

**Universal Periodic Review
(12th session, 3-14 October 2011)**

Contribution of UNESCO

TAJIKISTAN

I. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	28/08/1992	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. 1989	29/05/1991			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	28/08/1992			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	17/08/2010			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	24/10/2007			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

1. Right to education¹

A. *Normative framework*

2. Constitutional framework: Article 34 of the Constitution of Tajikistan of 1994 states: “The government takes care to protect orphans and the disabled, as well as their upbringing and education.”

3. Legislative framework: Some of the main elements of the national legislative framework are:

- the Law *On Education* (2004 version),
- the Law *On Primary Vocational Education* (2003),
- the Law *On Higher and Postgraduate Professional Education* (2003)

4. The Law *On Education* is the centre-piece of the legislation, and declares education a national priority on all levels of State governance.

5. Article 24 of the Law *On Social Protection of Disabled Persons in the Republic of Tajikistan* (adopted in 1991, latest revision in 2008) contains provisions related to education and professional training for disabled persons.

B. *Policy measures*

6. In 2005, a National Strategy for Education Development for the Republic of Tajikistan (2006-2015) was adopted.

7. The Poverty Strategy of the Republic of Tajikistan for 2010-2012 also contains policy towards education.

2. Right to take part in cultural life

8. Normative framework: A Law on Safeguarding and Use of Historical and Cultural Heritage was adopted in March 2006 in respect of the 1972 Convention. There were no amendments after the ratification of the 2003 and 2005 Conventions.

9. Institutional framework: The implementation of the cultural conventions is entrusted to the Ministry of Culture, various Institutes of the Academy of Sciences and to local Departments for Culture. There are no specialized bodies established.

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Sources:

OECE, Reviews of National Policies for Education - Kazakhstan, Kyrgyz Republic and Tajikistan 2009 (Students with Special Needs and those with Disabilities), <http://www.oecd.org/dataoecd/54/33/43851447.pdf> (Accessed 16/02/2011).

10. Policy measures: The following governmental programmes were adopted:
- (i) Governmental programme for culture development for 2008-2015 (№ 85, 3 March 2007);
 - (ii) Governmental programme for development of handicrafts for 2009-2015 (№ 513, 31 October 2008).
11. Cooperation: UNESCO participates in the implementation of the United Nations Development Assistance Framework (UNDAF) for Tajikistan (2010-2015).
12. Work with civil society: The civil society is actively participating in the cultural life. The most active national NGOs are: Public Foundation of Culture of Tajikistan, Gurminch Museum Crafts; Foundation “Haft Paikar”; National Committee of ICOMOS; International Cultural Foundation, Z.Shahidi; NGO “Odam Va Olam”. These national NGOs also actively cooperate with international NGOs, such as the Open Society Institute, the Aga Khan Foundation, ACTED and Eurasia Foundation.
13. Achievements, best practices, challenges and constraints: Authorisation of local communities/NGOs by the Ministry of Culture to safeguard several cultural heritage sites can be considered as a best practice in the post-Soviet context of Tajikistan. Although the three main cultural conventions have been ratified by Tajikistan, there is a strong need to strengthen national policy in the field of culture.
14. Capacity-building and technical assistance provided and/or recommended by UNESCO: Technical assistance focuses mainly on the conservation of built heritage, immovable and moveable heritage as well as intangible heritage.
15. It is recommended to continue efforts in capacity development in heritage management, inventory of intangible cultural heritage and in management and preventive conservation of museums’ collections.

3. Freedom of opinion and expression

Achievements, best practices, challenges and constraints:

16. Freedom of speech is guaranteed by the Tajik Constitution but this right is still restricted in the country.
17. The media in Tajikistan is still largely controlled by the State. Independent media have difficulties to get licenses to operate.
18. Defamation is still a criminal offence and has been used several times after against some media. This leads to a phenomenon of self-censorship among journalists.
19. A positive step was taken with the creation of the Community Council for Mass Media aiming at improving journalism and media ethics. Although an assessment of its efficacy is needed.

20. Tajikistan ratified a Freedom of information law in July 2008. It represents an important step towards the fulfillment of this right. However the absence of several FOI principles caused fault of its implementation. The law neither defines procedural rules nor penalties for violations of the law. It is thus difficult to ensure its accountability.

Capacity-building and technical assistance provided and/or recommended by UNESCO

21. Consistent with its mandate, UNESCO collaborates at different levels with Tajikistan to reinforce the right to freedom of expression. Among other activities, UNESCO participated to the strengthening of information security skills among Tajik journalists, contributing to build media workers' capacity to use technologies and enabling them to better protect in the practice of journalism. Another project aimed to contribute to the development of independent and pluralist mass media in Tajikistan by enhancing professional knowledge and strengthening practical skills.

III. RECOMMENDATIONS

Right to education

22. Tajikistan should be encouraged to ratify the 1989 UNESCO's Convention on Technical and Vocational Education.

Right to take part in cultural life

23. In order to advance the implementation of the three major UNESCO's Conventions in the field of culture, the following measures are recommended:

23.1. World Heritage Convention (1972): Management planning is to be prioritized for the preservation of cultural and natural heritage;

23.2 Intangible Heritage Convention (2003):

- a) efforts should be encouraged to promote a better understanding of the objectives of the Intangible Heritage Convention by the relevant national entities;
- b) Tajikistan should be encouraged to jointly submit multi-national nominations to the List of Intangible Cultural Heritage in Need of Urgent Safeguarding and the Representative List of the Intangible Cultural Heritage of Humanity when an element is found on the territory of more than one State Party to the Convention. Such a multi-national nomination is to pursue the aim of fostering intercultural dialogue and regional integration in Central Asia. It is important to carefully address and programme all issues related to a multi-national nominations with due involvement of the communities, groups and, where applicable, individuals concerned in the preparation of their files.

23.3 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005): Tajikistan must be encouraged to ensure that its domestic law and practice are consistent with the provisions of the Convention.

Freedom of opinion and expression

24. There are several opportunities for developing and protecting freedom of expression in Tajikistan. UNESCO recommends:

- to open the media industry to different players;
- to abolish the criminal provisions on defamation;
- to enforce the existing legislation and the effectiveness of the self-regulatory mechanisms.