, should these be lacking. Also should cash be lacking for medical treatment or education of children, livestock is then sold as a last resort."

the livestock, at any moment we could sell it alive or sell it for meat. That really helped us.⁶⁴

Some families who chose to move their animals with them reported struggling to care for them in the absence of sufficient land for grazing. Farhana D., 38, a mother of six, described to Human Rights Watch what happened when her family tried to bring their livestock with them to Chorsada 2 village in Dangara: “We used to have a lot of livestock, 10 cows and 30-40 smaller animals. We tried to bring them all here, but there aren’t the right conditions.... They suffered. Some starved to death.”⁶⁵

Residents in some areas in the resettled community in Dangara face the additional problem of trying to grow food in an area that suffers from poor drainage, soil saturation, and high salt content in the earth. Some residents stated that the salt in the soil was making it difficult to grow crops on household land, which resulted in lower yields, less home-grown food, and a greater need to purchase food.⁶⁶ Gahwar F., a 37-year-old mother of four, who moved from Saripul, near the Rogun Dam construction site, in 2010, described her efforts to grow food in her new home: “I grow potatoes, tomatoes, onions, and coriander here but things do not grow well. The land is very salty. We have problems even with using [chemical] fertilizers.”⁶⁷

The head of the Flood Zone Directorate told Human Rights Watch that the agency was aware of the saturation and salinity issues, a longstanding problem, and that the Flood Zone Directorate attempted to alleviate the problem in 2012 by replacing an open drainage channel with a more modern, underground one.⁶⁸ However, during Human Rights Watch’s visit in November 2013, researchers observed pools of standing water in residents’ yards, around the foundations of their homes, in the drainage channels along the streets, and in shallow depressions in the earth such as those made by footsteps.

⁶⁴ Human Rights Watch interview with Khorsheed G., Chorsada 2, November 17, 2013.

⁶⁵ Human Rights Watch interview with Farhana D., Chorsada 2, November 13, 2013.

⁶⁶ For example, see Human Rights Watch interviews with Anahita D., Chorsada 2, November 13, 2013, Rozi F, Chorsada 2, November 17, 2013, and Atash and Gulpari R., November 17, 2013.

⁶⁷ Human Rights Watch interview with Gahwar F., Chorsada 2, November 17, 2013.

⁶⁸ Human Rights Watch interview with Ramazan Mirzoev, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, Dushanbe, February 2, 2014.

Reduced Access to and Variety of Food

Many people interviewed by Human Rights Watch stated that they significantly changed the way they eat when they resettled to new villages as a result of losing farmland and animals. They reported having less meat to eat and less milk for their children and families in general, and having a reduced number of hot meals per day.⁶⁹ In some cases, people who had previously eaten meat from their own stock every day reported that they now eat meat only once per month.⁷⁰ In addition, residents interviewed in resettled communities in Tursunzoda reported that markets charge as much as 30 percent more for food in resettled communities than the markets did in their old villages.⁷¹ Tajikistan has the obligation to ensure that resettled people's access to food is both adequate and sustainable. However, the government has not upheld this obligation; on the contrary it has imposed conditions on individuals subject to resettlement that have forced many of them to abandon their primary means of obtaining food, and it has not provided access to reasonable alternatives.⁷²

For example, Pagzman G., who moved to the resettled community of Toychi in Tursunzoda July 2012 with his wife and eight children, previously owned 10 cows and 20 goats, and he also cultivated crops including wheat, potatoes, and other vegetables. Now, because he lacks the space for crops or livestock, he struggles to feed his family. Pagzman G. told Human Rights Watch,

We now don't have enough food. We have a hot meal only once per day, for lunch. We have meat just one time per month. Every week we have 30 eggs for 10 people. In Sicharog we had hot milk for breakfast, hot meals for lunch and dinner. We had meat every day there. The old place was better. We used to be able to feed ourselves from the land and from our animals. Here we must buy everything and there is not enough money.⁷³

⁶⁹ For example, see Human Rights Watch interviews, with Siamak H., Toychi, November 23, 2013, Jawid E., Toychi, November 23, 2013, Nikoo B., Chorsada 2, November 13, 2013, and Padidah P., Chorsada, November 17, 2013.

⁷⁰ Human Rights Watch interviews with Pagzman G., Toychi, November 23, 2013, Farzam B. Toychi, November 23, 2013, and Siamak H., Toychi, November 23, 2013.

⁷¹ Human Rights Watch interviews with Farzam B., Jawid E., and Behnam H., Toychi, November 23, 2013.

⁷² ICESCR, art 11(1); General Comment No. 12, para. 7, UN Human Rights Council, "Basic principles and guidelines on development-based evictions and displacement, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living," Miloon Kothari, A/HRC/4/18; UN Committee on Economic, Social and Cultural Rights, General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997), U.N. Doc. E/1998/22, annex IV at 113 (1997), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 45 (2003), para. 52

⁷³ Human Rights Watch interview with Pagzman G., Toychi, November 23, 2013.

According to Khorsheed G., 32, a mother of five, living in the resettled community in Dangara:

Now my children beg me to give them fruit. It's gotten very hard without the garden, the orchard, the livestock. All the things that we were used to... The dried fruit was good, and sweet. Now I have to try to distract my children with sweetened tea [instead of giving them fruit].... [N]ow we have to go to the bazaar and pay [for] even the most elementary things. The children want milk and I have to buy it. I don't have money and so I can't buy that much.⁷⁴

Loss of Income-Generating Activities

Many families reported that also as a result of greatly diminished access to land for farming and grazing, they are no longer able to earn income by selling surplus produce or animal products.⁷⁵ Parsa D., a 28-year-old man who moved from his village in Rogun district to Dangara, recalled, "In our old village, we had lots of walnuts and fruits. We could collect and sell them.... We also had 2 hectares (20,000 square meters) of grasses and hay for the cattle, and we sold the surplus."⁷⁶ Residents who kept orchards in the villages in Rogun district reported that fruit and nut harvests from their orchards generated between 1,500 and 20,000 somoni (between US\$300 and \$4,000) per season, depending on the number of trees.⁷⁷

Tahir K., 29, who recently resettled to Rudaki with his wife and three children, told Human Rights Watch that prior to resettlement, his family had an orchard on their household land as well as an additional hectare (10,000 square meters) that they used to grow grains. "We made our own flour, we sold it to neighbors," he said. "We'd gather our harvest and eat much of it ourselves. Some of it we would sell, or give some to others. I just don't know what will happen in the future."⁷⁸

As described in more detail below, the government allocated multiple land plots to nearly all eligible families within multi-family households. The increased number of plots allocated

⁷⁴ Human Rights Watch interview with Khorsheed G., Chorsada 2, November 17, 2013.

⁷⁵ For example, see Human Rights Watch interviews with Paymaneh M., Moinkaj, November 15, 2013, Tahir K., Teppai Samarkandi, November 16, 2013, and Pagzman G., Toychi, November 23, 2013.

⁷⁶ Human Rights Watch interview with Parsa D., Chorsada 2, November 17, 2013.

⁷⁷ For example, see Human Rights Watch interviews with Piruz V., Tagi Kamar, January 28, 2013, Fruhar and Dorri G, Tagi Kamar, January 28, 2013, and Goudarz F., Talhak Cheshma, January 29, 2013.

⁷⁸ Human Rights Watch interview with Tahir K., Teppai Samarkandi, November 16, 2013.

resulted in more living space per person, but the smaller size per plot resulted in insufficient land for agriculture in most cases. Some multi-family households choose adjacent plots in resettled communities in order to share facilities and maximize the available space. In these cases, families used some of their combined land for small-scale agriculture.

New Resettlement Sites with Land Readily Available

In late 2013, in response to requests from residents facing resettlement that they remain closer to their original communities, the Flood Zone Directorate began allocating land plots in the new resettlement sites in Rogun district. The government has also earmarked 100 hectares of farm and pasture land in Saidon y Bolo and about 80 hectares in Yoli Garm Oba for resettled residents.⁷⁹ However, some residents facing resettlement stated that they are either unaware that farm and pasture land is available in resettled communities, or the government has not given them clear and adequate information on how to apply for it.⁸⁰ For example, as Payam N., a father of four living in Kishrogh village, told Human Rights Watch, “It was my wish to go to Yoli Garm Oba because it’s close to my motherland. I don’t know if I can get farmland there. If I knew that I could apply, I would.”⁸¹

Individuals relocating to the new sites in Rogun district expressed satisfaction about being able to live in an area close to their current communities in a similar climate. For example, Souroush B., 77, who has lived in his village of Tagi Agbar for roughly 60 years, explained,

We are going to be resettled to Saidon y Bolo. Two families in my household got land plots there of 800 square meters each. I decided that it’s better for me to go to Saidon y Bolo. That place is similar to our place and that’s important [to me].⁸²

⁷⁹ Human Rights Watch interview with Sharif Faiziboevich Sharipov, Chairman, Rogun City Hokimyat, and Kiromiddin Quodratovich Qamariddinnov, Representative of the Directorate for the Flood Zone of Rogun Hydropower Plant, Rogun City, January 28, 2014.

⁸⁰ Human Rights Watch interviews with Rastin R., Tagi Kamar, January 28, 2014, Dilsuz M., Saidon, January 30, 2014, and Hangahma M., Mirogh, January 31, 2014.

⁸¹ Human Rights Watch interview with Payam N., Kishrogh, January 31, 2014.

⁸² Ibid.

Lack of Employment in Resettled Communities

As explained above, because the government did not provide sufficient farmland and land for grazing in resettled villages, many resettled residents have lost access to income-generating activities of farming and raising livestock, and resettled residents spend more money on food than they did in their old villages. At the same time, however, very few resettled people have been able to secure long-term employment in resettled communities, and the government has not done enough to assist people with job placement, vocational training or retraining that could help residents in their search for employment.

According to Paiman J., who resettled to the community in Tursunzoda district from Sech village in early 2013, “Employment, this is the biggest problem we have here. I am an experienced plumber, but I can’t find work here. My wife and daughter recently got jobs as cleaners in the new school, but they earn only 100 somoni (about \$20) each per month. There are no jobs here.”⁸³ Of the 83 interviews Human Rights Watch conducted at resettlement sites, only 16 people reported that either they or a member of their household were locally engaged in either formal employment or in reliable informal employment.⁸⁴ World Bank experts studying the resettlements have indicated that the government’s existing programs with respect to employment and livelihood restoration are insufficient and that the government should more proactively engage with resettled individuals to provide practical and financial assistance in restoring lost livelihoods.⁸⁵ The World Bank-financed draft assessment recognized that, due to differing conditions between the old villages and some resettlement sites, providing land is not enough. It recommends, in addition, that “efforts will be required for enabling the relocated persons to adapt to these new situations,” including training courses on different forms of animal husbandry.⁸⁶

The Rogun Hydropower Plant (HPP) construction project currently employs about 3,000 people, including many local residents.⁸⁷ Some men interviewed by Human Rights Watch

⁸³ Human Rights Watch interview with Paiman J., Toychi, November 11, 2013.

⁸⁴ Two of those people hold government posts, the rest are employed as follows: four women working as cleaners, three taxi drivers, one factory worker, one truck driver, one fruit seller, one school director, one teacher, one doctor, and one mechanic.

⁸⁵ Letter from Marsha Olive, Country Manager, World Bank Tajikistan Office, to Human Rights Watch, April 30, 2014, para. 6. See also, Poyry, Draft ESIA, p. 209.

⁸⁶ Poyry, Draft ESIA. P. 209.

⁸⁷ Human Rights Watch interview with Kiromiddin Quodratovich Qamariddinnoy, Representative of the Directorate for the Flood Zone of Rogun Hydropower Plant, and Mirzoev Najmiddin, Chairman of Sicharog Jamoat, January 30, 2014.

reported that they previously worked for the Rogun HPP as drivers or construction workers but that since resettlement they have been unemployed.⁸⁸

Local authorities in pre- and post-resettlement communities told Human Rights Watch that residents can find work on building projects at resettlement sites, and some men do obtain short-term work building their neighbors' houses.⁸⁹ However, such work is by its nature temporary and low-paid. Mokhiboton L., 34, who has lived in a resettled community in Rudaki, near Dushanbe, since April 2013, explained that he occasionally earns money doing construction for other resettled people, "I sometimes do work for my neighbors, a week here, 20 days there. It doesn't pay enough."⁹⁰

To supplement household income and help purchase necessary items, some women who have moved to resettled communities reported that they work in the newly built schools (in those resettlement sites that have local schools) and medical points as cleaners where they earn 100 to 200 somoni (about \$20 to \$40) per month.⁹¹ Also, many women and children in the Dangara community harvest cotton for a few weeks or months a year and are paid by the number of kilograms picked. Women reported receiving roughly 50 diram (about \$0.25) per kilogram.⁹² Despite the low wages, women stated that they pick cotton primarily because they are allowed to collect a portion of the dried plant stalks to use in their stoves, thereby saving the cost of wood or coal for heating and cooking.⁹³

The Dilemma of Migrating for Work

As in most of rural Tajikistan, the majority of individuals interviewed have at least one family member who migrates to another country, most often to Russia, for work. Many individuals, both pre- and post-resettlement, told Human Rights Watch that remittances

⁸⁸ Human Rights Watch interviews with Paiman J., Toychi, November 12, 2013 and Bizhan S., Teppai Samarkandi, November 16, 2013.

⁸⁹ Human Rights Watch interviews with Kashyar A., community leader, Toychi, November 12, 2013, Sharif Faiziboevich Sharipov, Chairman, Rogun City Hokimyat, and Kiromiddin Quodratovich Qamariddinnov, Directorate for the Flood Zone of Rogun Hydropower Plant, Rogun City, January 28, 2014.

⁹⁰ Human Rights Watch interview with Mokhiboton L., Moinkaj, November 15, 2013.

⁹¹ Human Rights Watch interviews with Khorsheed G., Chorsada 2, November 17, 2013, and with Paiman J., Toychi, November 11, 2013.

⁹² For example, see Human Rights Watch interviews with Rasa G., Chorsada 2, November 17, 2013, Hamasa S., Chorsada 2, November 13, 2013, and Taneen R., Chorsada 2, November 17, 2013.

⁹³ For example, see Human Rights Watch interviews, Chorsada 2, with Nikoo B., Freshta A., Delruba D., and Farhana D., November 13, 2013,

provided the bulk of their household income. Interviewees stated that they rely on remittances to meet their daily needs, to finish houses that they began building using compensation awarded by the government, and to build houses on additional plots of land allocated to family members who had previously lived in multi-family households.

However, men in resettled communities often hesitate to migrate to Russia for work before completing construction of their homes. As Siamak H., who has refrained from migrating for work since 2011 despite his need for funds to complete construction, explained, “I am not able to go to Russia on the one hand, but on the other, I could not hire contractors because the compensation was not enough. Even now I want to go to Russia, but I cannot as everything [the house] is open [unfinished]. I can’t abandon my kids and go to Russia. The fence, the gate, are not done yet. There is no security.”⁹⁴ Similarly, Daler F., who has been trying to complete his house in Rudaki since 2010, told us, “It’s a question – to go to Russia or not. I need the money, but who will build my house if I go?”⁹⁵

Unreliable and Insufficient Access to Essential Services

Electricity

During the winter months, the government provides electricity to families in resettled communities on a schedule, usually for three to four hours in the morning and three to four hours in the evening, as it does for most of rural Tajikistan. Because Tajikistan relies on hydropower for much of its energy, the country’s supply ebbs in the wintertime due to decreased river flow.⁹⁶ In 2013, the government began delivering electricity on a schedule in mid-October. Only a handful of people interviewed by Human Rights Watch reported having continuous access to electricity either before or after resettlement. Those who did either lived near a major work area for the Rogun HPP or shared a household with government employees whose homes received more regular electricity.

People compelled to resettle and build their own homes suffer particular hardships due to a lack of continuous electricity. Some residents in resettled communities reported that

⁹⁴ Human Rights Watch interview with Siamak H., Toychi, November 23, 2013.

⁹⁵ Human Rights Watch interview with Daler F., Teppai Samarkandi, November 14, 2013.

⁹⁶ World Bank, “Tajikistan’s Winter Energy Crisis: Electricity Supply and Demand Alternatives,” <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:23319658~menuPK:34460~pagePK:34370~piPK:34424~theSitePK:4607,00.html> (accessed June 13, 2014).

they limited their work hours and methods due to a lack of electricity, resulting in longer construction times and increased costs of construction materials, due to inflation.⁹⁷ These residents stated that with a more reliable electricity supply they would use power tools and work lights more regularly and would be able to build their homes more quickly, and that they would also be able to more productively use hired labor. In Rudaki, 45-year-old Orzu, who began building his house in 2012, sleeps in a neighbor's house because his house is not yet complete and remains open to the elements. Orzu pointed out several workers sitting near his half-built house, unable to work: "Look at these men that I have hired, they are just sitting there because they need electricity to work."⁹⁸

Water

Tajikistan has international obligations to ensure that its residents have affordable access to water.⁹⁹ In addition, it should ensure that none of its actions during the resettlement process result in reduced access to water when compared to residents' previous situations.¹⁰⁰ Nonetheless, residents in some resettled communities including Rudaki, near Dushanbe, and New Nurabod, near the district capital of Nurabod City, lack sufficient water for drinking, for household tasks such as cooking and washing, for irrigating food crops, and for construction tasks which require water, such as making clay bricks and mixing concrete. Residents in other resettled communities did not report shortages of water, although residents of Tursunzoda uniformly reported that the government did not provide continuous water service.

Residents from both Rudaki and New Nurabod told Human Rights Watch that prior to their resettlement, they had continuous access to spring-fed water usually within a few meters of their homes, and they channeled water from nearby rivers to irrigate their crops. In all resettled communities, residents reported having to pay for water service at rates ranging from 2 somoni (about \$0.50) per person per month to a flat rate of 10 somoni (about \$2.00)

⁹⁷ Human Rights Watch interviews with Morad W., Moinkaj, November 14, 2013, Tahir K, Teppai Samarkandi, November 16, 2013, and Orzu P. Moinkaj, November 15, 2013.

⁹⁸ Human rights Watch interview with Orzu P., Moinkaj November 15, 2013.

⁹⁹ Committee on Economic, Social and Cultural Rights, General Comment No. 15, para 12.

¹⁰⁰ ICESCR, art 2; OHCHR, "Basic Principles and Guidelines on Development-Based Evictions and Displacement," Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living," U.N. Doc. A/HRC/4/18, para 18.

per month, in contrast to their old villages where they accessed continual spring-fed water without charge.¹⁰¹

Government representatives told Human Rights Watch that they will prioritize delivering adequate water for drinking, household uses, and irrigation to the new resettlement sites under construction in Rogun district, and have stated that some residents have already begun cultivating orchards on farmland there. But one resident familiar with the area told researchers that those trees dried out and died due to lack of irrigation.¹⁰²

Poor Water Supply in Rudaki

In Rudaki the government supplies water via an electric pump to shared open taps, and residents have running water only when the government supplies electricity to the village.¹⁰³ The local official in charge of water distribution told Human Rights Watch that once the pumps move a sufficient quantity of water to a reservoir tank, water flows to the community through the taps for two and a half hours in the morning and for two and a half hours in the evening.¹⁰⁴ Residents in Rudaki reported different experiences in terms of the length and consistency of water service. Some residents interviewed reported receiving as little as one hour of water service per day, while others said that they received water service for two and a half hours each morning and evening, plus occasionally for an hour at midday.¹⁰⁵ In most cases, water service leads to open taps at the edge of the street, and approximately two to four houses share a tap. Residents must wait for the authorities to turn on the water and then collect water in containers from the roadside supply, roughly 20 to 50 meters from their homes.

¹⁰¹ For example, see Human Rights Watch interviews with Paiman J., Toychi, November 12, 2013, Yusuf N., Dangara, November 13, 2013, and Hurmoz T., Teppai Samarkandi, November 14, 2013.

¹⁰² Human Rights Watch interview with Rukhsana J., January 30, 2014.

¹⁰³ Human Rights Watch observed in each relocated community that the government provided water via open taps that poured continuously (while water service was present) into concrete channels along the roadside. Residents collected water from the taps for drinking and household uses, and they diverted excess water from the channels to use for irrigation when the supply permitted. Human Rights Watch site visits to Dangara, Rudaki, and Tursunzoda. Human Rights Watch interviews in Teppai Samarkandi (1-3) and Moinkaj, November 14-16, 2013.

¹⁰⁴ Human Rights Watch interview with Esfandyar R., Teppai Samarkandi, November 14, 2013.

¹⁰⁴ Human Rights Watch interview with Jaililov Asilodin, Water Manager for relocated communities in Rudaki district, Teppai Samarkandi, November 16, 2013.

¹⁰⁵ For example, see Human Rights Watch interviews with Darab R., Teppai Samarkandi, November 14, 2013, Fraidun Y., Teppai Samarkandi, November 14, 2013, Baharah S., Moinkaj, November 15, 2013, and Tahir K., Teppai Samarkandi, November 16, 2013.

For example, Esfandiyar R., a grandfather who moved to Rudaki from Chorsada village, described the water service that the government provided:

We get water from a 100 millimeter pipe – it is not enough [now] and it will certainly not be enough when everyone is living here. Also, the pumps that provide the water to the reservoir on top of the hill are of low quality; they burn out, and then we are without water.

The pump runs for only a limited time [each day], and only a limited amount goes to the tank. The ones who are quick or are close to the pumps take it all and leave us with nothing.¹⁰⁶

According to Mahasti B., who moved to Rudaki from Chorsada village with her husband, “It’s really impossible without water. All the household work is hard without water: cooking, washing dishes, washing clothes.”¹⁰⁷

A few families told Human Rights Watch that they cannot grow trees or crops because of a lack of irrigation water. Roshan C., who resettled to Rudaki with his wife and four children, told Human Rights Watch that the lack of water made it difficult to grow food:

“We only get water now for about 1.5 hours in the morning and evening. It’s hard. What can you do with that limited supply? We have both household work to do and building work. We also don’t have enough water for our garden.”¹⁰⁸

Others simply do not try to cultivate their household land. For example, Pari M., who has lived in the resettled community in Rudaki with her family since 2012 told Human Rights Watch, “We have some space to grow things here, but there is not enough water. Nothing would survive.”¹⁰⁹

¹⁰⁶ Human Rights Watch interview with Esfandiyar R., Teppai Samarkandi, November 14, 2013.

¹⁰⁷ Human Rights Watch interview with Mahasti B. and Lila N., Teppai Samarkandi, November 16, 2013.

¹⁰⁸ Human Rights Watch interview with Roshan C., Teppai Samarkandi, November 16, 2013.

¹⁰⁹ Human Rights Watch interview with Pari M., Teppai Samarkandi, November 14, 2013.

Residents living in Rudaki told Human Rights Watch that when the pumped water is unavailable, for example when the pumps fail, they walk to a canal or river to collect additional water in buckets, a trip that can take them up to an hour or more.¹¹⁰ In response to a March 21, 2014 letter from Human Rights Watch, the local authorities in Rudaki stated that they were currently discussing the issue of sufficient drinking water with relevant officials.¹¹¹

Low Water Supply in New Nurabod

Households in New Nurabod also face serious water shortages.¹¹² Water only reaches a few shared open taps in each neighborhood while others remain dry. Negha C., a mother of five who must carry water in containers every day for drinking, cooking, and bathing her children, explained, “To get water, we have to go to the neighbors’ houses. There is one tap four houses away in one direction and another tap that is six houses away in the other direction. Every day we are fighting for water.”¹¹³ She went on to say that the regular water shortages, which had continued for three years, impacted her family’s ability to grow their own food to help sustain themselves. “We want to plant things, but you can’t grow a tree without water.” Negha explained.¹¹⁴ In response to a letter of enquiry from Human Rights Watch, the local authorities in Nurabod stated that the government has been aware of the shortages since the very beginning, has identified drinking water a priority issue, and is developing new designs of water taps.¹¹⁵

Scheduled Water Supply in Tursunzoda

The government supplies water to resettled communities in Tursunzoda on a schedule, for three to four hours in the morning and for three to four hours in the evening. In these communities, residents typically access water for drinking and household use via curbside taps, with four houses sharing each tap. These taps are located roughly 20-50 meters from each house. The government charges five somoni per person per month for providing water service to each household. Some residents have chosen to have water service brought

¹¹⁰ Human Rights Watch interviews with Anoosha D., Teppai Samarkandi, November 16, 2013 and Yagana B., Teppai Samarkandi, November 16, 2013.

¹¹¹ Letter from F.U. Ismatov, Deputy Chairman, Rudaki district, to Human Rights Watch, April 24, 2014.

¹¹² For example, see Human Rights Watch interviews with Boosah J., Forogh B., and Kohyar D., New Nurabod, November 21, 2013.

¹¹³ Human Rights Watch interview with Negha C., New Nurabod, November 21, 2013.

¹¹⁴ Ibid.

¹¹⁵ Letter from S. Siyomardzoda, Chairperson of Nurabod district, April 29, 2014.

inside to household taps, at a cost of 7 somoni per person per month.¹¹⁶ The government supplies water for crops via an irrigation ditch.

While some residents interviewed in Tursunzoda mentioned that they suffered from water shortages, many reported that the high cost of water constituted a hardship, particularly given that they had previously enjoyed continuous access to water at no charge.¹¹⁷ For instance, Paiman J., who moved with his family from Sech village in Rogun district in February 2013, explained, “The charges for water are too high; when [my grandchild] is born they will even charge for the baby [an additional family member]. The price they are charging is for continuous water, but we get water on a schedule. We asked them to install meters but they said it was not possible.”¹¹⁸

Exemptions for Utility Payments

Several residents interviewed in each resettled community told Human Rights Watch that government officials had promised them exemptions from property tax as well as water and electricity payments as an incentive to resettle quickly. Residents reported that different officials promised different exemption periods, but most residents interviewed by Human Rights Watch said that officials had promised them a five-year reprieve from tax and utility payments.¹¹⁹

Residents interviewed by Human Rights Watch who reported being promised exemptions from tax and utility payments came from several different villages within the reservoir zone. Some resettled people reported that the local authorities in their old villages made the promises, while others did not remember who specifically told them that they would be exempt from tax or utility payments. The head of the Flood Zone Directorate denied that authorities had promised such exemptions.¹²⁰

¹¹⁶ For example, see Human Rights Watch interviews with Manuchehear R., community leader, Toychi, November 12, 2013, Paiman J., Toychi, November 12, 2013, and Behnam H., November 23, 2013.

¹¹⁷ Siamak H., who has been building his house in Tursunzoda since 2011, explained that his household shares one tap with 21 other households and that the government has not provided irrigation ditches. Human Rights Watch interview with Siamak H., Toychi, November 23, 2013.

¹¹⁸ Human Rights Watch interview with Paiman J., Tursunzoda, November 12, 2013.

¹¹⁹ For example, see Human Rights Watch interviews with Paiman J., Toychi, November 12, 2013, Berukh and Kosha D., Chorsada 2, November 13, 2013, and Barahah S., Moinkaj, November 15, 2013.

¹²⁰ Human Rights Watch interview with Ramazan Mirzoev, November 24, 2013.

Inadequate Access to Education and Forced Child Labor

Lack of Local Schools in Some Resettled Communities

Under Tajik law, school attendance is mandatory between the ages of 7 and 15, or through the ninth grade.¹²¹ Before resettlement, children had access to local primary and secondary schools, with the exception of a few villages.¹²² Throughout Tajikistan, girls are less likely to enroll in and attend secondary school (fifth grade and above) than boys, suggesting that parents may be more inclined to keep their daughters from attending school.¹²³ Access to education in the resettled communities varies among the resettled communities. In Dangara and Rudaki, where the Flood Zone Directorate has not yet finished building new schools, children typically must walk between 30 to 60 minutes each way to attend classes in schools in neighboring villages. By contrast, children in Tursunzoda and New Nurabod need walk only a short distance to new schools built specifically for resettled children.

One parent in Tursunzoda, Pagzman G., reported that he no longer sent his two young daughters to school because he could not afford new uniforms for them, although he purchased new uniforms for his sons.¹²⁴ Parents of children with disabilities, both pre- and post-resettlement, reported that their children did not attend local schools, and only a few went to specialized education programs in Dushanbe for a few weeks per year.

In the resettled communities that are under construction, Saidon y Bolo and Yoli Garm Oba, the Flood Zone Directorate has not yet constructed schools. Families slated to resettle to these communities include those from Kishrogh and Mirogh villages in Rogun district. Children in Kishrogh and Mirogh currently have access to a local school until only the fourth grade. Parents reported that they faced obstacles such as having to send their children away to live with relatives for the school year, if they wanted them to receive secondary education.

In addition, in Dangara Human Rights Watch received multiple reports that children, including resettled children, have been required to undertake what amounts to forced

¹²¹ “Country Profile: Tajikistan,” Library of Congress, Federal Research Division (2007), <http://lcweb2.loc.gov/frd/cs/profiles/Tajikistan.pdf> (accessed April 14, 2014), p. 6.

¹²² “In Sech, Tagi Agba and Mirog, no schools exist. In Talkhakchashma [sic] and Kishrog, there is only one primary school (up to Grade 4).” Letter from Marsha Olive, Country Manager, World Bank Tajikistan Country Office, to Human Rights Watch, April 30, 2014.

¹²³ UNICEF, “Tajikistan: Country statistics,” http://www.unicef.org/infobycountry/Tajikistan_statistics.html (accessed June 3, 2014).

¹²⁴ Human Rights Watch interview with Pagzman G., Toychi, November 23, 2014.

hazardous labor in nearby cotton fields during school hours and on weekends and were physically and verbally abused by school officials if they refused to work. This is detailed further below.

Tajikistan's obligations under national and international law and its agreement to uphold the World Bank's safeguards require that it ensure access to education for all children, including children forcibly resettled with their families in conjunction with the Rogun Dam construction.¹²⁵ Children subject to involuntary resettlement should not suffer from decreased access to education or to gaps in their education.¹²⁶ The cost of uniforms or other school supplies should not constitute a barrier to education. The World Bank's Involuntary Resettlement Policy requires that displacement should not occur before infrastructure in resettled areas is complete.¹²⁷ In response to a letter detailing Human Rights Watch's findings on education in resettled areas, the World Bank stated:

In regards to the resettlement sites, such as Tursunzoda [sic] and Rudaki, schools are at various levels of construction. In cases where construction is not complete, children are being accommodated in existing schools (which are not at a distance from the resettlement sites) to ensure continued access to education.¹²⁸

Absence of a Local School in Rudaki

As in most of Tajikistan, children attend class in morning and afternoon shifts. Students assigned to the morning shift begin class at 8 a.m., and some report having to leave their homes as early as 6 a.m. to walk to school in the nearest village.¹²⁹ Some parents in Rudaki told Human Rights Watch that they sometimes kept their children home if it meant that

¹²⁵ Constitution of the Republic of Tajikistan, 1994, amended 2003; International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966, G.A. Res. 2200(XXII), U.N. GAOR, 21st sess., Supp. No. 16, U.S. Doc. A/6316 (1966), 993 UNTS 3, entered into force, January 3, 1976, acceded to by Tajikistan January 4, 1999; Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, acceded to by Tajikistan October 26, 1993.

¹²⁶ OHCHR, "Basic Principles and Guidelines on Development-Based Evictions and Displacement," Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living," U.N. Doc. A/HRC/4/18, paras 16, 52.

¹²⁷ World Bank Operational Policy 4.12, Involuntary Resettlement, para. 10.

¹²⁸ Letter from Marsha Olive, Country Manager, World Bank Tajikistan office, to Human Rights Watch, April 30, 2014.

¹²⁹ Human Rights Watch interview with Geesou H., Teppai Samarkandi, November 14, 2013.

they would otherwise have to walk in the dark.¹³⁰ They also tended to keep their children home if it was cold or raining outside. Parents who live near the main road that borders the community said that motorists customarily pick up children on that road and drive them to school, free of charge.¹³¹ Roshan C., a father of four, told Human Rights Watch that he no longer sent his 15-year-old daughter to school because it was too far away but that his sons, aged 16 and 10, still attended school: “It’s too far for her to walk. The boys can do it. The kids walk for about one hour or so to get to school.”¹³²

According to Saghar F., a 28-year-old mother of three children ages 3 through 7, interviewed by Human Rights Watch in Rudaki:

My oldest [seven-year-old] studies in the school.... I worry about him the whole time that he is walking.... He studies until 5 p.m. and by 6 p.m. when he gets home it is completely dark.... When the weather is bad, I try not to send him. He sometimes cries so much because he doesn’t want to go. When it rains his feet get soaked. And he cries a lot.¹³³

One resident, Orzu P., indicated that the Flood Zone Directorate had begun construction on a centrally located school in Rudaki but had yet to complete it. He told Human Rights Watch, “They started construction on the school but then it stopped one year ago [in late 2012].”¹³⁴ Orzu, who is building a house in Rudaki, said that his wife and eight children still live in Nurabod. When Human Rights Watch visited Rudaki in November 2013, researchers observed that construction appeared to be in preliminary stages.¹³⁵

Absence of a Local School in Dangara

Resettled people in the Chorsada 2 community in Dangara also lack a local school, and they reported that their children must walk for 30-60 minutes to attend class in the next

¹³⁰ Human Rights Watch interviews with Bahri A, Teppai Samarkandi, November 14, 2013, Pari M., Teppai Samarkandi, November 14, 2013, and Orzu P., Teppai Samarkandi, November 15, 2013.

¹³¹ Human Rights Watch interviews, with Dara R., Teppai Samarkandi, November 16, 2013 and Dehqan G., Teppai Samarkandi, November 16, 2013.

¹³² Human Rights Watch interview with Roshan C., Teppai Samarkandi, November 16, 2013.

¹³³ Human Rights Watch interview with Saghar F., Teppai Samarkandi, November 14, 2013.

¹³⁴ Human Rights Watch interview with Orzu P, Teppai Samarkandi, November 15, 2013.

¹³⁵ Human Rights Watch site visit on November 15, 2013.

village, Chorsada 1.¹³⁶ Some parents and children in Dangara told Human Rights Watch that the school director forced them to pay a 5 somoni (about \$1) fine for every day that their children miss school. Hamasa S. told Human Rights Watch,

I am 10 and I'm in the fourth grade. It's really far to go to the school. I study in the afternoon. I study until 5 p.m. and get home at about 6p.m. I go every day, no matter what the weather is.

If you don't go to school, they fine you five somoni [about \$1]. It's dark by the time we come home. But, that's when the lessons end, so that's just the way it is.¹³⁷

The school in Dangara is slated to open in 2015, according to Mirzoev of the Flood Zone Directorate.¹³⁸ Some families have lived in the community there since 2009.¹³⁹

School officials in Dangara Force Children to Harvest Cotton

Parents and children interviewed in the resettled community in Dangara, the only resettlement site in close proximity to cotton fields, told Human Rights Watch researchers that teachers and the school director in Dangara forced children in all grades (ages 7 to 17) to pick cotton during the harvest season (September through early November) under threat of beatings and humiliation should they refuse. Nongovernmental organizations monitoring Tajikistan's cotton industry have reported many instances of child labor in cotton but relatively few instances where officials forced students to harvest cotton.¹⁴⁰ According to parents and children in Dangara, however, school officials demanded that children pick cotton during school hours as well as on the weekends.

¹³⁶ For example, see Human Rights Watch interviews with Roshan C., Chorsada 2, November 13, 2013, Rasa G., Chorsada 2, November 17, 2013, and Tarana S., Chorsada 2, November 17, 2013.

¹³⁷ Human Rights Watch interview with Hamasa S., Chorsada 2, November 17, 2013.

¹³⁸ Human Rights Watch interview with Ramazan Mirzoev,, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, November 24, 2013.

¹³⁹ Human Rights Watch interviews with Freba S., Chorsada 2, November 13, 2013 and Berukh D., Chorsada 2, November 13, 2013.

¹⁴⁰ International Organization on Migration, "An Assessment of the Exploitation of Children and Students During the 2011 Cotton Harvest in Tajikistan," http://publications.iom.int/bookstore/free/Cotton_MonitoringReport_04_09_2012.pdf (accessed June 3, 2014) pp. 22-24.

For example, Taneen R., whose three children have been forced by school officials to pick cotton, explained, “Sometimes it’s Saturday all day, Sunday all day. Sometimes the kids get to school and teachers say, ‘You aren’t studying today, you will go pick cotton.’”¹⁴¹ Parents and children also stated that school officials required children to harvest cotton throughout the season, irrespective of heat or poor weather.

Picking cotton is arduous manual work; it requires laborers to stand, stooped over, for hours in unprotected fields to pry the raw cotton from its bushes. It is widely considered to be hard labor, even for adults. Yet despite this, and despite Tajikistan’s national and international legal obligations to protect children from forced labor and hazardous labor, residents told Human Rights Watch that the situation had persisted for several years.¹⁴²

Children who refused to comply with school officials’ demand to pick cotton or whose parents forbid them from participating reported that they suffered beatings, public humiliation, and verbal abuse at the hand of school officials.¹⁴³ According to Kambiz D., a boy in primary school,

If we don’t go our teacher will yell at us. The director will hit the kids in the older classes, kids in the ninth through eleventh grades. During the morning line up, outside, he will yell at them and hit them in the head.”¹⁴⁴

Parwana S., a female student who attends the same school at the secondary level, reported, “I have seen the teacher hit other kids in the class with her hands or switches [thin sticks]. The director also humiliates the children, calling us names, like ‘donkeys’ and ‘mules.’ He does this during the morning line up when all the students are together outside of the school.”¹⁴⁵

¹⁴¹ Human Rights Watch interview with Taneen R., Dangara, November 17, 2013.

¹⁴² Tajikistan has ratified the International Labor Association’s Convention 182, which prohibits the worst forms of child labor, as well as Convention 105 on forced labor. See International Labor Organization, “Ratifications for Tajikistan,” http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103547 (accessed May 12, 2014). In addition, Tajikistan’s Labor Code Establishes that the minimum age for employment should be 15, or 14 with parental consent. See International Labor Organization, “Activities for the Elimination of Child Labor in Tajikistan 2005-2010,” http://www.ilo.org/public/english/region/eurpro/moscow/info/publ/ipec/factsheet_tajikistan_en.pdf (accessed April 14, 2014), pp. 2, 4.

¹⁴³ For example, see Human Rights Watch interviews with Namvar K, Parwana S., Taneen R., Kambiz D., and Simin and Parsa J, Chorsada, November 17, 2013.

¹⁴⁴ Human Rights Watch interview with Kambiz D., Chorsada 2, November 17, 2013.

¹⁴⁵ Human Rights Watch interview with Parwana S., Chorsada 2, November 17, 2013.

According to one resettled resident, several parents deplored this treatment and attempted to intervene with the school authorities. However, parents were unable to persuade school officials to stop forcing their children to harvest cotton.¹⁴⁶ School officials instead began paying children a reduced wage, roughly 20 to 25 percent less per kilogram than the average rate paid to adults. Taneen R., a mother of three, also told Human Rights Watch:

As a mother I was extremely upset. How can they strike my child and exploit the labor of my child!? I told them you have no right to beat my child. They did not answer but told me, 'Whether you want this or not, they must harvest cotton.'¹⁴⁷

In response to a letter from Human Rights Watch, the local authorities in Dangara stated that no schoolchildren were officially employed to harvest cotton.¹⁴⁸ At time of publication of this report, Human Rights Watch was still investigating the issue of forced child labor among resettled school children in Dangara.

People with Disabilities

Human Rights Watch interviewed four people with disabilities as well 15 people with immediate family members with disabilities in resettled communities and yet to be resettled communities. People with disabilities and their families reported additional hardships during the resettlement process due to their disabilities, particularly with respect to their ability to construct new houses and construct them in a timely way.

Households containing a person with a disability sometimes reported having fewer, if any, family members who are physically capable of constructing their new houses.¹⁴⁹ For instance, some people with disabilities and their families with whom Human Rights Watch spoke explained that in instances when a person with a disability requires constant care, family members have less time to devote to either employment or construction of a new home.¹⁵⁰

¹⁴⁶ Human Rights Watch interview with Taneen R. November 17, 2013.

¹⁴⁷ Human Rights Watch interview with Taneen R. November 17, 2013.

¹⁴⁸ Letter from Yusufali Shoev, First Deputy, Dangara Hokimyat, to Human Rights Watch, May 6, 2014.

¹⁴⁹ Human Rights Watch interviews with Mazdak and Nargis Y., Talhak Cheshma, January 29, 2013 and Shabnam N., Chorsada 2, November 17, 2013.

¹⁵⁰ Human Rights Watch interviews with Boni G., Toychi, November 12, 2013 and Mazdak and Nargis Y., Talhak Cheshma, January 29, 2013.

Such families, including some widows or divorced women interviewed by Human Rights Watch who have a child or adult child with disabilities, expressed the desire that the government build a home for them.¹⁵¹ The World Bank-financed draft environmental and social assessment recognizes that members of marginalized groups in the area “tend to be ignored” and that they will require special assistance in many aspects of the resettlement process, including compensation, negotiation, construction, and livelihood restoration.¹⁵²

Zheela H., an elderly widow who has spent the past thirty years caring for her son, who acquired a disability after being physically assaulted as a young man, told Human Rights Watch that the government ignored her multiple requests for assistance, “I applied for help with building a house, but the government refused, and told me that I have a daughter and son-in-law, and that they should be the ones to help.”¹⁵³

Housing Specifically Designated for People with Disabilities

Some residents facing resettlement from villages in Rogun and Nurabod districts are also members of marginalized groups such as widows, divorced women, and households containing a person with a disability. Some of these residents told Human Rights Watch that they would not be able to build new houses without assistance.¹⁵⁴ A few of these people expressed the desire to have the government provide them with additional support, such as housing.¹⁵⁵ Tajikistan should prioritize providing housing for resettled persons with disabilities.¹⁵⁶ However, Human Rights Watch found that the only housing built by the government, which officials claim is designated for particularly vulnerable groups, did not appear to be accessible for people with disabilities and housed only government employees.

The head of the Flood Zone Directorate showed Human Rights Watch photos of several government-built townhouses in New Nurabod that he asserted were for widows, war veterans, and people with disabilities.¹⁵⁷ However, Human Rights Watch researchers

¹⁵¹ Human Rights Watch interviews with Zheela H., Saripul, November 22, 2013, and with Avizeh T., Saripul, January 30 2014.

¹⁵² Poyry, Draft ESIA, p. 200.

¹⁵³ Human Rights Watch interview with Zheela H., November 22, 2013.

¹⁵⁴ Human Rights Watch interviews with Bahor S., Tagi Kamar, January 28, 2014 and Sholah G., Kishrogh, January 31, 2014.

¹⁵⁵ Human Rights Watch interview with Zheela H., Saripul, November 22, 2013, and Avizeh T., January 30 2014.

¹⁵⁶ Basic Principles, para. 31.

¹⁵⁷ Human Rights Watch interview with Ramazan Mirzoev, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, November 18, 2013.

visiting the houses observed that they did not appear to be fully accessible. Each of the homes had several steps leading to the front door, making access for wheelchair users or people with certain types of physical disabilities difficult, if not impossible. Each of the two-story houses also had a steep internal staircase.

When Human Rights Watch spoke to occupants of the government-built housing, they reported that no widows, war veterans, or people with disabilities lived there, but that resettled government employees and their families lived in the units.¹⁵⁸ Researchers observed conditions in this housing block to be significantly better than in any of the more than 100 other houses visited which residents had constructed themselves. They have continuous water and electrical service, as well as indoor plumbing and toilets.

Access to Healthcare and Disability Pensions

Tajikistan should ensure resettled people, including people with disabilities, enjoy the highest possible standard of health.¹⁵⁹ Like all residents in resettled communities, people with disabilities can get necessary medications and basic primary care at medical points in resettled communities. As in most of the country, however, people with disabilities living in resettled communities cannot receive specialized treatment, rehabilitation, or education unless they travel to Dushanbe.

People who have official medical documents concerning their disabilities reported receiving a small pension, usually between 45 and 300 somoni per month (between \$9 and \$60).¹⁶⁰ When they resettle, they must update their residency registration (a state-issued document required for all citizens) to continue receiving benefits in their new village, and also to receive discounts on medication to which they are entitled.

Some families reported that following resettlement they had been unable to access the pension benefits to which they are entitled because they had not been able to obtain their new residency registration in resettled communities. For example, Berukh D. told us that her husband, Kosha, had not been able to access his disability pension since they moved

¹⁵⁸ Human Rights Watch interviews with Parand M. and Sahba A., New Nurabod, November 21, 2013.

¹⁵⁹ ICESCR, art. 12; Basic Principles, paras 16, 54.

¹⁶⁰ For example, see Human Rights Watch interviews with Hasti M., Chorsada 2, November 17, 2013, Feda S., Chorsada 2, November 17, 2013, Berukh and Kosha D., Chorsada 2, November 13, 2013, and Avizeh T., Talhak Cheshma, January 30, 2014.

in 2009 to a resettlement settlement in the Tursunzoda district because of a problem registering in a new district.¹⁶¹ Kosha told Human Rights Watch that he used to receive medication free of charge from a nongovernmental organization in his old village of Chorsada, but that he now has to pay for it at the local medical point.¹⁶²

¹⁶¹ Human Rights Watch interview with Berukh D., Chorsada 2, November 13, 2013.

¹⁶² Human Rights Watch interview with Kosha D., Chorsada 2, November 13, 2013.

III. Lack of Fair or Adequate Compensation

The government of Tajikistan compensates those who are resettled due to Rogun Dam construction for loss of their homes.¹⁶³ However, Human Rights Watch has identified a number of flaws in the compensation process. The fact that the government has not compensated people in a manner that reflects the actual costs of resettlement results in considerable hardship for residents. For example, when determining compensation, the government does not compensate for loss of agricultural land and livestock. As described above, these losses reduce families' access to food and land-based income-generating activities. In addition, compensation awarded to families is based on an assessment of existing homes only and is typically not sufficient for most families to build homes of comparable size and quality in resettled communities.

Tajikistan has numerous international obligations to provide adequate compensation to all those that it forcibly resettles. The government must adequately compensate resettled people for lost land as well as for homes in order to meet international human rights standards.¹⁶⁴ It should also ensure that any livelihood lost is restored or that an appropriate alternative is made available, and to the extent that such replacement is not possible, compensation should also cover this loss. The World Bank's Involuntary Resettlement Policy requires the government to compensate resettled people for the "direct economic and social impacts" caused by land seizures or restrictions on access to areas that provide a source of livelihood to affected people.¹⁶⁵ Importantly, it also defines compensation as the "full replacement cost" of a lost asset.¹⁶⁶ The World Bank-financed draft environmental and social impact assessment asserted that the term "market value"

¹⁶³ The government also provided personal compensation to members of each household subject to resettlement. It paid the head of each household (regardless of the number of families it contains) 3,000 somoni (about US\$600), half of which it requires the recipient to repay after five years. In addition, the government also provided an additional 100 somoni (about \$20) for each adult member of the household and 50 somoni (about \$10) for each child. Human Rights Watch interview with Ramazan Mirzoev, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, November 18, 2013.

¹⁶⁴ OHCHR, "Basic Principles and Guidelines on Development-Based Evictions and Displacement," Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living," U.N. Doc. A/HRC/4/18, paras. 60-63; UN Committee on Economic, Social and Cultural Rights, General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997), U.N. Doc. E/1998/22, annex IV at 113 (1997), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 45 (2003), paras. 13, 17.

¹⁶⁵ World Bank, Operational Policy 4.12, Involuntary Resettlement, para. 3.

¹⁶⁶ *Ibid.*, paras. 6, 12.

is “clearly being understood [by officials engaged in the resettlement program] not as the market value of the house, but of the new material and the cost of labour required to build a new house.”¹⁶⁷

However, resettled people consistently told Human Rights Watch that their houses’ assessed value was not enough to pay for the raw materials to build new houses. They also reported that they were faced with the significant burden of financing the gap between government compensation and actual replacement cost. In addition, smaller land plots in resettled communities rendered it impractical to house multiple families on a single plot. Because of this, families needed to build two or more houses with compensation provided for only one.

By setting compensation amounts well below the current cost of building a new house of similar size and quality, the government of Tajikistan has allowed a fall in resettled residents’ standard of living. In addition, low compensation amounts often force families to live in half-completed house with inadequate space, protection from the elements, and bathing facilities. As described above, most resettled people’s new homes are located between 100 and 200 kilometers from their old villages, making travel difficult and expensive.¹⁶⁸ These conditions, which can persist for years at a time, also represent violations of the rights to health and adequate housing and are inconsistent with World Bank policy.

Flaws in Compensation Awards

Process of Determining Compensation

To determine compensation, officials from the government agency responsible for assessments, the Inter-District Technological Inventory Office (MBTE), measure each house on a household plot as well as all outbuildings such as barns and kitchens. Assessors also determine and record the quality of each building, noting factors like whether it has a foundation, the quality of the building materials used, and its age and condition.

Assessors also evaluate items on household land such as fruit- and nut-bearing trees. After the assessment, the MBTE prepares a “technical passport” for each home that lists the assessment results but does not indicate a cash value. A separate government

¹⁶⁷ Poyry, Draft ESIA, p. 175.

¹⁶⁸ See Section I.

committee then assigns a cash value to each technical passport based on market value, in accordance with Tajik law.¹⁶⁹ Reported compensation amounts ranged from roughly 37,500 to 150,000 somoni (US\$7,500 to \$30,000).

After being allocated land in resettlement communities, the Flood Zone Directorate allocates residents' payments in three installments, contingent on their completion of particular stages of construction. For example, after receiving the first installment, usually 30 percent of the total assessed value (between \$2,500 and \$8,300), the recipient must show that he or she has completed the new house's foundation before the Flood Zone Directorate will authorize another payment. The Flood Zone Directorate pays the final installment, usually the final 5 or 10 percent, when the recipient has moved completely and demolished their old house.¹⁷⁰

Compensation Does Not Reflect the Loss of Agricultural Activities

While assessors evaluate fruit-bearing trees as a component of compensation, they do not appraise other kinds of trees (though residents reported valuing them as a source of firewood and building materials), vegetable gardens, or livestock, which many residents relied on as sources of food and income.¹⁷¹ Because the assessment process does not value these factors, people who lost land for gardening and livestock suffered a decline in their standard of living that the government failed to restore either through grants of replacement land (the optimal method), or through the provision of other means of livelihood.

In addition, assessments consider only household lands, not *dekhan* farmland that many residents who are to be resettled use for food and as a source of income. *Dekhan* lands were not measured, nor were *dekhan* lands of comparable size granted to families immediately upon resettlement. In some cases, prior to resettlement some individuals relied on the produce from *dekhan* farms as their main – or sole – means of earning a living. Yusuf N., who lives in the resettled community in Dangara with his wife and three children, was not compensated for his agricultural land, although it was a significant source of income for his family: “My old land was one hectare (10,000 square meters). We

¹⁶⁹ Human Rights Watch interviews with Ramazan Mirzoev, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, November 19 and 24, 2013.

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

had fruit trees. We didn't have to work outside (the home). We sold fruit and made a good income."¹⁷² Bahri A., who began building his house in Teppai Samarkandi in 2010 but had not finished as of November 2013, described his access to land in his old village in Nurabod district and his loss of agricultural land and livestock:

In the old place, we had two hectares of additional farmland that we used to grow wheat, vegetables, and potatoes. We were not compensated for the two hectares or offered other farmland. We used what we grew for household consumption. Now we have to buy everything. We had four cows and twenty five goats and sheep. We had to sell all of them.¹⁷³

Although the government does not consider the loss of farm or pasture land a compensable loss, it does compensate residents for orchards.¹⁷⁴ However, residents who received compensation for the orchards stated that the government did not consider the loss of regular income generated by the orchards when making its compensation calculations. For example, Mazdak Y., a 72-year-old man from Talhak Cheshma, told Human Rights Watch that he earned 20,000 somoni (about \$4,000 USD) per season from fruit he sold. According to Mazdak, the authorities assessed the orchard for 20,000 somoni total, and he has not yet received payment as of April 2014. He went on to express his fears about the changes in his circumstances and what the lack of proper compensation would mean for him:

I am not satisfied. I love this place. I am talking about 900 years that my forebears are here. How would you feel if you only got 800 square meters when you had 10,000? Everything here is free; water, stones, fodder. There we will have to pay for every nail.¹⁷⁵

Compensation Does Not Reflect the Cost of Building a New Home

The lack of compensation that reflects the actual costs of building a new home in resettled areas has resulted in considerable additional, unforeseen costs for families. Residents

¹⁷² Human Rights Watch interview with Yusuf N., Dangara, November 13, 2013.

¹⁷³ Human Rights Watch interview with Bahri A., November 14, 2013.

¹⁷⁴ Human Rights Watch interview with Ramazan Mirzoev, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, November 24, 2013.

¹⁷⁵ Human Rights Watch interview with Mazdak Y., Talhak Cheshma, January 29, 2014.

cited as uncompensated hardships the price of raw materials and labor, and the fact that large, multi-family households often resettle to separate land plots but receive funds to build only one house. Some also spoke of increased expenses where there were variations in the terrain of the new resettlement (such as hills) or where the government did not provide ready built foundations.

Cost of Materials

The government has assigned values to houses in the flood zone that do not reflect the current cost of construction materials, let alone the overall cost of building a new house from the ground up.

Although the government allowed people to remove timber and parts of their old homes for use in the new construction, many residents reported that they still needed to buy significant amounts of new building materials. Many resettled residents told researchers that they quickly exhausted compensation payments on material for initial stages of construction and had to spend from their own limited income or sell assets such as livestock or vehicles to procure and transport materials such as stones, cement, and roofing to the resettlement site.¹⁷⁶ For example, Hurmoz T., who works part-time as a taxi driver around his resettled community in Rudaki, explained the burden that he and his family suffered to build their new house:

I got 60,000 somoni [\$12,500] compensation. I had to sell everything of value – all my animals, my car – to complete our house.... In the old place, we had a house with six rooms [for living sleeping and eating]. Here, we have only two rooms [for eight people].... [T]he compensation was enough to build only one small room.¹⁷⁷

Many resettled people interviewed also reported that inflation greatly increased the cost of building supplies during the years that they spent constructing homes in their new communities.¹⁷⁸ Mahyar V., 43, still lives with his wife and child in their village of Talhak

¹⁷⁶ For example, see Human Rights Watch interviews with Paiman J., Toychi, November 12, 2013, Siamu F, Chorsada 2, November 17, 2013, and Farzam B., Toychi, November 23, 2013.

¹⁷⁷ Human Rights Watch interview with Hurmoz T., Teppai Samarkandi November 14, 2013.

¹⁷⁸ For example, see Human Rights Watch interviews with Varshab H., Toychi, November 12, 2013, Kamyar M., Chorsada, November 20, 2013, and Siamak H., Toychi, November 23, 2013.

Cheshma. He explained how the costs of building materials had increased during the three years since he began building his new house in the resettled community in Dangara district.

I was allocated land there four years ago. I've been building for already three years. The house is ready but not the storage shed or the fence. I need more money to complete the other buildings. I got 110,000 somoni [about \$22,000]. I spent it all and some more of my own money to build the house. This house was assessed in 2008 and then one cubic meter of wood cost \$100 – when we started building [in 2010] it cost \$300.¹⁷⁹

Labor costs pose an additional burden for resettled people, particularly for those who cannot complete certain aspects of the construction themselves. While any family that lacks the skill, knowledge, or capacity to, for example, dig a foundation or raise a roof, suffers from the financial burden of having to hire laborers, some female-headed households and households with a person with a disability interviewed by Human Rights Watch reported feeling this burden more consistently and acutely. For example, Gahwar J., who has been widowed since 2009, said, “My husband died as we were in the process of moving here. It is very hard for me without my husband. I have to find workers to work on the house, buy the construction materials myself.”¹⁸⁰

In addition, some female heads of households interviewed by Human Rights Watch reported that they had no other relatives in their household to assist them with physically demanding tasks.¹⁸¹ As Sholah G., a 38-year-old widow who had yet to resettle from her village in Rogun district, explained, “I have only little kids, no adults to help with the work. How can I build a house? It would be better for me if the government would build a house. But the first option is that the money be increased and then I will hire builders.”¹⁸²

Similarly, some of those interviewed who had a family member with a disability explained that, because at least one family member needed to devote all of their time to

¹⁷⁹ Human Rights Watch interview with Mahyar V., Talhak Cheshma, January 29, 2014.

¹⁸⁰ Human Rights Watch interviews with Gawhar J., Toychi, November 12, 2013.

¹⁸¹ Human Rights Watch interviews with Zheela H., Saripul, November 22, 2013, Gawhar J., Toychi, November 12, 2013, Avizeh T., Talhak Cheshma, January 30, 2014, and Sholah G. (interview date and location withheld).

¹⁸² Human Rights Watch interview with Sholah G., (interview date and location redacted).

caring for or providing support to the family member with the disability, their work force was effectively reduced.¹⁸³

The new head of the Flood Zone Directorate, Sami Sharif, indicated that the government lacked resources to pay higher compensation amounts and that residents may be able to procure credit at commercial rates (estimated between 14 and 24 percent per year) to complete construction.¹⁸⁴ Sharif also indicated that, at some time in the future, the government “may consider” allocating interest free loans to resettled people.¹⁸⁵

The Flood Zone Directorate requires all relocating residents to build their homes with foundations in order to ensure the stability of the new structures. In 2008-2009, the authorities constructed 200-250 foundations for families relocating to Dangara. However the government no longer provides pre-built foundations in resettled communities.¹⁸⁶ According to some resettled residents and the head of the Flood Zone Directorate, the amount of financial compensation awarded to residents was less if they received a foundation in a resettled community.¹⁸⁷

Prolonged Construction Times

Low overall compensation values also prolong construction times, causing families considerable hardship. Instead of hiring builders who could complete the job quickly, residents often construct their own homes in order to save money. They thus spend more time overall on construction because they have to balance their daily responsibilities such as farming or work with the added burden of building a house from the ground up. Long construction times render those in the process of resettlement more susceptible to increased costs due to inflation, the need to buy basic necessities such as food at both new and old locations, and having to repair weather damage to partially constructed homes that could not be completed before, for example, the rainy season. Yama C., 65,

¹⁸³ Human Rights Watch interviews with Mazdak and Nargis Y., Talhak Cheshma, January 29, 2013 and Shabnam N., Chorsada 2, November 17, 2013. The World Bank-financed draft environmental and social assessment recognizes that members of marginalized groups in the area “tend to be ignored” and that they will require special assistance in many aspects of the resettlement process, including compensation, negotiation, construction, and livelihood restoration. Poyry, Draft ESIA, p. 200.

¹⁸⁴ Letter from Sami Sharif, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, to Human Rights Watch, April 11, 2014, para. 1.

¹⁸⁵ *Ibid.*, para. 4.

¹⁸⁶ Human Rights Watch interview with Ramazan Mirzoev, Director, November 24, 2013.

¹⁸⁷ *Ibid.* See also Human Rights Watch interview with Farhana D., Chorsada 2, November 13, 2013.

who has lived in the resettled community in Dangara since January 2014, felt that that the government's payment of 100,000 somoni (about \$20,000) was insufficient to replace the home he lost. He told Human Rights Watch, "The compensation to build the house is only enough if you are not eating anything."¹⁸⁸

Many people facing resettlement also told Human Rights Watch that having to travel long distances from their existing homes near the Rogun Dam site to work on their houses placed additional burdens on them.¹⁸⁹ Human Rights Watch interviewed Namdar V., 67, in the resettled community in Tursunzoda district in November 2013. Namdar and his family still live in their old village of Chinor, where he says his ancestors have lived for roughly 300 years, but several members of the family travel back and forth in order to complete their house. Namdar described the journey: "We're still living in Chinor. We've come to do some work here for now on the fence, until December. It's about 200 kilometers to Chinor from here. The roads are really poor, so it takes us six to seven hours to get here."¹⁹⁰ A number of people also described to Human Rights Watch the difficulties related to long construction times of their homes that inhibited them from transitioning quickly to life in resettled communities.¹⁹¹

Resettled residents who have finished building their main living quarters continue to face considerable challenges because their homes are not yet complete. Traditional Tajik houses consist of not only the main living structure but also outbuildings such as a kitchen, bathhouse, latrine-style toilet, and storage room as well as a security wall or fence around the house's perimeter. Despite having worked for several years on their homes, many resettled people still cook and bathe in basements or unfinished rooms.¹⁹² Anoosha D., a mother of three children, described the difficulties that the lack of bathing facilities posed for her and her family:

Without a bathhouse [in Russian, *banya*] it's very inconvenient. We wash in our unfinished basement. It's damp and cold there. We wash our children in

¹⁸⁸ Human Rights Watch interview with Yama and Rasa C., Chorsada 2, November 13, 2013.

¹⁸⁹ For example, see Human Rights Watch interviews with Hasti M., Chorsada, November 13, 2013, Tora N., Teppai Samarkandi, November 14, 2013, and Bahri A. Teppai Samarkandi, November 14, 2013.

¹⁹⁰ Human Rights Watch interview with Namdar V., Toychi, November 12, 2013.

¹⁹¹ For example, see Human Rights Watch interviews with Yangana B., Teppai Samarkandi, November 16, 2013, Naraiman L., and Mani P., Toychi, November 23, 2013.

¹⁹² For example, see Human Rights Watch interviews with Kambiz and Hochang F., Chorsada 2, November 13, 2013, Yagana B., Teppai Samarkandi, November 16, 2013, and Gahwar F., Chorsada 2, November 17, 2013.

the house. We get out some wash tubs and boil water for washing them and for ourselves.¹⁹³

Anoosha's situation is not unique. Naraiman L., a father of four who moved his family to the resettled community in Tursunzoda in November 2013, summarized the situation succinctly: "We started [building] four years ago and still we have no kitchen."¹⁹⁴

Building on Difficult Terrain

People allocated land on hilly terrain must spend more time and money to prepare and build foundations for their homes than those who receive flat parcels, but the government does not compensate residents for the additional expense. Yagana B., who moved to the resettled community in Rudaki with her husband and daughter in early 2012, told Human Rights Watch that living on the side of a steep hill caused additional financial burdens:

The money we got was only enough to build a foundation. We are on a hill and it's expensive to build here. We needed to level the ground. The land was flat in [my old village].¹⁹⁵

Similarly, Daler F., whose family still lives in their village in Nurabod district while he builds their new house, also told Human Rights Watch, "It's more expensive to build on a hill than it is on flat lands, but they didn't take that into account [when they paid compensation]."¹⁹⁶

Residents in some areas in the resettled communities in Dangara, located roughly 85 kilometers south of Tajikistan's capital, Dushanbe, reported that high groundwater levels brought salts and minerals to the surface that damaged their foundations.¹⁹⁷ Human Rights Watch observed high groundwater levels and poor drainage in those areas such that standing water filled even shallow depressions. Rozi F. has been working on his house in an area that suffers from high groundwater. He described the effects it had on his construction: "The salt and the moisture are coming up through the ground and the salt is

¹⁹³ Human Rights Watch interview with Anoosha D., Teppai Samarkandi, November 16, 2013.

¹⁹⁴ Human Rights Watch interview with Naraiman L., November 22, 2013.

¹⁹⁵ Human Rights Watch interview with Yagana B., Teppai Samarkandi, November 16, 2013.

¹⁹⁶ Human Rights Watch interview with Daler F., November 14, 2013.

¹⁹⁷ Human Rights Watch interview with Rozi F., Chorsada 2, November 17, 2013, Atash and Gulpari R., Chorsada 2, November 17, 2013, and Siamu F., November 17, 2013.

destroying our [my and my neighbors'] foundations.... I keep washing the foundation but the salt comes back."¹⁹⁸

Additional Land Plots But Insufficient Compensation to Replace Lost Housing

Before resettlement, most people lived in large, multi-family, multi-generational households of up to twenty people, as is traditional in rural Tajikistan. In pre-resettlement villages, researchers visited homes that included a main home with up to five or six rooms as well as outbuildings serving as a kitchen, bath, toilet, storage, and barn on land plots as large as 4,000 square meters.¹⁹⁹ In contrast, land plots in resettled plots range from 800-1,000 square meters, which are too small to house the structures families previously relied on to support large households of multiple families. Instead of awarding a single large land plot to families, the government awarded a plot of land to each family within a household.²⁰⁰ Numerous families reported that their household received four or five plots in total.

Some families sought to secure land plots adjacent to one another in order to continue to live in one house as a multi-family household and use additional plots for agriculture. However, adjacent plots were not always available to resettled households and compensation payments were typically insufficient to build large houses. For households who broke up into smaller family units, as was most often the case among resettled families interviewed by Human Rights Watch, the government did not provide money for families allocated additional plots to build houses. Families who were able to build their own houses usually used money they earned working in Russia.²⁰¹

Naraiman L., 28, had brought his wife and four young children to their new house in the resettled community in Tursunzoda only a week before Human Rights Watch visited the village in November 2013. Naraiman L. explained that his family used to live with his father in their old village of Sicharog and that they spent all of the government compensation building his father's new house:

¹⁹⁸ Human Rights Watch interview with Rozi F., Chorsada 2, November 17, 2013.

¹⁹⁹ For example, see Human Rights Watch interviews with Kambiz and Hoshang F., Dangara, November 13, 2013, Hurmoz T., Teppai Samarkandi, November 14, 2013, and Banafshah T., Teppai Samarkandi, November 14, 2013.

²⁰⁰ Human Rights Watch interview with Ramazan Mirzoev, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, November 19, 2013.

²⁰¹ For example, see Human Rights Watch interviews with Omaid H., Teppai Samarkandi, November 16, 2013, Bizhan S., Teppai Samarkandi, November 16, 2013, and Siamu F., Chorsada 2, 2013.

In Sicharog, there were three families in our house. We each got a land plot in 2009. Our house was assessed in 2008. We used the [compensation] money to build my father's house that you see next door. All the money went to that house.²⁰²

Naraiman L. traveled to and from Russia to earn money to build a separate home he now shares with his wife and children.²⁰³

Similarly, Roshan C., who was allocated land in Rudaki in 2009, explained that while he and his wife used to live in his father's household, the government allocated a separate land plot to him but provided no compensation. To earn money to build his own house, Roshan C. told Human Rights Watch, "I worked and earned money for building the house in Russia. I spent four years going to Russia. I'd be at home in the winter, and then work in the summer."²⁰⁴

Flaws in the Implementation of the Compensation Process

Delays in Payment of Compensation Installments

The government began assessments in the reservoir zone in 2008 but has not yet assessed each of the more than 7,000 houses to be submerged over the projected 15 to 18-year period during which the Rogun Dam will be built and its reservoir filled. Assessors began with those houses in low lying areas that will be the first to be inundated.²⁰⁵ Most residents in those areas told researchers that the government assessed their homes in 2008, but that officials did not allocate land plots or the first installment of compensation until much later. Delays ranged from one to five years, with many people reporting that three years passed between assessment and land allocation.²⁰⁶

All residents asked about the timing of compensation payments reported that costs for building materials had risen significantly since their homes were assessed. As described

²⁰² Human Rights Watch interview with Naraiman L., Toychi, November 16, 2013.

²⁰³ Ibid.

²⁰⁴ Human Rights Watch interview with Roshan C., November 16, 2013.

²⁰⁵ Human Rights Watch interview with Ramazan Mirzoev, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, November 24, 2013.

²⁰⁶ For example, see Human Rights Watch interviews with Bahram P., Teppai Samarkandi, November 16, 2013, Mastana Y., Chorsada, November 20, 2013, and Mani P., Toychi, November 23, 2013.

above, residents at all stages of the resettlement process consistently reported that they were unable to pay for the materials to complete their homes using only compensation funds. They indicated the government's use of assessments conducted as early as 2008 as one source of the gap between the total compensation amount that the government paid and the cost of building a house of similar size and quality to their previous home. The government has not sought to compensate people for the extensive delays in the disbursement of compensation payments.

For example, Nouzshad M., who works for the Rogun Hydropower Plant and plans to resettle to the newly designated resettlement site Saidon y Bolo, explained to Human Rights Watch that five years passed between the assessment of his home and the time he received his first payment:

The house was assessed in 2008, and we complained several times but they didn't start distributing payments until 2013 and prices were very different by then. When we complained, the central government said that there would be no reappraisal.²⁰⁷

Khojasta J., 33, lives in Talhak Cheshma with her husband and four children. Khojasta described to Human Rights Watch how her family's construction costs increased each time the authorities did not release an installment promptly:

Three times I got [compensation] money and three times it was delayed. It affected me because with each delay I watched the prices for materials go up in the market. For example, there are 60 households here and 30 of them got money one year and 30 the next, so the later people suffered from increased costs. There should be mechanisms to calculate and pay for the delays.²⁰⁸

Some other residents interviewed explained that the government issued payments at times when they could not engage in construction, such as during the winter months. For instance, Varshab H., 45, from Sicharog, began building his house in the resettled community in Tursunzoda in 2009 but has not yet managed to complete his new home. He

²⁰⁷ Human Rights Watch interview with Nouzshad M., Tagi Agbar January 29, 2014.

²⁰⁸ Human Rights Watch interview with Khojasta J., Talkhak Cheshma, January 29, 2014.

told Human Rights Watch that the government released his payments at the beginning of winter, when the weather made work difficult:

It was really hard. When they started to give us the money [in 2009], we got the foundation built but then had to wait for the next payment. The prices on the construction materials went up in the meantime. We got the money late, already close to winter, and there was cold and rain already, so we weren't able to do much building.²⁰⁹

²⁰⁹ Human Rights Watch interview with Varshab H., Toychi, November 12, 2013.

IV. Physical Dangers and Disruptions to Essential Services in Villages Adjacent to Rogun Dam

Residents awaiting resettlement who live closest to the future site of the Rogun Dam face a number of difficulties unique to their location. Human Rights Watch visited seven villages close to the construction works and found that as a result of frequent blasting and earth moving activity, many residents have suffered damage to their homes, threats to their physical health and safety, and reduced access to water and education.²¹⁰

While the government has suspended work on the Rogun Dam pending the results of the World Bank's assessments, it continues to develop ancillary projects such as a 75-meter-high sedimentation dam on a nearby river. It also actively conducts blasting and land excavation in the area around the Rogun Dam site to gather raw materials that will eventually be used in construction of the dam, and it has turned the area into an active work zone. Government agencies have also built a large number of construction roads and tunnels that workers use to access work sites along the Vakhsh River where they will eventually construct the Rogun Dam. Government officials told Human Rights Watch that the Rogun Dam, although not under active construction, employed roughly 3,000 people as of January 2014.²¹¹ Human Rights Watch researchers observed several hundred workers, mostly drivers and construction workers, on each of the days that they visited the Rogun site.

Blasting Near Populated Villages

Blasting by construction crews has damaged homes and created safety hazards for some residents living closest to the Rogun Dam construction site, in particular in Kishrogh and Mirogh, two of the most isolated villages in the Rogun Dam's construction zone, which the government has prioritized for resettlement. Workers regularly blast a ridgeline above Kishrogh village to secure rocks to use for dam construction. Residents reported that the blasts dislodge rocks, including in some cases large boulders, on the mountainside above, which frequently roll down, damaging homes and other buildings

²¹⁰ Human Rights Watch visited the villages of Tagi Kamar, Tagi Agbar, Talhak Cheshma, Saidon, Sech, Kishrogh, and Mirogh in Rogun District from January 28 through February 1, 2014.

²¹¹ Human Rights Watch interview with Kiromiddin Quodratovich Qamariddinov, Representative of the Directorate for the Flood Zone of Rogun Hydropower Plant, January 31, 2014.

in the village. Blasts occur a few times each week, regardless of the weather, causing villagers to evacuate their homes and disrupting their daily lives.²¹² None of the people that researchers interviewed in Kishrogh and Mirogh reported receiving compensation for damage to their homes from blasting.

Residents of Kishrogh interviewed by Human Rights Watch reported that construction supervisors send personnel to warn villagers that a blast is imminent and to transport villagers who live particularly close to the blast area to safety. However, the workers do not always provide cars for transportation, and residents who cannot walk to safety reported that they sometimes remained in their homes during blasting risking possible physical injury from falling rock.

Kavah R., a 56-year-old resident of Kishrogh, has been blind since 2006. He explained that sometimes he and his wife have no choice but to remain in their home while crews are blasting: “The people in charge of the blasting come and tell us [there will be a blast].... My wife and I leave [with construction workers] by car, but if there is no car available for us then we stay here during the blasts.”²¹³ Kavah described some of the damage that his home sustained as a result of the blasts:

Stones come down to the house when they blast. We don’t get compensated for this. A big stone crushed our bathroom, and [the government] said that they would give us tin for the [damaged] roof, but they didn’t do it. People came and looked but nothing happened. We asked for the new roof and they said yes but nothing happens. The damage is only from the blasting.²¹⁴

Shockwaves that follow blasting shatter windows in Kishrogh as well as in nearby Mirogh, about 700 meters away. Sholah G., a 38-year-old widow who is raising five children in her home in Kishrogh, told Human Rights Watch, “The glass in all my windows is broken and sometimes the stones land on my roof.”²¹⁵ Hangama N., who has lived in Mirogh since 1988, explained, “Whenever they are working, they are blasting. My windows broke from

²¹² Human Rights Watch interviews with Payam N., Kavah and Huma R., and Sholah G., Kishrogh, January 31, 2014.

²¹³ Human Rights Watch interview with Kavah and Huma R., Kishrogh January 31, 2014.

²¹⁴ Ibid.

²¹⁵ Human Rights Watch interview with Sholah G., Kishrogh, January 31, 2014.

the blasts. That's why I have this plastic covering them."²¹⁶ Human Rights Watch researchers found that all of the windows they observed in Kishrogh and Mirogh were covered with soft plastic sheets instead of glass.

Falling rocks and shockwaves from blasting have also cracked and weakened houses in both villages, often throwing their structure out of alignment. Faramarz I. told Human Rights Watch that he was afraid his house in Mirogh might fall down due to the strength of the blasts. "Our house has cracks in the walls from the blasting. We just added extra poles to make the house and porch stronger," he explained. "The blast shakes the earth. We lost all of our windows and now we use plastic."²¹⁷ Faramarz also explained that his barn had already collapsed due to shocks from the blasting.

Hangama, who lives in Mirogh, reported that despite being slightly farther away from the blasting, the blasting nevertheless damaged her house: "Sometimes when they have a strong blast, the doors open by themselves and the building cracks. They didn't compensate us for this damage."²¹⁸

Government Demolition of Inhabited Homes in Talhak Cheshma

In June 2013 the government partially demolished three houses in the village of Talhak Cheshma, located in Rogun district. Human Rights Watch interviewed residents of two of these partially demolished homes. Javaneh O., who lives with her extended family and her physically and mentally disabled 10-year-old son, described the partial demolition of her home on June 20, 2013:

[T]he people from the hukumat told us that we would be resettled and asked us to please deconstruct our house.... [O]ur new house in Tursunzoda is only half built. That house has four rooms but only one has doors and windows.... Despite this, a tractor came here and started to damage this house. The local authorities loaded the beams [from the demolished portion] onto a Kamaz truck and brought it to our place in Tursunzoda.²¹⁹

²¹⁶ Human Rights Watch interview with Hangama M., Mirogh, January 31, 2014.

²¹⁷ Human Rights Watch interview with Faramarz I., Mirogh, January 31, 2014.

²¹⁸ Ibid.

²¹⁹ Human Rights Watch interview with Javaneh O. and Delaram M., Talhak Cheshma, January 30, 2014.

Javaneh O. added that the family deconstructed the rest of the house themselves in order to prevent further demolition on the part of the local authorities. They are currently living in a mobile trailer that resembles a single, square room with thin walls and roofing to which they have added a small front stoop made of clay bricks. Human Rights Watch observed the remains of their old home adjacent to the trailer.²²⁰

Shahpur M., a 77-year-old grandfather, currently lives in the remaining two rooms of his home in Talkhak Cheshma with his family and his son's family. The government allocated them two plots of land in Tursunzoda, but they cannot afford to build two new homes with the compensation provided.²²¹

According to government officials, residents receive the last installment of compensation only once they move to their new location and voluntarily deconstruct their existing homes.²²² However, the government demolished most of Shahpur's house in June 2013 while he and his family were still living in it. He recalled,

In summer 2013 the tractors came. They flattened only my house and my neighbor's. The others' houses still stand. They came at noon. They told us to move. We were about to ask why but the head of the Jamoat [local government] said that they must destroy the house immediately so we loaded the Kamaz truck and brought our things [to Tursunzoda]. This whole process took 2 or 3 days. One week before that, they came and they told us to prepare for total demolition of the house.²²³

Until the family can raise the money needed to complete their home in Tursunzoda they suffer the hardships of living in the reduced space of their partially demolished house.²²⁴

²²⁰ Ibid.

²²¹ Human Rights Watch interview with Shahpur M., Talkhak Cheshma, January 29, 2014: "[T]his payment is nothing. Our house was assessed for 68,000 somoni [US\$13,600], and we got all of it. But it's not enough.... We have only built the walls and roof. We have no doors or windows, no other buildings, and everything is open and unfinished." Shahpur M. estimates that he will need another 70,000 somoni (\$14,000) to complete one house.

²²² Human Rights Watch interview with Ramazan Mirzoev, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, November 18, 2013.

²²³ Human Rights Watch interview with Shahpur M., January 29, 2014.

²²⁴ Ibid.

Decreased Access to Water and Farmland

Since 2009 some water sources have diminished or disappeared in several villages near the construction site, reducing residents' ability to grow food in those areas and making it difficult for residents there to access water for drinking and household use.²²⁵ Goudarz F., 79, lives in Talhak Cheshma with his wife, son, and son's family. He explained that their household water supply has decreased in recent years. Goudarz believes that the extensive construction in the area had affected his water supply. He told Human Rights Watch, "We still have water but some of the springs are drying up. This is because of the work on Rogun Dam, the digging. We use donkeys to bring irrigation water. It takes a long time."²²⁶ Mazdak Y. and his wife Nargis, also residents of Talhak Cheshma, have lost ready access to water for drinking and household use entirely: "We have to walk 30 minutes to get water and then stand in a queue. We used to have a channel that brought water here," Mazdak explained.²²⁷

In addition, some villagers reported that the construction has made it impossible for them to access their orchards or pastures, either because construction has made it unsafe to do so or because crews from the Rogun Dam construction project have taken the land to use as part of the construction site for the future dam.²²⁸ According to Mazdak, "We used to grow fodder and have pasture land [for our livestock] but that was taken by the Rogun Hydropower Plant so now we have to buy fodder."²²⁹

²²⁵ Human Rights Watch interviews with Iraj N., Tagi Kamar, January 28, 2014, Mona G., Sech, January 28, 2014, and Goudarz F., Talhak Cheshma, January 29, 2014.

²²⁶ Human Rights Watch interview with Goudarz F., Talhak Cheshma, January 29, 2014.

²²⁷ Human Rights Watch interview with Mazdak and Nargis Y., Talhak Cheshma, January 29, 2014.

²²⁸ Human Rights Watch interviews with Iraj N., Tagi Kamar, January 28, 2014, Mazdak and Nargis Y., Talhak Cheshma, January 29, 2014, and Neelab S., Talhak Cheshma, January 29, 2014.

²²⁹ Human Rights Watch interview with Mazdak and Nargis Y., Talhak Cheshma, January 29, 2014.

V. Lack of Transparency and Effective Complaint Mechanisms

The government provided families with advance warnings about the resettlements and in most cases provided them with a choice of locations to which they could resettle. However, both resettled families and those yet to be resettled told Human Rights Watch that in many cases the government has not sufficiently explained whether additional farmland would be available in resettled communities and how to apply for it, nor has it informed residents facing resettlement how to properly file complaints to the relevant agencies regarding specific aspects of the resettlement process such as household land plot allocation or compensation.

The government has also not sought to actively involve resettled persons in monitoring the resettlement process or to provide timely and accurate information with regard to accessing grievance mechanisms and remedies, as required by the World Bank's Involuntary Resettlement Policy and by national and international law.²³⁰

As a result, resettled people reported either being unaware of entitlements available to them (such as farmland) or being unable to successfully navigate the processes to attain those entitlements. Similarly, only those capable of navigating the bureaucratic process associated with the complaints system were able to receive remedies for poor assessments or errors in allocating land plots.²³¹ Lack of monitoring most severely impacts marginalized groups.

Lack of Information About Securing Land for Agriculture and Household Plots

Land for Agricultural Use

In resettled communities in Rudaki district, the Flood Zone Directorate informed Human Rights Watch that lack of space meant that there was no farmland available for use by

²³⁰ Constitution of the Republic of Tajikistan, art. 31; ICESCR general comment 7, para. 13.

²³¹ Human Rights Watch interview with Khojasta J. Talhak Cheshma, January 29, 2014.

resettled residents.²³² However, in a letter to Human Rights Watch, the district authorities in Rudaki stated, “Presently there is a possibility of renting and utilizing up to 100 hectares of land in the vicinities around Teppai Samarkandi and Moinkaj locations.”²³³

In other communities, the local authorities have not always properly informed resettled people about available land, when it will be available for use, or the procedure by which to apply for use of it. For example, Soroush B., 77, a resident of a neighboring village who will resettle to Saidon y Bolo, described the lack of information available about land for agricultural use:

I think that there is plenty of land for pasture there. Nobody told us about applying for land, but we know that there is land. If we knew that we could apply for land there, we would do it immediately.²³⁴

In an interview with Human Rights Watch, a representative of the local authorities in Rogun district stated that the government was accepting applications for farmland in Saidon y Bolo and that four people had already received one hectare plots.²³⁵ He also stated that they had shared general information about applying for farmland with affected people only once, in 2009.²³⁶

Similarly, government officials told Human Rights Watch that “there is no limit on available farmland” in Tursunzoda.²³⁷ However, residents interviewed in Tursunzoda stated that they did not know whether the government has made additional agricultural lands available to them. Shahpur M., 77, from Talhak Cheshma, told Human Rights Watch researchers, “We don’t have any extra farmland [in Tursunzoda]. We don’t know if we could apply for farmland. If we could do it, we would.”²³⁸

²³² Human Rights Watch interview with Ramazan Mirzoev, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, November 24, 2013.

²³³ Letter from F.U. Ismatov, Deputy Chairman of Rudaki District, April 24, 2014.

²³⁴ Human Rights Watch interview with Soroush B, Tagi Agbar, January 29, 2014. In contrast, Rastin R., a 71-year-old grandfather whose family will relocate to Saidon y Bolo, told researchers that no farmland would be available there. Human Rights Watch interview with Rastin R., Tagi Kamar, January 28, 2014.

²³⁵ Human Rights Watch interview with Mirzoev Najmiddin, Chairman of Sicharog Jamoat, January 30, 2014.

²³⁶ Ibid.

²³⁷ Human Rights Watch interview with Sharif Faiziboevich Sharipov, Chairman, Rogun City Hokimyat, January 28, 2014.

²³⁸ Human Rights Watch interview with Shapur M., Talhak Cheshma, January 29, 2014.

The process for applying for the use of farmland in Tajikistan can be complicated.²³⁹ In response to a letter from Human Rights Watch, the Flood Zone Directorate indicated that only four resettled residents in Rudaki, one in Tursunzoda, and four in Dangara had successfully applied for farmland in those areas.²⁴⁰ However, the local authorities in Dangara informed Human Rights Watch that all available farmland had been acquired by a collective farm and that individual residents were not currently able to apply for *dekhan* farms.²⁴¹

Securing Household Plots

Some residents who wish to apply for additional household land plots also reported that the government has not informed them sufficiently regarding how to do so. Giv M., a resident of Old Komsomolabad in Nurabod district, explained that while some of his neighbors have already resettled, “I am still here, confused. Those with married sons and support have gone to choose their land already.... No one has told us who we can go to with questions.”²⁴²

The Flood Zone Directorate allocates a plot of land to each family (a married couple, a divorced woman, or a widow/widower). Most divorced or widowed people reported that the government allocated their household lands in a timely manner, but Human Rights Watch documented some cases in which the Flood Zone Directorate did not allocate land plots for technical reasons, such as when residents’ marriages or divorces are not properly registered with the local authorities.²⁴³

If residents facing resettlement believe that the government has denied them household plots in error, they can apply for one. However, residents told Human Rights Watch that the government did not inform them of how to file these applications or to whom.

Some residents who successfully applied to the government for household plots reported waiting for more than a year to receive them. For example, Tooraj F. explained that,

²³⁹ First, an individual must prepare an application to the local authorities in their new location, who have wide discretion to approve or deny applications. Upon approval, the local authorities send applications to the State Land Committee for processing and eventual land allocation. See USAID, Country Profile, Property Rights and Resource Governance: Tajikistan, http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Tajikistan_Profile.pdf (accessed April 14, 2014), pp. 7-8.

²⁴⁰ Letter from Sami Sharif, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, to Human Rights Watch, April 11, 2014.

²⁴¹ Letter from Yusufali Shoev, First Deputy, Dangara district, to Human Rights Watch, May 6, 2014.

²⁴² Human Rights Watch interview with Giv M., Old Komsomolabad, November 22, 2013.

²⁴³ Human rights Watch interviews with Avizeh T., Talhak Cheshma, January 30, 2014, Saghar F., Teppai Samarkandi, November 14, 2013, Anoushirvan K., Chorsada 2, November 17, 2013, and Mahyar B., Chorsada, November 20, 2013.

although the local authorities apparently accepted his application for additional plots in Tursunzoda for two of his four sons, he had not yet received them:

I wrote a complaint to the local administration [hukumat] asking for the land plots. They answered me [positively], but it's the second year that they are promising it. They don't refuse us, but they also don't give it.²⁴⁴

According to several resettled families interviewed by Human Rights Watch, recently married couples often encounter problems such as delays or lack of available land in a given community when they try to claim household land in resettled communities.²⁴⁵ The authorities in Rogun district informed Human Rights Watch that they compiled a list of 20 couples over several months and that they planned to submit the list to the local authorities in charge of registering people for land in one of the new resettlement sites.²⁴⁶

Lack of an Accessible and Effective Complaint Mechanism

Many of the residents at all stages of the resettlement process interviewed by Human Rights Watch expressed confusion about how to make their concerns known and to whom. Formally, residents facing resettlement may file complaints for a number of reasons, including compensation amounts, the amount of services such as water or electricity, or other concerns.²⁴⁷

When an individual makes an error in filing a complaint, or when there are other technical problems that result in a negative decision, the Flood Zone Directorate does not appear to engage in any follow-up to help resolve the issue. In one case, a woman, who is divorced but whose marriage and residency had not been officially recorded, has tried for years to receive a plot of land but failed due to administrative difficulties. Her brother, who has tried to assist her in the application process, reported receiving conflicting answers from different governmental agencies about his sister's case and a lack of willingness on the

²⁴⁴ Human Rights Watch interview with Tooraj F., Toychi, November 12, 2013.

²⁴⁵ Human Rights Watch interview with Sharif Faiziboevich Sharipov, Chairman, Rogun City Hokimyat, and Kiromiddin Quodratovich Qamariddinnov, Representative of the Directorate for the Flood Zone of Rogun Hydropower Plant, Rogun City, January 28, 2014.

²⁴⁶ Human Rights Watch interview with Mirzoev Najmiddin, Chairman, Sicharog Jamoat, January 30, 2014.

²⁴⁷ Human Rights Watch interview with Ramazan Mirzoev, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, November 23, 2013.

part of authorities to solve the issue. He explained, “When we go to apply [for land] they keep telling us to come back the next day.”²⁴⁸

According to the Flood Zone Directorate, any resident affected by the resettlement process can file a complaint with the Directorate.²⁴⁹ Since the start of the resettlement process, the directorate said over 900 letters on different issues had been sent to the Flood Zone by residents subject to resettlement. The directorate told Human Rights Watch that it had responded to each letter but did not give details about the responses.²⁵⁰ The directorate also stated that officials had distributed a brochure (see Appendix) to residents, listing the specific ministries that residents should contact for different types of complaints. The directorate did not elaborate on when or how often the brochure was distributed, or whether they engaged in any follow up activity with residents subject to resettlement.²⁵¹

While Flood Zone Directorate officials frequently visit resettled sites, the directorate does not proactively engage in systematic monitoring or outreach to determine what people’s needs may be. A resettled resident in the Tursunzoda site, Mani P., said, “They [the authorities] don’t come to check on us – no one. I have been here since March [about nine months] and I have not seen any village council representatives.”²⁵² World Bank experts studying the resettlements connected to the Rogun Dam project have indicated that the Flood Zone Directorate should move beyond a system based solely on grievances to “more robust and systematic information sharing and consultation.”²⁵³

Under its current system, the Flood Zone Directorate risks not allocating sufficient attention to the needs of those who lack the capacity or persistence to advocate for themselves. This impacts people across the affected communities, but Human Rights Watch documented some

²⁴⁸ Human Rights Watch interview with Mahyar B., Chorsada, November 20, 2013.

²⁴⁹ Human Rights Watch interview with Ramazan Mirzoev, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, November 23, 2013. If the problem is within the Flood Zone Directorate’s sphere, it will seek to resolve the complaint; otherwise, it refers the complaint either to another agency or to the courts. The Flood Zone Directorate, the local authorities, and a number of government ministries are each responsible for different aspects of the resettlement. Governmental Order No. 47, January 2009.

²⁵⁰ Letter from Sami Sharif, Director, Directorate for the Flood Zone of Rogun Hydropower Plant, to Human Rights Watch, April 11, 2014, para 8.

²⁵¹ *Ibid.*, para. 1.

²⁵² Human Rights Watch interview with Mani P., Toychi, November 17, 2014. Similarly, Paiman J., who recently relocated to Tursunzoda, told Human Rights Watch, “No one asks us how we are living, what we need.” Human Rights Watch interview with Paiman J., Toychi, November 11, 2013.

²⁵³ Letter from Marsha Olive, Country Manager, World Bank Tajikistan office, to Human Rights Watch, April 30, 2014.

cases in which female heads of households stated that they relied on male relatives for information about the resettlement. For example, Dilsuz M., a divorced mother of four who is awaiting resettlement from her village of Saidon, recounted, “No one comes to talk to me at my house, but they hold meetings in Saidon. I don’t go to the meetings. My brother goes.”²⁵⁴

Some women reported not taking part in the decision making involved in resettlement, with many having reported that their husbands attend all of the community meetings (usually held in local mosques) and make the final choice of where to resettle.²⁵⁵ Negha C., a woman who resettled to New Nurabod from her village of Old Komsomolabad, reported that when women attend meetings, they do not actively participate: “There are meetings, but the women are silent during them.”²⁵⁶ Rukshana J., a woman living in Saidon, remembered the local authorities’ response when she tried to express her dissatisfaction about the government assessment of her home:

I complained to the Jamoat (local authorities) myself ... in the meeting, but I had just started speaking when the Jamoat representative pointed his finger at me and said, “Don’t talk.” My husband won’t do anything. The Jamoat promised then to get back to me, but it has been two months since he pointed his finger at me and told me to be quiet.²⁵⁷

Meetings on specific aspects of resettlement such as access to farmland, livelihood restoration, and employment sometimes entirely exclude ordinary members of the resettled communities. In a letter to Human Rights Watch, the authorities in Rudaki district stated that they have held four meetings on these topics since the beginning of 2013. Those in attendance were “responsible officials, specialists and representatives of relevant state structures with participation of responsible officials from the Ministry of Labour, village council employees, chairmen of communities.”²⁵⁸

²⁵⁴ Human Rights Watch interview with Dilsuz M., Saidon, January 30, 2014.

²⁵⁵ For example, see Human Rights Watch interviews with Freba S., Chorsada 2, November 13, 2013 and Bahrah S., Teppai Samarkandi, November 16, 2013.

²⁵⁶ Human Rights Watch interview with Negha C., New Nurabod, November 21, 2013.

²⁵⁷ Human Rights Watch interview with Rukshana J., January 30, 2014.

²⁵⁸ Letter from Ismatov F.U., Deputy Chairman of Rudaki District, April 24, 2014.

VI. Tajikistan's Responsibilities under National and International Law and Standards

Tajikistan's constitution and its international legal obligations both provide guarantees for the protection of civil and political rights as well as economic, social, and cultural rights, including the rights to housing, food, water, work, and education.²⁵⁹ The constitution and international treaties to which Tajikistan is a party also provide particular protections for the rights of women, children, and persons with disabilities.²⁶⁰ When undertaking the construction of the Rogun Dam or any other development project, the government is obligated to respect those rights in particular as they apply to those subject to forced resettlement.

Tajikistan has also committed itself to following the World Bank's Involuntary Resettlement Policy, the safeguard that the bank uses to protect individuals subject to the direct effects of a bank-financed project, even though the bank has not committed to financing the Rogun Dam.²⁶¹

Rights to Food, Water, Housing, Work, Health, and Education

Tajikistan's constitution guarantees the rights to housing, work, and education, rights also guaranteed under the treaties to which Tajikistan is a party, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC).²⁶² A key principle of the government's obligations under the ICESCR is to ensure the progressive realization and non-retrogression of economic, social, and cultural rights.²⁶³

²⁵⁹ Constitution of the Republic of Tajikistan, 1994, amended 2003, art. 39; International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966), entered into force March 23, 1976, acceded to by Tajikistan January 4, 1999; International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966, G.A. Res. 2200(XXII), U.N. Doc. A/6316 (1966), 993 UNTS 3, entered into force, January 3, 1976, acceded to by Tajikistan January 4, 1999.

²⁶⁰ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, U.N. Doc. A/34/46, entered into force September 3, 1981, acceded to by Tajikistan October 26, 1993; Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, acceded to by Tajikistan October 26, 1993.

²⁶¹ World Bank Operational Policy 4.12, Involuntary Resettlement.

²⁶² Constitution of the Republic of Tajikistan, 1994, amended 2003, arts. 35, 36, and 41.

²⁶³ ICESCR, art. 2.

International law protects individuals' right to adequate, accessible, and acceptable food, both as an element of the right to an adequate standard of living and as a standalone right.²⁶⁴ The government of Tajikistan should act to progressively realize individuals' right to food and avoid acts that result in retrogression of their realization of the right.²⁶⁵

The right to water and sanitation is also specifically protected by international law.²⁶⁶ International human rights law protects the right to water for personal and domestic use as a component of the right to an adequate standard of living and the right to health.²⁶⁷ The right to water falls within the sphere of rights protected by the ICESCR, and the government of Tajikistan has the obligation to ensure that it does not take retrogressive measures with respect to the fulfillment of resettled people's right to water.

The right to adequate housing makes up another component of the right to an adequate standard of living under the ICESCR, and the Government of Tajikistan is obligated to avoid acts that result in retrogression of this right.²⁶⁸ Tajikistan's constitution also specifically protects the right to housing.²⁶⁹ Adequate housing also makes up an important element of the right to health, as do the rights to adequate food and water.²⁷⁰

The constitution and numerous international instruments protect the right to education in Tajikistan.²⁷¹ International law recognizes education both a right in itself and as a means of realizing other rights. The Committee on Economic, Social and Cultural Rights views

²⁶⁴ The right to food is recognized under article 25 of the Universal Declaration of Human Rights, G.A. Res. 217 A (III), U.N.Doc. A/810, at 71 (1948), and under article 11 of the International Covenant on Economic, Social and Cultural Rights as interpreted by the Committee on Economic, Social and Cultural Rights; General Comment No. 12, Right to adequate food (Twentieth session, 1999), U.N. Doc. E/C.12/1999/5 (1999).

²⁶⁵ ICESCR, art. 2.

²⁶⁶ UN Committee on Economic, Social and Cultural Rights, General Comment No. 15: The Right to Water, UN Doc. E/C.12/2002/11, adopted January 20, 2003; UN General Assembly, "The human right to water and sanitation," Resolution 64/292 (2010), A/64/L.63/Rev.1 and Add.1, <http://www.un.org/es/comun/docs/?symbol=A/RES/64/292&lang=E> (accessed May 12, 2014); UN Human Rights Council, "The human right to safe drinking water and sanitation," Resolution 18/1, (2007), <http://www.un.org/es/comun/docs/?symbol=A/HRC/RES/18/1&lang=E> (accessed May 13, 2014).

²⁶⁷ ICESCR, art 11; CRC, art. 24; CEDAW, art. 14 (2) (h)

²⁶⁸ ICESCR, arts. 2, 11.

²⁶⁹ Constitution of the Republic of Tajikistan, 1994, amended 2003, art. 36.

²⁷⁰ UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, The right to the highest attainable standard of health, U.N. Doc. E/C.12/2000/4 (2000), para. 4, (noting that "The right to health ... extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water and adequate sanitation, safe and healthy working conditions, and a healthy environment").

²⁷¹ Constitution of the Republic of Tajikistan, 1994, amended 2003, art. 41; ICESCR, arts 13, 14; CRC, arts. 23, 28, 29, and 32; CEDAW, art. 10; General Comment 13, The right to education (Twenty-first session, 1999), U.N. Doc. E/C.12/1999/10 (1999).

education as “the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.”²⁷²

Human Rights Obligations Regarding Resettlement

The United Nations guidelines on Development-Based Evictions and Displacement, drafted by the UN expert on housing rights, set out the human rights framework under which states may, in exceptional circumstances, resort to involuntary resettlements.²⁷³ Any such forced resettlement must be properly provided for in, and comply with, domestic law and be in compliance with international human rights law. Those subject to involuntary resettlement should not suffer regression in the enjoyment of their rights due to the resettlement nor bear any undue burden that undermines their right to maintain and improve a standard of living that is equal or better to the one they previously enjoyed.²⁷⁴

Those subject to involuntary resettlements “have the right to relevant information, full consultation and participation throughout the entire process,” as well as to just compensation in accordance with human rights standards.²⁷⁵ Compensation should at a minimum cover the loss of physical structures and land. However, those resettled should have access to the same or equivalent sources of livelihood and income, formal or informal, on the site of resettlement, and compensation should also include the loss of any livelihood and income to the extent that is not replaced. Those forcibly resettled should also have access to legal advice prior to, during, and after the resettlement. The guidelines also provide special protections to women, children, and marginalized members of society and call for states to give special assistance to these groups when carrying out development projects.²⁷⁶

The Tajik government has multiple obligations with respect to the right to housing under the ICCPR and ICESCR.²⁷⁷ Individuals forcibly resettled should have safe and secure

²⁷² General Comment 13, para. 1.

²⁷³ OHCHR, “Basic Principles and Guidelines on Development-Based Evictions and Displacement,” Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living,” U.N. Doc. A/HRC/4/18, para. 6.

²⁷⁴ Basic Principles, para. 56(d).

²⁷⁵ Basic Principles, para. 35.

²⁷⁶ Basic Principles, paras 29, 37, 39, and 57.

²⁷⁷ ICCPR, Article 17, ICESCR, Article 11 (1). See also UN Committee on Economic, Social and Cultural Rights (ESCR Committee), General Comment No. 4, The Right to Adequate Housing, UN Doc. No E/1992/23 (1991) and General Comment No. 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997), U.N. Doc. E/1998/22, annex IV at 113 (1998).

access to appropriate and affordable housing at the time of resettlement. In keeping with the obligation to ensure rights are not diminished through involuntary resettlement, the housing available should be of similar size and quality to what they enjoyed prior to resettlement, and the government should bear the entire cost of the resettlement and rehousing.²⁷⁸

The government has an obligation to provide compensation for losses incurred during resettlement. Compensation should cover both material losses and lost opportunities including employment, business losses, lost crops, livestock, and lost income. Where resettled people have lost land, the Guidelines clearly state, “Cash compensation should under no circumstances replace real compensation in the form of land and common property resources. Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better.”²⁷⁹

The World Bank’s Involuntary Resettlement Policy

In addition to its obligation to uphold international law, the Tajik government has committed to respecting the World Bank’s involuntary resettlement policy.²⁸⁰ While the policy falls short of international human rights standards in several respects, including in its treatment of marginalized groups such as persons with disabilities, it does provide a number of protections for people subject to the direct effects of a bank-funded project that involves the taking of land.

First, the policy states that in cases where displacement cannot be avoided, affected people should be “meaningfully consulted” and “have opportunities to participate in planning and implementing resettlement programs.”²⁸¹ It also requires that “displaced persons ... and any host communities receiving them are offered the opportunity to participate in planning, implementing, and monitoring resettlement.”²⁸² Second, the policy emphasizes that any resettlement plan should have as its baseline goal

²⁷⁸ Basic Principles, paras 52, 55, 56 (c) and (d) .

²⁷⁹ Basic Principles, para 61.

²⁸⁰ World Bank, Operational Policy 4.12, Involuntary Resettlement. The World Bank policies fall short of international human rights law in several respects: see Abuse-Free Development: How the World Bank Should Safeguard Against Human Rights Violations, July 2013, http://www.hrw.org/sites/default/files/reports/worldbank0713_ForUpload.pdf.

²⁸¹ World Bank, Operational Policy 4.12, Involuntary Resettlement, para. 2(b).

²⁸² World Bank, Operational Policy 4.12, Involuntary Resettlement, para. 13(a).

restoration of livelihoods of resettled people.²⁸³ Third, the policy’s commitment to providing compensation covers “direct economic and social impacts” caused by the taking of land or the imposition of restrictions on access to areas that provide a source of livelihood to affected people.²⁸⁴ Importantly, it also defines compensation as the “full replacement cost” of a lost asset.²⁸⁵ Finally, the policy requires that displacement should not occur before infrastructure in resettled areas is complete.²⁸⁶

The Right to an Effective Remedy

National and international law requires the government of Tajikistan to provide effective remedies to individuals and groups that seek redress for alleged human rights abuses that arise during the course of resettlement.²⁸⁷ The government should provide those affected with effective opportunities to make complaints and receive timely responses. The government should also protect their right to assistance prior to, during, and after the resettlement until they have achieved the standard of living set out in the resettlement plan.²⁸⁸

²⁸³ OP 4.12, para. 6. Paragraph 2 also states the bank objective that “Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them,” and paragraph 7 also relies on restoration as a baseline. Paragraph 11 refers to restoration as a baseline with respect to replacing taken lands.

²⁸⁴ World Bank, Operational Policy 4.12, Involuntary Resettlement, para. 3.

²⁸⁵ World Bank, Operational Policy 4.12, Involuntary Resettlement, paras 6, 12.

²⁸⁶ World Bank, Operational Policy 4.12, Involuntary Resettlement, para. 10.

²⁸⁷ Constitution of the Republic of Tajikistan, 1994, amended 2003, art. 31; General Comment No. 7, Forced Evictions; General Comment No. 31, Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13, adopted March 29, 2004.

²⁸⁸ UN Human Rights Council, “Basic principles and guidelines on development-based evictions and displacement, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living,” Miloon Kothari, A/HRC/4/18; UN Committee on Economic, Social and Cultural Rights, General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997), U.N. Doc. E/1998/22, annex IV at 113 (1997), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 45 (2003), para. 59.

Recommendations

To the State Committee of Investment and Management of State Property of the Republic of Tajikistan, the Directorate for the Flood Zone of Rogun Hydropower Plant, and the Local Authorities in All Districts

- Re-evaluate previously issued property assessments to ensure that compensation amounts reflect the full replacement cost of homes and other property on household land. Provide additional compensation to families in a timely manner. Ensure that all new assessments and compensation awards reflect the total replacement cost, given current local prices.
 - Provide sufficient land and compensation for each household to build a home of the same size and quality as their previous home.
 - Promptly forward information on revised compensation amounts and new assessments to the Directorate for the Flood Zone of the Rogun Hydropower Plant for timely disbursal.
 - Ensure that compensation amounts cover all associated additional expenses resulting from involuntary resettlement.
- Take all necessary measures to restore livelihoods to pre-resettlement levels. Re-evaluate all previously issued assessments to ensure that they reflect lost means of livelihood, including crops, livestock, other animals, farmland, and informal means of income generation.
- In future resettlements, take all necessary measures to maintain livelihoods during the resettlement process. Ensure that all new assessments reflect any losses of livelihood resulting from resettlement and prioritize land-for-land and in-kind compensation for lost means of livelihood in conjunction with the Ministry of Agriculture. Provide additional financial and other support until livelihoods are restored to pre-resettlement levels.
- If comparable land is not available in a particular resettled community, develop and implement a plan to provide an alternate means of livelihood for resettled individuals, together with other relevant ministries.

- Promptly forward information on revised compensation amounts as well as new assessments to the Directorate for the Flood Zone of Rogun Hydropower Plant for timely disbursement.

To the Directorate for the Flood Zone of Rogun Hydropower Plant

- Promptly provide infrastructure and essential services, such as roads, water, electricity, local schools, and healthcare to all previously resettled communities. Ensure that all infrastructure components are functional in advance of commencing further resettlement and enable resettled residents to access these services during the construction process.
- Investigate specific concerns in particular villages with a view towards finding solutions to serious problems affecting resettled residents, including:
 - Reassess the high groundwater and poor drainage situation in Dangara and take further steps to reduce water levels in affected areas.
 - In relevant resettlement sites such as Rudaki and Tursunzoda, provide safe and secure access to sufficient water supply for both drinking and irrigation.
 - Investigate possibilities for ensuring more consistent electricity supply in resettled communities, particularly given demands for electricity in order to complete construction.
 - In Kishrogh and Mirogh, together with the Open Joint Stock Company, “Rogun Hydropower Plant,” promptly compensate people for damage to their homes as a result of blasting work for Rogun dam construction.
 - In cooperation with the Ministry of Education, Ministry of Labor and Social Protection, and the local authorities in Dangara, ensure a strict prohibition on forced child labor and hazardous child labor, including in cotton farming. Ensure that school authorities and others who engage in forcing children to perform forced and hazardous labor are held accountable.
- In cooperation with the Office of the Prime Minister of Tajikistan, increase monitoring in resettled communities with a view to identifying and addressing adverse human rights impacts and ensuring compliance with the World Bank’s operational policy on involuntary resettlement and national and international law.

- Actively monitor conditions for resettled individuals and families through periodic visits, both scheduled and unscheduled, to observe conditions in resettled areas and to interview resettled persons about their living conditions, their access to services, and the timeliness and quality of assistance from local authorities in resolving concerns within their competency.
- Monitor local and district level authorities to ensure that resettlement policies are implemented effectively through periodic visits, both scheduled and unscheduled, as well as a review of the reports on resettlement that the authorities are required to file, with a focus on identifying gaps in accountability or transparency. Monitoring should also assess whether the authorities regularly disseminate information about how to apply for available lands, how to access essential services, and how to file complaints.
- Develop a clear and transparent complaints mechanism whereby resettled residents and those awaiting resettlement can file complaints and have them reviewed and resolved in a timely and impartial manner. Regularly inform affected populations about the existence of the complaints mechanism and the manner in which to file a complaint.
- Engage an independent nongovernmental organization to act as an independent observer during resettlement to engage in general monitoring and also to provide assistance to members of marginalized groups who may require it, as outlined in the World Bank-commissioned environmental and social impact assessment.
- Allow civil society free access to areas from which residents are being resettled as well as to resettlement sites to enable them to independently monitor and report on the resettlement process and assist people in filing complaints.
- In cooperation with the Ministry of Health, provide special assistance in ensuring essential services to marginalized groups such as people with disabilities, widows, and divorced women. Specifically, ensure that members of these groups:
 - Are offered and provided with assistance, whether physical or financial, in constructing their new homes if they so wish.

- Do not experience any disruptions of access to their entitlements under the law such as pensions, disability payments, and discounts on medication throughout the resettlement process.
- Promptly receive essential services such as water and electricity in their new homes.
- Clearly understand the process to file complaints and apply for additional land for agricultural use. Are offered and provided with practical and legal assistance in filing any applications or complaints that arise.
- In cooperation with the Ministry of Education, ensure that all children are able to continuously attend school, including by ensuring that schools are complete and ready for use prior to resettlement of families to a new village. Take measures to ensure that families do not interfere with the right of girls and children with disabilities to attend school, as guaranteed under Tajik and international law, and engage in necessary awareness and communication measures to emphasize to families the right to education of all children without discrimination. Monitor the impact of resettlement on school attendance and ensure that results are disaggregated according to gender and disability.
- In cooperation with the Ministry of Labor and Social Protection, in cases where people have not yet chosen where they will resettle to, inform them in advance about what employment opportunities, if any, exist in a particular area and provide job-search assistance or professional or vocational training to all resettled individuals, including women.
 - After resettlement, continue to make information available about employment opportunities and continue to provide job search assistance or vocational training.
 - Monitor the impact of resettlement on employment and ensure that results are disaggregated according to gender and disability.

To the Local Authorities in All Relevant Districts

- Promptly and periodically inform residents about how much land is available for agricultural use in each resettled community and the process to apply to use such land.

- Facilitate proper and prompt registration of marriages, divorces, residency, disability status, and family status.

To the World Bank

- Monitor compliance with each of the elements of the Involuntary Resettlement Policy (OP 4.12) and other relevant World Bank Safeguards and urge the Government of Tajikistan to achieve compliance.
- In instances where World Bank safeguards are being met but people nonetheless suffer degradation in their standard of living, require that the Resettlement Plan be strengthened to comply with international human rights standards.

To the World Bank and Other Potential Donors

- Fund the resettlement aspect of the Rogun Dam construction project if this would ensure that human rights standards are being met.
 - Allocate funds specifically for resettlement to be used in support of a resettlement plan that explicitly upholds human rights standards.
- Engage in regular monitoring of the resettlement process.
 - Periodically assess resettled communities through visits and interviews with affected community members.
 - Periodically assess government actions through review of relevant reports and documents as well as through scheduled and unscheduled visits and interviews with government and local authorities.
- Urge the government to allow civil society free access to areas from which residents are being relocated as well as to resettlement sites to enable them to independently monitor and report on the resettlement process and assist people in filing complaints

Acknowledgements

This report was written by Francesca Corbacho, fellow in Human Rights Watch Europe and Central Asia and Business and Human Rights Divisions, based on research she conducted with Jane Buchanan, associate director in the Europe and Central Asia Division, and with Jessica Evans, senior researcher/advocate on international financial institutions in the Business and Human Rights Division.

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This report was edited by Jane Buchanan and Jessica Evans. It was reviewed by Hugh Williamson, director of the Europe and Central Asia Division, Shantha Rau Barriga, director of the Disability Rights Division, Steve Swerdlow, Tajikistan researcher in the Europe and Central Asia Division, Amanda Klasing, researcher in the Women's Rights Division, Alice Farmer, researcher in the Children's Rights Division, Aisling Reidy, senior legal advisor, and Tom Porteous, deputy program director at Human Rights Watch.

Human Rights Watch expresses its gratitude to the residents who shared their experiences with us. We also thank the lawyers, experts, and nongovernmental organizations, in particular the Bureau on Human Rights and the Rule of Law (BHR) in Dushanbe, Tajikistan, who contributed to this report with their time, expertise, and information.

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Appendix

1. Human Right Watch Correspondence with the Directorate for the Flood Zone of Rogun Hydropower Plant
2. Human Right Watch Correspondence with the Prime Minister of the Republic of Tajikistan
3. Human Right Watch Correspondence with Dangara Hukumat
4. Human Right Watch Correspondence with Nurabod Hukumat
5. Human Right Watch Correspondence with Rudaki Hukumat
6. Human Right Watch Correspondence with Tursunzoda Hukumat
7. Human Right Watch Correspondence the World Bank

March 21, 2014

Directorate for the Flood Zone of Rogun Hydropower Plant
Ul. Bokhtar, 10
Dushanbe 734025



HRW.org

Dear Mr. Sharif,

Please accept my greetings on behalf of Human Rights Watch. As you are aware, Human Rights Watch has been examining the process of relocation of individuals in conjunction with the construction of the Rogun Dam in Tajikistan. We are grateful to have met with several representatives of the World Bank on December 16, 2013 to discuss our project and to gain the Bank's perspective on a number of issues related to the relocations.

Since November 2013, Human Rights Watch has been researching various concerns for people relocated or who will be relocated in conjunction with the Rogun Dam. Last month, we conducted a second research mission to interview affected people and government representatives located within the security zone that is closest to the Rogun construction works.

Human Rights Watch is committed to producing material that is well-informed and objective. We would like to share the results of our research with you, and we hope you and your staff would be able to answer the following questions so that your views are accurately reflected in our reporting:

1. Human Rights Watch found that people could not afford to build new homes of similar size and quality to their old ones solely with government-provided compensation. In many cases, people had spent considerable amounts of their own money to finish construction. In all instances, people reported that the cost of materials had risen in recent years to the point where they had to either spend a considerable amount of their own money on construction or live in new homes that were less suitable than their old ones. Human Rights Watch also observed a number of households that were in a state of disrepair due to formal and informal bans on construction that arose because of pending relocations. People in those houses received lower than average compensation amounts.

What were the Bank's findings during the course of its assessment with respect to the sufficiency of compensation for relocated people's homes? Please explain the Bank's policy on compensation in instances a) when the assessed value of the old home is not enough to build a new home of equal or better quality, and b) when a person subject to forced relocation already lives in inadequate housing and receives only enough money in compensation to carry on living at that same level.

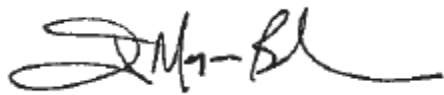
2. The majority of resettled people lost access to land for agriculture or were compelled to sell their livestock due to the absence of sufficient and suitable land for livestock in resettled areas. Many report that their food costs have risen dramatically. Many also report that they lost a meaningful source of income as well as food when they lost access to farmland or were forced to sell their livestock.
3. Human Rights Watch found that resettled people, particularly in Tursunzoda and Dangara, perceive few opportunities for long-term employment. While employment is an issue in many areas of Tajikistan, it severely impacts resettled people who have been recently deprived of a means of livelihood such as farming or raising animals. Many people in these areas view the lack of employment prospects as one of the biggest problems with respect to resettlement.
4. Pre-resettlement households consist of several families, and those additional families typically receive separate land plots in resettlement sites. They do not, however, receive funds to build houses on the newly allocated land, aside from nominal personal compensation amounts.
5. In resettled communities where the government supplies water by electric pump, people have access to less water than they previously had. In some cases the lack of water creates a severe obstacle for people seeking to grow vegetables or cultivate fruit trees on their household land plots.
6. Outside of the summer months, the government provides electricity to resettled communities on a scheduled basis. While Human rights Watch recognizes that scheduled power is prevalent throughout Tajikistan, it causes additional hardships for people who are building new houses. Specifically, it limits the amount of time that people can construct their homes and restricts their ability to use power tools, resulting in longer construction times.
7. We are aware that resettled people can apply for farmland. However, our researchers found that affected people often do not know whether farmland is available in resettlement areas or how to apply for it. People also expressed the need for more information and assistance in navigating the land application process.
8. We are aware that resettled people can file complaints about various aspects of the resettlement process. However, our researchers found that affected people often do not understand how to properly pursue the complaint process. People also expressed the need for more information and assistance in navigating the complaint process.
9. We understand that affected people are allowed to choose from a selection of sites in several districts.

10. Human Rights Watch observed roughly thirteen two - story houses that the government built for resettled people in New Nurabod. According to some, these were built for people who were to be resettled, particularly people with disabilities.
11. In Kishrogh and Mirogh, Human Rights Watch found that children's only access to school after the fourth grade is through the construction tunnels for the Rogun HPP. Families in Kishrogh and Mirogh reported that their children were not able to travel through the tunnels every day, and that children therefore did not attend school after the fourth grade.
12. Human Rights Watch spoke with many people who have a family member with disabilities. These families often expressed their need for special assistance during resettlement, such as help building their new houses, help registering for disability pension and discounts on medication, and general assistance during resettlement.
13. Human Rights Watch observed that residents of Kishrogh and Mirogh live in close proximity to blasting work that often significantly damages their houses. No one with whom researchers spoke indicated that they had received any compensation for that damage, despite assurances that such compensation would be paid. In addition, researchers found that transport is not always available to remove elderly or disabled people from their homes during blasts.

We would appreciate a response by Friday, April 11, in order to include information you provide in our published report.

Thank you for your consideration and we look forward to your responses to our inquiries. We would also welcome the opportunity to discuss these issues with you further. Should you have any questions, please do not hesitate to contact Ms. Francesca Corbacho at corbacf@hrw.org.

Sincerely,



Jane Buchanan
Associate Director
Europe and Central Asia Division
Human Rights Watch

Unofficial translation from Tajik

The Republic of Tajikistan
The Public Agency “Directorate for the Flood Zone of Rogun Hydropower Plant”

1-113 dated April 11, 2014

To: Jane Buchanan, Associate Director, Europe
and Central Asia Division

The Public Agency “Directorate for the Flood Zone of Rogun Hydropower Plant” reviewed your letter dated March 20, 2014 concerning existing issues connected with resettlement and would like to provide you with the following information:

Paragraph 1.

The appraisal of households and property of families subject to resettlement is conducted by such relevant structures as the Technical Inventory Subsidiary Enterprise, which deals with registration, and the State Republican Unitary Enterprise, which deals with pricing, taking inflation and market prices into account. The compensation amounts for households and properties of families subject to resettlement are paid through “Amonatbonk” (Savings Bank of the Republic of Tajikistan) and its branches in the cities and districts. It must be emphasized that houses of families subject to resettlement in the previous places of residence were built without architectural planning, and they used local construction materials, whereas in the present places of residence houses are built in accordance with building and planning regulations based on master plans and using innovative construction materials. There is a lack of financial resources, and in order to complete building of residential houses we estimate credit proposals and rates of interest based on those provided by commercial banks (from 14 to 24 percent per year).

Paragraph 2.

In the process of allocation of household plots for families subject to resettlement in new places of residence, we analyze and take into account such factors as availability of resources of lands for arable and rain-fed farming as well as access to pasture lands. According to established procedure, the local authorities in new places of residence allocate land plots for families subject to resettlement based on their applications for dekhon (peasant) farms.

Paragraph 3.

Local authorities of cities and districts together with the branches of the Ministry of Labor and other ministries on the ground provide resources for members of families subject to resettlement to find employment, including organization of training courses to develop skills (farming, entrepreneurship, confectionery, dress-making, etc.). For instance, qualified members of families subject to resettlement were employed after the construction of the general secondary school in Tursunzoda city. Some people subject to resettlement were employed in the industrial sphere and on construction sites in their new places of residence, and other people run businesses and provide timework services. Local people in the above-mentioned districts as well as in other districts and cities earn their incomes in a similar way.

Paragraph 4.

Commercial banks propose a 14 percent interest rate on credits for six months and a 24 percent interest rate on credits for one year. In the future, the Government of the Republic of Tajikistan will consider the allocation of interest-free concessional loans and credits from grants.

Paragraph 5.

The local authorities of Rudaki district and Tursunzoda and Rogun cities together with the Public Agency “Directorate for the Flood Zone of Rogun Hydropower Plant” take control of such issues as supply of drinking water for people subject to resettlement in new places of residence and make necessary arrangements in relation to this issue. In particular, the issue of supply of drinking water in Saidon y Bolo and Yoli Garm Oba of Rogun city is solved (water pipelines, water collector and water distribution, water pump stations).

Paragraph 6.

Electric power for the population in winter is supplied on the basis of a consumption limit schedule approved by the Government of Republic of Tajikistan, and in the summer electric power is supplied permanently. In the future electric power for the settlements of Saidon y Bolo and Yoli Garm Oba of Rogun city will be supplied following the schedule described above.

Paragraph 7.

The issue of allocation of and plots for dekhan farms and pasture lands is solved on the basis of applications sent to local authorities (jamoats) in accordance with established procedure. In particular, four families in Dangara district, one person in Tursunzoda, and four persons in Rudaki district received agricultural land plots on the basis of their application letter sent to the local authorities, and currently they grow different crops. Since most people did not completely resettle to new places of residence and are currently working on their previous agricultural lands, no application letters were sent to relevant local bodies of state power in the cities and districts to obtain the agricultural land plots. In the case of complete resettlement to new places of residence, this issue will be solved in a timely manner with the involvement of respective structures of cities and districts according to the established procedure.

Paragraph 8.

For the period of 2011-2013 the Public Agency “Directorate for the Flood Zone of Rogun Hydropower Plant” received more than 900 letters from people subject to resettlement on different issues (appraisal of property, payment of compensations, and other social issues), solved the issues in a timely manner, and responded to those people. It should be emphasized that the Directorate published a brochure “Guidance for people subject to resettlement” (attached) and disseminated it among the families subject to resettlement for the purpose of addressing existing problems.

Paragraph 9.

With a view toward solving economic, social, and sociological issues, reducing poverty, solving problems of road construction, installation of electric power transmission lines, supplying drinking water, and connections to highways, air, and train routes, the Government of the Republic of Tajikistan takes such issues into account and selects land plots for the resettlement of the population from land-poor territories to districts with rich-land resources that are stable from a geology point-of-view, environmentally safe, and earthquake-proof. In relation to the above-mentioned principle, the Government of the Republic of Tajikistan adopted resolution no. 467 dated October 1, 2008 on internal resettlement procedures. Household plots in Dangara, Rudaki, and Nurabod districts and in Tursunzoda and Rogun cities meet the above-mentioned requirements. Household plots voluntarily chosen by families subject to resettlement in the above-mentioned districts are allocated according to established procedure. In particular, for the implementation of Resolution No. 47 of the Government of the Republic of Tajikistan dated January 20, 2009 “On resettlement of the population of Rogun city and Nurabod district from the

flood zone of Rogun Hydropower Plant,” families subject to resettlement in relation to the above-mentioned principles and according to the established procedure (voluntarily) received household plots in the above districts. It must be pointed out that no complaints from families subject to resettlement on the issue of household land plot allocation, breaking of the law, or shortfalls were received. The houses in the above-mentioned districts and cities are built by families subject to resettlement in an organized manner, and 328 families live on a permanent basis in 798 newly built houses. The Directorate together with local authorities of districts and cities make all necessary arrangements for the purpose of solving problems and addressing existing shortfalls and keep the issue under permanent control.

Paragraph 10.

Two-story residential buildings in Darband town of Nurabod district are on the balance sheet of the local authorities of Nurabod district and the district commission will distribute residential apartments for families subject to resettlement. You can obtain all necessary information on this issue from the local authorities of Nurabod district.

Paragraph 11, 12, 13.

The local authority of Rogun city, Open Joint-Stock Company “Rogun HPP,” the Ministry of Labor, Employment and Migration of the Republic of Tajikistan, the Ministry of Education and Science of the Republic of Tajikistan, and other relevant governmental structures bear responsibility for economic, social, and sociological conditions of resettlement of the population from Kishrogh and Mirogh villages to Yoli Garm Oba area as well as for making arrangements for payments of compensation for the property of the families subject to resettlement.

The above-mentioned villages are not enlisted in the list of villages under the flood zone of Rogun HPP. These villages are in the list of villages situated in the dangerous zone. Therefore, the actual issues that need to be resolved are not relevant to the Directorate.

You can obtain relevant information from the Ministries and offices mentioned above.

Respectfully,

(signed) Sami Sharif
Director of Directorate

Executive: Inoyatov Kh.
Tel: 2-27 94 11

Unofficial translation from Tajik

REPUBLIC OF TAJIKISTAN

PUBLIC AGENCY

“DIRECTORATE FOR THE FLOOD ZONE OF ROGUN HYDROPOWER PLANT”

Guide for the person subject to resettlement

Public Agency

“Directorate for the Flood Zone of Rogun Hydropower Plant”

Public Agency “Directorate for the Flood Zone of Rogun Hydropower Plant” functions on the basis of provisions of the Decree of the Government of the Republic of Tajikistan No. 47 dated January 20, 2009 “On resettling the population of Rogun and Nurabod district from the flood zone of Rogun hydropower plant,” and in cooperation with relevant ministries, agencies, and local governments of cities and districts is performing certain works for environmental and social improvement for resettled families.

Address of Directorate
Bokhtar str. 10,
734025, Dushanbe
Tel.: 227-9403, 227-9411
Fax: 227-9425

The main objective of the Directorate:

To prepare the flood zone of Rogun HPP reservoir and in accordance with it performs the following activities:

- obtains authorization to cut down forests and move the facilities and construction when necessary;
- obtain authorization to move cemeteries and historical and archeological sites in observance of requirements of sanitary-epidemiological and environment protection;
- resettle populations from the buildings slated for destruction and obtain authorization to move high-voltage power lines, water pipes, underground communication lines, and impediments to construction in allocated zones;
- pays the cost of homes, equipment, fruit-bearing trees, sowed crops, and other private properties while resettling populations, in accordance with current legislation of the Republic of Tajikistan,

- a. implement plans, actions, and other issues specified in the regulations of the agency.

Where should people subject to resettlement go to address their outstanding issues?

1. To the Public Agency “Directorate for the Flood Zone of Rogun Hydropower Plant”:

- periodically on compensation payment issues;
- on obtaining farmland for households and families;
- on specification of the registered list of properties (technical certificate);
- on drinking water supply during construction of home;
- on ensuring electricity;
- on ensuring internal roads between areas;
- on information about general plans;
- on construction of schools, kindergartens, medical centers, and other infrastructure facilities.

2. To the local governments of cities, districts, and jamoats:

- Tel.: 8313321245 (Nurabod).
 - Tel.: 8313421328 (Rogun).
 - Tel.: 831374420103 (Rudaki).
 - Tel.: 831374420102 (Rudaki).
 - Tel.: 8313021641 (Tursunzoda).
 - Tel.: 8313022080 (Tursunzoda).
 - Tel.: 8331221738 (Danghara).
 - Tel.: 8331222233 (Danghara).
 - Tel.: 8331222624 (Danghara).
- on drawing up a list of resettled individuals’ households and family members (household book);
 - on obtaining information about properties and other private and additional household items;
 - on registration and discharge of citizens;
 - on obtaining farmland for household activities;
 - on enrollment of schoolchildren in primary and secondary education;
 - on enrollment of children in kindergarten;
 - on obtaining a construction plan for homes (architect);

- on information about awareness-raising to evacuate the flood zone of Rogun HPP.
3. To the Ministry of Labor, Migration and Employment:
- Tel.: 235-15-25, 236-22-15.
 - on obtaining a migration card;
 - on obtaining easy (preferential credit) and one-time aid;
 - on providing trucks in order to transport properties of resettled families to new places of residence;
 - on providing a place of employment based on profession;
 - on displacement of disabled and preferential persons;
 - on short-term refreshment courses (with different specialities);
 - on obtaining interest-free preferential credits for entrepreneurship and establishment of new places of employment.
4. To the Technical Inventory Subsidiary Enterprise on technical registration of cities and districts:
- Tel.: 935404820 (Rogun).
 - Tel.: 935190215 (Nurobod).
 - on registration of properties and other additional items for preparation of technical certificate.
5. To the State Committee on Investment and State Property of the Republic of Tajikistan:
- State Agency on Pricing of the Republic of Tajikistan:
 - Tel.: 221 16 10.
 - on registration and price fixing of products based on market cost;
 - on registration of properties and defining their costs based on (current) market cost and other related issues.
6. To the Committee of Emergency Situations and Civil Defence under the Government of the Republic of Tajikistan:
- Tel.: 2219119, 2233359.
 - on giving a tent for temporary use until construction of dwelling houses in new residential places.

7. To the State Savings Bank “Amonatbank” of the Republic of Tajikistan:

- Tel.: 2231457, 2218472.

- on opening an account for obtaining compensatory payments in “Amonatbank” and its branches in cities and districts.

Responsibilities of resettled families:

- a free choice of areas (cities, districts) for movement specified in Decree No. 47 dated January 20, 2009;
- after resettlement, register passport in new place of residence;
- finish the construction of your home in the allotted time;
- while finishing the construction of a new home, completely evacuate the flood zone;
- resettled individuals may address their issues to the above-mentioned ministries and agencies;
- a resettled individual is responsible for presenting the relevant documents to local governments of cities and districts in order to enroll his/her children in school in new places of residence;
- to submit necessary documents for disabled and preferential persons to state agencies in a timely manner;
- to understand the essence of Decree No. 47 dated January 20, 2009 and provide its obligatory implementation.

March 21, 2014

Government of the Republic of Tajikistan
Pr. Rudaki, 80
Dushanbe 734023

Sent via facsimile: +992-37-221-5110



HRW.org

Dear Mr. Rasulzoda

I am writing to request your input and perspective regarding research that Human Rights Watch is conducting on the Rogun Dam in Tajikistan. Because each of the government agencies responsible for aspects of the resettlement process is required under Presidential Order #47 to regularly report their activities to the Government of Tajikistan, I am hopeful that your office is uniquely able to provide assistance on a variety of topics.

Human Rights Watch is an independent organization that monitors and reports on human rights in more than 90 countries. We produce reports on our findings to raise awareness about human rights issues and to promote policy recommendations for change.

Since November 2013, Human Rights Watch has been researching various concerns for people relocated or who will be relocated in conjunction with the Rogun Dam. We have been fortunate to have had several conversations with Mr. Mirzoev, former head of the Directorate of the Flood Zone of the Rogun HPP, and we hope to be able to meet with you as well during our next visit to Tajikistan. We are grateful for the constructive dialogue that we have had with the government of Tajikistan.

Human Rights Watch is committed to producing material that is well-informed and objective. We would like to share the results of our research with you, and we hope you and your staff would be able to answer the following questions so that your views are accurately reflected in our reporting:

1. Human Rights Watch found that people could not afford to build new homes of similar size and quality to their old ones solely with government-provided compensation. In many cases, people had spent considerable amounts of their own money to finish construction. In all instances, people reported that the cost of materials had risen in recent years to the point where they had to either spend a considerable amount of their own money on construction or live in new homes that were less suitable than their old ones.

What did the government do to ensure that it awarded people sufficient compensation to enable them to build a home of comparable size and quality? How does the government plan to address the impact that existing inadequate compensation amounts have on resettled people's ability to build a home of

comparable size and quality? How has the government worked, and how does it plan to work, to address the impact of inflation in the cost of building materials between when compensation was assessed and when the compensation was disbursed?

2. The majority of resettled people lost access to farmland for agriculture or were compelled to sell their livestock due to the absence of sufficient and suitable land for livestock in resettled areas. Many report that their food costs have risen dramatically. Many also report that they lost a meaningful source of income as well as food when they lost access to farmland or were forced to sell their livestock.

Did the government consider availability of farmland and land for keeping and grazing livestock when it selected locations for resettlement? What steps is it taking in each of the resettlement sites to address residents' concerns regarding access to farmland and land for keeping and grazing livestock?

3. Human Rights Watch found that resettled people, particularly in Tursunzoda and Dangara, perceive few opportunities for long-term employment. While employment is an issue in many areas of Tajikistan, it severely impacts resettled people who have been recently deprived of a means of livelihood such as farming or raising animals. Many people in these areas view the lack of employment prospects as one of the biggest problems with respect to resettlement.

What steps has the government taken to connect newly resettled people with jobs in their new locations? If the local authorities are responsible for doing so, what oversight measures exist to monitor their actions?

4. Pre-resettlement households consist of several families, and those additional families typically receive separate land plots in resettlement sites. They do not, however, receive funds to build houses on the newly allocated land, aside from nominal personal compensation amounts.

Has the government considered making funds available to these families, either as a grant or as a low- or no-interest loan? Why or why not? If yes, please detail the steps the government has taken.

5. In resettled communities where the government supplies water by electric pump, people have access to less water than they previously had. In some cases the lack of water

creates a severe obstacle for people seeking to grow vegetables or cultivate fruit trees on their household land plots.

What steps is the government taking to address the lack of sufficient water in Rudaki and Tursunzode Tursunzoda given that resettled people have the right to an equal or better standard of living in their new location? What steps is the government taking to ensure sufficient water in Saidon y Bolo, Yoli Garm Oba, and any other resettlement sites established in the future?

6. Outside of the summer months, the government provides electricity to resettled communities on a scheduled basis. While Human rights Watch recognizes that scheduled power is prevalent throughout Tajikistan, it causes additional hardships for people who are building new houses. Specifically, it limits the amount of time that people can construct their homes and restricts their ability to use power tools, resulting in longer construction times.

Has the government considered providing additional electricity to resettled communities to help shorten construction times? Why or why not? What steps is the government taking to ensure sufficient electricity supply in Saidon y Bolo, Yoli Garm Oba, and any other resettlement sites established in the future?

7. We are aware that resettled people can apply for farmland. However, our researchers found that affected people often do not know whether farmland is available in resettlement areas or how to apply for it. People also expressed the need for more information and assistance in navigating the land application process.

How does the government inform people about the existence of these mechanisms and how to use them? What are the time requirements for government response to applications for farmland and land for grazing animals?

How many applications for farmland have been received in each of the resettled communities? How many people have received farmland in each of the resettled communities? How much land has been made available to each applicant?

To what extent does the government work with the local authorities, community members, or civil society groups to proactively engage with resettled people and help them with registrations and land applications? Why or why not?

8. We are aware that resettled people can file complaints about various aspects of the resettlement process. However, our researchers found that affected people often do not understand how to properly pursue the complaint process. People also expressed the need for more information and assistance in navigating the complaint process

**How many complaints has the government received from relocated persons?
What types of complaints have been completed?**

To what extent does the government work with the local authorities, community members, or civil society groups to proactively engage with resettled people and help them with registrations, land applications, and complaints? Why or why not?

9. We understand that affected people are allowed to choose from a selection of sites in several districts.

What factors did the government consider when selecting each of the resettlement sites in Dangara, Rudaki, Tursunzoda, Nurabod, and Rogun districts?

10. Human Rights Watch observed roughly thirteen two - story houses that the government built for resettled people in New Nurabod. According to some, these were built for people who were to be resettled, particularly people with disabilities.

Please describe the purpose and current use of these houses. Specifically, please list how many households are occupied by government employees, how many are female-headed households, how many contain people with disabilities, and how many contain war veterans?

11. In Kishrogh and Mirogh, Human Rights Watch found that children's only access to school after the fourth grade is through the construction tunnels for the Rogun HPP. Families in Kishrogh and Mirogh reported that their children were not able to travel through the tunnels every day, and that children therefore did not attend school after the fourth grade.

Is the government aware of this situation? What steps is it taking to provide accessible education above the fourth grade to children in Kishrogh and Mirogh?

12. Human Rights Watch spoke with many people who have a family member with disabilities. These families often expressed their need for special assistance during resettlement, such as help building their new houses, help registering for disability pension and discounts on medication, and general assistance during resettlement.

Does the government provide additional assistance to families containing a person with disabilities? Please describe what that assistance consists of. How does the government inform people with disabilities that such assistance is available? Please also describe the procedure that a person with disabilities must follow to obtain assistance.

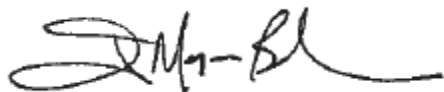
13. Human Rights Watch observed that residents of Kishrogh and Mirogh live in close proximity to blasting work that often significantly damages their houses. No one with whom researchers spoke indicated that they had received any compensation for that damage, despite assurances that such compensation would be paid. In addition, researchers found that transport is not always available to remove elderly or disabled people from their homes during blasts.

Is the government aware that residents of Kishrogh and Mirogh have not yet received any compensation for damage to their homes caused by blasting work? What steps has the government taken to ensure that compensation for this damage will be paid? Is the government aware that elderly or disabled residents sometimes cannot reach a place of safety during blasts due to the lack of transportation?

We would appreciate a response by Friday, April 11th, in order to include information you provide in our published report.

Thank you for your consideration and we look forward to your responses to our inquiries. We would also welcome the opportunity to discuss these issues with you further. Should you have any questions, please do not hesitate to contact Ms. Francesca Corbacho at corbacf@hrw.org.

Sincerely,



Jane Buchanan
Associate Director
Europe and Central Asia Division
Human Rights Watch

March 21, 2014

Hukumat Dangara
Predsadetel Saidaliev Mahmadullo
735320, shakhrak Danghara str.
Central, 54
Dangara



Re: Effects of the Rogun HPP on Resettled People

Dear Mr. Mahmadullo,

Please accept my greetings on behalf of Human Rights Watch. As you may be aware, Human Rights Watch has been examining the process of relocation of individuals in conjunction with the construction of the Rogun Dam in Tajikistan.

Human Rights Watch is an independent organization that monitors and reports on human rights in more than 90 countries. We produce reports to raise awareness about human rights issues and to promote policy recommendations to improve human rights conditions.

We have been fortunate to have had several conversations with Mr. Mirzoev, former head of the Directorate of the Flood Zone of the Rogun HPP, regarding the resettlement process. We would be grateful for the opportunity to meet with you as well during our next visit to Tajikistan. We appreciate the constructive dialogue that we have had with the government of Tajikistan.

I am writing to request information and the expert perspective of the hukumat of Dangara regarding certain aspects of the relocation process for resettled individuals in Chorsada 2. Human Rights Watch is committed to producing material that is well-informed and objective. We hope you and your staff would be able to answer the following questions so that your views are accurately reflected in our reporting:

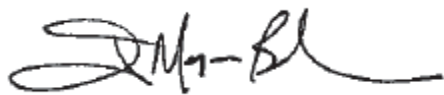
1. Do resettled people in Chorsada 2 have access to additional lands for farming and raising livestock? If yes, how much land is available? When and how has the hukumat of Dangara or other officials informed residents about the process for applying to use additional land for farming or livestock? How many applications for additional lands have you received, and how many have been approved?
2. What steps has the hukumat of Dangara taken to connect newly resettled people with jobs in their new locations? Please describe any employment programs or vocational training programs that you have conducted.

3. Human Rights Watch is concerned that there is insufficient drainage in some areas in the Chorsada 2 settlement, and that high groundwater and salt levels in the soil are harming foundations and making it difficult to grow crops. Is the hukumat of Dangara aware of this problem? What steps has the hukumat of Dangara taken to rectify the problem?
4. We are aware that resettled people can file complaints when concerns arise for them about the resettlement process. Does the hukumat of Dangara have a formal complaints process? Please describe the process. How does the hukumat of Dangara inform people about the existence of these mechanisms and how to use them? What are the time requirements for the hukumat of Dangara to respond to formal complaints or requests for assistance?
5. Human Rights Watch spoke with individuals living in the resettled communities in Dangara district who stated that schoolchildren there were required to pick cotton by the school director and by teachers. Students were expected to work in the cotton fields during class as well as after school and on weekends. Children reported that those who refused to pick cotton were struck or verbally abused at school assemblies by teachers and by the director. Researchers also learned that, until 2013, children from the school did not receive any pay for their work, and that children's pay is still less than an adult's for comparable work.
6. To what extent is the hukumat of Dangara aware of this situation? What steps is it taking to ensure that school officials do not require children to work in the cotton fields?

We would appreciate a response by Friday, April 11, 2014 in order to include information you provide in our published report.

Thank you for your consideration and we look forward to your responses to our inquiries. We would also welcome the opportunity to discuss these issues with you further. Should you have any questions, please do not hesitate to contact Ms. Francesca Corbacho at corbacf@hrw.org.

Sincerely,



Jane Buchanan
Associate Director
Europe and Central Asia Division
Human Rights Watch

Unofficial translation from Russian

Nr. 02/26 dated May 6, 2014

Associate Director
Europe and Central Asia division
Human Rights Watch

In response to your letter No. 5-51 dated April 4, 2014

The hukumat of Dangara district, Khatlonskii region, Tajikistan Republic, is grateful for your attention to and promotion of the interests of the people resettled due to Rogun HPP construction.

Please see below answers to the questions you addressed to the hukumat of Dangara:

1. All resettled people requested land for raising livestock. However, in 2002-2004, all agricultural land in Chorsada 2 had been distributed among members of the L. Langariev collective farm and other farms in the district. Thus, resettled people are not able to receive agricultural land for farming and raising livestock in this area. This issue may be resolved if a collective farm member who had received land earlier refuses it and appeals in writing to farm management. In spite of this, the hukumat of Dangara is pursuing a solution to this problem.
2. Employment of resettled people is supervised by the hukumat of Dangara and the following steps have been taken in this regard:
 - Resettled people who were designated as construction workers are working on a school construction project in Chorsada 2; some resettled people are employed on family (dekhan) farms on the village (kishlak) council territory. At present, we are planning to open sewing operations in order to provide employment to the women as well.
3. The hukumat of Dangara welcomes all citizens. Complaints from resettled people are reviewed by the hukumat in accordance with Republic of Tajikistan legislation.
4. With regard to schoolchildren's engagement in cotton picking, we would like to note that all cotton family (dekhan) farms recruit a workforce to work in the cotton fields. For workforce stimulation purposes family (dekhan) farms pay in cash for sowing, cotton picking, and tillage. As to the involvement of schoolchildren in work in the fields on weekends, we inform you that they are not officially employed. Those parents who have family (dekhan) farms and sow cotton sometimes involve their children, as the children have the right to help their parents in field work.

Regarding nonpayment and low payment to students on cotton family (dekhan) farms, this fact has not been confirmed.

5. We are also concerned by high groundwater and salt levels on the Chorsada 2 settlement territory. According to the district work plan, these areas are regularly cleaned by above-surface and subsurface drainage of the grid. Subsurface grid drainage on the Chorsada 2 settlement territory was executed in 2013.

Sincerely,

Yusufali Shoev
First Deputy
Hukumat of Dangara district

March 21, 2014

Hukumat Nurabad district
Chairman Siemardov Saydamir Siemardovich
735420 , Shakhrak Darband str.
Somoni , 7
Nurabod



Re: Effects of the Rogun HPP on Resettled People

Dear Mr. Siemardov,

Please accept my greetings on behalf of Human Rights Watch. As you may be aware, Human Rights Watch has been examining the process of relocation of individuals in conjunction with the construction of the Rogun Dam in Tajikistan.

Human Rights Watch is an independent organization that monitors and reports on human rights in more than 90 countries. We produce reports to raise awareness about human rights issues and to promote policy recommendations to improve human rights conditions.

We have been fortunate to have had several conversations with Mr. Mirzoev, former head of the Directorate of the Flood Zone of the Rogun HPP, regarding the resettlement process. We would be grateful for the opportunity to meet with you as well during our next visit to Tajikistan. We appreciate the constructive dialogue that we have had with the government of Tajikistan.

I am writing to request information and the expert perspective of the hukumat of Dangara regarding certain aspects of the relocation process for resettled individuals in New Nurabod. Human Rights Watch is committed to producing material that is well-informed and objective. We hope you and your staff would be able to answer the following questions so that your views are accurately reflected in our reporting:

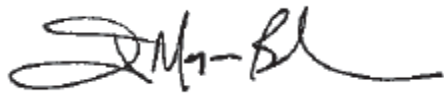
1. Do resettled people in New Nurabod have access to additional lands for farming and raising livestock? If yes, how much land is available? When and how has the hukumat of Nurabod or other officials informed residents about the process for applying to use additional land for farming or livestock? How many applications for additional lands have you received, and how many have been approved?
2. What steps has the hukumat of Nurabod taken to connect newly resettled people with jobs in their new locations? Please describe any employment programs or vocational training programs that you have conducted.

3. Human Rights Watch is concerned that there may be insufficient water for drinking, household use, and irrigation. Is the hukumat of Nurabod aware of water supply problems in New Nurabod? If so, when did you become aware of it? Please describe what steps, if any, that the hukumat of Nurabod has taken to increase the amount of water available to resettled people.
4. Human Rights Watch observed roughly 13 two-story houses that the government has recently built in New Nurabod. According to some, these were built for people who were to be resettled, particularly people with disabilities. Please describe the purpose and current use of these houses. Specifically, please list how many households are occupied by government employees, how many are female-headed households, how many contain people with disabilities, and how many contain war veterans?
5. We are aware that resettled people can file complaints when concerns arise for them about the resettlement process. Does the hukumat of Nurabod have a formal complaints process? Please describe the process. How does the hukumat of Nurabod inform people about the existence of these mechanisms and how to use them? What are the time requirements for the hukumat of Nurabod to respond to formal complaints or requests for assistance?

We would appreciate a response by Friday, April 11, 2014 in order to include information you provide in our published report.

Thank you for your consideration and we look forward to your responses to our inquiries. We would also welcome the opportunity to discuss these issues with you further. Should you have any questions, please do not hesitate to contact Ms. Francesca Corbacho at corbacf@hrw.org.

Sincerely,



Jane Buchanan
Associate Director
Europe and Central Asia Division
Human Rights Watch

Unofficial translation from Tajik

Government of the Republic of Tajikistan
Local State Authorities of Nurabod district

735420, Nurabod district, Darband town, Ismoili Somoni street, tel: 30-1-02, 30-1-09, tel/fax
(81133) 30-0-99

To: Jane Buchanan, Associate Director, Europe
and Central Asia Division

The Local State Authority of Nurabod district has received and considered your letter dated March 21, 2014 with regard to the resolution of resettlement issues and provides the following answers:

Question:

- 1. Do resettled people in New Nurabod have access to additional lands for farming and raising livestock? If yes, how much land is available?**

Answer:

Families subject to resettlement in the new area of Darband town will receive up to 1 hectare of land from the special land fund of the Local Authority of Nurabod district based on their applications.

Question:

- 2. When and how has the hukumat of Nurabod or other officials informed residents about the process for applying to use additional land for farming or livestock?**

Answer:

The Local Authority (hukumat) of Nurabod district annually convenes meetings with the jamoats of Nurabod district in January and February according to the work plan and calls on the local population to use each land plot purposefully, effectively, and wisely.

Question:

- 3. How many applications for additional lands have you received, and how many have been approved?**

Answer:

The Local Authority did not receive any applications.

Question:

- 4. What steps has the hukumat of Nurabod taken to connect newly resettled people with jobs in their new locations?**

Answer:

A job fair is organized by the department of employment on a quarterly basis.

Question:

5. **Please describe any employment programs or vocational training programs that you have conducted.**

Answer:

Short courses on carpentry, welding, and cement masonry are organized at the district level.

Question:

6. **Is the hukumat of Nurabod aware of water supply problems in New Nurabod?**

Answer:

Yes, it is.

Question:

7. **If so, when did you become aware of them?**

Answer:

From the very beginning the hukumat set the issue of drinking water as a priority issue.

Question:

8. **Please describe what steps, if any, that the hukumat of Nurabod has taken to increase the amount of water available to resettled people.**

Answer:

Water is provided to the population of Darband town with the help of water pump stations and installed water pipe lines in settlements 1, 2, 3, and 5.

Question:

9. **What steps have been taken by the Local Authority to increase drinking water for the population?**

Answer:

In order to increase accessibility of drinking water for the population, the Local Authority is developing new designs of water pipes.

Question:

10. **Does the hukumat of Nurabod have a formal complaints process?**

Answer:

One day of the week in Nurabod district is scheduled for the reception of citizens.

Question:

11. Please describe the process.

Answer:

Every Saturday the Chairperson of the Local Authority (hukumat) with the participation of a sectorial specialist meets with citizens.

Question:

12. How does the hukumat of Nurabod inform people about the existence of these mechanisms and how to use them?

Answer:

In verbal and written forms.

Question:

13. What are the time requirements for the hukumat of Nurabod to respond to formal complaints or requests for assistance?

Answer:

The time period for the consideration of complaints is from 10 to 30 days.

Respectfully,
(signed) S. Siyomardzoda
Chairperson of the district

Prepared by:
M. Tabarov
F. Jamolova
F. Nazriev
H. Suhiev

March 21, 2014

Hukumat Rudaki district
Chairman Tagoev Saimurod Tagoevich
735100, Shakhrak Somonien
Ul. Somoni 16
Rudaki



Re: Effects of the Rogun HPP on Resettled People

Dear Mr. Tagoev,

Please accept my greetings on behalf of Human Rights Watch. As you may be aware, Human Rights Watch has been examining the process of relocation of individuals in conjunction with the construction of the Rogun Dam in Tajikistan.

Human Rights Watch is an independent organization that monitors and reports on human rights in more than 90 countries. We produce reports to raise awareness about human rights issues and to promote policy recommendations to improve human rights conditions.

We have been fortunate to have had several conversations with Mr. Mirzoev, former head of the Directorate of the Flood Zone of the Rogun HPP, regarding the resettlement process. We would be grateful for the opportunity to meet with you as well during our next visit to Tajikistan. We appreciate the constructive dialogue that we have had with the government of Tajikistan.

I am writing to request information and the expert perspective of the hukumat of Rudaki regarding certain aspects of the relocation process for resettled individuals in Teppai Samarkandi 1, Teppai Samarkandi 2, Teppai Samarkandi 3, and Moinkaj. Human Rights Watch is committed to producing material that is well-informed and objective. We hope you and your staff would be able to answer the following questions so that your views are accurately reflected in our reporting:

We would very much welcome a response to the following questions:

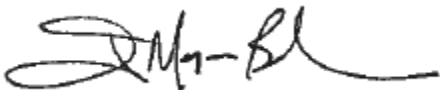
1. Do resettled people in Teppai Samarkandi 1, Teppai Samarkandi 2, Teppai Samarkandi 3, and Moinkaj have access to additional lands for farming and raising livestock? If yes, how much land is available? When and how has the hukumat of Rudaki or other officials informed residents about the process for applying to use additional land for farming or livestock? How many applications for additional lands have you received, and how many have been approved?

2. What steps has the hukumat of Rudaki taken to connect newly resettled people with jobs in their new locations? Please describe any employment programs or vocational training programs that you have conducted.
3. Human Rights Watch is concerned that there may be insufficient water for drinking, household use, and irrigation. Is the hukumat of Rudaki aware of water supply problems in Teppai Samarkandi 1, Teppai Samarkandi 2, Teppai Samarkandi 3, and Moinkaj? If so, when did you become aware of it? Please describe what steps, if any, that the hukumat of Rudaki has taken to increase the amount of water available to resettled people.
4. We are aware that resettled people can file complaints when concerns arise for them about the resettlement process. Does the hukumat of Rudaki have a formal complaints process? Please describe the process. How does the hukumat of Rudaki inform people about the existence of these mechanisms and how to use them? What are the time requirements for the hukumat of Rudaki to respond to formal complaints or requests for assistance?

We would appreciate a response by Friday, April 11, 2014 in order to include information you provide in our published report.

Thank you for your consideration and we look forward to your responses to our inquiries. We would also welcome the opportunity to discuss these issues with you further. Should you have any questions, please do not hesitate to contact Ms. Francesca Corbacho at corbacf@hrw.org.

Sincerely,



Jane Buchanan
Associate Director
Europe and Central Asia Division
Human Rights Watch

Unofficial translation from Tajik

GOVERNMENT OF TAJIKISTAN
STATE EXECUTIVE GOVERNMENT AUTHORITY OF RUDAKI DISTRICT
735100, Somoniyon Settlement, 11 I. Somoni Street, Tel.: (3137) 2 24 81, 442 21 04, 442 21 10
Outgoing correspondence No. 853
Date: 24 April 2014

To: To: Jane Buchanan, Associate Director,
Europe and Central Asia Division

The State Executive Government Authority of Rudaki District expresses its compliments to Human Rights Watch for its cooperation, particularly as it concerns observing human rights and freedoms.

With respect to the request of Human Rights Watch's Europe and Central Asia division to submit diagnostic information about several factors concerning the process of resettling the affected families from the flooded area of Rogun Hydropower Plant to residential areas of Teppai Samarqand – 1, Teppai Samarqand – 2, Teppai Samarqand – 3, and Moinkaj located in Rudaki District, we provide the following information:

As of April 1, 2014, a total of 261 families have been resettled from the flooded area of Rogun Hydropower Plant to the residential areas of Teppai Samarqand – 1, Teppai Samarqand – 2, Teppai Samarqand – 3, and Moinkaj located in Rudaki District, and according to the Resolution of Government of the Republic of Tajikistan "On Resettlement of the Population of Rogun Town and Nurabod District from the Flood Zone of Rogun Hydropower Plant" under No. 47, dated January 21, 2009 to allocate plots of land to families subject to resettlement, the resolution was ratified by the district chairman of Rudaki on October 25, 2010 under No. 822, compliant to which 36.21 hectares of land were allocated from Teppai Samarqand – 1, Teppai Samarqand – 2, Teppai Samarqand – 3, and Moinkaj locations to establish settlement points taking into account auxiliary facilities, including schools, kindergartens, health centers, mosque, roads, etc.

To ensure a drinking water supply to families subject to resettlement, 10074 meters of water pipeline was installed, 6 water extraction reservoirs sized 250m³, and 4 vertical water wells with a total volume of 80 m³/hour were constructed. 9910 meters of electricity transfer line 10/04 and 6520 meters of 10 kV electricity transfer line were set up. 1440 meters of road were asphalted and 8823 meters of road were covered with gravel. 2 health centers with a capacity of 15 admissions per shift were constructed and handed over for utilization.

Asphalting 4320 kilometers of road is envisioned for 2014, handing over 2 schools for utilization is planned for 2015, with 320 and 640 seats respectively.

Separate taps are presently installed from the existing water supply line to provide families subject to resettlement with water, and the issue of sufficient supply of the aforementioned locations' population with drinking water is currently being discussed by the district's relevant structures.

Families subject to resettlement from the flooded areas of the Rogun Hydropower Plant shall be considered residents of Rudaki District enjoying equal rights from the moment of their

resettlement into Teppai Samarqand – 1, Teppai Samarqand – 2, Teppai Samarqand – 3, and Moinkaj, and issues of their access to agricultural lands for setting up dekhan farms, crop cultivation, and pastures for livestock breeding shall be implemented within the effective laws of the Republic of Tajikistan on land use.

According to operative data as of April 1of this year, the Rohati Village Council received four requests for setting up dekhan farms and obtaining lands for crop cultivation and pasture from families subject to resettlement from the flooded areas of Rogun Hydropower Plant. Following their approval, potato crops were cultivated on 0.8 hectare.

Presently, there is a possibility to rent and utilize up to 100 hectares of land in the vicinities around Teppai Samarqand and Moinkaj.

Specialists are working on the issue of obtaining land for dekhan farms, resettled families' engagement in constructing residential houses, and new inhabitants' adaptation to the new local living environment.

Aimed at increasing resettled persons' awareness concerning their access to land areas, including for the establishment of dekhan farms for crop cultivation and livestock breeding and securing employment and vocational training, responsible officials, specialists, and representatives of relevant state structures with the participation of officials from the Ministry of Labour, village council employees, and chairmen of communities organized three events in 2013 and one event during the initial three months of 2014, in the course of which all issues related to resettled people's life in new residential locations have been discussed.

Additionally, over 50 types of vocations and hands-on job skills, advanced specialization training, and vocational training were offered to resettled people.

At the outcome of these meetings, 2 resettled peopled rented land and are currently engaged in agricultural affairs. Youth are partially active in the construction sector, including in the construction of village schools and in masonry, as well as in sand and gravel processing works.

Applications and requests of families subject to resettlement from the flooded areas of the Rogun Hydropower Plant is practiced on equal parity with other district residents based on legislation of the Republic of Tajikistan as it concerns citizens' requests. Moreover, the district chairman and the Rohati Village Council's chairman accept citizens on Saturdays.

Oral as well as written applications are reviewed within 10 days and in necessary cases, they are reviewed within one month considering the extended review timeframe.

These issues are under regular control of the State Executive Government Authority of Rudaki District, which expresses is readiness to continue discussions on these issue with the authorized representative or advisor of Human Rights Watch, Ms. Zuhro Muborova, in a time convenient for her.

Deputy Chairman of Rudaki District
Ismatov F.U.

March 21, 2014

Hukumat district Tursunzoda
Chairman B.M. Tabarzoda
735000 , Tursunzoda Str .
M.Tursunzoda , 130/45
Tursunzoda



Re: Effects of the Rogun HPP on Resettled People

Dear Mr. Tabarzoda,

Please accept my greetings on behalf of Human Rights Watch. As you may be aware, Human Rights Watch has been examining the process of relocation of individuals in conjunction with the construction of the Rogun Dam in Tajikistan.

Human Rights Watch is an independent organization that monitors and reports on human rights in more than 90 countries. We produce reports to raise awareness about human rights issues and to promote policy recommendations to improve human rights conditions.

We have been fortunate to have had several conversations with Mr. Mirzoev, former head of the Directorate of the Flood Zone of the Rogun HPP, regarding the resettlement process. We would be grateful for the opportunity to meet with you as well during our next visit to Tajikistan. We appreciate the constructive dialogue that we have had with the government of Tajikistan.

I am writing to request information and the expert perspective of the hukumat of Tursunzoda regarding certain aspects of the relocation process for resettled individuals in Toychi 1, Toychi 2, and Toychi 3. Human Rights Watch is committed to producing material that is well-informed and objective. We hope you and your staff would be able to answer the following questions so that your views are accurately reflected in our reporting:

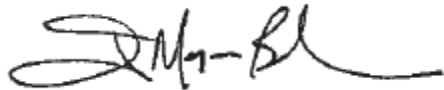
1. Do resettled people in Toychi 1, Toychi 2, and Toychi 3 have access to additional lands for farming and raising livestock? If yes, how much land is available? When and how has the hukumat of Tursunzoda or other officials informed residents about the process for applying to use additional land for farming or livestock? How many applications for additional lands have you received, and how many have been approved?
2. What steps has the hukumat of Tursunzoda taken to connect newly resettled people with jobs in their new locations? Please describe any employment programs or vocational training programs that you have conducted.

3. Human Rights Watch is concerned that there may be insufficient water for drinking, household use, and irrigation. Is the hukumat of Tursunzoda aware of water supply problems in Toychi 1, Toychi 2, and Toychi 3? If so, when did you become aware of it? Please describe what steps, if any, that the hukumat of Tursunzoda has taken to increase the amount of water available to resettled people.
4. We are aware that resettled people can file complaints when concerns arise for them about the resettlement process. Does the hukumat of Tursunzoda have a formal complaints process? Please describe the process. How does the hukumat of Tursunzoda inform people about the existence of these mechanisms and how to use them? What are the time requirements for the hukumat of Tursunzoda to respond to formal complaints or requests for assistance?

We would appreciate a response by Friday, April 11, 2014 in order to include information you provide in our published report.

Thank you for your consideration and we look forward to your responses to our inquiries. We would also welcome the opportunity to discuss these issues with you further. Should you have any questions, please do not hesitate to contact Ms. Francesca Corbacho at corbacf@hrw.org.

Sincerely,



Jane Buchanan
Associate Director
Europe and Central Asia Division
Human Rights Watch

Unofficial translation from Tajik

**GOVERNMENT OF TAJIKISTAN
TURSUNZODA TOWN**

73500, Tursunzoda town, 130/45 M. Tursunzoda Street, Tel.: 992 (3130) 2 71 11, fax 2-55-81, e-mail: hukumatt-zade@rambler.ru

Outgoing correspondence No. 185
Date: 07 May 2014

To: To: Jane Buchanan, Associate Director,
Europe and Central Asia Division

The State Executive Government Authority of Tursunzoda Town has considered your letter and provides the following information.

With the purpose of accommodating citizens from the flood zone of the Rogun Hydropower Plant in the Toychi village of Jura Rakhmonov Jamoat, 571 people received household plots.

As for permanent employment of people subject to resettlement due to environmental reasons, 14 people found employment at the Local State Executive Government Authority Department of Agriculture small micro-crediting organization “Imon International” and in the Department of Education; 25 people found employment in small production enterprises; and 28 people found employment in construction. In addition, the Agency for Labor and Employment in Tursunzoda Town regularly organizes job fairs for people to find employment.

With regard to drinking and irrigation water, it should be pointed out that there is sufficient irrigation water, since the settlements are situated near the Qaratog River, and people have already started to sow the land. There is no problem concerning the drinking water. New drinking water pipelines and power lines were laid, and a new medical point and a modern school for people resettled due to environmental reasons were constructed.

The General Secretariat for the Supervision of Public Appeals handles citizens' complaints and appeals. Citizens receive answers in accordance with the law of the Republic of Tajikistan “On Public Complaints and Appeals” and other normative acts. The deadline to provide the answer is regulated by the above-mentioned law.

In conclusion, we would like to underline that each and every citizen of the Republic of Tajikistan is legally protected by the Government of the Republic of Tajikistan and Mr. Emomali Rahmon, president of the Republic of Tajikistan, who is a guarantor of the rule of law and the Constitution of the Republic of Tajikistan. Following from this, civil servants are responsible for ensuring a dignified life for each and every citizen subject to resettlement from the flooding zone of the Rogun Hydropower Plant.

The State Executive Government Authority of Tursunzoda Town appreciates Human Rights Watch for its cooperation and stands ready for further cooperation in the future.

(signed) B. Tabarzoda
Chairman of the Tursunzoda Town

350 Fifth Avenue, 34th Floor
New York, NY 10118 3299
Tel: +1-212-290-4700
Fax: +1-212-736-1300; 917-591-3452

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March 20, 2014

Ms. Marsha DeGraw Olive
Country Director, Tajikistan
World Bank Group
48 Ayni Street, 3rd Floor
Business Center "Sozidane"
734024
Dushanbe, Tajikistan

Dear Ms. Olive,

I am writing to request the World Bank's input and perspective regarding research that Human Rights Watch is conducting on relocations in conjunction with the construction of the Rogun Dam in Tajikistan. We are grateful to have met with several World Bank representatives on December 16, 2013 to discuss our project and to gain the Bank's perspective on a number of issues related to the relocations.

Human Rights Watch monitors and reports on human rights in more than 90 countries. We produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

Since November 2013, Human Rights Watch has been researching various concerns for people relocated or who will be relocated in conjunction with the Rogun Dam. We would like your input on this issue to develop an informed perspective on the World Bank Group's operations and on efforts to ensure respect for the rights of people being relocated.

We are aware that the World Bank is not financing the building of the Rogun Dam. It has, however, funded two studies by international consultants and two expert panels on Rogun. These studies have produced several publicly available documents that address the World Bank's standards as they apply to Rogun, including the techno-economic assessment study (TEAS), environmental and social screening report (ESSR), the pending environmental and social assessment report (ESIA), and the several Riparian Conferences. The government of Tajikistan has committed to comply with World Bank standards on resettlement, as indicated in the terms of reference (TOR) for the ESIA.



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Human Rights Watch is committed to producing material that is well-informed and objective. We hope you and your staff would be able to answer the attached questions so that your views are accurately reflected in our reporting, in addition to sharing any other relevant information. This will greatly assist our understanding of the World Bank's work linked to the Rogun Dam.

1. How does the World Bank view its role with respect to resettlement for the construction of the Rogun Dam? What have been the most significant challenges in undertaking this work so far?
2. How does the World Bank view the prospect of alternative dam heights or configurations that would minimize the need for resettlement? Would such an alternative be considered feasible under BP/OP 4.12?
3. When Human Rights Watch met with World Bank representatives in December 2013 the ESIA for the Rogun project had not yet been released.

Does the Bank have a projected release date for the ESIA on Rogun? We would welcome any information or preliminary materials from the ESIA that you are able to share with us.

4. Human Rights Watch found that resettled people could not afford to build new homes of similar size and quality to their old ones solely with government-provided compensation. In many cases, people had spent considerable amounts of their own money to finish construction. In all instances, people reported that the cost of materials had risen in recent years to the point where they had to either spend a significant amount of their own money on construction or live in new homes that were considerably smaller or of poorer quality construction than their old ones. Human Rights Watch also observed a number of households that were in a state of disrepair in communities yet to be resettled, because local authorities have banned all construction on homes of families yet to be resettled. People in those houses received lower than average compensation amounts owing to the conditions of their homes.

What were the Bank's findings during the course of its assessment with respect to the sufficiency of compensation for relocated people's homes? How is the World Bank working with the government to remedy any inadequacies identified?

Please explain the Bank's policy as outlined in OP 4.12 on compensation in instances a) when the assessed value of the old home is not enough to build a new home of equal or better quality, and b) when a person subject to forced relocation already lives in inadequate housing and receives only enough money in compensation to carry on living at that same level.

How would a resettlement consistent with World Bank policies ensure that people are resettled into homes of similar size and quality such that the relocation does not cause them an undue burden in terms of their living conditions?

5. The majority of resettled people lost access to land for agriculture or were compelled to sell their livestock due to the absence of sufficient and suitable land for livestock in resettled areas. Many reported that their food costs have risen dramatically as a result. Many also reported that they lost a meaningful source of income as well as food when they lost access to farmland or were forced to sell their livestock. We are aware that resettled people can apply for farmland. However, our researchers found that affected people often do not know whether farmland is available in resettlement areas or how to apply for it. People also expressed the need for more information and assistance in navigating the land application process.

According to the Second Riparian Consultation Report, a Tajik NGO noted that residents were well informed about resettlement. While this may be true about the broad fact that resettlements will take place, our research suggests it does not extend to specific information that is critical to maintaining and improving resettled people's standard of living such as accessing farm and pastureland.

What were the World Bank's findings as to whether people who lost access to farmland or were forced to sell their livestock were adequately compensated for these losses? What were the World Bank's findings as to whether resettled people received adequate information and assistance with respect to available farmland in resettled areas and the process by which to apply for it? How is the World Bank working with the government to remedy any inadequacies identified?

The ESSR refers to plentiful agricultural land in the Dangara and Tursunzode sites, yet Human Rights Watch found that few, if any, residents of those sites were aware of such land or knew how to access the land as of late 2013. How has the Bank addressed the apparent discrepancy between stated availability of land for farms, pastures, and gardens and actual access to this land for relocated households? How does this discrepancy reflect on Tajikistan's responsibility to monitor resettlement activity under BP/OP 4.12?

6. People interviewed by Human Rights Watch, particularly in Tursunzode and Dangara, reported few opportunities for long-term employment. While unemployment is an issue in many areas of Tajikistan, it particularly impacts resettled people who have been recently deprived of a means of livelihood such as farming or raising livestock and other farm animals. Many people in these areas viewed the lack of employment prospects as one of the biggest problems with respect to resettlement.

Given the severe employment shortage throughout Tajikistan, please explain how the World Bank would evaluate the government's practice of relocating people dependent on a land based system of livelihood?

What were the World Bank's findings regarding long-term employment for relocated people? How is the World Bank working with the government to remedy any inadequacies identified?

The ESSR noted that employment prospects were good in Rudaki and Tursunzode, specifically mentioning the aluminum factory near Tursunzode as a source of employment. However, none of the people Human Rights Watch interviewed in Tursunzode said that they or their family members worked at the factory. None of the 92 resettled people Human Rights Watch interviewed spoke of any employment retraining or placement services, including any provided by the government.

Is the World Bank aware of any employment training and placement efforts by the government of Tajikistan? If so, to what extent has the World Bank found that those efforts are consistent with the Bank's policy on resettlement, particularly BP/OP 4.12.

7. Pre-resettlement households consisted of several families, and those additional families typically received separate land plots in resettlement sites. They have not, however, received funds to build houses on the newly allocated land, aside from nominal personal compensation amounts. In addition, they reported that land plots in relocated areas were too small to construct large, multi-family houses with necessary outbuildings and space for kitchen gardens for vegetables and fruit. As mentioned above, resettled people also reported that they cannot build large houses with government-provided compensation.

When discussing the absence of funds for large families to build additional single-family homes, the ESSR notes that if families chose to separate from their households in their old village, then they would have to pay out of pocket to build the new house. However, both the size of individual land plots and the amount of compensation paid has prevented people from building multi-family houses in resettled areas.

We would welcome more information as to how the Bank assesses the current land allocation and compensation system, including whether the current system complies with BP/OP 4.12.

8. In resettled communities where the government supplies water by electric pump, residents reported having less access to water than they previously had, an assessment they made based on practical experience of the availability of water. For example, in some cases the lack of water has created an obstacle for people seeking to grow vegetables or cultivate fruit trees on their household land plots, which was not an issue in their original communities.

The ESSR also noted problems with water supply, particularly in Rudaki. Given that BP/OP 4.12 requires that people's standard of living (of which adequate access to water is a critical part) be at minimum maintained, and given also that the problems with access to water have persisted for several years, how would the Bank assess whether the government is in compliance with Bank policy in this regard?

9. Outside of the summer months, people reported that the government provides electricity to resettled communities on a scheduled basis, often for only a few hours, twice a day. While Human Rights Watch

recognizes that limited, scheduled power is prevalent throughout Tajikistan, it causes particular hardships for people who are building new houses as a result of their relocations. Specifically, the lack of electricity for most hours of the working day limits the amount of time that people can construct their homes and restricts their ability to use power tools, resulting in longer construction times. Delays have also brought an increase in the cost of building materials due to inflation.

People who lack consistent electricity supply also require more time to build their homes, which often compels them to have to live in unfinished buildings for extended periods of time. This in turn creates a lower standard of living in their new communities than they had in their old ones, and potentially results in people living in inadequate housing.

What were the Bank’s findings during the course of its assessments with respect to access to electricity and other basic utilities? How is the World Bank working with the government to remedy any inadequacies identified?

10. We are aware that resettled people can file complaints about various aspects of the resettlement process. However, our researchers found that affected people often did not understand how to properly pursue the complaint process. People also expressed the need for more information and assistance in navigating the complaint process.

What were the Bank’s findings during the course of its assessments with respect to the government’s grievance mechanism? How is the World Bank working with the government to remedy any inadequacies identified?

According to the Second Riparian Consultation Report, a Tajik NGO noted that residents were well informed about resettlement. While this may be true about the overall situation, our research suggests that it does not extend to specific information about how to properly file and follow through on a complaint or grievance.

What specifically does Bank policy require in terms of information and assistance made available to people with respect to complaints and the process by which to file them?

11. In Kishrogh and Mirogh, Human Rights Watch found that in order for children in grades above 4th grade to reach schools, they would have to travel by vehicle through the heavily trafficked construction tunnels for the Rogun Dam. The tunnels are a maze of unfinished, minimally-lit tubes that are filled with heavy machinery. It can take more than 90 minutes to traverse the tunnel system. Families in Kishrogh and Mirogh reported that their children were not able to travel through the tunnels every day, and that children therefore did not attend school after the fourth grade unless they were able to live with relatives in another town during the school year. Some people in these villages reported that they look forward to resettlement because they hoped it would result in greater access to education.

Human Rights Watch also found that schools in resettled communities in Dangara and Rudaki are still under construction and that children in these areas must in some cases walk considerable distances to reach other villages' schools.

What were the World Bank's findings during the course of its assessments with respect to access to education, both in Kishrogh and Mirogh as well as throughout resettled communities? How is the World Bank working with the government to remedy any inadequacies identified?

How does the standard requiring only restoration of access to services described in BP/OP 4.12 address a resettlement scenario where children from certain villages might have access only to primary school?

In addition, given that op 4.12 requires that infrastructure such as schools be operational in advance of resettlement but that resettled communities in Dangara and Rudaki still lack local schools, what measures does the Bank require to mitigate these problems and prevent them in future relocations?

12. Human Rights Watch spoke with many people who have a family member with disabilities. These families often expressed their need for special assistance during resettlement, such as help building their new houses, help registering for disability pensions and discounts on medication, or accessing medical and rehabilitation services.

What were the Bank's findings during the course of its assessments with respect to impacts of relocation on people with disabilities? How is the World Bank working with the government to remedy any inadequacies identified?

What provisions must the government of Tajikistan make for resettling members of marginalized groups such as people with disabilities and female headed households in order for the resettlement to be compliant with the Bank's policies, particularly BP/OP 4.12?

13. Human Rights Watch observed that residents of Kishrogh and Mirogh lived in close proximity to blasting work related to dam construction that has resulted in significant damage most houses, including but not limited to shattered windows and cracks in walls. No one with whom researchers spoke indicated that they had received any compensation for that damage, despite assurances by the authorities that such compensation would be paid. In addition, researchers found that local authorities did not always provide transportation to move elderly people or people with disabilities from their homes during blasts, despite the risk of rocks falling and rolling into the area.

To what extent is the Bank aware of both the damage to homes in Kishrogh and Mirogh and the risks to health and safety for residents remaining in the area during active blasting? Please explain the Bank's position on compensation for damage to homes during construction activity

and on steps that should be undertaken to minimize the adverse impacts of construction activity on people, particularly elderly people or people with disabilities.

14. Human Rights Watch found that the government's systems for monitoring and supervising the resettlement process did not identify and address several of the problems identified during the course of our research.

What were the Bank's findings during the course of its assessments with respect to monitoring and supervision? How is the World Bank working with the government to remedy any inadequacies identified?

Does the World Bank itself undertake monitoring and supervision of the resettlement process? If so, we would welcome more information on the mechanisms for this monitoring and supervision, including frequency of any visits to affected areas, steps taken to interview affected residents, and any recommendations shared to date with the government as a result of concerns identified during the monitoring.

We would appreciate a response by Friday, April 25th, in order to include information you provide in our published report.

Thank you for your consideration and we look forward to your responses to our inquiries. We would also welcome the opportunity to discuss these issues with you further. Should you have any questions, please do not hesitate to contact Ms. Francesca Corbacho at corbacf@hrw.org.

Sincerely,



Jessica Evans
Senior Advocate on
International Financial Institutions
Business and Human Rights Division
Human Rights Watch

April 30, 2014

Ms. Jessica Evans
Senior Advocate on International Financial Institutions
Business and Human Rights Division
Human Right Watch
350 Fifth Avenue, 34th Floor
New York, NY 10118-3299

Dear Ms. Evans,

Thank you for your letter dated March 20, 2014 requesting information on resettlement issues related to the proposed Rogun Hydropower Dam. My colleagues appreciated meeting you last December and learning about HRW's work in Tajikistan. We welcome your insights and questions and have provided detailed responses in the attachment. We also welcome future discussions with you and your colleagues.

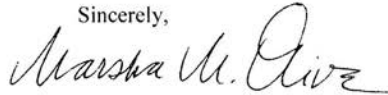
At the outset, we would like to explain a few critical points regarding the nature of the Rogun Assessment Studies (the Techno-Economic Assessment Study and the Environmental and Social Impact Assessment) and the Bank's engagement with the Government of Tajikistan (GoT). The Rogun Assessment Studies compare the techno-economic viability and environmental and social impacts of a proposed Rogun project to a "no project" situation, which entails other means to meet energy demand. Consequently, the Bank's financing of the Rogun Assessment Studies does not result in any resettlement activity and does not imply that the Bank would finance a future project at Rogun.

When the Bank was first negotiating its engagement in financing the Rogun Assessment Studies in 2011, the GoT was in the process of resettling seven villages from the Rogun dam site. According to international practice, construction should not begin on any project before the technical, economic, environmental and social viability is fully assessed. Consequently, the Bank and the GoT agreed that no new construction would commence at the site until after the Assessment Studies had been prepared, reviewed by the Panels of Experts, then shared and discussed with riparian nations. It was agreed that there would be no new resettlement of residents from the proposed reservoir area. The Government also committed to complete ongoing resettlement from the dam site in a manner consistent with Tajik law and international good practices. The Bank's role is to monitor this process and advise on actions to meet these standards while we are financing the Assessment Studies.

The Assessment Study process is on-going. Following previous practice, the studies will be disclosed and subject to public consultations once they are received and reviewed by the Government of Tajikistan, the World Bank, and two independent Panels of Experts.

Throughout the consultations, we have reached out to civil society for feedback, and thus we look forward to continued engagement with HRW. Do let us know if you have any further questions or need additional clarifications to our response. We would be happy to meet to discuss our response.

Sincerely,



Marsha M. Olive
Country Manager
World Bank Tajikistan Country Office
Republic of Tajikistan

Attachment: Detailed Responses to HRW Questions

CC:

Mr. Jorg G. Frieden, Executive Director, World Bank
Ms. Francoise Amal Salame Guex, Sr. Advisor to the Executive Director, World Bank
Mr. Ilhom Rajabov, Advisor to the Executive Director, World Bank

Question 1:

Please see our cover letter with respect to the Bank's role in resettlement activities.

The Bank and the GoT agreed that no new construction would commence at the site until after the Rogun Assessment Studies have been prepared, reviewed by the Panels of Experts, then shared and discussed with riparian nations. It was also agreed that there would be no resettlement of residents from the proposed reservoir area during this period. The World Bank's role is to monitor the completion of resettlement of seven villages from the dam site that commenced before the Bank was engaged in the Assessment Studies and to ensure that the process is compliant with Tajik law and international good practices.

In this context, the World Bank has worked closely with the GoT, specifically the Directorate of the Flooding Area of Rogun HPP (Directorate) over the past three years. During this time we have witnessed significant improvements in their approach to resettlement. The World Bank continues to provide advice in areas where there are shortfalls in an effort to improve further the Directorate's approach to resettlement.

The Bank's monitoring of resettlement activities indicates that the most significant challenges have been: improving the capacity of the Directorate to carry out resettlement activities; ensuring a consideration of the full range of impacts of resettlement; and addressing impacts on livelihoods through a meaningful approach to livelihood restoration.

Question 2:

Minimizing resettlement is an objective of the Bank's policy on involuntary resettlement. The assessment of alternatives in the draft ESIA shows that the scale of resettlement increases significantly as the dam height increases. Thus, it is the Bank's position that resettlement impacts and costs must be carefully weighed when considering the economic and other social benefits that would accrue to Tajikistan under the various dam height and operational alternatives. Each option presents a different set of impacts, risks, costs, and benefits which are being evaluated and which will be discussed during the public consultations of the draft ESIA.

Question 3:

An advanced draft of the ESIA is currently under review by the Bank, the Panels of Experts, and the Government of Tajikistan. After review, the document will be publicly disclosed and used as the basis for consultations in the coming months.

Question 4:

The Bank has been informed that, the compensation rates paid for houses and structures has been based on replacement cost. That is, it includes the current costs to re-build similar houses (with an area and quality similar or better than those of the affected structure) with the same materials in the new site plus the cost of labor, the cost of transporting building materials to the construction site, and the cost of any registration and transfer taxes.

In regards to substandard housing, the Bank's policy on involuntary resettlement does not require compensation (for structures) in excess of replacement cost; however, it is encouraged that in the case of substandard housing, compensation should be more than replacement cost so as to improve living standards for the poor.

Question 5:

Regarding access to farmland, the Directorate shared information with the communities about the nature of the resettlement sites (rural, urban, peri-urban, etc.) and the availability of agricultural land at the resettlement sites prior to resettlement so that they could choose between different sites. For those that moved to sites where agricultural land was available, the existing process of accessing land has been utilized, i.e. through the local authorities at the *jamoat* level. The Bank has advised the Directorate that it should improve its communication with the communities by being more proactive and organizing regular meetings in both the resettlement sites and the original villages to allow resettled people to clarify issues and raise issues. The Bank has also requested the Directorate to facilitate the faster allocation of agricultural land.

Question 6:

The Government's approach to resettling communities has included offering options to affected households and villages on potential resettlement sites. There are cases where households which previously had land-based livelihoods have moved to a peri-urban area where they are not able to continue their land-based livelihoods. In such cases, livelihood restoration activities should support the transition away from land-based livelihoods. Available livelihood restoration activities are mostly existing programs provided by the Ministry of Labor and Migration. The Bank has indicated to the Directorate that its efforts on livelihood restoration require more effort to, for example, take a more proactive approach to sharing information on available opportunities, including the availability of concessional credit for income-generating opportunities and to support the design of relevant livelihood programs for vulnerable households.

Question 7:

Regarding multi-family households, the affected households were offered the choice of maintaining their multi-family households or moving into single-family households. The allocation of land for these new households is a measure that goes beyond the Bank's involuntary resettlement policy requirement. The Bank involuntary resettlement policy does not require the provision of entitlements, in this case funds for a new house, for adult offspring.

Question 8:

The adequate supply of water in resettlement sites and its impact on food security and incomes is indeed part of ensuring that standards of living are maintained. In the case of Rudaki, the Directorate has reported that interruptions in the availability of water are due to electricity rationing during winter months (absence of electricity renders the water pumps inoperable), a common feature throughout Tajikistan. The Bank is working with the Directorate to explore options for improved access to water.

Question 9:

As noted, the winter energy shortage, and in some cases the resulting water shortages, is a nation-wide problem. The Bank has conducted in-depth analysis of this problem and is engaged in discussions with the Government to consider a range of options for addressing the critical energy shortage in the winter season.

Question 10:

The Bank notes that the Grievance Redress Mechanism (GRM) is well articulated and understood by the Directorate and the local authorities. In addition, the Directorate has established a documentation system to record complaints at the local and national levels. At the same time, the Bank has indicated to the Directorate that there is scope for more robust and systematic information sharing and consultation with the communities and has recommended that the Directorate have regular, organized meetings with the communities in the resettled sites and original villages to allow people to clarify any issues and raise pending problems. This proactive engagement would add to the communication material that is disseminated to community members. The Bank has also advised the Directorate to enhance its documentation in order to make it easier to track and monitor grievances.

Question 11:

In Sech, Tagi Agba and Mirog, no schools exist. In Talkhakchashma and Kishrog, there is only one primary school (up to Grade 4). Tagi Kamar has one secondary school. Older children in almost all of these villages, including Kishrog and Mirog, have to travel to a secondary school at some distance, which means that they either board at the school(s) or live with relatives if they attend secondary school.

In regards to the resettlement sites, such as Tursunzoda and Rudaki, schools are at various levels of construction. In cases where construction is not complete, children are being accommodated in existing schools (which are not at a distance from the resettlement sites) to ensure continued access to education.

Under the Bank's involuntary resettlement policy, resettlement sites and relevant infrastructure need to be in place before relocation.

Question 12:

The Directorate has indicated that support to vulnerable households is based upon requests that the households make. The Directorate has also informed the Bank that support to some vulnerable households has been provided. The Bank has advised the Directorate to adopt a proactive approach to supporting vulnerable households, for example, by supporting the design of relevant livelihood restoration programs for these groups.

Question 13:

The GoT and the Bank agreed that the resettlement of the villages in the risk zone would continue, in part because of concerns for public safety. The Bank has been informed that there is no active blasting and that ongoing activities at the dam site are maintenance related. Our regular visits to the site have confirmed these reports. Our legal agreements with the GoT do not require compensation for the impact of construction activity that occurred prior to our involvement in the Rogun Assessment Studies. Given that the World Bank is not financing any construction or maintenance works, our legal agreements do not impose requirements on the GoT with regard to such activities.

Question 14:

The Directorate has put in place a structure that facilitates monitoring at the national and local level, such as the GRM and the Directorate representatives at the resettlement sites and the original villages. The Bank has encouraged the Directorate to be more proactive vis-à-vis

engagement with communities and to put in place a more robust tracking and monitoring mechanism.

The World Bank does monitor the resettlement process in connection with the ELRP. A social development specialist is assigned to the Project team, and the team's missions to the relevant sites have included engagement with community members, community leaders, local authorities, and Directorate staff. The Project team also has met with representatives of the GoT to convey its recommendations.

“We Suffered When We Came Here”

Rights Violations Linked to Resettlements for Tajikistan’s Rogun Dam

Tajikistan’s proposed Rogun Dam and Hydropower Plant is projected to bring much needed electricity to people across the country and bolster Tajikistan’s economy. However, the dam will also displace roughly 42,000 individuals from its construction zone and reservoir. While the government has taken some steps to improve the relocation process, many of the 1,500 families recently relocated have experienced substantial decreases in their standard of living and diminished access to essential services.

“We Suffered When We Came Here”: *Rights Violations Linked to Resettlements for Tajikistan’s Rogun Dam*, is based on interviews with 156 relocated and yet to be relocated individuals and documents the impacts of the construction on residents, including: insufficient land in relocated communities to allow residents to engage in farming and raising livestock, insufficient compensation for demolished houses, and in some cases limited access to water and to education.

Human Rights Watch calls on the government of Tajikistan to ensure adequate compensation for lost homes; support relocated families in restoring their lost livelihoods and securing long-term employment; and guarantee access to water, food, education and other services. The government should halt all further relocations until they can be carried out in a manner consistent with international human rights law.

Human Rights Watch calls on the World Bank and other potential donors to provide practical and financial assistance to the government, and to ensure that the rights of all people are respected throughout the relocation process.



A construction site for the proposed Rogun Dam.

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