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Committee on Economic, Social and Cultural Rights

Information received from Tajikistan on follow-up to the concluding observations on its fourth periodic report*

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* The present document is being issued without formal editing.



Interim information on implementation of the recommendations contained in paragraphs 13, 23 (a)–(c) and 47 (b) and (d) of the concluding observations (E/C.12/TJK/CO/4)

Human rights defenders

Follow-up information relating to paragraph 13

1. In the years since it became an independent State, Tajikistan has ratified many international instruments aimed at protecting the economic, social and cultural rights and interests of citizens, including aspects relating to criminal proceedings, the implementation of which has ensured that the country's laws meet the requirements of the Covenant.
2. There is no international legal instrument providing that human rights defenders are immune from criminal liability for offences under ordinary law.
3. Arrests, investigations, preliminary inquiries and detentions of accused persons, including journalists and other representatives of civil society, are carried out in compliance with the laws of Tajikistan.
4. Human rights defenders' right of defence is always upheld. They are allowed to meet in private, without time limits, with a lawyer and with relatives.
5. When preventive measures in the form of arrest and detention are applied, the authorities uphold procedural safeguards by ensuring that the constitutional and other rights of arrested citizens are fully respected and that they are given the opportunity to meet with counsel. There are no legal obstacles to defendants' access to counsel. No obstacles exist in law or practice that could limit the right of lawyers to meet with their clients or deprive them of that right, and there have been no substantiated incidents in which lawyers have been denied access to persons who have been detained in criminal cases.
6. Group training and awareness-raising activities are conducted on a weekly basis with a view to enhancing the professional skills of law enforcement officers, examining how to improve the mechanism for arrest, registration and placement in places of detention, raising awareness about freedom from torture and other ill-treatment, upholding the rule of law and protecting human rights and freedoms.
7. The procedure for collecting evidence and strengthening the evidence base is followed in the investigation of criminal cases. Wide-ranging and effective use is made of technical resources, including audio and video equipment, in the course of investigative activities, especially in conducting on-site verification of testimony and in detecting and recording traces of the offence.
8. The requirements of criminal procedure measures are strictly observed, legal oversight of the lawfulness of arrests has been strengthened and, in preliminary investigations of criminal cases and citizens, additional steps have been taken to uphold the constitutional principle of the presumption of innocence and to prevent violence, torture, beatings and other forms of cruel and degrading treatment. Respect, dignity and inviolability of the person are prioritized.
9. A working group has been set up under the Ministry of Justice to improve the Legal Aid Act. This working group is examining the matter of ensuring, as part of the provision of secondary legal aid, that due process guarantees are respected during arrests, detentions and trials of human rights defenders.
10. Seven training events have been held on the social rights of victims and the provision of social assistance to them with a view to implementing recommendations on the provision of primary medical and psychological care to victims of domestic violence. Seminars for victims of domestic violence have also been held in cooperation with State employment agencies.

11. It should be noted that the number of medical rehabilitation rooms for women victims of violence in the country has increased from 14 to 27. Examinations, surgeries, treatment and care for these persons are provided free of charge with funding from the State budget. In addition, the national social services centre for victims of domestic violence and trafficking in persons regularly holds training seminars on the provision of social services to victims of trafficking in persons and domestic violence.

12. In 2024, 96 victims of domestic violence and trafficking in persons, including 36 children, were provided with social services and psychological rehabilitation and, in cooperation with relevant entities, the necessary measures were taken to address their situation.

Refugees and asylum-seekers

Follow-up information relating to paragraph 23 (a)–(c)

13. Tajikistan is making significant efforts to address issues concerning the legal status of refugees by drafting and signing international and regional agreements, establishing refugee protection mechanisms and amending national laws.

14. The general obligations of refugees are that they must meet the requirements laid down by law and must abide by the measures taken to maintain public order in the State in which they are staying. The specific obligations of refugees in the country are set out in the national laws in force.

15. At the initiative of internal affairs bodies, the words “and expulsion from Tajikistan” were removed from the penalty set out in article 499 (3) of the Code of Administrative Offences with a view to bringing the country’s laws into line with recognized international legal instruments.

16. In 2018, the internal affairs bodies formed a joint standing commission on refugee status that conducts the refugee status determination procedure. As of July 2024, there are 9,156 registered refugees and asylum-seekers in Tajikistan (including 2,238 families), most of whom are from Afghanistan. All refugees have been given access to education.

17. A project is currently being implemented in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) representative in Tajikistan and with the involvement of representatives of the joint standing commission under which round tables, meetings and other events aimed at assessing the current human rights situation are being held on a regular basis. The goal of these activities is to assess and improve national laws for the protection of the rights of refugees.

18. On 1 September 2022, a temporary accommodation centre for refugees and persons affected by natural disasters was opened in Jaloliddin Balkhi District in Khatlon Oblast. The centre is situated on the premises of a branch of the Committee on Emergency Situations and Civil Defence in this district. In the event of an emergency, the centre is equipped to provide approximately 100 families with the most essential items, including tents, first aid kits, water containers, hygiene kits, pillows, blankets and cooking facilities. The centre is supplied with drinking water and electricity and has shower and toilet facilities.

19. The centre’s opening ceremony was attended by the head of the UNHCR office in Tajikistan, Mulugeta Zewdie, the Deputy Representative of the United Nations Children’s Fund in Tajikistan, Zainab Al-Azzawi, the Acting United Nations Resident Coordinator and Country Director of the World Food Programme in Tajikistan, Adham Musallam, and others.

20. Every year on 20 June, Tajikistan, like other countries, celebrates World Refugee Day. As a country of asylum for refugees, most of whom come from Afghanistan, Tajikistan has for many years provided such refugees with protection and security in its territory. It has also given them access to socioeconomic rights, including the rights to education, work and medical care.

21. Asylum-seekers arriving in Tajikistan undergo an official refugee status determination procedure and, once they have been granted refugee status, receive a refugee identity card that allows them to legally reside and work in the country.
22. This demonstrates that Tajikistan fulfils its obligations under ratified international legal instruments.
23. All legislative and administrative frameworks relevant to asylum have been established in the country.
24. Tajikistan takes appropriate measures to ensure national security, taking into account the current situation in the region and the world, the relentless actions of extremist and terrorist organizations and groups and other external threats and dangers.
25. Grounds for withdrawal or termination of refugee status are established in law. The procedure for the expulsion of persons who have lost refugee status and have no other legal authorization to stay in Tajikistan complies with the requirements of international legal instruments and national law.

Right to housing

Follow-up information relating to paragraph 47 (b) and (d)

26. Under the Constitution, every person has the right to housing. This right is upheld through the construction and maintenance of State, non-privately-owned, cooperative and private housing. The home is inviolable. Intrusion into a person's home and depriving a person of his or her home are prohibited except in cases prescribed by law. Acts that impede the exercise of the right to housing are prohibited by law.
27. The main provisions concerning housing are set out in the Housing Code, which governs matters related to taking up occupancy, residence and eviction.
28. It should be noted that, under the Housing Code, no one may be evicted from or deprived of the right to use a dwelling except in cases provided for in the Code or other legislative acts.
29. The Housing Code sets out an exhaustive list of grounds on which citizens can be evicted from housing in the following articles:
- Eviction of family members of the owner of accommodation and other persons whose right to use the accommodation has been terminated or persons violating the rules of use of the accommodation (Housing Code, art. 26)
 - Eviction of citizens from accommodation provided under social rental agreements (Housing Code, art. 75)
 - Eviction of citizens from accommodation in cases in which alternative accommodation is provided under a social rental agreement (Housing Code, art. 75)
 - Provision of alternative accommodation to citizens under a social rental agreement in connection with eviction from accommodation (Housing Code, art. 79)
 - Eviction from accommodation in cases in which alternative accommodation is provided under a social rental agreement (Housing Code, art. 81)
 - Eviction from accommodation in cases in which alternative accommodation is not provided (Housing Code, art. 82)
 - Eviction in connection with the annulment of a social rental agreement for accommodation (Housing Code, art. 84)
 - Eviction of citizens from special-purpose accommodation (Housing Code, art. 98)
 - Eviction of a former member of a housing cooperative (Housing Code, art. 112)
30. The main legal instrument on enforcement, including eviction, is the Enforcement Proceedings Act.

31. Its provisions set out the obligations of persons involved in the proceedings, including the persons who are being forcibly evicted.
32. Persons participating in enforcement proceedings are obliged to exercise all the rights granted to them in good faith and to fulfil the legal requirements governing such proceedings. Citizens are evicted from accommodation provided under social rental agreements either through the provision of alternative accommodation under a social rental agreement or by means of legal proceedings.
33. Persons who are squatting or living in buildings at risk of collapse can be administratively evicted by order of the procurator. Citizens who are squatting are evicted without being provided with alternative accommodation. Citizens can also be evicted without being provided with alternative accommodation in the event that their social rental agreement for accommodation is annulled or their rental agreement for special-purpose accommodation is terminated or expires.
34. The Housing Code also provides that temporary tenants can be evicted through judicial proceedings without being provided with alternative accommodation if their rental agreement is terminated or if they refuse to vacate the accommodation upon expiration of the term established by the agreement. Case law demonstrates that no unjustified evictions of citizens from their homes are carried out.
35. The cases mentioned in the recommendations of the Committee on Economic, Social and Cultural Rights are thus provided for under Tajik law and the relevant provisions are strictly observed.
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