**End of Mission Statement of the United Nations Special Rapporteur on minority issues**

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Ladies and gentlemen, good morning.

1. Introduction

From 9 to 20 October 2023, at the invitation of the Government of Tajikistan, I conducted a country visit to evaluate the overall situation of minorities in the country as the United Nations Special Rapporteur on Minority Issues by looking at the legislation, policies and practices for the implementation of the country’s international human rights obligations affecting minorities.

It is important to understand that Special Rapporteurs are experts who work on a voluntary basis. We are not United Nations staff and do not receive a salary for our work. We are independent from any government or organization and serve in our individual capacity. I was elected by the UN Human Rights Council as an objective, outside authority to assess objectively and constructively how minorities are treated, the good practices which may be in place, and the areas of improvements that need to be addressed.

My mandate from the United Nations is limited to ethnic, religious and linguistic minorities, and as such I do not have the authority to consider situations involving other groups or communities unless they can be described as belonging to one of these categories. I cannot deal with people with different kind of disabilities, or political minorities, or minorities who are not ethnic, religious or linguistic. However, non-citizens, migrants and members of indigenous communities, if they at the same time are less than half the population of the country in terms of ethnicity, religion or language can also be considered a minority under my mandate. Deaf people who are users of sign languages can be considered members of a linguistic minority since sign languages are considered by linguists as ‘natural languages’.

I take this opportunity to congratulate the Government of Tajikistan for its very high level of engagement in recent years with UN human rights mechanisms, its ratification of a large number of treaties, and its active engagement with UN Special Procedures. Tajikistan should be commended for its efforts and the progress it has made, while at the same time facing rather unique geo-political, economic and social challenges.

Many weeks before this country visit, I shared with the Government of Tajikistan the main themes and areas of interest which I would be considering. As the official announcement for this mission released at the start of the country visit indicated, this mission looked at the protection and promotion of the rights of minorities in areas such as education, hate speech in social media and hate crimes, in the criminal justice system, and in the area of voting and political participation. I met in person or online with many dozens of individuals and civil society organizations, and minority representatives from ethnic, religious and linguistic communities, as well as experts from different parts of the country, both online and in person. The mission also included onsite visits to Vose District and the Gorno-Badakhshan Autonomous Oblast (GBAO). I have met with high-level officials of a number of departments and other governmental entities including at the national level in Dushanbe 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 Prosecutor General´s Office, the Supreme Court, the Human Rights Guarantees Division of the Presidential Office (NMRF), the Ombudsman´s Office, the Statistics Agency under the President of Tajikistan, and Ministry of Education and Science. In GBAO, I was able to meet the Chair of Regional Department of State Committee for National Security, the Deputy Chair of Regional Department of Ministry of Internal Affairs, the Chair of the Regional Department of Ministry of Justice, as well as the Regional Governor and the Regional Governor’s Assistant.

A country visit such as this one is not about trying to find fault in or to criticise the Government of Tajikistan, but rather to obtain an overall outside view on how human rights are protected and implemented in the country, on the progress and good practices in place such as the August 2023 *National Strategy on Human Rights of the Republic of Tajikistan for the Period Until 2038* and associated *Action Plan 2023-2025*, and the also recent *Law of the Republic of Tajikistan on Equality and Non-Discrimination*. As is required under my mandate, this is the start of a process which is intended to be constructive in order to continue necessary efforts to try to achieve better respect and recognition of the rights of minorities.

I already shared this end of mission statement with representatives of the Government of Tajikistan, but this end of mission statement is only an outline before a final report is submitted first to the Government of Tajikistan for its initial responses and feedback, and then submitted formally to the UN Human Rights Council in March 2024.

This end of mission statement is intended to provide to the Government of Tajikistan and to the greater public, a sense of the main points and recommendations which may form the final report, and the main areas of improvements which should be considered in the future. It is important to be quite transparent and identify for all interested parties an early and open indication of the content of missions such as this one under UN special procedures for the promotion and protection of human rights.

I want to express my gratitude to everyone I met with for their readiness to engage in an open dialogue to better understand and assess the human rights situation of minorities in Tajikistan. I would like to sincerely thanks the Government of Tajikistan for the support and cooperation of the Ministry of Foreign Affairs.

1. Context

The objectives of my visit were to identify, in a spirit of cooperation and constructive dialogue, good practices, but also 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 minorities in Tajikistan, in conformity with my mandate as UN Special Rapporteur on minority issues. This mission’s overall purpose was to identify ways of improving the effective implementation of international obligations in relation to the human rights of minorities. More to the point, the overall aim of the visit was to take a closer look at existing legislation, policies and practices for the protection and promotion of their human rights in international law.

1. Additional human rights treaty ratification

For the users of sign languages, as members of a linguistic minority, the ratification of the *Convention on the Rights of Persons with Disabilities* (CRPD) is an important first step to the specific barriers they face in the recognition of their rights to use their language and access public services where possible and appropriate in a sign language. The CPRD contains a section with important provisions in this regard which would assist, both government officials and members of the Deaf and hard of hearing communities, in better understanding and implementation their human rights in this regard.

**I recommend that the Government of Tajikistan establish a firm timetable and plan of action for the ratification of the CPRD as soon as possible.**

1. Capacity to engage with UN human rights mechanisms

While the Government of Tajikistan has engaged significantly with various human rights mechanisms in recent years, it does not always respond to communications from various Special Procedures mandates which often has raised grave allegations of breaches of the rights of minorities. For example, it has only responded to 3 communications from UN Special Procedures out of 11 in the last three years.

Government officials have asserted that there is a need to help a country such as Tajikistan with limited resources and growing human rights commitments, especially as it transits towards a more rule of law and rights-oriented society. As a Special Rapporteur I concur that it should receive greater support for a period in this endeavour given the many challenges it faces and its willingness to engage with the global human rights architecture.

**I recommend that the UN and other international and regional organisations assist Tajikistan in a three-year technical and financial programme to support a dedicated Secretariat for responses to and follow-up of communications and other international human rights reporting mechanisms.**

1. A less than favourable environment

While I was encouraged by the commitment and enthusiasm of many younger officials who seemed to be genuinely eager to work on and improve the Government of Tajikistan’s efforts in relation to the implementation of its international human rights commitments, all too frequently I also encountered a lack of understanding as to what this entails, even to the point of outright hostility or denial. Some officials simply and automatically claimed that all the human rights of minorities are fully protected in the country, or that complying with national legislation was sufficient. They seemed perplexed at the suggestion that national legislation may not always in accordance with the legal, human rights obligations of Tajikistan.

On other occasions, particularly in GBAO, there was outright hostility and denial in relation to any inquiry concerning allegations of violations of the rights of members of the Pamiri minority during violent events in the region in 2021 and 2022, following mass protests which began on 25 November 2021. Any individual arrested or detained were simply described as ‘terrorists, criminals or extremists’ by officials, even without any specific individual being mentioned, and no discussion of the matter was possible since everything that happened was permitted under the laws of Tajikistan.

Similar responses occurred on another occasion in relation to the treatment of members of the Roma (also known as Jughi or Lyuli) minority: officials stated bluntly they are full members of society treated completely equally with others. During my mission, this was clearly an inaccurate at best, false at worse, since I had the opportunity to see the huge difference between a public school where only Jughi children were present, and another for members of the Tajik majority.

Finally, when questioned as to the reasons for highly intrusive restrictions on the rights of religious minorities to practice their faith with other members of their community, the response was not to deny the restrictions but to simply assert freedom of religion was fully respected in the country – with no acknowledgment or apparent understanding that international law had a role to play.

While the August 2023 *National Strategy on Human Rights of the Republic of Tajikistan for the Period Until 2038* and associated *Action Plan 2023-2025* constitute a possible pivotal moment for the country along the path of an inclusive society more respectful of human rights, much of the training, awareness-raising and other initiatives it envisages are still *desiderata*.Currently the reality on the ground, especially when it comes to the rights of some minorities, is more akin to hostility or denial.

Officials have rightly pointed out the challenging geopolitical, security and economic contexts, such as the situation in neighbouring Afghanistan, the war between Ukraine and Russia, past or present tensions with others such as Kyrgyzstan and Uzbekistan, and the impact this has had and continues to have on government policies and actions. Nevertheless, these in themselves do not relieve the Government of Tajikistan from complying with and implementing the internationally binding human rights obligations it has voluntarily agreed to undertake.

My colleague, the UN Special Rapporteur on human rights defenders, Mary Lawlor, has already in her end of mission statement for Tajikistan of 9 December 2022 identified grave concerns on restrictive and even repressive measures on the activities of human rights defenders and civil society organisations, as well as journalist and bloggers – particularly those from the Pamiri minority in GBAO – inconsistent with fundamental rights such as freedom of expression and association, amongst others. My full report will further elaborate on my own more detailed conclusions in this regard, which are consistent with her statement, focussing on those involving minorities.

The main observation at this stage is that the reality on the ground is very far from the lofty principles and statements contained in the *National Strategy on Human Rights of the Republic of Tajikistan for the Period Until 2038* and associated *Action Plan 2023-2025*, particularly when it comes to its treatment of certain minorities, and implementation is not just slow, it is yet to begin in key areas.

1. The Roma (Jughi) minority

In 2019 and 2023, the UN Committee on the Elimination of Racial Discrimination (CERD) recognised the significant marginalisation of members of the Jughi minority, particularly in areas such as education, housing and public health, and the continuation of lack of knowledge of and even prejudice towards this community. CERD specifically called on the Government of Tajikistan to take steps to these cases of discrimination including the adoption an action plan to improve the situation of the Jughi.

There is not a single specific reference to the Jughi despite the CERD’s call in the *National Strategy on Human Rights of the Republic of Tajikistan for the Period Until 2038* or the *Action Plan 2023-2025*. A visit to one Jughi community confirms their apparent segregation in small plots of land, the lack of equal access to public services, and crowded and under-resourced education facilities when compared to those of the Tajik majority.

**To conform with its human rights obligations and the calls of international bodies such as CERD, the Government of Tajikistan should immediately conduct a review and incorporate in the *Action Plan 2023-2025* a section on the actions to be taken in relation to the Jughi minority in order to address the widespread discrimination and denial of equality they daily encounter in education, housing and public health, amongst others.**

1. Religious minorities

My colleague the UN Special Rapporteur on freedom of religion or belief also conducted a mission at the invitation of the Government of Tajikistan. In her end of mission statement of 20 April 2023, she outlined the extensive and tight controls over religious practices which apply generally in the country, but in some cases impact significantly certain minorities. A triad of legislation (2009 Law on Freedom of Conscience and Religious Associations, 2020 Law on Countering Extremism, 2021 Law on Combating Terrorism) result in all religious activities being highly regulated, and some manifestations completely banned. For example, only two Ismaili mosques are permitted in Tajikistan, “one in Khorog and another in Dushanbe, some 600 km apart and absolutely impossible to cater for the over 3% of the population that are Ismailis” and members of the country’s Shia minority.

Other religious minorities have reported being prevented from conducting religious instruction activities for their children, or in registering locally (a legal requirement), amongst others.

My final report will contain further details of areas of grave concerns in relation to the protection of the human rights of religious minorities, and recommendations to this effect. As a general observation, there appears to be a lack of understanding of the obligations of Tajikistan in relation to the international legal obligations of freedom of religion, but also of the separate right of persons who belong to religious minorities to practice their faith with other members of their community.

**I urge State authorities to re-examine specifically the relevant legislation (2009 Law on Freedom of Conscience and Religious Associations, 2020 Law on Countering Extremism, 2021 Law on Combating Terrorism) to ensure it fully complies with Tajikistan’s treaty obligations.**

1. GBAO and the Pamiri minority

The Pamiri are an ethnic group who share a number of Eastern Iranian languages who are mainly from the Ismaili Shia and concentrated in GBAO. They are therefore members of an ethnic, religious and linguistic minority.

In recent years, tensions between them and state authorities have taken a turn for the worse, and this is reflected in a number of areas. Despite most people I encountered during the mission usually acknowledging them as Pamiri this is not officially recognised as a distinct category by national authorities. The CERD itself expressed frustration in its 2023 report that “the country’s authorities persist in non-recognizing the Pamiri as a specific group with ethnic, linguistic, religious and cultural characteristics” in statistical data provided in the country’s census.

A number of violent incidents have occurred since 2012, and most recently in 2021 and 2022. My full report will detail more fully the complex events, although there have been a number of United Nations mechanism which have already expressed their concerns such as CERD in 2023, which indicated in concluding observations, “The Committee is seriously concerned over the tensions in the Gorno-Badakhshan Autonomous Region (GBAO) with reports of the use of lethal and excessive force against protesters in the region, followed by prolonged internet shutdowns and subsequent violent attacks, arbitrary detentions, threats and harassment of the members of the Pamiri minority (art. 5).

**In this regard I repeat CERD’s call for Tajikistan to: (a) Carry out as soon as possible, an impartial and transparent investigation surrounding the events in GBAO since November 2021, in accordance with applicable international standards. (b) Take all the necessary measures to prevent further escalation of violence in the region, including by responding to the grievances of the Pamiri minority. (c) Engage in a constructive and open dialogue with the Pamiri minority. (d) Implement conflict-prevention measures that meet international human rights standards, including measures to protect the Pamiri minority.”**

There are other areas of concern, such as the under-representation of Pamiri in the country’s civil service, but also what could appear at first glance as the expropriation of Ismaili institutions in GBAO. On the day of my arrival in Tajikistan, on 9 October 2023, it was reported that the Aga Khan Medical Clinic in Khoroq had been seized and all employes fired by municipal authorities. State authorities have similarly taken legal steps to seize the private University of Central Asia – Khoriq, another initiative of the Aga Khan Foundation. For members of the Shia Ismaili minority in GBAO, these appear to be cases of discriminatory treatment by state authorities.

1. Linguistic minorities, especially Uzbeks

The issue of education in minority languages is one where Tajikistan has managed relatively well, though there are always areas of improvement. There are public schools or classes which provide education in the main minority languages, such as Uzbek, Russian, Kyrgyz, and Turkmen, amongst others. There remain some improvements that need to be made, though I note with appreciation that the *National Strategy on Human Rights of the Republic of Tajikistan for the Period Until 2038* and associated *Action Plan 2023-2025* does refer to steps in be taken in the future.

Nevertheless, there has been a recent phenomenon of reducing the number of schools teaching in minority languages, at least until very recently. For example, the number of students learning in Uzbek as a language of instruction went from almost 300,000 children in the 2011-2012 academic year, to only about 106,000 children in the 2020-2021 academic, with the number of Uzbek classes over these years decreasing from 14,039 to 5,178. Data provided to me by the Ministry of Education and Science for 2022-2023, which still needs to be examined more closely, indicates 23,187 students in 77 Uzbek medium schools, and 97,785 students learning in 314 Tajik-Uzbek schools.

Additionally, there is the barrier for children who have been taught in a minority school and who wish to pursue higher studies. The National Testing Center only conducts entrance exams only in Tajik and Russian. Linguistic minorities are thus often disadvantaged, even excluded from higher education in university entrance exams.

**The Government of Tajikistan should provide for entrance exams by the National Testing Center, in line with similar good practice in other countries, in the language of education of linguistic minorities in the country.**

Uzbek, Kyrgyz and other minorities have provided information on the lack of textbooks in their languages in some cases, but also of minority schools not being as well provided for in equipment and facilities compared to majority Tajik schools. The *National Strategy on Human Rights of the Republic of Tajikistan for the Period Until 2038* and associated *Action Plan 2023-2025* address this issue in part, although **I would urge the Government to ensure that concrete steps are taken to address these gaps. For members of the Jughi minority in particular, a concrete Action Plan needs to be devised to address what seems to be the serious underfunding of their schools, and adopt a policy which does not segregate Jughi children from other children on the basis of race or ethnicity.**

A further area which would need to be improved remains the official use of other languages in public services, including public health but also public radio and television broadcasts, which would in turn create significant employment opportunities for students who have studied in minority languages.

**I urge the Government of Tajikistan adopt a minority rights legislation which would inter alia, provide for use of minority languages in localities where these minorities are concentrated, and that civil servants be hired in order to provide these public services in the language of the populations involved, in line also with the guidance provided in UN *Practical Guide on the Language Rights of Linguistic Minorities*, and the OSCE *The Hague Recommendations regarding the Education Rights of National Minorities*. Tajikistan should, amongst others, ratify the Framework Convention on the Protection of National Minorities and obtain technical assistance from the United Nations in this regard.**

1. Political and other participation of minorities

Minorities are vastly under-represented in the institutions of the state, especially in political institutions. Despite Uzbeks constituting at least 11 % of the population, there is apparently not even one Uzbek elected to the National Parliament.

Data provided to me indicates that as of January 2022, only 6% of the country’s civil service are made of persons belonging to minorities, despite their constituting around 14% of the population.

**It is recommended that an affirmative action programme be considered to increase the proportion of minorities employed in the national and local civil service, particularly for the Uzbek, Kyrgyz and Pamiri minorities, so that these reflect better the diversity and makeup of Tajik society.**

As I indicated earlier, my full report containing my final observations and recommendations to Tajikistan will be presented to the Human Rights Council in March 2024.