



General Assembly

Distr.: General
13 February 2024

Original: English

Human Rights Council

Fifty-fifth session

26 February–5 April 2024

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Visit to Tajikistan

Report of the Special Rapporteur on minority issues, Fernand de Varennest*, **

Summary

In the present report, the Special Rapporteur on minority issues, Fernand de Varennest, discusses his official visit to Tajikistan, which was conducted at the invitation of the Government from 9 to 20 October 2023, to evaluate the situation of minorities in the country.

* The present report was submitted after the deadline due to circumstances beyond the submitter's control.

** The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission and Russian only.



Annex

Report of the Special Rapporteur on minority issues, Fernand de Varennes, on his visit to Tajikistan

I. Introduction

1. From 9 to 20 October 2023, at the invitation of the Government of Tajikistan, the Special Rapporteur on minority issues, Fernand de Varennes, conducted a country visit to evaluate the overall situation of minorities in the country by considering the legislation, policies and practices for the implementation of the country's international human rights obligations affecting minorities.

2. The Special Rapporteur met with some 100 individuals at the national, regional and municipal levels, including representatives of civil society organizations, minority representatives from ethnic, religious, linguistic and sign language-using communities and experts from different parts of the country, both online and in person. Due to the fear of reprisals, almost no one belonging to minority communities or working for human rights or minority rights organizations was willing to meet with him in-person in Tajikistan but, instead, preferred to meet online.

3. The mission also included onsite visits to the Vose' District and the Kūhistoni Badakhshon Autonomous Province, better known in English as the Gorno-Badakhshan Autonomous Oblast. He also met with high-level officials of several departments and other governmental entities, including at the national level, in Dushanbe, including the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the Committee on Religion, Regulation of Traditions, Celebrations and Ceremonies under the Government of Tajikistan (Religious Committee), the Chair of the Parliamentary Committee on Legislation and Human Rights, the Chair of the Parliamentary Committee on International Affairs, Public Associations and Information, the Office of the Prosecutor General, the Supreme Court, the Human Rights Guarantees Department of the Executive Office of the President of Tajikistan, the Office of the Ombudsperson, the Statistics Agency under the President of Tajikistan and the Ministry of Education, in addition to the Resident Coordinator and other members of the United Nations country team and members of the diplomatic community based in Dushanbe. In the Kūhistoni Badakhshon Autonomous Province, the Special Rapporteur met with the Chair of the Regional Department of the State Committee for National Security, the Deputy Chair of the Regional Department of the Ministry of Internal Affairs, the Chair of the Regional Department of the Ministry of Justice, the Regional Governor and the Assistant of the Regional Governor.

4. The Special Rapporteur also received written submissions, both in advance and during his visit, from civil society organizations, in particular organizations representing religious and ethnic communities. He is deeply grateful to all of those who organized community consultations with him.

5. The Special Rapporteur expresses his gratitude to everyone with whom he met for their readiness to engage in an open dialogue to better understand and assess the human rights situation of minorities in Tajikistan. He sincerely thanks the Government of Tajikistan for the support and the invaluable cooperation of the Ministry of Foreign Affairs.

II. Objectives of the visit

6. The objectives of the visit were to identify, in a spirit of cooperation and constructive dialogue, good practices and to address existing gaps and deficiencies in the promotion and protection of the human rights of persons belonging to national or ethnic, religious and linguistic minority groups in Tajikistan, in conformity with the mandate of the Special Rapporteur on minority issues.

7. The mission's overall purpose was to identify ways of improving the effective implementation of international obligations in relation to the human rights of minorities through a close review of existing legislation, policies and practices for the protection and promotion of the rights of minorities.

III. General context

8. Tajikistan regained its independence on 9 September 1991 with the break-up of the Soviet Union, although it was torn and deeply scarred by civil war between May 1992 and June 1997. While the country's economy has been growing slowly since the end of the civil war, Tajikistan remains one of the poorest countries in Central Asia. Sharing an extensive border with Afghanistan, it also is bordered by China, Kyrgyzstan and Uzbekistan. While Dushanbe has seen significant investment and growth in recent years, the outlying regions do not appear to share the relative prosperity of the capital. The main driver of the country's economic growth has been remittances from labour migrants, mainly those working in the Russian Federation. Remittances have grown steadily since 2020 and accounted for an estimated 50 per cent of the gross domestic product in 2022, according to the World Bank.

9. Tajikistan, a presidential republic, is divided into three provinces. The regime is considered by most outside observers to be authoritarian, with a long-standing track record of very serious claims of human rights abuses.

10. The country's brutal civil war and its shared border with Afghanistan have deeply affected the national psyche and continue to do so. Those effects, combined with concerns regarding the takeover of Afghanistan in 1996 by the Taliban, the rise of Islamic extremism starting in 2010 and the return of the Taliban to the helm of Afghanistan in 2021, have resulted in specific geopolitical concerns and responses. Those relatively recent traumatic episodes have made concerns over national unity and countering the risk of violent extremism almost an obsession for the State authorities and form the background for the large-scale limitations on the exercise of many human rights.

IV. Ethnic, linguistic and religious minority communities

11. Tajiks form the majority ethnolinguistic population in the country, comprising over 86 per cent, according to the most recent official census, conducted in 2020. Their language is the country's official language and is a Persian language closely related to and mutually intelligible with the Dari language of Afghanistan and the Farsi language of the Islamic Republic of Iran. Russian is considered the language of communication "between nationalities" under the Constitution and is still widely used in the country. Uzbeks comprise the largest linguistic minority, however, with more than 11 per cent of the population, according to the 2020 census.¹ The second largest group are the Kyrgyz, who make up close to 0.4 per cent of the population. Speakers of several related Pamiri languages (Bartangi, Rushani, Sanglechi-Ishkashimi and Shughni), concentrated in the Kūhistoni Badakhshon Autonomous Province, represent about 0.8 per cent of the total national population.

12. While recent statistics are unavailable, it is generally thought that Hanafi Muslims represent about 94 per cent of the population, with Ismaili Shi'a at between 3 and 4 per cent. Adherents of various Christian denominations, including Russian Orthodox, Baptists and Jehovah's Witnesses, constitute some 1.8 per cent, followed by much smaller religious or belief groups, including Baha'i, Jewish, Zoroastrian, atheist and non-believer.

¹ See <https://unece.org/sites/default/files/2023-09/WS10RizoevENG.pdf>.

V. Legal and institutional framework

A. International framework

13. The Special Rapporteur congratulates the Government of Tajikistan for its very high level of engagement in recent years with the United Nations human rights mechanisms, its ratification of a large number of treaties, its reporting to human rights treaty bodies and the universal periodic review process and its active engagement with the special procedures of the Human Rights Council. Tajikistan should be commended for its efforts and the progress that it has made while facing unique geopolitical, economic and social challenges. In particular, it recently accepted, in quick succession, country visits by the Special Rapporteurs on the situation of human rights defenders, on freedom of religion or belief and on minority issues in 2022 and 2023.

14. In terms of its commitment to the international human rights instruments, Tajikistan has an overall positive record, being a party to almost all the core human rights treaties. The country most recently, in 2014, ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Nevertheless, the country still has not ratified either the Convention on the Rights of Persons with Disabilities or the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The former, in particular, would be significant for the users of sign languages as members of a linguistic minority. Its ratification would be an important step towards eliminating the specific barriers that they face in the implementation of a non-discriminatory approach to the use of their language and access to public services, where possible and appropriate, in a sign language. The Convention on the Rights of Persons with Disabilities sets out important provisions concerning human rights in that area that could assist both government officials and members of the deaf and hard-of-hearing communities to better understand and implement their human rights in that regard.

15. While the Government of Tajikistan has engaged significantly with various international human rights mechanisms in recent years, it has not always responded to communications from special procedure mandate holders, who have often raised grave allegations of breaches of human rights generally and those of minorities in particular. For example, it has responded to only 3 such communications out of 11 in the past three years.

16. Furthermore, the reality on the ground paints a picture that is far removed from the commitments entered into at the international level. The observations of the other special rapporteurs conducting country visits in 2022 and 2023 point to practices inconsistent with the international obligations of Tajikistan. The request of the Special Rapporteur on the situation of human rights defenders to visit the Kūhistoni Badakhshon Autonomous Province was not accommodated by the Government and she concluded that the situation of human rights defenders was deteriorating. She noted that lawyers, journalists and others were being targeted for their human rights work and that they had been confronted with a range of difficulties ranging from onerous administrative burdens to harassment, threats, criminalization, closed unfair trials and imprisonment. She added that a climate of corruption, the fear of persecution and a stranglehold on human rights defenders working on difficult issues had forced some to leave the country.² Similarly, the Special Rapporteur on freedom of religion or belief, who was able to visit the Kūhistoni Badakhshon Autonomous Province but not to meet any State official or civil society representative there, noted that the scope for the exercise of freedom of religion or belief fell alarmingly short of the guarantees of international human rights law, to which Tajikistan was bound.³

17. There appears to be a significant disconnect between the desire of the Government of Tajikistan to be more positively perceived by the international community and its understanding of what its newfound desire to engage with the global human rights

² OHCHR, “Tajikistan: human rights defenders face increasing threats in climate of fear, says UN expert”, 9 December 2022.

³ OHCHR, “UN expert urges Tajikistan to leave past behind and uphold freedom of religion and belief”, 20 April 2023.

architecture involves. To put it starkly, the Special Rapporteur observed little understanding, other than in Dushanbe, that State officials had any international human rights obligations. Even when officials with whom the Special Rapporteur met in the Kūhistoni Badakhshon Autonomous Province were confronted with claims of torture, extrajudicial killings and other grave human rights violations committed mainly against members of the Pamiri and Ismaili minorities and with the lack of any independent investigations into those atrocities, the responses all followed the same line. The reality on the ground in Tajikistan appears to be one of denial and refusal to consider any international human right obligations, particularly if doing so interferes with any perceived threat to national unity and the established order or with religious “extremism”.

18. Government officials asserted on more than one occasion to the Special Rapporteur that there was a need to help a country such as Tajikistan, with its limited resources and growing human rights commitments, especially as it transitioned towards a rights-oriented society based on the rule of law. The Special Rapporteur concurs that, while the current regime has widely been described as authoritarian by outside observers and that the practice on the ground is currently largely disconnected from any understanding of what its international human rights obligations entail, there is a younger and more globally oriented generation of officials and future political leaders that need to be supported as Tajikistan begins to turn towards the international community and become more engaged with it. The Special Rapporteur is of the view that the Government of Tajikistan, despite its failure to live up to its human rights commitments, should receive greater support in the light of the many challenges it faces and its willingness to engage with the global human rights architecture.

B. National framework

1. Constitutional framework

19. The Constitution of Tajikistan of 1994 contains several human rights provisions with specific relevance for minorities, such as freedom of religion, including the freedom not to have any religion (art. 26) and the right to equality (art. 17). However, the latter does not actually guarantee that individuals have the right to demand to be treated without discrimination in general but only more narrowly as, under the Constitution, the State guarantees the rights and freedoms of every person regardless of nationality, race, sex, language, religious beliefs, political persuasion, social status, knowledge and property. Furthermore, under article 14, State authorities can limit any of those rights, among others, to safeguard the constitutional structure and the territorial integrity of the country. Such limitations are not permissible under international human rights standards.

20. Of significance for linguistic minorities is article 2, which, in addition to designating Tajik as the State language, adds that Russian is a language of communication between nationalities and that all nationalities and peoples are entitled to use their mother tongue freely.

21. Nevertheless, the actual substantive recognition of human rights in the Constitution is far from sufficient, particularly when it comes to the effective protection of minorities. The Constitution, in fact, prohibits the establishment of religious political parties, a provision that might have been of significance for putting forth and protecting the rights of religious minorities. There is also no specific constitutional provision for the recognition and protection of the rights of ethnic, religious and linguistic minorities beyond vague references to the free use of the languages of nationalities, freedom of religion and the prohibition of discrimination. That is problematic in practice, especially for linguistic minorities, whose languages are decreasingly used in the public sphere, such as in education. It is also problematic for religious or belief minorities, who are facing significant restrictions on the practices of their faith, and ethnic minorities, such as the Mugat, also known as the Jugh or Roma, who face long-standing prejudices and obstacles to equal access to basic public services.

2. Legislative, institutional and policy frameworks

22. The Special Rapporteur acknowledged during his visit that the administration in Tajikistan has, in recent years, taken measures to advance human rights in the country, including the National Strategy on Human Rights of Tajikistan for the Period up to 2038, issued in August 2023. The document was developed by an interdepartmental working group in cooperation with civil society, taking into account international human rights standards, recommendations of United Nations sectoral structures and the Sustainable Development Goals. The associated Action Plan 2023–2025 contains a set of measures for the implementation of the recommendations of the United Nations human rights structures and other human rights documents.

23. More recent and relevant legislation for minorities is the Law on equality and the elimination of all forms of discrimination of 2022, which contains such concepts as direct and indirect discrimination, sexual harassment and segregation on a discriminatory basis, provides for an individual right to raise claims of discrimination before judicial courts and other public bodies, such as the Human Rights Commissioner, whose role is to conduct activities to ensure compliance with the new law. On the positive side for minorities, the law contains the recognition that special and temporary measures can be adopted for members of ethnic, religious, national or linguistic minorities by the authorities in order to ensure their enjoyment of rights, as long as the measures are carried out for legitimate purposes and they are proportionate (art. 1 (3)). However, the law seems to prohibit only intentional forms of discrimination (art. 1 (1)), whereas international obligations are clear that discrimination can arise when individuals are excluded or disadvantaged because legislation, policy or practice has the purpose or effect of doing so.⁴

24. The Special Rapporteur is of the view that it is too soon to know how the new legislation will be implemented and interpreted. During the Special Rapporteur's country visit, no cases were brought to his attention in which the law had been invoked for minorities. It is far from certain what the impact will be of the National Strategy on Human Rights and the associated Action Plan in a State that has been accused of repressive and even abusive behaviour since the end of its civil war, even if the measures are praiseworthy in setting out broad human rights measures and educational and awareness-raising activities for State officials.

25. Other legislative measures appear to be favourable for minorities. Ethnic and linguistic minorities appear to be entitled to the enjoyment of their cultures and the use of their languages as a medium of instruction. Article 6 of the Law on culture provides that members of all national and ethnic groups living in Tajikistan have the right to maintain, protect and develop their national cultures and to establish institutions, organizations, associations, societies and centres of their national cultures, while article 6 of the Law on education indicates that citizens of Tajikistan, regardless of nationality, race, sex, language, religion, political situation or social and property status, are guaranteed the right to education, with article 7 providing that the State guarantee to national minorities the accessibility of general education in the mother tongue in the territories in which they are concentrated.

26. Once again, the reality on the ground seems to contradict the principles enshrined in that and other legislation. From 2009 onward, beginning, in particular, with the Law on the State language of Tajikistan, more and more measures have emphasized the need to promote and use, sometimes to the exclusion of all other languages, the national Tajik language. While Russian has a unique status and is still widely used in many parts of the country and for various purposes, including in official State functions, other languages are by and large excluded, except for in certain aspects of education. Article 8 of the Law on the State language of Tajikistan provides rules for the implementation of teaching in the State language and in other languages by first indicating that education is provided in the State language, then adding, in paragraph 2, that preschool institutions, institutions of general, primary and secondary vocational, higher vocational education and postgraduate education may operate in other languages and that language choices in education are to be set out in legislation. Article 8 of the Law on the State language of Tajikistan is, however, permissive only in that

⁴ CERD/C/TJK/CO/12-13, para. 8.

education in other languages may be provided. Subsequent initiatives have focused on developing the use of the Tajik State language and its study by minorities, with little attention paid to minority languages in public service or education.

27. Legislation and policies affecting minorities and civil society generally are extensive and are, unfortunately, problematic with regard to international human rights. A sextet of legislation (the Law on regulating traditions, celebrations and rituals, the Law on public associations, the Law on freedom of conscience and religious associations, the Law on parental responsibility, the Law on countering extremism of 2020 and the Law on combating terrorism of 2021) have resulted in all civil society and minority organizations and activities being highly regulated and, especially in the case of religious minorities, severely restricted or even completely banned. Many communications have been sent by special procedure mandate holders to the Government of Tajikistan in relation to the latter two laws,⁵ which, in combination with anti-terrorism provisions in the Criminal Code,⁶ result in a definition of terrorism that has been deemed overly broad and may have a negative and disproportionate impact on particular groups, on due process, on the right to liberty and security of person, which may lead to enforced or involuntary disappearances, and on the exercise of freedom of opinion and expression and freedom of peaceful assembly and association, particularly in relation to the Pamiri minority.⁷

28. The above legislation and other legislation also result in severe restrictions on human rights defenders and civil society organizations involved in human rights work. It is sometimes overlooked but needs to be emphasized that those working on behalf of or raising concerns involving minorities are specifically targeted and have been, in recent years, more at risk of being restricted, subjected to surveillance, closed down or, in the case of some activists, even arrested, imprisoned and subjected to brutal treatment, especially during and after the violent events in the Kūhisoni Badakhshon Autonomous Province, starting in 2021, affecting the Pamiri minority. All but one of the six communications from special procedure mandate holders in 2022 and 2023 at the time of the writing of the present report involved minority human rights defenders, activists or journalists, the most recent involving allegations of arbitrary detention, enforced disappearance and the criminalization of human rights defenders Daler Bobiev, Avazmad Ghurbatov, Zavqibek Sohobov, Abdusattor Kotibov, Abdulmajid Rizoiev, Ulfathonim Mamadshoeva, Manuchekhr Kholiknazarov, Faromuz Irgashov and Khushruz Djumaev, most of whom are members of the Pamiri minority or covered events in the Kūhisoni Badakhshon Autonomous Province.⁸

29. For religious, linguistic and ethnic minorities, the amendments of 2018 to the Law on regulating traditions, celebrations and rituals imposed rules that may severely limit their human rights, such as freedom of expression and freedom of religion, or their right to enjoy their own cultures, use their own languages or practise their own religion among themselves under article 27 of the International Covenant on Civil and Political Rights, since the law sets out new rules for conducting a variety of events and festivities, including weddings, funerals and anniversaries, ostensibly to prevent excessive spending, with breaches constituting misdemeanours punishable by heavy fines. Most of those events must be conducted in the Tajik State language, however, thus excluding minority languages, and must demonstrate respect for the national dress and traditional Islamic attire, which again seems to preclude other cultural or religious traditions.

30. As for the implementation of the international human rights obligations that Tajikistan has accepted, the Special Rapporteur notes that, when he inquired about the status of international treaty law, which in theory supersedes national law, officials at the Constitutional Court were unable to identify even a single instance of a judgment in which international provisions had been recognized over national ones.

⁵ See, for example, communications TJK 1/2022, TJK 2/2022, TJK 3/2022 and TJK 5/2022. All communications mentioned in the present report are available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

⁶ Terrorist crimes are offences envisaged in articles 179–182, 185, 187, 310 and 402 of the Criminal Code.

⁷ See communication TJK 5/2022.

⁸ See communication TJK 1/2023.

31. One crucial dimension of the rule of law and the protection of human rights is the independence of the judiciary, without which the human rights of the most vulnerable cannot be effectively protected or enforced. Despite the acceptance by Tajikistan of the recommendations made by Armenia (123.61), Australia (123.135), Canada (123.137) and Uzbekistan (123.134) before the Human Rights Council during the discussion in 2022 of the outcome of the universal periodic review of Tajikistan and despite several judicial reforms, the judiciary in Tajikistan is still not seen as independent, with individual judges highly vulnerable to pressure from within or outside the judiciary, as the Special Rapporteur on human rights defenders noted in her statement at the end of her mission to Tajikistan.⁹ Similar concerns were expressed to the Special Rapporteur on minority issues during his country visit.

32. National human rights institutions, such as the Office of the Commissioner for Human Rights, are also not necessarily perceived as independent. Despite renewed commitments to bring the activities of the Office of the Commissioner into alignment with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), there is still limited progress and insufficient human and financial resources allocated to it, jeopardizing its ability to fulfil its mandate. In that regard, the Committee on the Elimination of All Forms of Racial Discrimination, in its concluding observation on the combined twelfth and thirteenth periodic reports of Tajikistan, regretted that the institution was still accredited with B status by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, which meant that it was only partially in compliance with the Paris Principles.¹⁰

33. A significant gap remains between the legislative, institutional and policy frameworks cited above and the professed human rights commitments of the Government of Tajikistan. The behaviour of State officials and the implementation of the commitments are also far removed from the commitments or the content of recent policy documents, such as the National Strategy on Human Rights and the associated Action Plan.

34. Some State officials with whom the Special Rapporteur met simply and automatically claimed that all the human rights of minorities were fully protected in the country or that complying with the national legislation was sufficient. They seemed genuinely perplexed at the suggestion or unwilling to countenance that national legislation may not always be in accordance with international human rights obligations. On other occasions, particularly in the Kūhistoni Badakhshon Autonomous Province, there was outright hostility and denial regarding any need for an independent inquiry concerning allegations of violations of the rights of members of the Pamiri minority during the violent events in the region in 2021 and 2022. Any individuals arrested or detained were simply described as terrorists, criminals or extremists by officials and no further examination of the alleged atrocities committed against civilians was required, since the matter had already been dealt with under the laws of Tajikistan. Similar denials occurred in relation to the treatment of members of the Mugat, also known as Jughi or Roma, minority. Officials stated bluntly that they were full members of society and treated equally to others.

35. Similarly, when questioned as to the reasons for the highly intrusive restrictions on the rights of religious minorities to practise their faith with other members of their community, the response was simply to assert that freedom of religion was fully respected in the country, with no acknowledgment or apparent understanding that international law had a role to play.

36. While the adoption, in August 2023, of the National Strategy on Human Rights and the associated Action Plan could be said to have possibly constituted a pivotal moment for the country along its path towards an inclusive society that is more respectful of human rights, much of envisaged training, awareness-raising and other initiatives have not been effective or are not being implemented. Currently, the reality on the ground, especially when it comes to the rights of some minorities, is more akin to hostility or denial.

⁹ OHCHR, “Tajikistan: human rights defenders face increasing threats in climate of fear, says UN expert”.

¹⁰ CERD/C/TJK/CO/12-13, para. 9.

37. Tajik officials have rightly pointed out the challenging geopolitical, security and economic contexts, including the situation in neighbouring Afghanistan, the war between the Russian Federation and Ukraine, past or present tensions with other countries, including Kyrgyzstan and Uzbekistan, and the impact that they have had and continue to have on government policies and actions. Nevertheless, they, in themselves, do not relieve the Government of Tajikistan from complying with and implementing the human rights obligations that it has voluntarily agreed to undertake.

38. There is, in the end, an almost complete disconnect between the expressed international commitments and the engagement with global human rights procedures of the Government of Tajikistan and its actual practices on the ground and, at times, the severe repression of any actual or perceived threats to the authority of the Government.

VI. Human rights of minorities in law and practice

39. While the Constitution and various laws of Tajikistan refer to minorities or to relevant rights in the areas of culture, language and religion, the reality on the ground is, overall, not positive. Religious minorities, in addition to members of the Sunni majority, face numerous and wide-ranging restrictions on the exercise of their beliefs and some groups, including Ismaili Shi'a, Jehovah's Witnesses and Baha'is, can face additional difficulties linked to prevailing prejudices or suspicion from State authorities or the majority population. Several minorities, including the Mugat, Pamiri and Yaghnoobi, are not recognized in the national census or taken into account in other disaggregated data by the State authorities. Minorities are also almost completely excluded from and invisible in political representation in the national Parliament and State institutions. For example, even though Uzbeks constitute about 12 per cent of the population, apparently not a single Uzbek has been elected to the Parliament. Data provided to the Special Rapporteur indicates that, as of January 2022, only 6 per cent of the country's civil service comprised persons belonging to minorities, despite their constituting around 16 per cent of the population. While there are provisions for the use of minority languages in education, recent years have seen a growing Tajik nationalism emphasizing the acquisition of the Tajik language and the integration of minorities, leading to an assimilation that is not entirely voluntary. The pressure is quite significant, as minority languages are essentially excluded from being used for access to public services, with only Tajik provided for and, in practice, some use of Russian.

40. Overall, the situation of minorities in the exercise of their human rights, despite some favourable provisions and a slight relaxation of the regulation of religious groups, has not improved significantly. They are largely omitted from any attention in the new national human rights policies that are supposed to incorporate global human rights standards. The repression experienced after the violent events of 2021 and 2022, followed by the crackdown on civil society organizations, human rights defenders and journalists, means that minorities, particularly the Pamiri, are not only facing the significant denial of their human rights but also an absence of any effective means to remedy those violations at the national level.

A. Religious minorities

41. In 2023, the Special Rapporteur on freedom of religion or belief conducted a mission to Tajikistan at the invitation of the Government, with her final report to be presented to the Human Rights Council in March 2024. In her end-of-mission statement of 20 April 2023, she outlined the extensive and tight controls over religious practices that applied generally in the country but that, in some cases, had a significantly greater impact on certain minorities.

42. The above-mentioned sextet of legislation (the Law on regulating traditions, celebrations and rituals, the Law on public associations, the Law on freedom of conscience and religious association, the Law on parental responsibility, the Law on countering extremism of 2020 and the Law on combating terrorism of 2021) has resulted in the strict regulation of all religious activities, with some manifestations of religion completely banned and strict limits on numerous private activities connected to the manifestation of belief with other members of the same religious or belief community. The Government-appointed

Committee on Religion, Regulation of Traditions, Celebrations and Ceremonies is the ultimate authority for most of those limitations and, among other responsibilities, approves the registration of religious associations, the construction of houses of worship, the holding of events and other religious celebrations, the participation of anyone under the age of 18 years in religious activities and the importing and distribution of religious literature. No member of a religious minority appears to sit on the Committee.

43. The impact of the restrictions set out in the country's legislation on the manifestations of belief by members of religious or belief minorities, in addition to those by the majority, has been enormous. In 2023, Tajikistan remained one of only 12 countries to appear on the list of countries of particular concern of the Commission on International Religious Freedom of the United States of America for its severe restrictions on freedom of religion or belief.¹¹

44. Some State officials seemed to believe that the current restrictions were "fair" since they applied to "everyone". They seemed to be unaware or not to appreciate that simply applying the restrictions broadly did not address the potential for some of them to be impermissible in international law under the International Covenant on Civil and Political Rights with regard to freedom of religion or belief or the right of religious or belief minorities to practise their own faith with other members of their group. During meetings with religious or belief minority representatives, it was brought to the Special Rapporteur's attention that the Committee on Religion, Regulation of Traditions, Celebrations and Ceremonies did not always proceed with the request for registration of certain religious associations and that it still had in place the "moratorium", first announced in May 2022, on the registration of new churches for Christians.

45. Numerous United Nations mechanisms have commented on the severe and systematic nature of the restrictions on freedom of religion. The Human Rights Committee has, on various occasions, commented on the widespread denial of the freedom of religion in the country, including in its concluding observations in 2019, in which it addressed the interference by the State in religious affairs, worship and freedom of religion and the ensuing restrictions, which included interference with the appointment of imams and the content of their sermons, control over books and other religious materials, the requirement of State permission for receiving religious education abroad, the prohibition against entering a mosque for those under 18 years of age, the regulations on wearing clothes during traditional or religious celebrations and the prohibition of certain attire in practice, such as the hijab, and restrictions imposed on Christian religious minorities.¹²

46. For fear of reprisals, most members of religious or belief minorities asked that their specific situations and identities not be referred to in the present report. The Special Rapporteur will therefore highlight some of the ongoing issues, which have been raised publicly and serve to highlight the continuing denial of the rights of minorities.

47. The law on freedom of conscience and religious associations makes all religious activities with others illegal, unless the activities are permitted under the legislation or have been permitted by the State, usually by the Committee on Religion, Regulation of Traditions, Celebrations and Ceremonies. Manifestations of religious beliefs without State permission is punishable under the country's Administrative Code, with corresponding fines that were increased by amendments in January 2020 and December 2021. Unauthorized manifestations of religious beliefs can also incur criminal sanctions, as in the case of Shamil Khakimov, a Jehovah's Witness, who was imprisoned in 2019 for "inciting religious hatred," after police found religious literature and a Tajik-language Bible in his home.¹³ They can also lead religious or belief minorities to face arrest, detention, interrogation, searches, beatings, seizures of religious materials and deportation.¹⁴ It was reported to the Special Rapporteur

¹¹ Commission on International Religious Freedom, *2023 Annual Report* (Washington, D.C., 2023), p. 2.

¹² CCPR/C/TJK/CO/3, para. 43.

¹³ Mr. Khakimov was released only on 16 May 2023, essentially upon the completion of his sentence, despite an urgent appeal by the Human Rights Committee for his release because of his deteriorating health. He is still subject to an order not to participate in any religious organization for an additional three years, until the end of May 2026.

¹⁴ Human Rights Committee, *Adyrkhayev et al. v. Tajikistan* (CCPR/C/135/D/2483/2014), para. 9.2.

that even praying privately at home continued to be an illegal activity if anyone outside of the immediate family was present. The only public religious activity in which young people may participate are funerals.

48. Most representatives of religious or belief minorities stated that the existing restrictions continued to be burdensome and disproportionate and severely hampered their religious practices. For example, only two Ismaili mosques are permitted in Tajikistan, one in Khorog and the other in the Dushanbe, some 600 km apart, which makes it impossible for many Ismaili Shi'a, who make up only 3 to 4 per cent of the population, to freely practise their faith with other members of their community, as required by article 27 of the International Covenant on Civil and Political Rights. Numerous smaller non-Sunni groups also continued to indicate that they were being denied local registration for some of their members. That means that any manifestation of religious beliefs could be deemed illegal at the local level, even though that would seem to be in contradiction with the national registration status of that particular religious group.

49. The discussions held by the Special Rapporteur with various members of civil society confirmed that that state of affairs remained in 2023 and might even have become worse, at least for members of the Ismaili Shi'a minority, because of the violent incidents of 2021 and 2022 in the Kūhistoni Badakhshon Autonomous Province. Indeed, the fear of repercussions, implicit or expressly admitted, explains the refusal of in-person meetings in Tajikistan with the Special Rapporteur, except for a few individuals.

50. A few religious or belief minorities, particularly smaller, less threatening ones (Jews and Zoroastrians) or long-established communities (Russian Orthodox and Catholic) either did not wish to meet with the Special Rapporteur or indicated having no concerns or experiencing any difficulties. Those were the exceptions, with all others sharing their appraisal that, as religious or belief minorities, they could not practise their beliefs freely because of the numerous restrictions, could not be registered or had difficulty being registered¹⁵ and experienced others forms of the denial of their rights. Some groups appeared to be targeted in particular, either because their beliefs might be considered to be threatening (Jehovah's Witnesses, because of their proselytizing activities and conscientious objection to military service) or because they were perceived as disloyal or as undermining the current regime (the Pamiri, who are mostly Ismaili Shi'a and, at the same time, members of a linguistic and ethnic minority). The Special Rapporteur was informed that newer, less traditional religious communities appear to be less tolerated in Tajikistan. He shares the views of the Human Rights Committee, which concluded that the refusal to reregister an association of Jehovah's Witnesses and their prosecution because of their objection to military service or their discussion of their beliefs in homes and in public places, including the street, could not be the basis for discriminatory treatment and observed that religions and beliefs should not be discriminated against on the ground that they were newly established or represented religious minorities that might be the subject of hostility on the part of a predominant religious community.¹⁶

51. As a general observation, there is a lack of understanding of the obligations of Tajikistan in relation not only to the international legal standards of freedom of religion or belief but also to the separate rights of persons who belong to religious minorities to practise their faith with other members of their community. When questioned about existing restrictions on the freedom of religion imposed on children and the number of places of worship in which groups of people may hold religious activities or the days on which they may hold them, the response of State officials was simply one of denial and of broad generalizations, such as "freedom of religion is fully respected in Tajikistan."

¹⁵ Registration must be obtained both nationally and locally for individual religious groups. A religious community may be registered nationally but still find that one local group of its believers is not permitted to register. In the latter case, they may not manifest any form of religious or belief practices, even inside the privacy of their own homes, until and only if they are registered locally.

¹⁶ *Adyrkhayev et al. v. Tajikistan*, paras. 9.6 and 9.7.

B. Linguistic minorities

52. Despite the constitutional and legislative provisions in which the cultural, religious and linguistic diversity of Tajikistan is recognized, the practice on the ground in relation to the languages of minorities – outside of Russian, which has a unique status and history in Tajikistan, and English, which is increasingly used in public services catering to tourists and other foreigners, at least in the capital – is one of prohibition and exclusion.

53. Strictly speaking, there is no place or provisions for the use of minority languages (other than Russian and English) outside of education. That means that, to all intents and purposes, a language such as Uzbek, which is shared by a large percentage of the country's population (about 12 per cent) cannot be officially used, even in areas in which it is widely spoken, for access to public health and social services and other important public services, including radio and television broadcasts. As indicated by numerous global and regional instruments, such denial could be in breach of the prohibition of discrimination.¹⁷ On a more positive note, using minority languages in such situations would mean hiring civil servants who are bilingual and fluent in them, which would in turn create significant employment opportunities for members of those minorities and counter what some have suggested to the Special Rapporteur are attempts to impose the exclusive use of the Tajik language and involuntarily assimilate minorities.

54. The situation naturally spills over into the attitude of parents, who may view their own languages unfavourably and decide there is no future or opportunity for their children, except in Tajik and, to some extent, Russian or English, and who therefore make the decision to forego their own identities and send their children to schools in which only Tajik is used.

55. Nevertheless, Tajikistan provided education in minority languages until recently, managing such education relatively well, although there are always areas for improvement, especially in the light of the signalling of a move away from education in the language of minorities.

56. While there are public schools or classes that provide education in the main minority languages, including Uzbek, Russian, Kyrgyz and Turkmen, among others, the number of schools teaching in minority languages has been declining recently. For example, the number of students learning in Uzbek at school declined from almost 300,000 children in the 2011/12 academic year to only about 106,000 children in the 2020/21 academic year, with the number of Uzbek classes over the same period decreasing from 14,039 to 5,178. Data for the period 2022–2023 provided to the Special Rapporteur by the Ministry of Education, which still needs to be examined more closely, indicates 23,187 students in 77 schools in which Uzbek is the language of instruction and 97,785 students learning in 314 schools in which both Tajik and Uzbek are used. Other sources raised doubts as to the accuracy of those statistics, which remain preliminary.

57. There is also the problem of the mismatch between the national curricula requirements and the textbooks available to schools using minority languages as a medium of instruction, especially in languages other than Russian. Since 2000, all schools teaching in minority languages, including Uzbek, Russian, Kyrgyz and Turkmen, must follow the curriculum and teaching programmes of Tajikistan. They are not provided with updated teaching materials or programmes in minority languages by the relevant national education institutions, such as the Education Development Institute, however. In many cases, they have to use materials from outside of Tajikistan, for example, from Uzbekistan, or out-of-date Soviet-era textbooks. In a several subjects, teachers who teach in Russian, Uzbek, Kyrgyz and Turkmen are forced to translate the teaching programmes provided by the Government from the Tajik language into their own languages. Linguistic minority communities speaking Uzbek,

¹⁷ “Where minorities are concentrated above a certain percentage in a given territory, region or local administration, they have the right to use their language in administrative and other public service areas to an appropriate and proportionate degree ... In applying the proportional principle, the employment of bilingual or multilingual employees to provide public services in minority languages increases inclusion and the participation of minorities in public life.” (Special Rapporteur on minority issues, *Language Rights of Linguistic Minorities: A Practical Guide for Implementation* (Geneva, OHCHR, 2017), p. 25.

Kyrgyz and other languages have indicated that the equipment and facilities provided to them are not as high quality as in majority Tajik schools. Upon visiting a public school in a Mugat community, the Special Rapporteur was able to verify that that seemed to be the situation in at least that one case.

58. While the National Strategy on Human Rights and the associated Action Plan address the issue, in part, they contain only broad actions and goals. There is as yet no evidence of any impact that they might actually have on the ground for minority schools.

59. In addition, there are barriers for children who have been taught in a minority language, except for Russian, and wish to pursue higher studies. They are often excluded from higher education because they are disadvantaged with respect to the entrance exams, which are offered by the National Testing Centre only in Tajik or Russian and therefore are discriminatory under international law.

60. Finally, deaf children and other users of sign languages have to contend with the lack of awareness of their needs in public education and elsewhere as members of a linguistic minority. The teaching of sign language in schools is not always highly valued or even available. Sign language should be formally recognized as a language for the purposes of education and a more comprehensive approach should be adopted in policy documents under the National Strategy on Human Rights and the associated Action Plan for its use in public services, including measures to provide for and support related interpretation services.

C. Ethnic minorities

61. Two ethnic groups are particularly vulnerable when it comes to the protection of their human rights in Tajikistan, namely, the Pamiri and the Mugat, although for very different reasons.

1. Mugat (also known as Jughli or Roma)

62. The Mugat of Tajikistan, as is unfortunately the case for the Roma in most parts of the world, tend to be stigmatized, with negative stereotypes and even prejudice and a lack of knowledge about their history and community still very common. They are usually omitted from official data and experience significant marginalization in such areas as education, housing and public health. There is not a single specific reference to the Mugat in the National Strategy on Human Rights or the associated Action Plan. A visit to one Mugat community confirmed their apparent segregation on small plots of land, a lack of equal access to public services and crowded and underresourced education facilities when compared with those of the Tajik majority. That is despite the call by the Committee on the Elimination of Racial Discrimination for the Government of Tajikistan to take steps to end such cases of discrimination, including by adopting an action plan to improve the situation of the Mugat.

63. While the Committee on the Elimination of Racial Discrimination referred to structural discrimination, the Special Rapporteur's own observations in Tajikistan led to a different conclusion: the lack of public infrastructure for water, sewage treatment, power and other public services, such as public education of equal quality, are the direct result of discriminatory actions by State officials in terms of resource allocation, planning decisions and other measures where double standards appear to be applied on the basis of ethnicity. He witnessed the obvious differences in budgetary investments between a Tajik majority school and a school catering to Mugat children and the lack of sewage treatment facilities and running water for parts of a Mugat community, while next door, a brand-new sports stadium was being constructed by the authorities. None of those differences were accidental or simply structural: they were the result of wilful decisions and policies made by local and national officials.

2. Pamiri in the Kūhistoni Badakhshon Autonomous Region

64. The Pamiri are a distinct ethnic, linguistic and religious group who share several Eastern Iranian languages and are mainly members of the Ismaili Shi'a community. Many of them are concentrated in the Kūhistoni Badakhshon Autonomous Province. The Government

authorities, at times, deny that the Pamiri are a distinct ethnic minority, because their languages are related to Tajik and because they do not appear as a distinct category in census and other official State data. Their isolation in a mountainous region in the far eastern part of the country, among such other factors as their distinct cultures and religion, nevertheless clearly means that they are to be considered as a minority under international provisions of international law, such as article 27 of the International Covenant on Civil and Political Rights.

65. In April 2022, the Special Rapporteur and colleagues had already warned the Government of Tajikistan that disregard of the grievances of the Pamiri minority by Tajik authorities and the securitization of the Kūhistoni Badakhshon Autonomous Province where they lived could lead to violent conflict if unaddressed.¹⁸ That warning followed tensions in November 2021 over the death of a Pamiri activist while in police custody, which had sparked widespread protests due to anger over the lack of an investigation. The Government responded forcefully, sending in military reinforcements and implementing other measures, such as shutting down the Internet.

66. A few weeks later, the situation spiralled into violence and further killings. Rallies intensified after a Pamiri protester, Zamir Nazarshoev, was killed by the police on 16 May 2022, followed by a so-called anti-terrorist operation over about one week, with dozens of Pamiri protesters killed by Tajik Government special forces, according to reports by journalists and evidence presented to the Special Rapporteur by eyewitnesses, most of whom are in exile. Most observers are of the view that the government crackdown is intended to stamp out political opposition and consolidate control over a restive region, usually identified with the opposition during the country's five-year civil war. Many other United Nations entities have commented on the dire human rights situation, such as Committee on the Elimination of Racial Discrimination, which indicated in 2023, in its concluding observations, that the Committee was seriously concerned about the tensions in the Kūhistoni Badakhshon Autonomous Province, with reports of the use of lethal and excessive force against protesters in the region, followed by prolonged Internet shutdowns and subsequent violent attacks and threats against and arbitrary detention and harassment of the members of the Pamiri minority.¹⁹

67. The situation on the ground for the Pamiri minority is, in the view of the Special Rapporteur, one of increased repression and a massive denial of human rights, which manifest themselves in several areas, some of which may not always be apparent. There have, again, been numerous instances over the past two years of denunciations by international human rights mechanisms and organizations of the major crackdown on human rights defenders, members of civil society organizations and journalists belonging to minorities and those advocating for their rights, who are being subjected to harassment, intimidation, arbitrary arrest and detention, closed, unfair trials and imprisonment.²⁰ Most of those are Pamiri or involve individuals or organizations working on cases involving the events in the Kūhistoni Badakhshon Autonomous Province. Special procedure mandate holders have, in recent communications,²¹ raised concerns regarding the treatment of the Pamiri minority and some of those allegations concerned the abusive use of the counter-terrorism legislation against activists, human rights defenders and journalists belonging to that minority.²² Subsequently, in a press release issued on 20 May 2022, the Special Rapporteur on minority issues expressed deep concern about the discriminatory impact of anti-terrorism legislation, warning that the use of anti-terrorism operations to quell protests by the Pamiri minority could fuel even wider and more violent trouble.²³

¹⁸ OHCHR, "Tajikistan: UN experts sound alarm about tensions in GBAO, urge protection of Pamiri minority", 20 April 2022.

¹⁹ CERD/C/TJK/CO/12-13, para. 13.

²⁰ Ibid., para. 35. See also communication TJK 5/2022.

²¹ Communications TJK 1/2022, TJK 2/2022 and TJK 3/2022.

²² See communication TJK 3/2022.

²³ See OHCHR, "Tajikistan: UN expert fears crackdown against Pamiri minority could spiral out of control", 20 May 2022.

68. Simply put, there has recently been a major crackdown on human rights defenders and independent journalists and the so-called voluntary self-liquidation of many civil society organizations, many of them, if not most, connected with Pamiri grievances or the defence of their rights.

69. The Special Rapporteur was also informed of other steps taken by the authorities against humanitarian and development entities related to the Aga Khan Foundation and associated with the Pamiri, who are mainly members of the Ismaili community and recognize the Aga Khan as their spiritual leader. In May 2023, the authorities suspended the license of the Aga Khan Lycée, a private school in Khorog, and transferred it to the Department of Education for its use as a State school. Other private properties seized by the State authorities include the Aga Khan Medical Centre, also in Khorog, a \$25 million facility opened in 2018, on the very same day that the Special Rapporteur arrived to begin his country mission to Tajikistan. The State authorities have similarly taken legal steps to seize the private University of Central Asia, another initiative of the Aga Khan Foundation. For members of the Pamiri minority in the Kūhistoni Badakhshon Autonomous Province, such measures are clear examples of the discriminatory treatment by the State authorities, dating back to the civil war, to punish the Pamiri and their perceived disloyalty to the current regime and of the Government's concern about possible separatist sentiments and the loyalty of the local population to the Aga Khan.

70. The Special Rapporteur also met and spoke online with many Pamiri who had fled the country following the violent events of 2021 and 2022, in addition to a few remaining in the country, who described the threats and abuse, torture and other atrocities committed, particularly in 2022. Their identities are being withheld by the Special Rapporteur for fear of reprisals. What they universally described was an environment of brutality, repression and intimidation, especially since 2021, which belies the commitments of Tajikistan towards a greater respect for and the implementation of international human rights obligations. The Special Rapporteur also heard that some Pamiri were executed by the Tajik special forces in May 2022.

71. To protect the identity of those who shared the information and their family members, the Special Rapporteur will refer to only one well-known public case to illustrate the nature of the repression that members of the Pamiri minority have experienced and how they appear to be particularly targeted and vulnerable to the negation of their most basic human rights.

72. Ulfathonim Mamadshoeva, a widely respected 66-year-old journalist was sentenced last year to 21 years in prison on charges of incitement to overthrow the Government. Her brother, Khursand, was sentenced to 18 years in prison and her ex-husband, Kholbash Kholbashev, was given a life sentence on similar charges, with both of them also charged with being leading figures behind the turbulence in May 2022 in the Kūhistoni Badakhshon Autonomous Province. They were sentenced largely on the basis of confessions, which the Special Rapporteur heard were made following abuse and threats to their families. He was unable to obtain any response from the State authorities regarding those claims.²⁴

73. Similarly, in 2022, Faromuz Irgashev, a 32-year-old Pamiri lawyer, who attempted unsuccessfully to run in the 2020 presidential election, was sentenced to 30 years in prison. He was initially part of efforts in early 2022 to mediate the tension between Pamiri protestors and the State, leading to the creation of a 44-person commission, supported by the local authorities, involving all sides of the unrest to investigate the root of the tensions. By the end of May 2022, however, 10 members of the commission had been charged with allegedly forming a criminal consortium.

74. Information received regarding other procedures suggests that fair trial standards have been grossly violated in cases involving human rights defenders, journalists and others, such as Zavqibek Saidamini, Abdusattor Pirmukhammadzoda and Khushom Guliam, who were subjected to enforced disappearance, or Daler Imomali and Ulfathonim Mamadshoeva, as

²⁴ See communications TJK 3/2022 and TJK 1/2023.

well as Mr. Pirmukhammadzoda, who were ill-treated and tortured, including to extract false confessions.²⁵

75. Those individuals are among the more than 100 Pamiri to have faced arbitrary arrest and summary trials in the past two years, with few of the accused having been given access to legal representation. Their trials invariably failed to be free or fair: some were declared secret, held behind closed doors or marred by other violations of due process or with lawyers who, if present, were made to sign non-disclosure agreements.

76. There have been numerous demands from international organizations, including United Nations human rights mechanisms,²⁶ for effective, thorough and impartial investigations into those and other reported cases of arbitrary arrest and detention, intimidation and harassment of and threats and reprisals against Pamiri activists, human rights defenders, members of civil society organizations and journalists and to ensure accountability for the perpetrators and to provide remedies to the victims. The State authorities have still refused to respond to those demands. There have also been no independent and impartial investigations into the reports of torture and extrajudicial killings of Pamiri civilians during the violent events of 2022.

77. When asked why authorities would not agree to undertake any impartial investigations, the Governor of the Kūhistoni Badakhshon Autonomous Province simply refused to acknowledge any need to comply, since the Government had already concluded that all those involved were terrorists or criminals.

78. Members of the Pamiri minority appear to be at the receiving end of large-scale exclusionary and discriminatory practices, including difficulty in obtaining positions in the civil service, where they appear to be underrepresented, and representation in political institutions, a prohibition by the State authorities against the use of the Pamiri languages by teachers and students and the deployment of security forces into schools to monitor compliance and a general ban on the use of Pamiri languages in State institutions and the media, among a multitude of grievances over the treatment of the Pamiri ethnic, religious and linguistic minority.

VII. Conclusions and recommendations

79. **Tajikistan must be commended for its recent significant engagement with international human rights mechanisms and encouraged to pursue such paths. A new generation of State officials and leadership appear to be willing to work towards a more open and democratic society that fully participates in and is a part of the international community. Such engagement must be supported to bring about the genuine, lasting changes that are vital if Tajikistan is to move away from the shackles of its past and the legacy of the Soviet era.**

80. **The Special Rapporteur notes, however, that the current level of engagement and the initial steps to adopt new legislation, strategies and plans of action in relation to the country's international human rights commitments must be implemented and reflected in the actual practices on the ground or they risk being mere window dressing. The treatment of minorities, who are often the most vulnerable members of society, can be seen as the canary in the coal mine in terms of whether or not a State's human rights obligations are truly being met.**

81. **The Special Rapporteur considers that it is time for the Government of Tajikistan to take the much more radical and specific steps that are essential to implement its legal and political commitments in a transformative way.**

82. **In that context, the Special Rapporteur recommends that the United Nations and other international and regional organizations assist Tajikistan in a three-year technical and financial programme to support a dedicated national reporting**

²⁵ OHCHR, "Tajikistan: UN experts deplore criminal proceedings against human rights defenders", 4 July 2023. See also communication TJK 1/2023.

²⁶ CERD/C/TJK/CO/12-13, para. 36; and communication TJK 5/2022, p. 8.

mechanism for responses and follow-up to communications and other international human rights reporting mechanisms.

83. The Special Rapporteur calls upon the Government of Tajikistan:

(a) To re-examine the relevant legislation (the Law on regulating traditions, celebrations and rituals, the Law on public associations, the Law on freedom of conscience and religious associations, the Law on parental responsibility, the Law on countering extremism of 2020 and the Law on combating terrorism of 2021) to ensure that it fully complies with the treaty obligations of Tajikistan, particularly in relation to the human rights of ethnic, religious and linguistic minorities, as outlined in the present report;

(b) To immediately conduct a review of the Action Plan 2023–2025 and incorporate into it a section on the actions to be taken in relation to the Mugat minority to address the widespread discrimination and denial of equality that they encounter daily in education, housing and public health, among other services, in order to comply with its human rights obligations and the calls of international bodies. The section should include a specific plan to look into access to public services for the Mugat community, including with regard to power, sewage treatment facilities and water and schooling, housing and health care, and should also include a multi-year investment plan aimed at enabling members of the Mugat community to achieve real and effective equality commensurate with that of their neighbours. It should pay particular attention to the serious underfunding of their schools and adopt a policy that does not segregate Mugat children from other children on the basis of race or ethnicity;

(c) To undertake an impartial and transparent investigation into the events in the Kūhistoni Badakhshon Autonomous Province since November 2021, in accordance with applicable international standards;

(d) To engage in a constructive and open dialogue with the Pamiri minority to address their grievances;

(e) To implement conflict-prevention measures that meet international human rights standards, including measures to protect the Pamiri minority;

(f) To take verifiable and impartial steps towards establishing accountability for the perpetrators of reported abuses, such as torture and extrajudicial killings, and to provide remedies to the victims;

(g) To put in place an affirmative action programme to increase the proportion of minorities employed in the national and local civil service, particularly for the Uzbek, Kyrgyz and Pamiri minorities, so that they better reflect the diversity and makeup of Tajik society;

(h) To adopt minority rights legislation that would, inter alia, provide for the use of minority languages in localities in which those minorities are concentrated and for civil servants to be hired to provide public services in the languages of the populations involved, in line with the guidance provided in the *Language Rights of Linguistic Minorities: A Practical Guide for Implementation* and The Hague Recommendations Regarding the Education Rights of National Minorities.

84. The Government of Tajikistan should, among other measures:

(a) Ratify the Framework Convention for the Protection of National Minorities and obtain technical assistance from the United Nations in that regard. In line with similar good practices in other countries, the Government should provide for the National Testing Centre to offer entrance exams for the public service in the languages of education of the linguistic minorities in the country;

(b) Establish for users of sign language a firm timetable and plan of action for the ratification of the Convention on the Rights of Persons with Disabilities as soon as possible, formally recognize sign language as a language for the purposes of education and adopt a more comprehensive approach in policy documents for its use in the

National Strategy on Human Rights of Tajikistan for the Period up to 2038 and the Action Plan 2023–2025 and in future plans for its use in access to public services, including measures to provide for and support related interpretation services;

(c) **Carry out effective, thorough and impartial investigations into all reported cases of arbitrary arrest and detention, intimidation and harassment of and threats and reprisals against human rights defenders, members of civil society organizations and journalists belonging to minorities and those advocating for their rights;**

(d) **Take all measures necessary, including the adoption of a specific law on the protection of human rights defenders, to ensure that all human rights defenders, including those working on minority rights, are recognized and can carry out their peaceful and legitimate activities without fear of restrictions, judicial prosecution or reprisals.**
