



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Ninety-third session

31 July-25 August 2017

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted  
by States parties under article 9 of the Convention**

## List of themes in relation to the combined ninth to eleventh periodic reports of Tajikistan

### Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

### **The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4, 6 and 7)**

2. Information on the progress made in further including in the State party's legislation a definition of racial discrimination in accordance with the Convention; on cases in which the provisions of the Convention have been referred to by national courts; and on efforts to raise awareness among judges, prosecutors and lawyers of international norms applicable at the national level, in particular regarding the Convention (CERD/C/TJK/CO/6-8, para. 9).

3. Information on efforts to enact comprehensive legislation on racial discrimination offences and to ensure that those provisions are in full compliance with article 4 of the Convention and are effectively enforced (CERD/C/TJK/CO/6-8, para. 10).

4. Information on the progress made to develop a comprehensive anti-discrimination law and a national plan to combat discrimination, as well as information on the participation of stakeholders in these processes.

5. Information on steps taken to:

- (a) Develop a comprehensive national human rights action plan;
- (b) Give effect to the articles of the Convention;
- (c) Ensure the participation of minorities in these processes.

6. Disaggregated information on complaints relating to acts of discrimination, including on:

- (a) Acts committed by law enforcement officials;

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- (b) Complaints lodged with the courts during the period under review;
  - (c) The number of investigations carried out and prosecutions brought, the sanctions imposed and the compensation provided to victims;
  - (d) The number of complaints of discrimination lodged with the Office of the Ombudsman during the period under review;
  - (e) Assessment of any need for specific measures, including steps to facilitate the lodging of complaints, measures to prevent and combat acts of discrimination and steps to ensure that victims have effective access to remedies (CERD/C/TJK/CO/6-8, para. 11).
7. Information on administrative offences and punishments under the Code of Administrative Offences, the number of administrative offences, including examples thereof, that have been the subject of an enquiry and examples of the types of sentences handed down.
8. Information on measures taken to ensure that the latest amendments to the Constitution, banning faith-based political organizations, are compatible with the Convention.
9. Information on measures taken to ensure the independence of the institution of the Commissioner for Human Rights (Ombudsman), including the amending legislation adopted by the Parliament in 2015. Disaggregated information on the activities carried out by the office of the Commissioner for Human Rights to promote, monitor and protect the rights enshrined in the Convention; and by the Office of the Ombudsman for Children's Rights. Information on measures adopted to enable the office of the Commissioner for Human Rights to obtain A status upon achieving compliance with the principles relating to the status of national institutions for the promotion and protection of human rights. Information on the human and financial resources provided, during the period under review, to the office of the Commissioner for Human Rights (CERD/C/TJK/CO/6-8, para. 17).
10. Detailed information on the meaningful involvement of civil society organizations in the consultation process for the preparation of the State party report, as well as the inclusion of their comments and recommendations in the final report. Information on measures taken to facilitate the participation of civil society organizations in the ninety-third session of the Committee (CERD/C/TJK/CO/6-8, para. 19), as well as information on the steps taken to create an enabling environment for the work of such organizations.

**Situation of minority groups (arts. 2-7)**

11. Information on the population census, in particular disaggregated data on the ethnic composition of the population and on relevant socioeconomic indicators relating to the enjoyment of the rights under the Convention by members of various groups, in particular minorities and non-citizens (CERD/C/TJK/CO/6-8, para. 8).
12. Information on the measures taken to continue to enhance the participation of persons belonging to ethnic minority groups, including women, in public and political life. Information on the progress made to increase the representation of these persons in the legislative, executive and judiciary branches of government and in other public institutions (CERD/C/TJK/CO/6-8, para. 12).
13. Information on the measures taken to improve the situation of Roma people (also known as Lyuli, Jughli or Mugat), including on effectively combating discrimination and stigmatization against, and the isolation of, members of the Roma community and promoting their rights to full access to education, employment, housing and health care, as well as access to personal documentation, such as birth certificates and passports. Statistical information on the enjoyment by Roma of those rights and information on the participation of the Roma community in the development and implementation of measures that concern them. Detailed information on the reasons for not adopting a strategy to improve the situation of Roma (CERD/C/TJK/CO/6-8, para. 13). Information on steps taken to overcome prejudices against Pamiri ethnic minorities, particularly those rooted in linguistic, cultural and religious differences.

14. Information on progress made in combating trafficking. Detailed information on the results of the implementation of a comprehensive programme to combat trafficking in persons during the period under review. Disaggregated data on victims from vulnerable groups, including minorities, refugees and asylum seekers. Information on the number of investigations carried out and prosecutions brought, the sanctions imposed and the compensation provided to victims during the period under review. Information on budget allocations to prevent and combat trafficking and to provide assistance to victims. Information on available rehabilitation programmes and infrastructure (CERD/C/TJK/CO/6-8, para. 15).

15. Disaggregated data on the measures taken during the period under review to ensure the provision of school textbooks in minority languages. Comprehensive information on the training programmes and textbooks in minority languages provided to teachers for minority students, including mother-tongue vocational training, and on measures to ensure a sufficient number of teachers. Detailed information on progress made to increase opportunities at the secondary and higher levels for teaching in and of minority languages (CERD/C/TJK/CO/6-8, para. 18). Statistical information on access to education in minority languages at the primary, secondary and higher levels, including on the number of pupils, the number of classes and completion rates. Information on budget allocations during the period under review for the education of national minorities. Information on measures to support the Pamir and Yagnobi languages and corresponding cultures and to integrate them into the education system.

**Situation of non-citizens, including migrants, asylum seekers, refugees and stateless persons (arts. 5 and 7)**

16. Information on the measures taken to eliminate restrictions on asylum seekers' and refugees' freedom of movement and to protect their right to choose their place of residence, in particular with regard to lifting the regulations forbidding refugees to live in specific areas, such as Dushanbe and Kjujand, stipulated in the 2002 Law on refugees.

17. Disaggregated data on access to employment, health care, education and social services for refugees, asylum seekers, stateless persons and migrants. Information on measures taken to ensure protection for refugee children (CERD/C/TJK/CO/6-8, para. 14). Information on the assistance provided to women and children left behind by Tajik migrant workers.

18. Information on progress regarding the ratification of the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness (CERD/C/TJK/CO/6-8, para. 14).

19. Information on the measures taken to ensure that: (a) non-citizens are afforded the effective enjoyment of the rights mentioned in article 5 of the Convention, without discrimination, (b) legislative guarantees against racial discrimination apply to non-citizens regardless of their immigration status and (c) the implementation of legislation does not have a discriminatory effect on non-citizens. In particular, information on steps taken to eliminate provisions contained in the Family Code relating to marriage to a Tajik woman, which are discriminatory on ethnic or national grounds (CERD/C/TJK/CO/6-8, para. 16).

20. Information on measures taken to grant citizenship to refugees who meet the requirements set out in the Law on Citizenship, which provides for a reduced minimum period of stay in the country to qualify for Tajik citizenship, and statistical information about the citizenship documents issued.