Joint NGO report launched on International Day of Persons with Disabilities

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On the United Nations (UN) International Day of Persons with Disabilities the Tajikistani civil society organizations Bureau for Human Rights and Rule of Law (BHR), League of Women with Disabilities Ishtirok and Nota Bene, and Brussels-based International Partnership for Human Rights (IPHR) jointly publish the report “Persons with disabilities in Tajikistan: Pushed to the margins”. The organizations call on the Tajikistani authorities to swiftly implement all recommendations recently issued by the UN Committee on the Elimination of Discrimination against Women (CEDAW) to address violations and strengthen protection of the rights of persons with disabilities in Tajikistan, including for the ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol.

Men, women and children with disabilities in Tajikistan are vulnerable to human rights violations such as discrimination — particularly concerning access to education, the labour market, health care and social security — and abuse in semi-closed institutions such as residential care facilities and special boarding schools. Persistent societal stigma, physical barriers as well as the current system of special schooling and institutionalization, a legacy from the Soviet past, prevent persons with disabilities from fully participating in society and realizing their potential. Women and girls with disabilities often face multiple forms of discrimination due to their gender and poverty.

In recent years, Tajikistan has taken important steps in the right direction by, for example, setting up over 30 social service facilities, which provide early intervention and social support to children with disabilities and their families; initiating pilot projects on inclusive education; attaining limited improvements regarding the accessibility of several buildings for wheelchair users; adopting the National Programme for the Rehabilitation of Invalids for 2017-2020; and signing the CRPD in March 2018.

However, domestic legislation still contains provisions that prevent certain groups of persons with disabilities from accessing their rights: the definition of “invalidity” in domestic legislation is not fully in line with the definition contained in the CRPD; the official list of diagnoses constituting “invalidity” fails to mention disabilities such as autism; and the division of individuals into “invalidity” groups 1, 2 and 3 by the Government Service of Medico-Social Examination (GSMSE), all serve to further marginalize individuals with disabilities. The GSMSE certifies that persons classified with group 1 and 2 disability are unfit for work, but there are many cases when these people would be able to work if only their potential employers did not risk incurring fines due to the GSMSE certificate.
The civil society organizations jointly issuing this press release are also concerned that since April 2015, when the official responsible for staffing issues at the President’s Office ordered that all individuals with disabilities be dismissed from their workplaces, persons with disabilities employed in government structures and public institutions such as schools and hospitals have been forced to choose between their disability allowance and their employment.

While civil society organizations are aware of numerous cases where persons with disabilities were subjected to discrimination in the spheres of education, health care, the workplace and social security, there are no known cases where individuals have lodged complaints with the courts. The reasons for this include lack of knowledge about relevant laws, rights and complaint mechanisms, lack of trust in the justice system and fear of reprisals.

BHR, Ishtirok, Nota Bene and IPHR are seriously concerned that independent civil society organizations have no access to facilities for persons with disabilities for the purpose of human rights monitoring, apart from in the framework of the Monitoring Group established within the Office of the Ombudsperson, which has limited mandate and capacity.

During field research in June 2018, reliable sources told IPHR researchers about forced abortions, forced administration of drugs, the indiscriminate and inappropriate use of measures of restraint and denial of the right to family life in residential care institutions housing persons with disabilities.

In its concluding observations issued to Tajikistan on 9 November 2018, the CEDAW called on the Tajikistani authorities to:

- Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol;
- Ratify the Optional Protocol to the Convention against Torture that establishes an independent mechanism authorized to carry out unannounced and unlimited visits for the purpose of human rights monitoring;
- Ensure that persons with physical, sensory, intellectual and mental disabilities have access to education, work, health care and social security on an equal basis with others, and pay particular attention to women, who face multiple discrimination;
- Accelerate the adoption of comprehensive anti-discrimination legislation and adopt a comprehensive mental health legal and policy framework.