



Organization: Lawyers for Lawyers
Item: Item 6 – UPR Outcome Tajikistan
Date: 23/24 March 2022
Speaker: Mr. Leroy Niekoop

Oral Statement to the 49th Session of the UN Human Rights Council from Lawyers for Lawyers and the International Bar Association’s Human Rights Institute

Mr. President,

Lawyers for Lawyers and the International Bar Association’s Human Rights Institute welcome the decision of Tajikistan to acceptⁱ some of the recommendations related to the protection of human rights defenders and lawyers. We encourage Tajikistan to ensure effective and timely implementation of these recommendationsⁱⁱ and we stand ready to support the government.

In countries where lawyers and human rights defenders are imprisoned for defending rights and where judicial independence is lacking, there is no means to access to justice. This prevents the right to seek remedy, perpetuates impunity, and undermines the rule of law. In recent years, lawyers in Tajikistan have been facing significant constraints and challenges in exercising their profession safely and independently. Their rights, and those of their clients, are not guaranteed. The executive branch systematically improperly interferes and hinders the work of lawyers. These practices, contrary to the principle of equality of arms, to the right to an effective defense, go unaddressed.

Furthermore, lawyers have faced judicial persecution for their involvement in politically sensitive cases. Alarming, based on the definitions of terrorism and extremism in the Tajik legislation, lawyers who defend clients charged with such crimes risk similar criminal prosecution, as was the case with the lawyer Buzurgmehr Yorov.

A further concern is that the independence of the legal profession in Tajikistan is not fully guaranteed. Some entities of the Bar Association depend on the Ministry of Justice, including the Qualification Commissionⁱⁱⁱ, exposing the legal profession to interference by the executive.

In order to ensure effective implementation of the accepted recommendations, we urge Tajikistan to:

1. Enact necessary safeguards to ensure the full independence and safety of lawyers in line with the UN Basic Principles on the Role of Lawyers
2. Immediately and unconditionally release all lawyers and human rights defenders who have been detained for doing their work and drop all charges against them
3. Refrain from any actions that may constitute harassment, persecution, or undue interference in the work of lawyers and take all effective measures to ensure that these violations are investigated and publicly condemned.
4. Our organizations stand ready to cooperate with Tajikistan on the above recommendations.

Thank you.

ⁱ Report of the Working Group on the Universal Periodic Review of Tajikistan, Addendum, 29 December 2021, A/HRC/49/12/Add.1

ⁱⁱ Report of the Working Group on the Universal Periodic Review of Tajikistan, 6 January 2022, A/HRC/49/12.

Supported recommendations:

123.61 Continue positive steps, with special focus on access to justice and effective redress (Armenia)

123.67 Strengthen the legal framework to ensure access to information and the exercise of freedom of expression and association, particularly by civil society and human rights defenders, ensuring that they can express themselves freely, without fear of reprisals (Costa Rica);

123.135 Implement the 11 recommendations from the previous cycle on the right to a fair trial, the independence of the judiciary and measures to protect lawyers (Australia);

123.138 Take measures to foster a safe, respectful and enabling environment for civil society and human rights defenders, especially women defenders, free from persecution, intimidation and harassment (Latvia);

123.143 Refrain from imposing restrictions on civil society and human rights defenders (Poland);

123.163 Guarantee that human rights defenders can freely exercise their activities, without risk of reprisals (France);

123.166 Ensure that lawyers are guaranteed full independence and safety, in law and in practice, to carry out their legitimate duties without any harassment, undue interference or fear of arbitrary criminal prosecution or other retaliatory measures (Norway);

ⁱⁱⁱ The Qualification Commission is chaired by a Deputy Minister of Justice ex officio and all sessions of the Commission are convened by the Deputy Minister of Justice.