

Freedom of Association and Rights of Human Rights Defenders

Tajikistan's 3rd Universal Periodic Review
37th Session
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This advocacy paper was developed by the Centre of Civil and Political Rights¹ and the Bureau of Human Rights and Rule of Law² in support of Tajikistan's Universal Periodic Review in the UN Human Rights Council in 2021. The paper uses and presents material provided by several national NGOs, including their information and recommendations.

Issue

The space **for non-governmental organisations** in Tajikistan remains narrow with work on certain human rights issues becoming more difficult for them. In 2020, while 80 new public associations were registered, 103 others were dissolved. While earlier Tajikistan had several dozens of NGOs working on **promotion of democratic reforms and free elections**, currently only few of them continue this work and none deal with monitoring of national elections. Many **NGOs refrain from** engaging on issues related to **religious freedoms due to its long-standing stigmatisation** as encouraging “terrorism” and “violent extremism”. Organisations, activists or lawyers, who deal with cases of persons related to the **political opposition**, including **torture allegations**, are labeled as “extremists supporters”. NGOs and activists working on **LGBTQ+ rights or with sex workers**, also expose themselves to a particular risk and ungrounded checkups.

There are well-known cases of non-observance of legal requirements by inspecting state bodies; for example, requests for information can go beyond a mandate. Nevertheless, in some cases, inspection outcomes led to sanctions on NGOs for alleged violations of law, with a number of organisations being suspended and/or forced to shut down. Legal amendments, adopted in 2019 under the pretext of fighting against terrorism and money laundering, put additional burdensome requirements on NGOs, including requiring them to publish detailed financial statements, store data transactions carried out for 5 years and others.

1 The Centre of Civil and Political Rights is a Geneva-based, independent, non-governmental organisation seeking to realise the vision of a world where the civil and political rights are protected, respected and fulfilled for everyone without discrimination through universal ratification and implementation of the International Covenant on Civil and Political Rights.

2 The Bureau of Human Rights and Rule of Law is a non-governmental human rights organisation registered in the Republic of Tajikistan that promotes human rights and fundamental freedoms, implementation of international human rights standards in the national legislation and practice and democratic reforms in Tajikistan.

Recommendations of the UN Human Rights Committee (2019)

In its Concluding Observations on the 3rd periodic report of Tajikistan in 2019, the UN Human Rights Committee expressed concern over reports of “*frequent inspections of non-governmental organizations (NGOs) resulting in fines or even closure of some of them*”, as well as the **chilling effect** on NGOs that was resulted by the new financial reporting legislation adopted in 2019. The Committee recommended that Tajikistan “*ensure that existing relevant laws, regulations and practices governing public associations and NGOs, including any such future regulations, are in full compliance with the provisions of articles 19 and 22 of the Covenant, including by ensuring that they do not lead in practice to undue control over or interference in the activities of NGOs.*”

Suggested advance questions to ask during the UPR dialogue

1. What work is being done by the State Party to ensure that the legislation on NGOs is compliant with its international human rights obligations, including the International Covenant on Civil and Political Rights, and does not have a chilling effect on human rights defenders?
2. How is the State Party working to guarantee that particular NGOs, including those working on democratic reforms, free elections, human rights defenders, sexual orientation and gender identity, political activists, and torture, are not stigmatised or targeted for their legitimate work?
3. What measure is the State Party taking to create a conducive environment for NGOs to engage in promotion of human rights?

Suggested recommendations

1. Ensure that human rights activist NCOs, human rights defenders and lawyers do not face pressure from government agencies or officials because of their activity, and that they can work without fear of being persecuted.
2. Immediately, thoroughly and impartially investigate allegations of intimidation, persecution and other violations of the rights of representatives of NGOs and persons they work with, and bring to justice the perpetrators.
3. Bring legislation on NGOs in compliance with international standards
4. Ensure that inspections of NGOs by government agencies do not constitute excessive interference with their legitimate work.



Centre For Civil And Political Rights

Physical address:

Rue de Varembe 1 CH-1202 Geneva Switzerland

Postal address:

PO Box 183 CH-1211

Geneva Switzerland

Tel : +41(0)22 / 33 22 555

Email : info@ccprcentre.org

Web : www.ccprcentre.org

