

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ref.: AL TJK 1/2024
(Please use this reference in your reply)

16 February 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **reported liquidation of over 700 non-governmental organisations (NGOs) in Tajikistan from May 2022 to August 2023**.

According to the information received:

There were reportedly over 700 non-governmental organisations (NGOs) dissolved in Tajikistan between May 2022 and August 2023, which is twice the number of NGOs dissolved during the previous three years combined.

NGOs forced to close include those working on early intervention on disability issues, expanding access to education, supporting victims of domestic violence, protecting the environment and promoting public access to land. Some of them had been in operation for over 20 years.

On 8 August 2023, when commenting on the dissolution of the large number of organisations, the Minister of Justice of Tajikistan stated at a press conference that most public organisations cease their activities due to financial reasons through self-liquidation. The Minister also added that the Ministry of Justice submits to the courts for liquidation only a very small number of organisations for non-compliance with the law, which had been identified during inspections.

5 NGOs from the Gorno-Badakhshan Autonomous Region (GBAO) were liquidated by court decision in the first half of 2023.

Some of those NGOs forced to self-liquidate reportedly did so following the summoning of their directors to the Ministry of Justice or local executive authorities. Once there, the directors were reportedly interviewed by security officials with the participation of relevant justice or executive body authorities. Pressure was then allegedly placed on the directors, or threats made against them, to write a statement of self-liquidation. The NGO heads were allegedly told that if they did not write such a statement, thorough inspections of their NGOs would take place, during which violations of the law would be uncovered and they could face penalties. They were also allegedly threatened with the possibility of criminal cases being opened against them and their

family members for extremist activities.

Other NGOs forced to close reported that the tax authorities had initiated actions against them.

The issue regarding the liquidation of public organisations became especially acute after the unrest in the GBAO in 2022. Official statistics show that after these events, the courts ordered many public organisations to shut down while a number of other organisations self-dissolved. Although no clear official statistics are available, reportedly around 200 organisations were liquidated by court order in 2022, and over 20 NGOs had been liquidated by the Economic Court of GBAO without the participation of the leadership of these organisations. While the authorities in GBAO have denied pressuring public organisations, the great number of organisations closed by the courts is a matter of serious concern.

It has been difficult to obtain reliable statistics regarding the number of NGOs operating in the country, as well as the exact number of organisations that self-dissolved, were liquidated by a court decision, and the number of new NGOs which have since registered.

It has been reported by non-official sources that over the past four and a half years, 1,103 NGOs ceased to exist while 715 were newly registered. In 2022 alone, around 500 NGOs were liquidated, over 100 of which were by court decision. It is further reported that in GBAO, out of 300 registered organisations only around 10% are able to continue operating.

The staff of NGOs working on issues that are considered sensitive, including freedom from torture, the right to housing and compensation for requisitioned land, minority rights, freedom of belief and good governance, anti-torture initiatives, political rights, and in particular the right to free and fair elections have been reportedly subjected to threats and intimidation.

Without wishing to prejudge the accuracy of the above allegations, we wish to express our great concern over the reported interference and liquidation of civil society organisations in Tajikistan, which appears to be aimed at preventing the organisations from continuing their independent and critical, legitimate human rights work, particularly documenting and reporting on human rights violations. We are further concerned that interfering with the activities of NGOs and pressuring civil society organisations to cease their activities directly impacts the rights to freedom of peaceful assembly and association and the freedom of opinion and expression and may lead to a serious deterioration in the promotion and protection of all human rights in Tajikistan.

We further express our most serious concern that the dramatic reduction in the number of civil society organisations permitted to operate is severely limiting the ability and willingness of human rights defenders to carry out their activities in the country. This has led to self-censorship and has stymied cooperation with international actors. We also fear that the mass liquidations will have major implications for the enjoyment of human rights of all Tajik citizens, who can no longer count on the support of many civil society organisations in cases where their rights are violated.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please explain how the dissolution of the NGOs is in compliance with article 22(2) of the International Covenant on Civil and Political Rights and other international human rights obligations of Tajikistan.
3. Please provide statistical data on the number of registrations and liquidations of organisations over the last 5 years and the legal basis for such liquidations.
4. Please provide information on measures taken by your Excellency's Government to ensure that human rights defenders and civil society organisations are able to carry out their legitimate and peaceful work freely in an enabling and safe environment, in line with its human rights obligations.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to recall that 22 of the International Covenant for Civil and Political Rights (ICCPR), ratified by your Excellency's Government on 4 January 1999, guarantees the right to freedom of peaceful assembly and of association, and note that "no restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

We would like to recall that article 19 of the ICCPR guarantees the right to freedom of opinion and expression. In its General Comment No. 34 (CCPR/C/GC/34), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of opinion and expression, including inter alia "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism", subject only to admissible restrictions as well as the prohibition of propaganda for hatred and incitement to hatred, violence and discrimination.

Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19 (3), that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant.

We would like to remind your Excellency's Government that any restrictions to the exercise of these rights must be provided by law and be necessary and proportionate to the legitimate aim. As the Human Rights Committee observed in General Comment No. 34, restrictive measures "may not put in jeopardy the right itself. The Committee recalls that the relation between right and restriction and between norm and exception must not be reversed" (paragraph 21), while "the principle of proportionality has to be respected not only in the law that frames the restrictions but also by the administrative and judicial authorities in applying the law" (paragraph 34).

Furthermore, we would like to refer to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and

fundamental freedoms.

In order to meet the proportionality and necessity test, any restrictive measures adopted must be the least intrusive means capable to achieve the desired objective (legitimate aim).¹ States shall not invoke national security as a justification for measures aimed at suppressing opposition or to justify repressive practices against its population.² The right to freedom of association relates not only to the right to form an association, but also guarantees the right of such an association to freely carry out its legitimate activities.³

We also remind your Excellency's Government that the right to freedom of association is an essential component of democracy as it empowers individuals to "express their political opinions, engage in literary and artistic pursuits and other cultural, economic and social activities, engage in religious observances or other beliefs, form and join trade unions and cooperatives, and elect leaders to represent their interests and hold them accountable", as enunciated in the Human Rights Council Resolution 15/21.

¹ [A/61/267](#), para. 23.

² *Ibid*, para. 20.

³ [CCPR/C/88/D/1274/2004](#), para. 7.2.