



**Organization for Security and Co-operation in Europe  
Centre in Dushanbe**

**Spot Report**

**Tajikistan adopts the  
'Law on the Human Rights Ombudsman'**

On 20 March 2008, the president of Tajikistan, Emomali Rahmon, signed the Law on the Human Rights Ombudsman, which was adopted by the *Majlisi Milli* (National Council, upper house of parliament) on 6 March. The law was passed by the *Majlisi Namoyandagan* (Council of Representatives, lower house of parliament) on 27 February. The new law will enter into force when published in the Government newspaper *Jumhuriyyat* (The Republic) and the Parliament's paper *Sadoyi Mardom* (People's Voice). The official publication is scheduled for 3 April.

The idea of forming the National Human Rights Institution (Ombudsman institution) had been discussed periodically for the past ten years and supported by the OSCE Centre in Dushanbe and the United Nations through several forums in Tajikistan, including an international conference in February 2006, co-sponsored by the OSCE and held in Dushanbe.

In June 2007, after the visits of the OSCE Chairman-in-Office and later the UN High Commissioner for Human Rights (UNHCHR), President Rahmon ordered the formation of a Government working group (consisting of representatives from the Presidential Administration, Ministry of Justice, Ministry of Internal Affairs, Council of Justice, General Prosecutor, Constitutional Court, Supreme Court and the Legal Department of the lower house of parliament, the *Majlisi Namoyandagan*) to draft a Law on the Human Rights Ombudsman. The working group sought funding from the international community to visit several European states as an 'exposure trip' prior to writing the draft law. The working group visited Poland and Denmark by invitation of the Danish Institute for Human Rights and used the services of an international consultant hired by the UNHCHR when drafting the law.

Prior to the vote by the lower house of Parliament, the draft law was the subject of several public discussions initiated by NGOs, the UNHCHR, and the OSCE Centre. A number of proposals aimed at improving the final draft law were presented to the law-makers by the local NGO community. One of the main NGO proposals is that the Human Rights Ombudsman shall be appointed by the *Majlisi Namoyandagan*, rather than by the President as in the final draft of the law. The NGOs consider that this arrangement better corresponds to the *Paris principles* – criteria for institutional independence and pluralism as set out by a resolution of the UN General Assembly. In the end, the law, however, gives responsibility to the President for the Ombudsman's appointment, while including a provision that the appointment should be confirmed by the *Majlisi Namoyandagan*. Although not all of the NGO recommendations are included in the final draft, the establishment of the Human Rights Ombudsman institution is an important step in meeting Tajikistan's shared values of the OSCE.

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