

 SURVEY
 ON ACCESS
 TO JUSTICE
 in TAJIKISTAN

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ABBREVIATIONS

DRR – Victims of natural disasters

GBAO – Gorno-Badakhshan Autonomous Region

HIV – Human Immunodeficiency Virus

LAC – Legal Aid Centre

NGO – Non-governmental organization

RRP – Districts of Republican Subordination

SALAC – State Agency for Legal Aid Centres

UNDP – United Nations Development Programme

UNHCR – United Nations High Commissioner for Refugees

EXECUTIVE SUMMARY

There is a large need for justice in Tajikistan that is predominantly unfulfilled. A survey conducted by UNDP, consisting of a questionnaire administered to 1928 persons and of discussions with members of vulnerable groups, shows that 710,000 persons aged 18 and over have a legal dispute in Tajikistan each year. These disputes, which occur disproportionately among residents of Dushanbe and those that are economically deprived, have a significant impact, causing health issues for over half of the disputants, as well as financial costs, physical violence and even death. Unfortunately, the overwhelming majority of disputes go unresolved, as the overwhelming majority of disputants refuse to turn to justice sector institutions to resolve them. This is particularly true for members of vulnerable groups, which face added barriers in accessing justice, such as widespread discrimination and a dismissive attitude from justice sector officials. To address this situation, Tajik authorities should continue with their efforts to make legal aid and the justice system more accessible.

DISPUTES ARE FREQUENT AND VARIED

Disputes raising legal issues are fairly frequent. Almost two fifths of the population (or 39.8%) has had legal issues in the past three years. This means that, annually, just over 710,000 persons aged 18 and over (a projected 710,297) have a dispute raising legal issues in Tajikistan.¹ Residents of Dushanbe and those economically deprived are notable for having more disputes than residents of other regions and those who do not have financial difficulties.

The most prevalent disputes tend to be on seemingly ‘mundane’ issues. Disputes are most commonly focused on **social welfare** and **public services, along with land and disputes between neighbours**. Namely, 28.3% of the population has had disputes over social welfare and public services, such as disputes over obtaining social benefits, while 17.9% have had disputes over land, such as disputes over boundaries and land titles. Disputes between neighbours (17.3%) entailed threats or harassment between neighbours, disputes over repairs of shared amenities, and disputes over family issues (15.4%), such as divorce. Citizens’ disputes are thus against or involving public authorities as well as members of the one’s social network.

Disputes have a significant impact. They cause a wide variety of problems such as **health issues** (55.3%), a range of **monetary issues** (financial costs for 40.5%, loss of income for 23.3%, etc.), **physical violence** (4.9%) and **death** or **personal injury** (3.9%).

¹ There are a reported 5.354,000 persons aged 18 or over in Tajikistan. Accordingly, with 39.8% of the sample, aged 18 or over, having legal issues over the past three years, that amounts to an estimated 710,000 adults having legal issues annually.

FAILURE TO RESOLVE DISPUTES AND (A LACK OF) TRUST IN THE JUSTICE SYSTEM

The most successful way to resolve a legal dispute is for disputants to undertake actions of their own and/or to approach the other party. Namely, 37.9% of those with legal issues directly approached the other party to try and resolve them or took other actions on their own, **and 42.4% of this group managed to resolve their disputes.** Yet, the great majority of cases (86.6%) were not resolved through negotiations with the other party or through the disputants own actions.

Despite this, only 13.6% of those with legal issues decided to approach a third party – such as courts, the police or lawyers - to resolve disputes, while the rest did not address anyone and chose to let their disputes go unresolved.

The reasons for refusing to turn to the third party are manifold and do not depend on the demographic and socio-economic characteristics of a respondent. The principal reasons for avoiding third parties include: the inaccessibility of the **justice system** (50.2%), lack of **knowledge of the process** (and whom to address) (24.1%), and a general sense that addressing a **third party would be useless** (21.9%).

However, even when addressing to a third party, **disputants avoid justice sector institutions.** Namely, only a few disputants turned to institutions (most notably to jamoats, mahallas or hukumats), while barely any addressed lawyers, the courts or even legal aid centres.

While **dispute resolution through third parties had certain success – 55% of those engaging with third parties said their disputes were resolved completely or partially** – overall, there was a tiny share of those who resolved disputes in this way – only 7.6%. In addition, only **1.4% of all disputants solved their disputes through court initialled settlements or court decisions** indicating that the role of courts in settling disputes by Tajiks is – at present – very limited.

Social networks are preferred to justice sector institutions when it comes to resolving legal issues – indicating the population’s lack of trust in the Tajik justice system, as well as a lack of (linking) social capital in Tajik society. The authors consider these findings indicating a strong lack of trust to carry more weight than the fact that 68.5% of the population claimed they trust the justice system; to coin a phrase, actions speak louder than words – and, despite their proclaimed trust in the system, respondents do not address it when they have disputes.

HOW WELL DO THE PEOPLE KNOW THE LAW – AND WHAT DO THEY THINK OF IT?

Individuals showed variable levels of awareness of their rights.

While there is a **low level** of legal awareness in the domain of **women’s rights to a divorce and the rights of children with disabilities to inclusion in regular education**, women’s rights to equal pay and **equal inheritance rights of sons and daughters are better understood.**

Respondents further showed modest levels of recognition and the knowledge of the role of State Legal Aid Centres – slightly more than a quarter of respondents were aware of them while less than a fifth understood their mandate. In particular, those that are economically most deprived are the least aware of State Legal Aid Centres and their role. Disconcertingly, respondents living in districts with LACs are almost equally as likely to think they have a LAC in their district (17.4%) as respondents living in districts that do not have a LAC established yet (16%).

Respondents' conceptions of justice include some worrisome attitudes. For instance, domestic violence and corruptive practices appear to be widely tolerated. This makes it additionally difficult to create attitudes that promote just outcomes in the country. On the other hand, women's property and inheritance rights appear to be more acknowledged, as well as the rights of persons with disabilities at work.

THE MOST VULNERABLE FARE THE WORST IN ACCESSING JUSTICE

Members of vulnerable groups face a set of added barriers in accessing justice in Tajikistan. **Many members of disadvantaged groups, such as victims of domestic violence, HIV-positive persons, refugees, and others face widespread discrimination and a dismissive attitude from justice sector officials, which prevents them from accessing justice.** Likewise, the police's treatment of members of particular vulnerable group, such as drug users, sex workers and many others is frequently violent and involves recurrent violations of their rights. As a consequence, members of vulnerable groups do not trust the justice system and very rarely engage with it.

Members of vulnerable groups are often economically deprived and are therefore unable to access better quality legal services. Although it might be expected that this would lead them to rely on Legal Aid Centres more, very few of them have heard of LACs, which obviously means they are less likely to use them. This ties into a larger theme - **a significant obstacle to members of vulnerable groups effectively accessing justice is a chronic lack of information on their rights under the law and on how to exercise them.**

Finally, many vulnerable groups have their own additional obstacles to accessing justice. These include: a lack of infrastructural accessibility for persons with disabilities; limited access to lawyers during pre-trial and trial phases of former prisoners; and a lack of freedom of movement, information on asylum and migration rights and access to personal documents for refugees in Tajikistan.

HOW TO MAKE PROGRESS ON ACCESS TO JUSTICE

The results show how successful the residents of Tajikistan are in accessing justice. The following measures are recommended by the report's authors to ensure Tajikistan keeps building on the progress made to date in this regard.

Building trust in the justice system is an essential step in strengthening access to justice for the population of Tajikistan. The justice system, led by the courts, police and prosecutor's office, should strive to build a more transparent and efficient system as a whole in order to build levels of trust and stimulate the citizens to use it more.

Further increasing access to a functional legal aid system. Tajikistan has recognised the provision of free legal aid as a foundation for facilitating access to justice. As a result, Legal Aid Centres (LAC) have been established across the country and the State Agency for Legal Aid Centres (SALAC) to manage them. While the LACs have provided a valuable service to an increasing number of persons since their inception they are still insufficiently known and do not, at their present capacity, meet the increasing demands of citizens in accessing justice. It is, therefore, essential to spread the network of LACs across the country and **notably in Dushanbe** which has the highest rate of disputes compared to other regions, in order to help meet citizens' needs, particularly of those the poorest and most vulnerable. Efforts to spread the networks of LACs across the country should be accompanied by the development of **strategies that aim to reach persons that are unaware of, or do not have the means to access, LACs, including the reimagining of local outreach efforts to promote LACs, which have not been particularly successful to date.** This should be accompanied by an **increase in the number of practicing lawyers and an investment in strengthening their capacities.**

Providing **secondary legal aid in civil and criminal cases should be further intensified.** The lack of legal representation in civil and criminal cases often leads claimants not to use courts in resolving their disputes. While SALAC's pilot initiatives to provide representation in criminal cases in parts of Tajikistan are welcome and should be continued, its focus should be expanded to also providing secondary legal aid in civil cases, as the vast majority of disputes are civil in nature.

Additionally, **an effective mediation system should be developed.** The survey shows that the Tajik population has had some success in resolving disputes directly with the other party. In this context, the dispute resolution success rate could be improved through the establishment of an effective mediation system that would build on lessons learnt from earlier initiatives.

Furthermore, a range of measures should be introduced to ensure better access to justice for disadvantaged groups. While reform efforts should entail raising awareness among justice system officials on the rights of persons with disabilities, victims of domestic violence and others, they should also involve awareness-raising among members of disadvantaged groups on their rights and means to access them. This is particularly crucial for members which are exposed to widespread discrimination and barriers in accessing justice. Likewise, it is essential to **promote and support the work of civil society organisations** actively engaged in provision of legal assistance and psychological support to the members of vulnerable groups and **ensure they are provided with an adequate legal framework** as they are often the primary, and even the sole justice service provider for disadvantaged groups. This should be accompanied by a proactive approach in developing innovative mechanisms of access to justice such as **mobile service provision** to members of certain disadvantaged groups that are prevented from accessing legal aid providers directly.

Raising awareness of the law and legal procedure. There can be no equality of arms – no level playing field in the justice system – if some citizens are not aware of their rights. Addressing this problem requires a range of measures, including legal education programmes through schools; outreach activities by legal aid providers and open days by courts, prosecutors' offices and lawyers.

The promotion of the rights of disadvantaged groups. This survey highlighted the blind spot among the population at large when it comes to the rights of women, victims of domestic violence, persons with disabilities. Efforts – such as awareness-raising campaigns and outreach events - should be made to rectify this gap.

Build the capacity of justice sector officials to provide better service. The findings show that service providers, including those in courts, are not particularly respectful, fair or transparent in their communications with citizens. Moreover, those that have had experiences with the justice system appear to have worse opinions of it than those that did not. This state of affairs should be rectified through systematic capacity building efforts featuring activities such as training, mentoring and exchanges with providers of access to justice in the region.

Finally, **justice sector actors should be innovative and empirically oriented** in their approach. Mechanisms used for providing access to justice should be accompanied by a sound research design based upon relevant methodological approaches for measuring their effectiveness. In addition, it is paramount that actors in the justice sector are exposed to best practices globally, to enable them to improve and find more effective mechanisms for providing access to justice.



INTRODUCTION

SCOPE AND OBJECTIVE OF THE SURVEY

This report presents the findings of a survey conducted in 2019 and 2020 to examine access to justice in Tajikistan.

The objective of the survey was to explore and measure the needs and experiences of people in Tajikistan in accessing justice and their attitudes to the justice system.

In order to do this, the survey focused on five crucial aspects of access to justice in Tajikistan.

The **first is the justice needs of the population of Tajikistan**. The survey team questioned the population on which legal disputes they have had in past three years and broke them down by subject matter and adversary.

The **second aspect is the experiences of the respondents in accessing justice**. The survey examined the decision-making processes of ordinary citizens in resolving disputes and legal issues. The survey sought to distinguish between citizens that addressed members of their social networks (friends, neighbours, community leaders, and others), that addressed justice sector institutions (courts, police, prosecutors, and others), that addressed the other party to the dispute, that undertook actions of their own, and that did nothing to resolve their disputes. The survey focused on both **processes and outcomes**: it measured how **fair, respectful and transparent** such experiences were, as well as how much dispute resolution processes cost, how long they lasted, **how efficient they were**, and **what their impact was on the health, emotions and finances of respondents**. Finally, it looks at whether the **outcomes of these dispute resolution journeys were fair**, whether they **satisfied** citizens and whether they were **enforced**.

The **third aspect is the trust in the justice system**. The enumerators interviewed respondents on their levels of trust in those that help to resolve disputes: justice sector institutions (including courts, the police, local executive bodies, and others), as well as trusted individuals (friends, neighbours, community leaders) and others in their social networks.

The **fourth aspect is knowledge of the law and conceptions of justice**: the populace was surveyed on how well they know basic provisions in the law and what they think justice demands when it comes to citizens' rights. This provides us with a baseline for understanding how individuals approach their justice problems.

The first four aspects are measured through the use of a questionnaire that was administered to a large cross-section of the population of Tajikistan. Although it produced insightful and detailed results that highlight the main obstacles to accessing justice in Tajikistan, there are certain groups in Tajik society whose experiences it does not capture because they may be unwilling to identify as members of such groups or because they may be too small or difficult to register in this manner.

As a result, the **fifth aspect is the particular experiences of certain disadvantaged groups,² such as the victims of domestic violence, victims of natural disasters, people living with HIV, refugees from Afghanistan, drug users, former prisoners, persons with disabilities and others.** The identities of members of these groups and their living conditions or circumstances mean they have different sets of constraints in attempting to access justice than the remainder of the population. Consequently, the research devoted additional attention to their experiences in accessing justice. In order to do so, it employed qualitative research methods, such as interviews and focus groups.

KEY ISSUES AND GROUPS

Identifying key access to justice issues and disadvantaged groups in Tajik society was a **two-fold process:** on the one hand, **they were generated through the above-mentioned questionnaire** in a bottom-up manner. This ensured that the results reflect the real justice needs, disputes and grievances of citizens, even though they may have rarely been the subject of court cases. The questionnaire was therefore designed so as to generate justice needs and dispute resolution journeys in an open manner.

On the other hand, as was mentioned above, it was necessary to highlight the plight of some disadvantaged groups that the quantitative survey (administered through the questionnaire) would be unable to cover. In order to do this, **the research team identified disadvantaged groups that the survey would focus on through qualitative research.** These include groups whose issues the quantitative survey could not reliably capture because they are too small (such as persons with disabilities), groups whose members might be reluctant to share their experience to an anonymous enumerator (such as the victims of domestic violence), as well as groups that cannot be easily reached through a household survey (such as drug users).

METHODOLOGY OVERVIEW

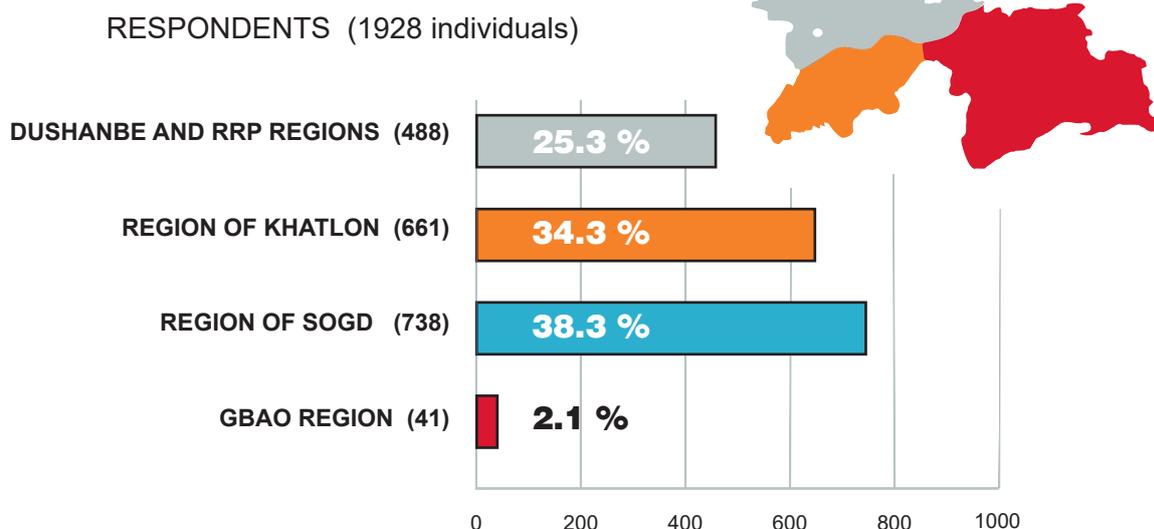
The survey was conducted using a mix of qualitative and quantitative methods, thus allowing for an extensive and in-depth analysis of access to justice and related issues. The quantitative and qualitative research complemented each other to produce the findings presented in this report. For a full overview of the methodology, please see **appendix 1**.

BREAKDOWN OF THE SAMPLE OF THE QUANTITATIVE RESEARCH

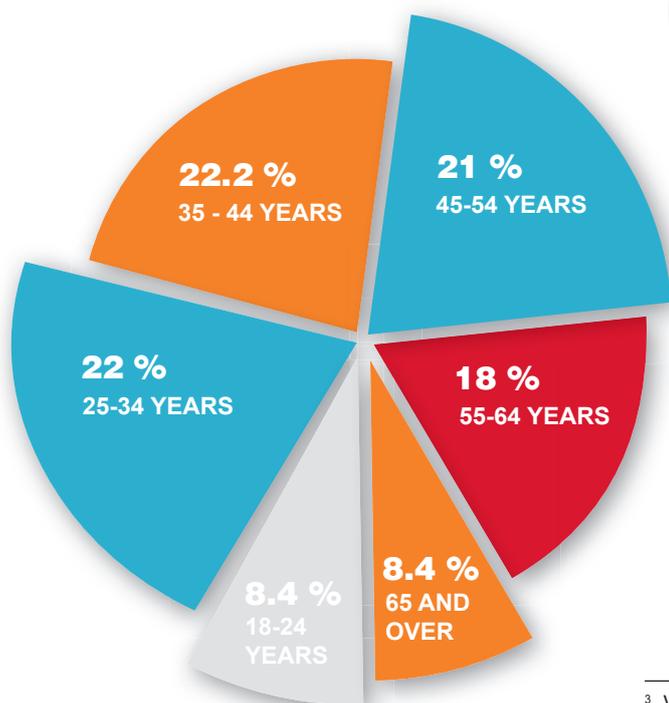
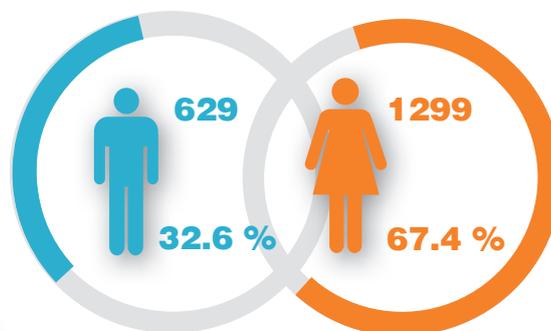
- ◆ A total of 1928 individuals aged 18 and over were interviewed in the period between November 5 and December 4, 2019.

² Disadvantaged social groups refer to those who experience different sorts of social exclusion and stigmatization based on their personal characteristics such as gender, age, sexual orientation, health condition and social and economic status. The list of these groups was compiled by the authors of the study, based on consultations with UN staff, civil society organisations and other informed stakeholders.

- ◆ The respondents were interviewed in 5 regions: Dushanbe, RRP, Soghd, Khatlon, and GBAO. 488 respondents (25.3%) were drawn from Dushanbe and RRP regions, while the highest number of respondents comes from the region of Sogd – 738 respondents (38.3%), followed by the region of Khatlon – 661 (34.3%). In addition, 41 respondents (2.1%) were drawn from GBAO region. Almost half of total respondents were drawn from 6 districts – 959 (49.7%),³ with the highest number drawn from the B.Gafurov district, while the average number of respondents in the remaining districts was 30.6. Of total number of respondents 1640 (85.1%) were drawn from rural and 288 (14.9%) from urban areas.

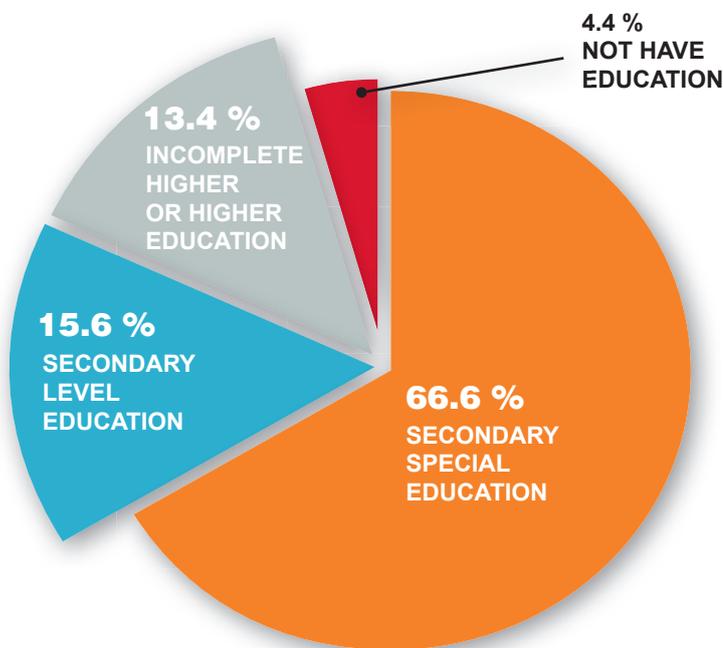


- ◆ The sample was more populated by women – 1299 (67.4%), while 629 (32.6%) were men.

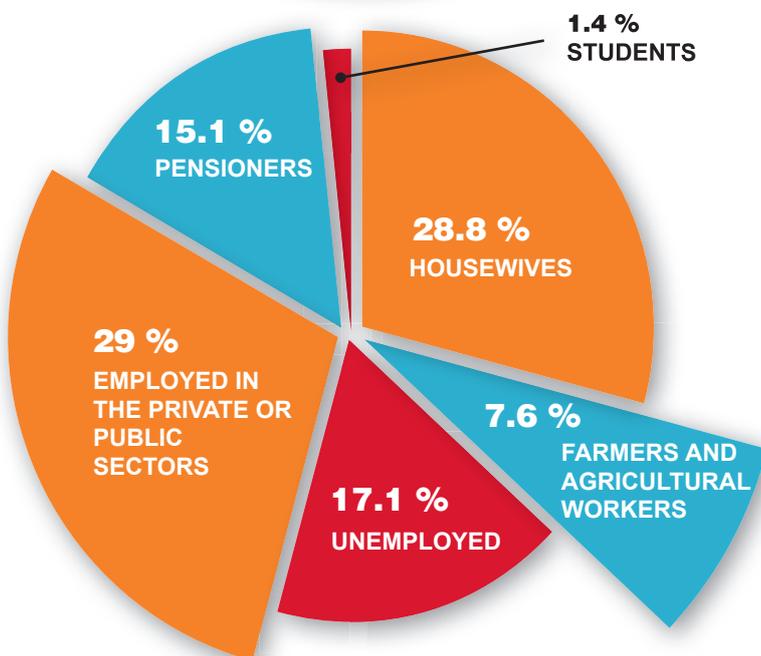


- ◆ The most represented age group were those between 35 and 44 years old (22.2%), followed by those aged between 25 and 34 (22.0%), those aged between 45 and 54 (21%), those aged between 55 and 64 (18%), those aged between 18 and 24 (8.4%), and those aged 65 and over (8.4%).

³ Vakhdad, B.Gafurov, Devashlich, Pendzhikent, Vose, Dzhal' hun.



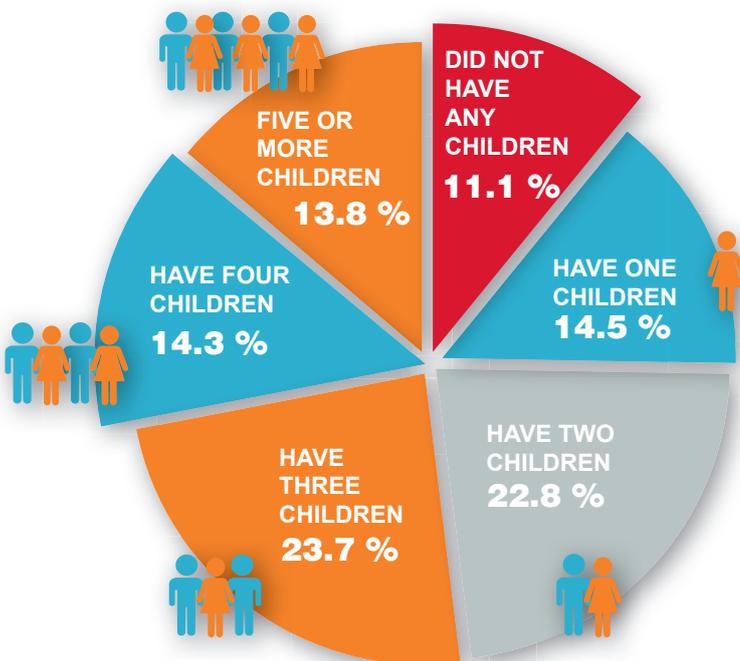
◆ Respondents are most commonly educated to an incomplete secondary, or completed secondary level (66.6%); a further 15.6% of respondents have a completed secondary special education (technical school, vocational school), while 13.4% have an incomplete higher or higher education; finally, 4.4% did not have any education.



◆ Nearly one in four respondents claimed they were employed, with 29% employed either in the private or public sectors, while 7.6% claimed they were farmers and agricultural workers. The remainder of the population are either unemployed (17.1%), housewives (28.8%), pensioners (15.1%) or students (1.4%).

◆ The overwhelming majority of respondents were married (82.8%), while only 4.1% were single, 8.9% were widowed, while 3.1% were divorced.

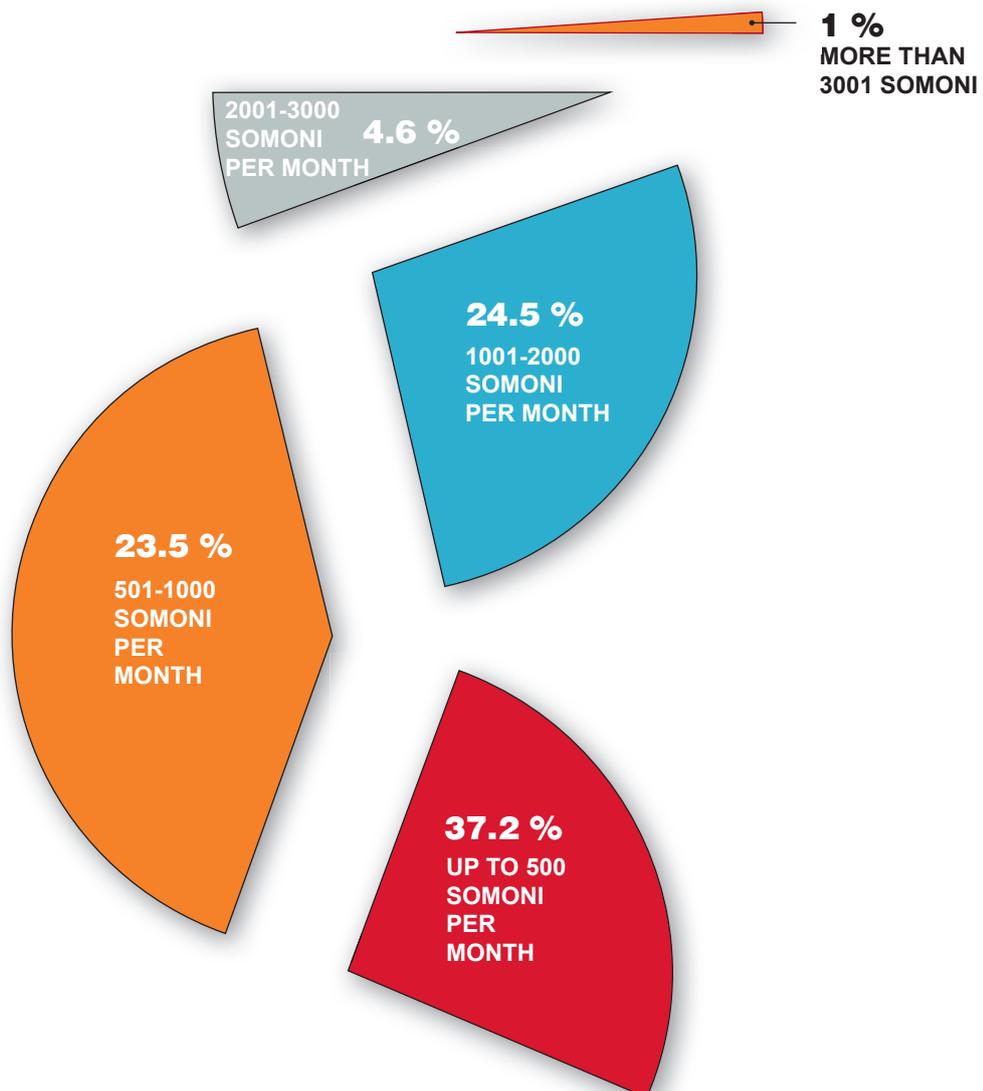
◆ Nearly **one in 4 respondents had three children aged 18 or below (23.7%)**, while almost the same share of respondents had **two children aged 18 or below (22.8%)**. The share of respondents with one and four children was 14.5% and 14.3%, respectively while 13.8% of respondents had five or more children and 11.1% of respondents did not have any children.



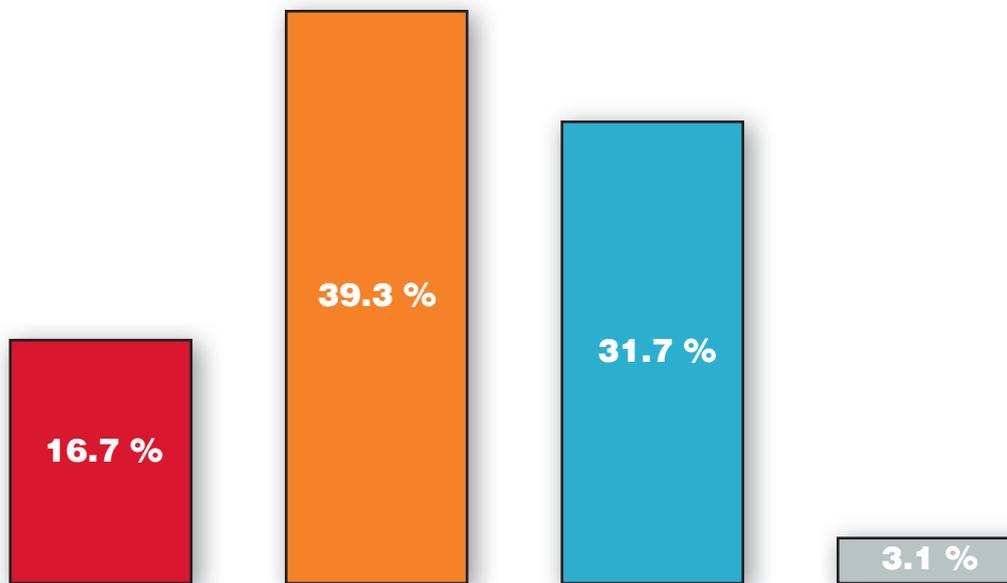
- ◆ The plurality of the respondents lived in families with five or six family members (34.8%), while 24.1% lived in families with four (11.3%) or seven family members (12.8%). Respondents living in the families between eight to thirteen members constituted 27.2% of the sample.



- ◆ The most represented group of respondents were those whose household monthly income ranged between 501 and 1000 somoni (37.2%), followed by those whose households earned up to 500 somoni (23.5%). Those whose household monthly income was between 1001 and 2000 constituted 24.5% of the sample, while 4.6% of respondents' monthly household income was between 2001 and 3000 somoni. Only 1% of households whose members participated in the research earned more than 3001 somoni per month.



- ◆ The plurality of respondents belonged to the families whose financial situation allowed them to buy food (39.3%) while 31.7% of respondents had enough money for food and clothes. 16.7% of respondents did not have enough money for food, while 3.1% of respondents did not have any financial issues.



- ◆ Nearly one in five interviewees (21%) lived in poor households as registered by local authorities.

BREAKDOWN OF THE SAMPLE OF THE QUALITATIVE RESEARCH

- ◆ A total of 274 individuals participated in **36 focus groups** held in the period between April and May 2019.
- ◆ **The focus group participants come from the ranks of vulnerable population groups, including persons with disabilities, victims of natural disasters, victims of domestic violence, national minorities, migrant workers, refugees, former prisoners, sexual workers, drug users, people living with HIV and other members of disadvantaged communities.** In total, 11 categories of disadvantaged social groups were selected for participation in focus groups based on the social exclusion and stigmatization and their personal characteristics such as gender, age, sexual orientation, health condition and social and economic status. Three focus groups were held per participants' category in three different locations. The average number of participants per focus group was 7, while the average number of participant per category was 23.
- ◆ The representation of men and women in focus groups was almost equal - 138 men and 136 women. Yet, there was a disparity in the representation of men and women within certain categories of focus groups, such as, for instance, focus groups with victims of domestic violence and sex workers entirely populated by women, while men dominated within some of the other disadvantaged categories, including drug users and migrants categories represented in the focus groups.

- ◆ The focus groups were held in Dushanbe, Khujand, Spitaman, Kulob, Istaravshan, Bohtar and Buston.

BREAKDOWN OF QUALITATIVE RESEARCH SAMPLE

Focus group category	Male	Female	Total
Victims of natural disasters	10	16	26
National minorities	12	9	21
Former prisoners	11	17	28
People with disabilities	15	8	23
Refugees	11	13	24
Labour migrants including partners/family of working migrants	30	9	39
Domestic violence victims	0	19	19
HIV	6	17	23
Sex workers	0	23	23
Drug users	22	4	26
Other disadvantaged groups	21	1	22
TOTAL	138	136	274

THE LIMITATIONS OF THE SURVEY

The survey faced a number of limitations which may have impacted the accuracy of its results to a small degree. First, its sample (of 1928 persons) was limited by its resources; the results are statistically valid and within the acceptable margin of error for similar surveys, but a larger sample may have enabled the authors to explore some more nuance in the answers than contained in the current report. With regard to the qualitative sample, the reluctance of the members of some vulnerable groups, such as drug users, to identify themselves, impacted our ability to interview a wider range of members of this group, thereby narrowing the portrayal of their experiences.

Further, stakeholders interviewed in preparation of the survey, as well as many respondents interviewed in the course of the survey (particularly for the qualitative part) indicated that rule of law issues are not openly discussed in Tajikistan due to concerns about the people's personal security. This, it was suggested, may have led respondents to inflate their positive opinions of the system and its constituent parts (the police, prosecution serve, courts and others) in their responses. It may also have led some to withhold their answers to purportedly sensitive questions; thus, for instance, 11.8% of the sample refused to answer whether they trust the justice system in Tajikistan. Therefore, the results presented herein should be used as a starting point in further discussions about the rule of law, to be cross-referenced with the experiences of stakeholders and of users on the ground, rather than being considered as the only, definitive, source of data on the manner in which the people of Tajikistan access justice.



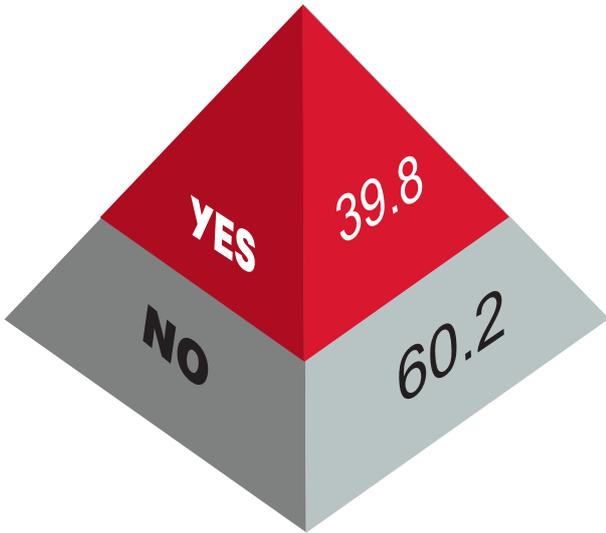
CHAPTER 1

BREAKDOWN OF CITIZENS' DISPUTES

This chapter highlights the legal disputes of the citizens of Tajikistan and the characteristics of these disputes, such as their subject matter, the opposing side and the kinds of damage incurred. It will present an overview of this data, while the following chapters will explore the manner in which these disputes are resolved.

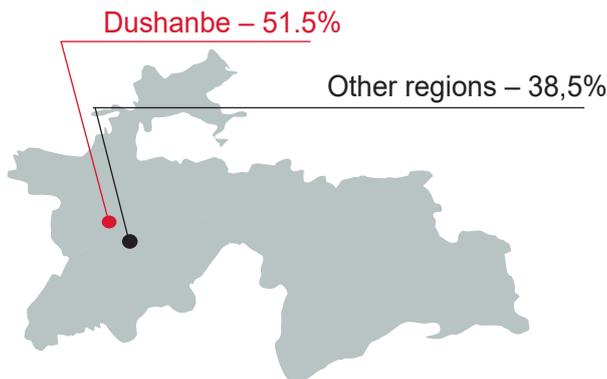
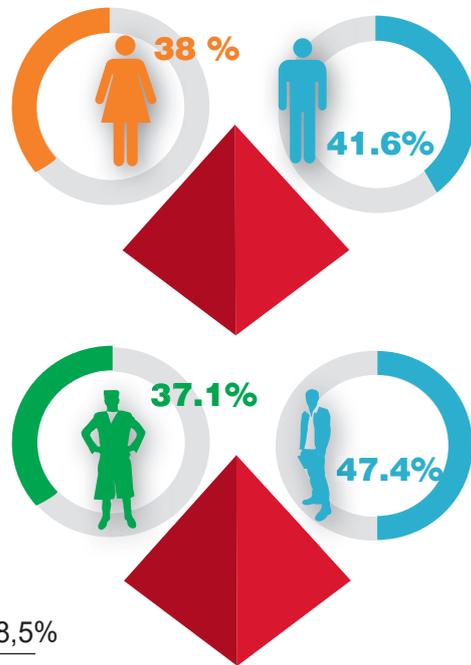
Nearly forty percent (39.8%) of individuals have had legal problems in the last three years.

Have you had disputes raising legal issues? (%)



This means that, annually, just over 710,000 persons aged 18 and over (a projected 710,297) have a dispute raising legal issues in Tajikistan.

Over the past three years men (41.6%) have had marginally more disputes than women (38%), and urban residents (47.4%) were much likelier to have disputes as rural residents (37.1%).

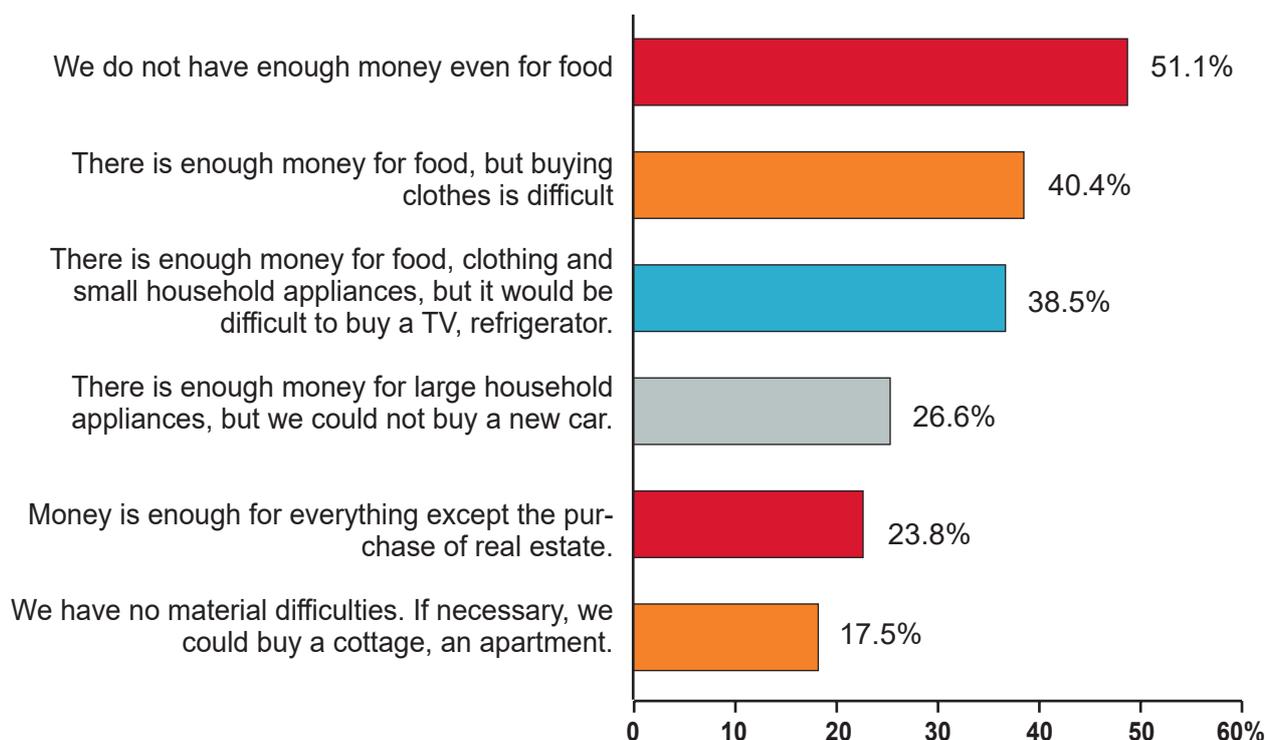


Accordingly, there was also a notable difference between the residents of and those outside the capital. Namely, while more than a half of the residents of Dushanbe (51.5%) had disputes raising legal issues over the past three years, the same was true for slightly under two-fifths (38.5%) of residents of other regions. More specifically, around a third of residents of RRP (34.9%), Soghd (36.1%) and GBAO (31.5%), and over forty percent of those in Khatlon (43.4%), had disputes raising legal issues over the past three years. It should be noted that the sample for GBAO was relatively small due to its tiny population.

I have had disputes raising legal issues – by region

Dushanbe	RRP	Soghd	Khatlon	GBAO
51.5%	34.9%	36.1%	43.4%	31.5%

The most dramatic difference was noticed according to economic circumstances. Namely, the worse off an individual was, the likelier it was that they had a dispute raising legal issues. While 51.1% of those that stated they “did not even have money for food” had a dispute in the previous three years, that percentage dropped precipitously as the respondents got wealthier, reaching 17.5% for those with “no material difficulties”. It should also be noted that there was little difference in the prevalence of disputes between those that were registered by local authorities as a poor household (42.6%) and those that were not (39.1%). The seeming disparity between these figures and the previous set (those looking at respondents’ economic situations more descriptively) could indicate a number of things, such as that the line of demarcation for receiving benefits has been set too low.



The most frequent category of disputes are focused on social welfare and public services, with 28.3% of the population having such disputes. These include disputes over access to health care, access to welfare benefits, the enrolment of children into kindergarten or school, disputes over pensions, difficulties with obtaining documents from administrative offices, difficulties over services for persons with disabilities, and so on.

The next most frequent kind of disputes have land as their subject matter. Namely, 17.9% of the population has had disputes over land. These include disputes over boundaries, disputes over the use of land, disputes over the right to (and ownership of) land, and other sub-categories of disputes.

Another significant category of disputes among the citizenry were disputes between neighbours, **such as threats or harassment between neighbours, disputes over repairs of shared amenities, disputes over expenses for shared amenities, with 17.3% of the population having had a dispute on this subject.**

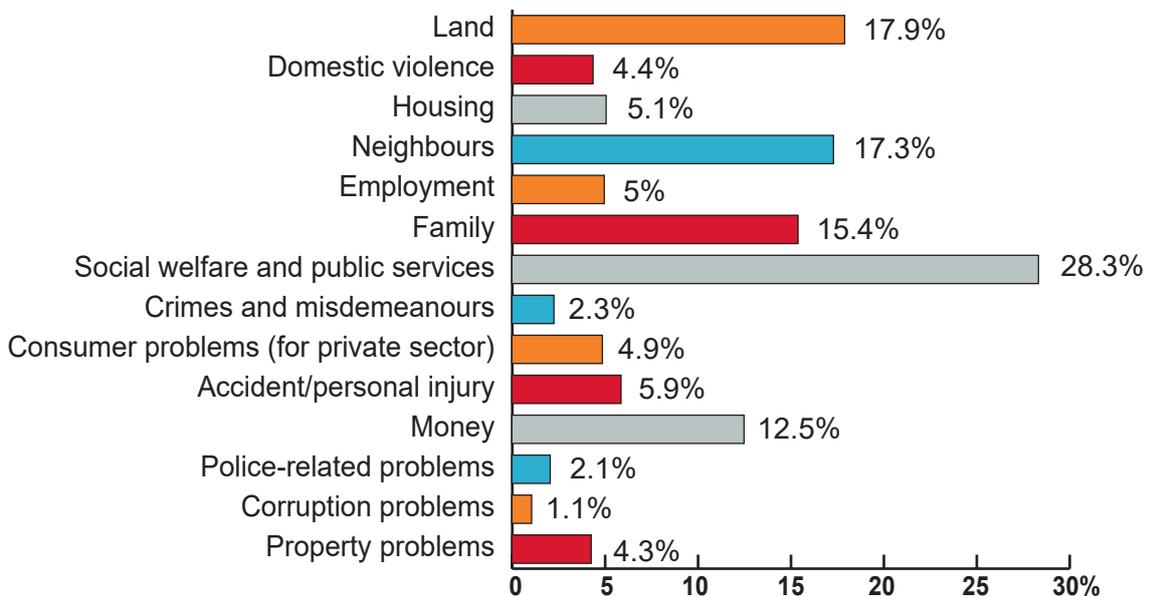
A further **15.4% of the population had disputes over family issues**, such as disputes divorce or separation, custody, alimony, maintenance in a current marriage, child support, and inheritance or wills.

Another category of disputes among the population of Tajikistan involves **money** - such as disputes over the lending or borrowing of money, taxes, and disputes with banks – **which one in eight, or 12.5%, of the population had over the past three years.**

Other, less notable, categories include **disputes over accidents or personal injuries (5.9%), while a further 5.1% had disputes over housing and 5% had disputes over employment.**

Crime is a far less frequent legal issue for the population at large. Burglary, theft and other crimes were reported as occurring very infrequently. However, **domestic violence, as well as crimes such as corruption, are frequently under-reported in large-scale surveys (where data are collected through households).** For example, other studies, carried out under the purview of the Ministry of Health and Social Protection of Population of the Republic of Tajikistan that focused on domestic violence, indicate that 26.4% of women aged 15-49 have experienced physical violence over their lifetimes, and 19% had experienced it over the past 12 months (the survey was conducted in 2017), which would make it likely that it occurs much more frequently than the above-mentioned results show.⁴

Percentage of population that has had this dispute between November 2016 – November 2019

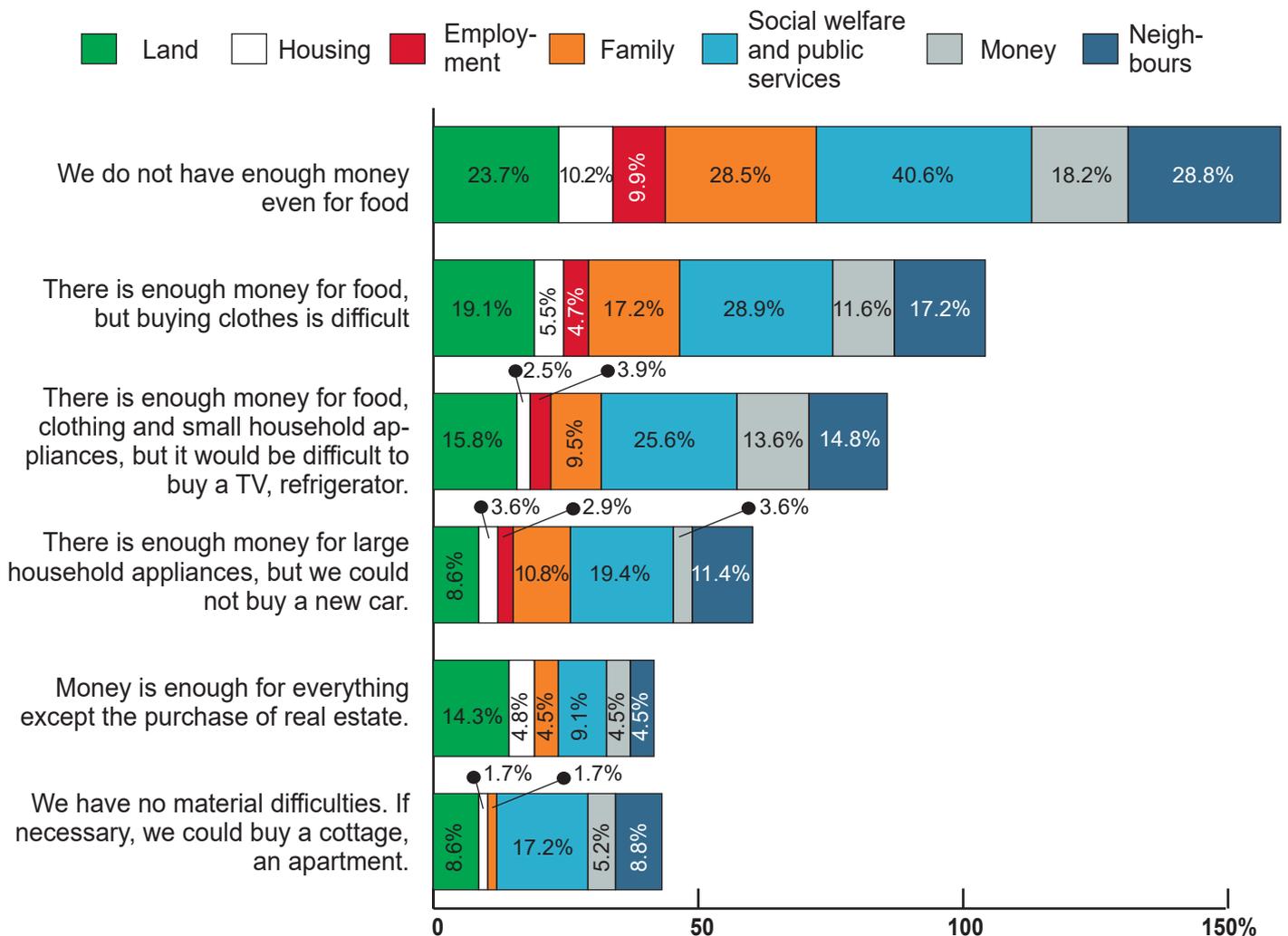


⁴ UN Women, 'Global Database on Violence against Women', <https://evaw-global-database.unwomen.org/en/countries/asia/tajikistan#2>, last accessed 24 January 2020.

The poorer a person is in Tajikistan, the likelier they are to have a variety of types of disputes, including over family issues, land, housing, employment, social welfare and public services, and money. For instance, almost three in ten (28.5%) of the poorest respondents (those that describe themselves as not having enough money even for food) have legal disputes centred on family issues, while the same is true of only 1.7% of those from the wealthiest category (self-described as having no material difficulties). Similarly, nearly a quarter of the poorest respondents had disputes over land (23.7%), while only 8.6% of the wealthiest respondents had such disputes.

A pronounced disparity between the rich and the poor is also to be found regarding the frequency of disputes on social welfare and public services. Namely, while 40.6% of the poorest respondents have had such disputes in the past three years, only 17.2% of the wealthiest respondents have had similar disputes.

Subject matter of disputes – by levels of wealth (by %)

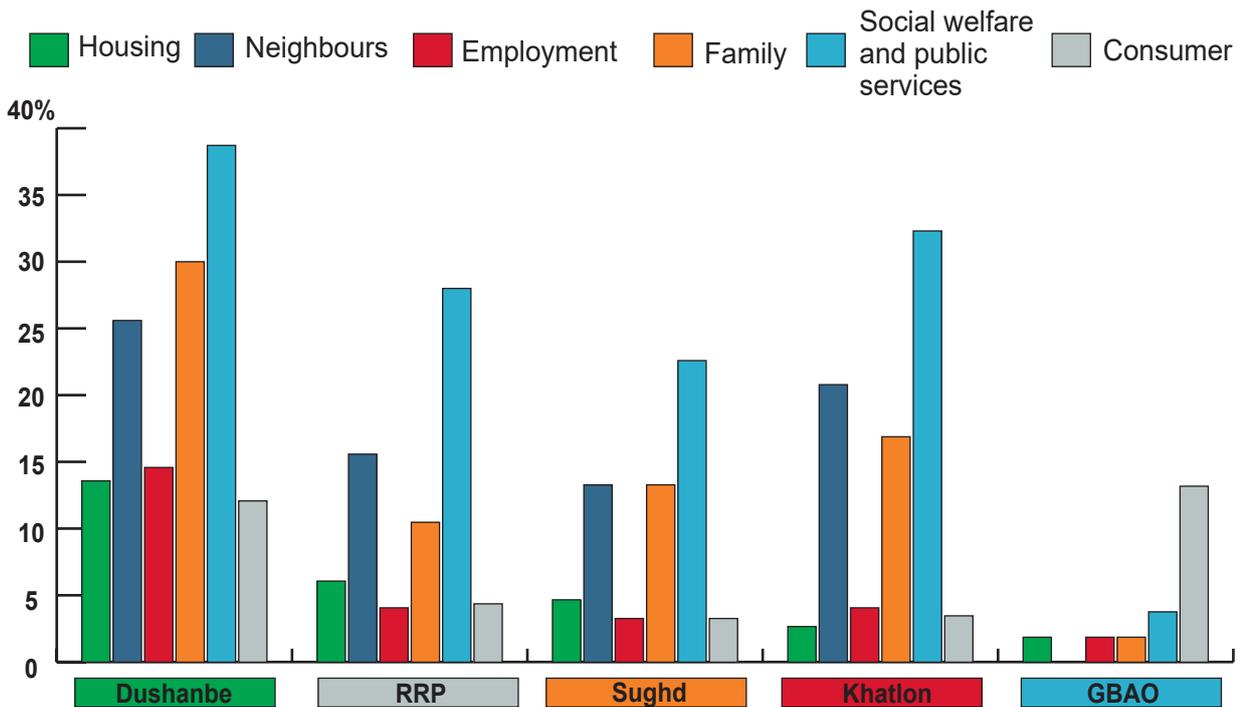


Residents of Dushanbe are far likelier than those living in other areas of Tajikistan to have had disputes in a range of areas (which is not the case for residents of other urban areas, outside Dushanbe; there is no significant difference between the frequency of their disputes and the disputes of residents of rural areas). The most pronounced difference concerns disputes over family, which 30% of the residents of Dushanbe had over the past three years, compared to no more than 16.9% in the next highest region (Khatlon).

Another category of disputes where there is a prominent difference is social welfare and public services; namely, close to two in five of the residents of Dushanbe (38.7%) have had such disputes, while other regions are progressively lower – 32.3% in Khatlon, 28% in RRP, 22.6% in Sughd, and 3.8% in GBAO.

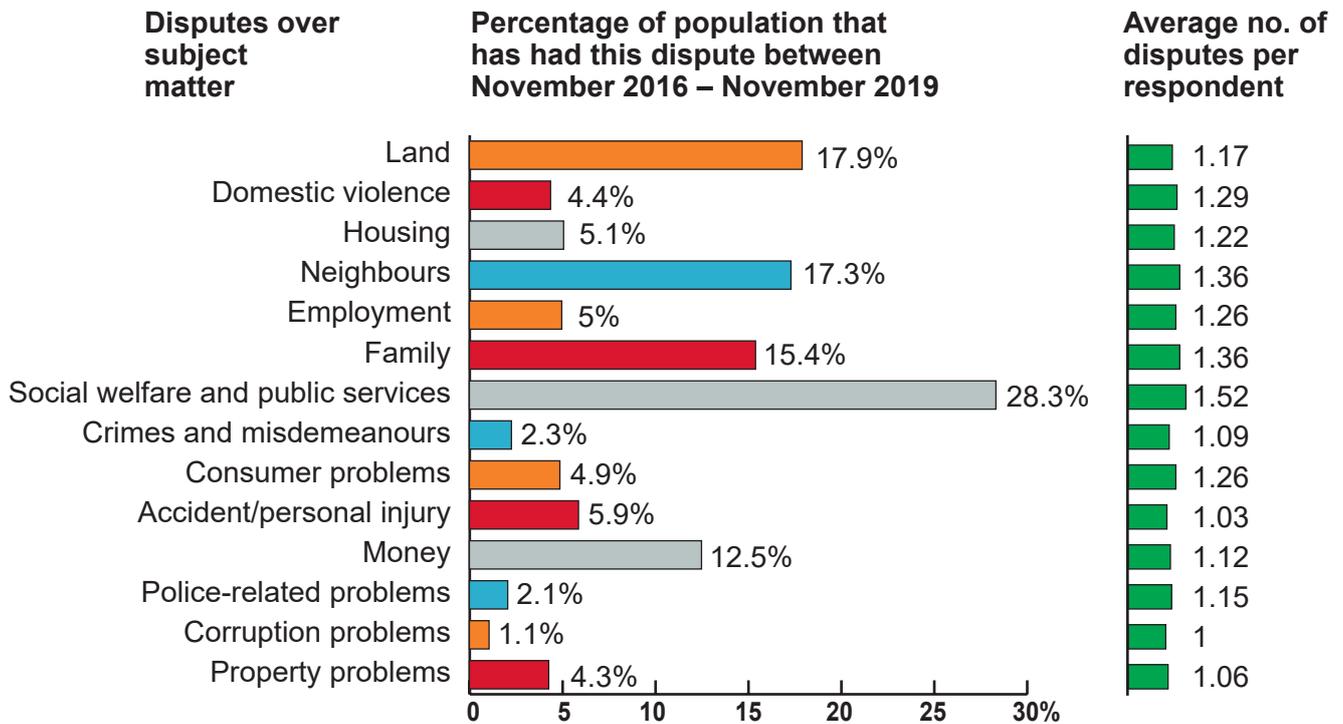
Another prominent area of distinction are employment disputes (such as non-payment of wages, disputes over working hours and overtime, etc.), which 14.6% residents of Dushanbe have had, as compared to 4.1% of residents of RRP and of Khatlon, as well as 3.3% of Sughd.

Subject matter of disputes – by region (by %)



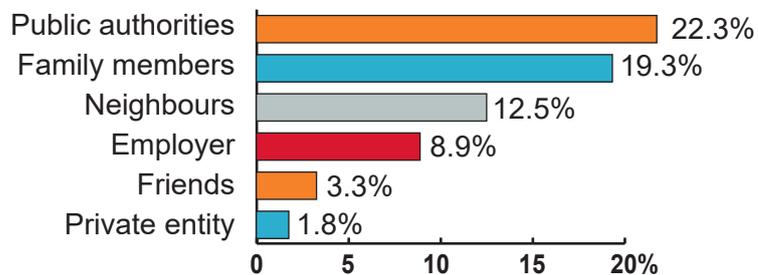
The disputes that are likeliest to recur are those regarding social welfare and public services. Those reporting disputes on this subject matter had an average of 1.52 such disputes. Other frequently recurring types of disputes involved family members, and disputes between neighbours (both at 1.36 disputes per disputant on average).

Subject matter of disputes



Respondents had disputes with a variety of parties. The most prevalent were public authorities (22.3%) and family members (19.3%). These were followed by neighbours (12.5%), employers (8.9%) and friends (3.3%).

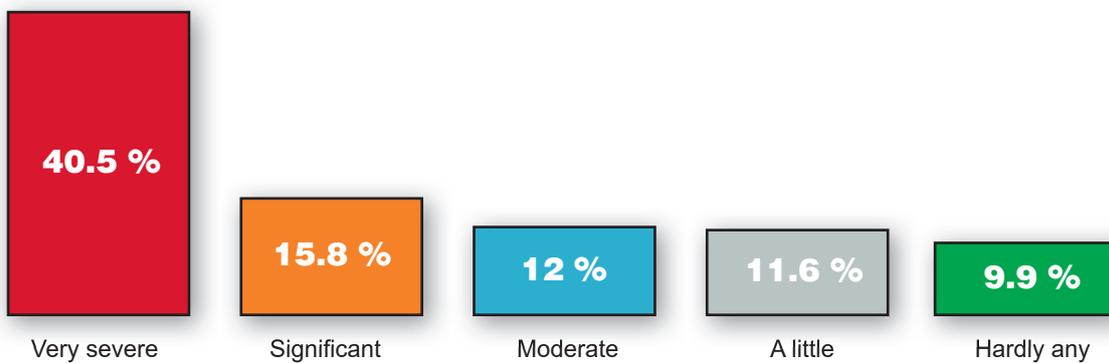
Who is the other side in disputes?



This finding would appear to show the nature of relations and transactions in Tajikistan. **Respondents tended to have disputes with persons with whom they have close relationships, such as family members, neighbours and friends, or with public authorities.** Moreover, while over a fifth of the respondents' disputes were with public authorities, a very small percentage were with private entities, which may be a sign of the relatively small size of the private sector in the country, or of the lack of awareness of consumer rights among the population.

The impact of the disputes was substantial. Over two-fifths (40.5%) of those with disputes said the disputes had a "very severe" impact, while another 15.8% said the impact was significant and a further 12% said it was "moderate".

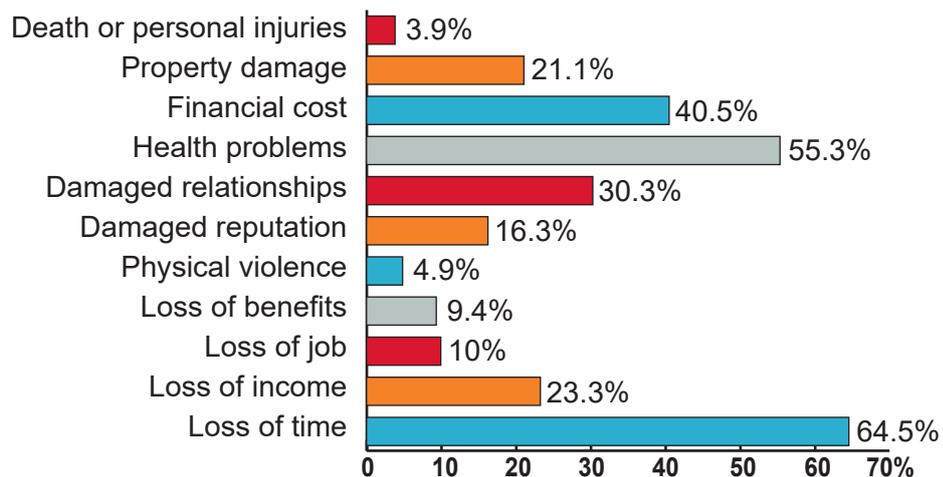
What impact did the dispute have on you? (by %)



The disputes cause a variety of problems to the disputants. Most frequently, to nearly **two thirds of those with disputes (64.5%), they result in the loss of time.** They also result in a range of more serious problems; **over half (55.3%) of disputants had health problems due to their dispute, and slightly under half (40.5%) incurred financial costs** as a result. Disputes led to **disputants incurring other monetary costs as well,** through the loss of income (23.3%), loss of a job (10%) and the loss of benefits (9.4%).

Disputes also led to **damaged relationships for 30.3% of disputants.** Other notable impacts include a damaged reputation (16.3%) and property damage (21.1%) to just over a fifth of those with disputes. Finally, and most seriously, **4.9% of disputes led to physical violence and 3.9% of disputes led to death or personal injuries.**

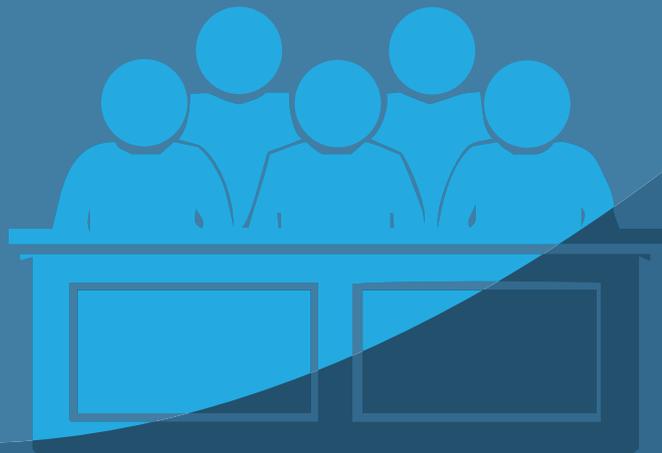
Did the dispute lead to? (by %)



KEY FINDINGS ON CITIZENS' DISPUTES

The results show:

- ◆ **An estimated 710,000 persons have legal disputes each year, with some having more than one dispute.** That amounts to **39.8% of the population with such disputes over the three-year period examined by the survey.**
- ◆ **Residents of Dushanbe (51.5%) are much likelier to have disputes raising legal issues as citizens in other areas of Tajikistan (38.5%).** This is particularly true of disputes over family issues, which residents of Dushanbe (30%) are much likelier to have than those living outside the capital (13.7%). It is also true when it comes to disputes over social welfare and public services, which nearly two-fifths of residents Dushanbe (38.7%) have had, compared to 27.1% of those living elsewhere, and when it comes to employment disputes.
- ◆ **The most frequent kinds of disputes are focused on social welfare and public services, along with land.** Namely, 28.3% of the population has had disputes over social welfare and public services, such as disputes over obtaining benefits, while 17.9% have had disputes over land, such as disputes over boundaries and land titles. Other common disputes are between neighbours (17.3%), such as threats or harassment between neighbours, disputes over repairs of shared amenities, and disputes over family issues (15.4%), such as divorce.
- ◆ **Impoverished citizens are notable for having far more disputes** than better off citizens, with **51.1% of the poorest citizens** (those who cannot afford money even for food) **being nearly three times as likely as the most well off, who do not have material difficulties (17.5%).** This **disparity is prominent, for instance, when it comes to disputes over social welfare and public services,** which 40.6% of the poorest persons have had, contrasted with 17.2% of the wealthiest respondents. Similarly, nearly a quarter of the poorest respondents had disputes over land (23.7%), while only 8.6% of the wealthiest respondents had such disputes.
- ◆ **The impact of the disputes was substantial. Nearly half (40.5%) of those with disputes said the disputes had a “very severe” impact,** and a further 15.8% felt that disputes had a “significant” impact on them.
- ◆ **The disputes caused a wide variety of problems.** Most notably, they led to **health problems for 55.3%, a range of monetary issues** (financial costs for 40.5%, loss of income for 23.3%, and so on) and, in the most severe cases, to **physical violence (4.9%) and death or personal injury (3.9%).**
- ◆ **Disputes that are likeliest to recur are those regarding social welfare and public services.**
- ◆ **Disputes occur principally with the public authorities or those closest to the respondents,** including family members, neighbours and friends. Less common are disputes with private entities.



CHAPTER 2

RESOLVING LEGAL ISSUES AND THE JUSTICE SYSTEM

The following chapter will walk the reader through the ways in which respondents with legal issues in Tajikistan resolve them. It will present the characteristics of the justice journeys undertaken by the population of Tajikistan according to the steps taken by the population to resolve their legal issues.

The first sub-section of this chapter will discuss how frequently the respondents sought preliminary advice for their legal issues, and from whom.

The second sub-section will describe how those respondents that approached the other party, or that took actions on their own such as gathering evidence, fared in their attempts to address their legal issues.

Finally, the third – and principal - sub-section of this chapter will describe how respondents sought to resolve their legal issues through third parties, including institutions (such as the police, courts, lawyers, and others) and their social networks (friends, family, trusted persons such as community leaders). Although resolving disputes through institutions may sound more familiar to the reader, resolving disputes through social networks entails addressing trusted individuals to help address a legal problem. Thus, for instance, this could include asking a senior relative with authority to help mediate a dispute between family members over inheritance, or addressing a community leader to find a solution to a dispute between neighbours over land, and so on. Thus, respondents' experiences in resolving disputes through institutions and social networks will be contrasted: the report will compare how respectful social networks and institutions are towards respondents, how fair they are in addressing disputes, how expensive they are for disputants, how satisfied disputants are by the outcomes they produce, and so on.

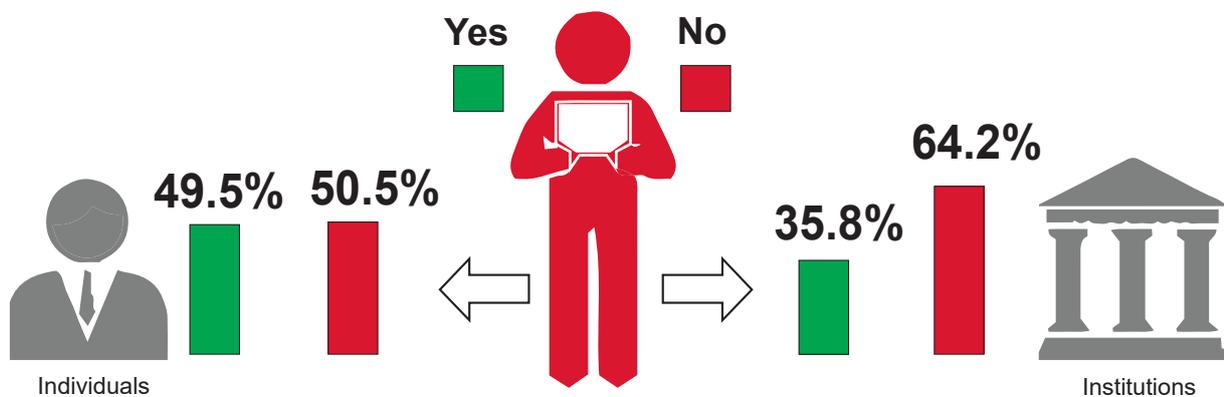
Prior to describing the outcome of respondents' endeavours to resolve legal issues, however, it is important to note their initial efforts.

2.1 SEEKING ADVICE

Accordingly, we first turn to those who initially sought advice to address their legal issue; namely, before taking more concrete steps, many sought advice from trusted persons or institutions.

Just under half (49.5%) of all respondents with a legal issue sought advice from a trusted individual on how to tackle it, while just over a third (35.8%) sought advice from an institution.

When the problem occurred did you seek (initial) advice from...?



Of those that sought advice from a trusted individual, nearly one in five (19.6%) addressed a community leader, and slightly fewer (18.5%) spoke to a relative about their disputes. Others sought out the advice of neighbours (7.7%), friends (7.4%) and persons in positions of power and influence (5%).

When the problem occurred did you seek (initial) advice from any of the following trusted persons?

Person	Percentage of those that had disputes
Community leader	19.6%
Relative	18.5%
Neighbours	7.7%
Friends	7.4%
Persons in positions of power and influence	5%

Those with higher levels of formal education were also less likely to seek advice from trusted persons, as only 40.2% of those with (in)complete higher education did so, compared to 63.3% of those without formal education. Women (52.2%) were slightly likelier to look for advice from trusted persons than men (47.1%).

Those that sought institutions' advice tended to address their jamoats (12.4%), mahallas (12.3%) and hukumats (7.8%). Respondents were far less likely to seek the advice of other institutions, including the police (2.9%), the national government (1.5%) or legal aid centres (0.3%).

When the problem occurred did you seek (initial) advice from any of the following institutions? - YES

Person	Percentage of those that had disputes
Jamoat	12.4%
Mahalla	12.3%
Hukumat	7.8%
Police	2.9%
National government (Dushanbe)	1.5%
Legal aid centre	0.3%

If we compare the percentage of those who sought advice from particular person or institutions to those that found it helpful, we can see that **the advice provided by institutions was not thought of as particularly helpful by the respondents.** For instance, while 12.4% of those with disputes sought advice from a jamoat, only 4.4% found it helpful. Even more markedly, although 12.3% of those with disputes sought advice from a mahalla, just 1.2% found it helpful.

By contrast, **the advice provided by other individuals was thought to be more helpful.** This is particularly true of relatives: 18.5% of those with disputes asked for advice, with 12.1% finding it helpful. In addition, neighbours and friends provided helpful advice to about half of those they counselled (for instance, 7.7% of those with disputes asked neighbours for advice, and 4.6% found it useful). Community leaders are thought of as less useful: while 19.6% of those with legal issues sought advice from their community leaders, just 6.8% thought it was helpful.

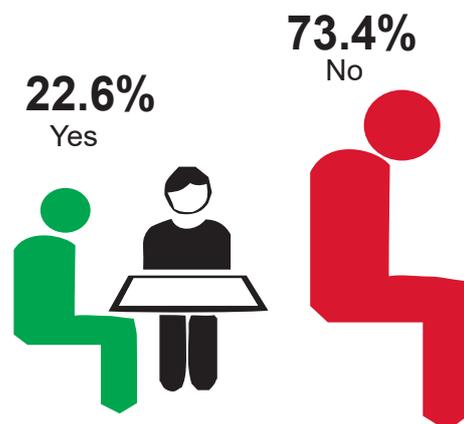
Which person, institution or source provided you with the most helpful advice?

Person	Percentage of those that had disputes that sought advice	Percentage of those that sought advice that found it helpful
Jamoat	12.4%	35.5%
Mahalla	12.3%	9.8%
Hukumat	7.8%	43.6%
Police	2.9%	37.9%
National government (Dushanbe)	1.5%	53.3%
Legal aid centre	0.3%	33.3%
Community leader	19.6%	34.7%
Relative	18.5%	65.4%
Neighbours	7.7%	59.7%
Friends	7.4%	40.5%
Persons in positions of power and influence	5%	26%

2.2 RESOLVING THE LEGAL ISSUE ON THEIR OWN OR WITH THE OTHER PARTY

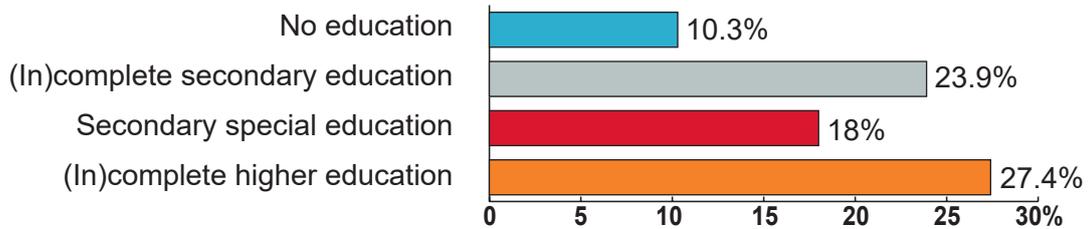
When the problem occurred, did you approach the other party to resolve it?

When the problem occurred, **slightly more than a fifth of those with legal issues (22.6%) approached the other party** – be it the government, a private citizen, an employer or someone else – **to try and resolve them.** This is a surprisingly low amount, considering the fact that direct negotiation and communication is often the least costly, and most effective, method of resolving disputes.



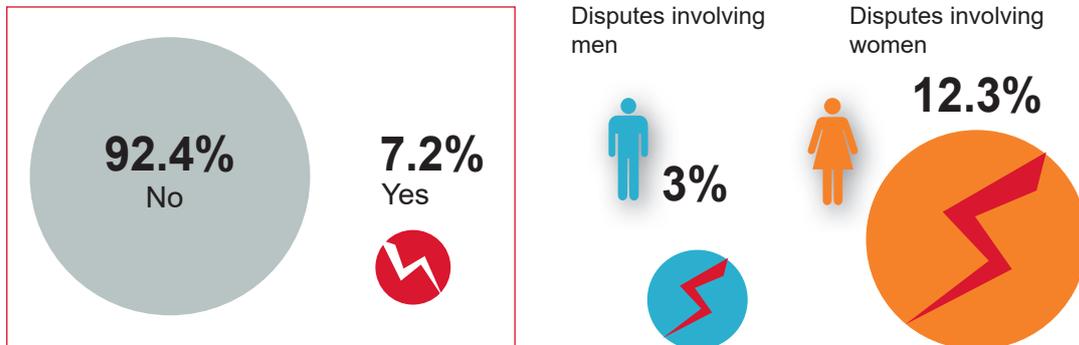
Men (24.7%) were slightly likelier to approach the other party than women (20.3%). In addition, those with higher levels of formal education were likelier to approach the other party than those with no formal education.

When the problem occurred, I approached the other party to resolve it:



In **7.2% of instances** when the respondents approached the other party to resolve the legal problem, at least one of the parties **threatened or used violence towards the other**.

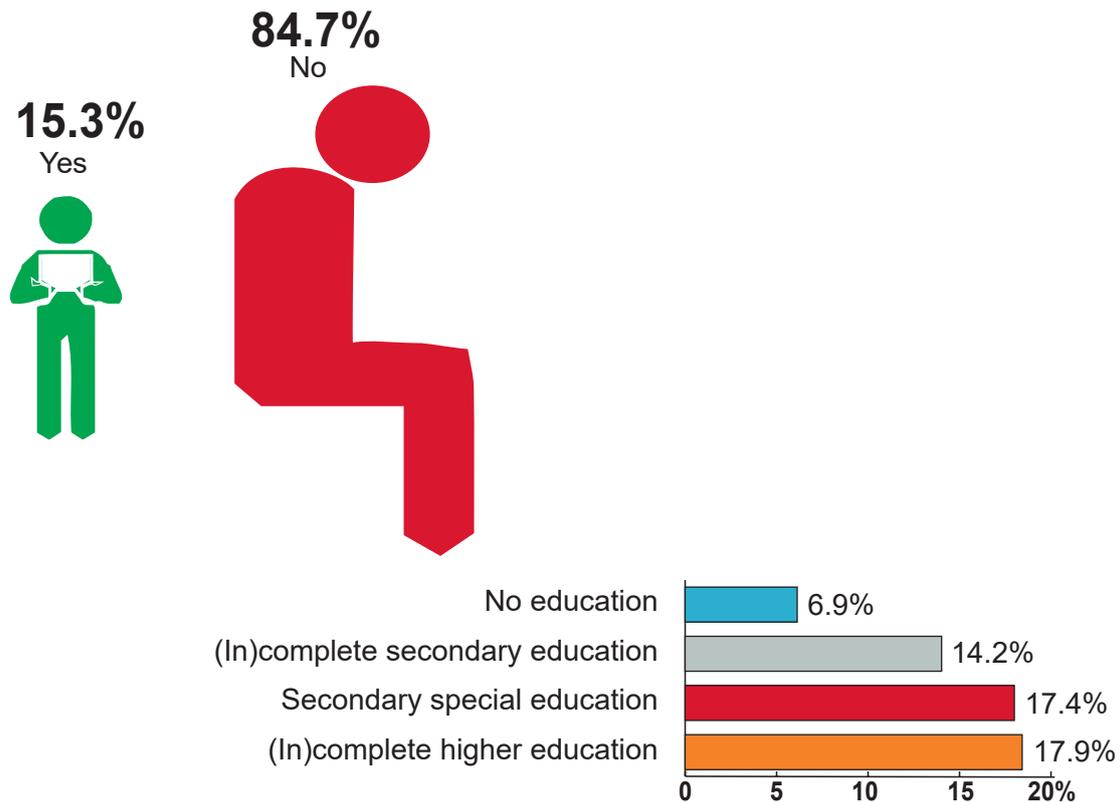
Did either you or the other party threaten to use, or actually use, violence during your contacts?



This is particularly likely to occur in disputes featuring women (12.3%) than men (3%). Experience would lead us to believe that women are more probably threatened with violence than the ones threatening violence; however, further research would have to be conducted in order to test this hypothesis. In addition, threats of violence in contacts with the other party are likelier to occur in rural (9.2%) than urban areas (3.2%), and among those aged 35-44 (10.9%) and 45-54 (12.9%).

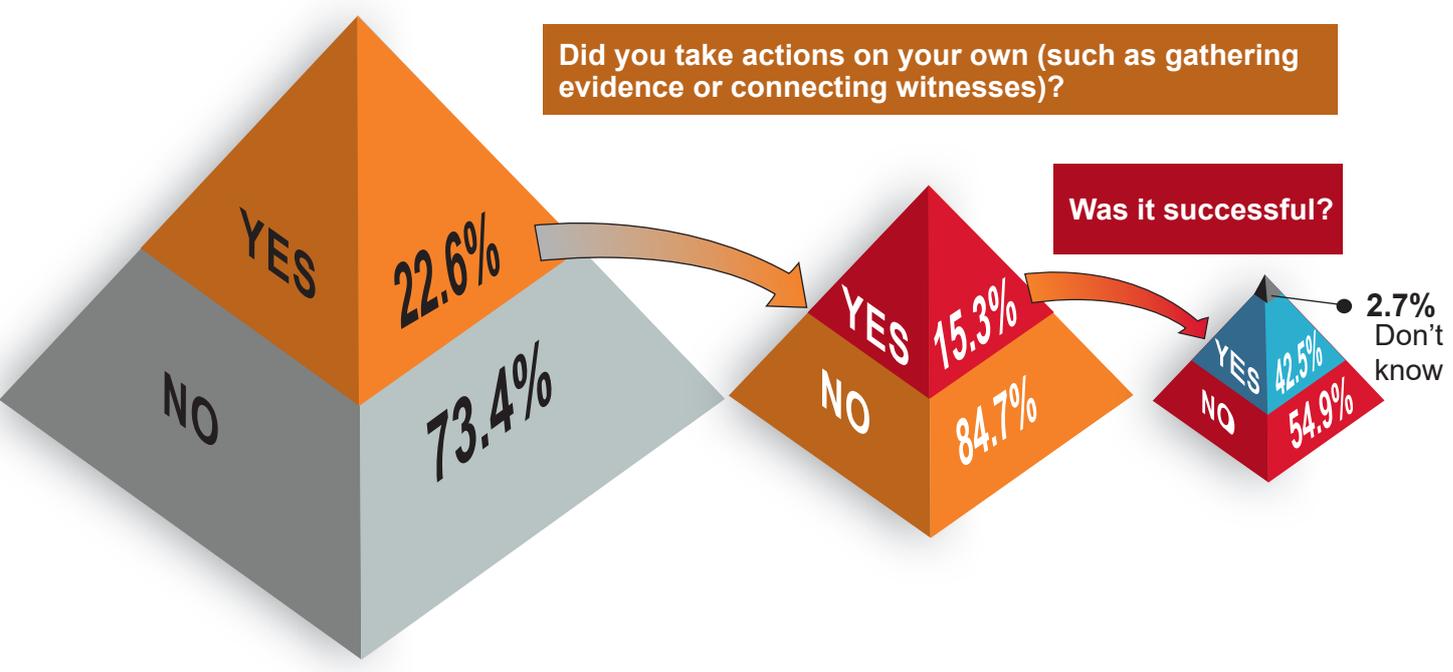
A small percentage of disputants (15.3%) took other actions on their own, such as contacting witnesses or gathering evidence, to address their legal problems. Once again, the more educated a person is, the likelier it is that they took actions on their own to address a legal problem.

Did you try to resolve the problem by taking any actions on your own (gathering, evidence, contacting witnesses, other)?



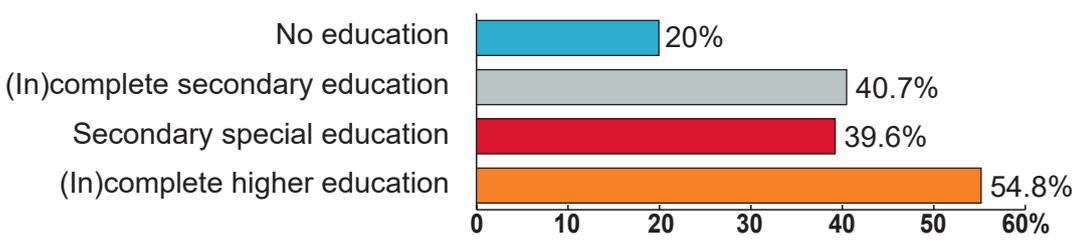
The seemingly low numbers of persons who attempted to resolve the dispute by approaching the other party, or by acting on their own, are made all the more curious by the fact that **efforts to resolve disputes in these ways are relatively successful. Namely, 42.4% of those who contacted the other party or undertook actions of their own managed to resolve their disputes (this represents 13.4% of all those with disputes).**

Did you approach the other party to resolve your dispute?



Unsurprisingly, considering the fact that they are likelier to approach the other party to try to resolve a dispute and that they are likelier to take actions on their own to that end, **more educated respondents are also likelier to fully resolve legal problems without needing the services of a third party.**

Was your problem fully resolved through these contacts with the other party and/or these other actions on your own? - YES



2.3 SOLVING DISPUTES THROUGH THIRD PARTIES

The results show that the vast majority of cases (86.6%) were not resolved through direct negotiations with the other party or through the disputants own actions, such as gathering evidence or connecting witnesses.

So, where did people with legal issues turn to next?

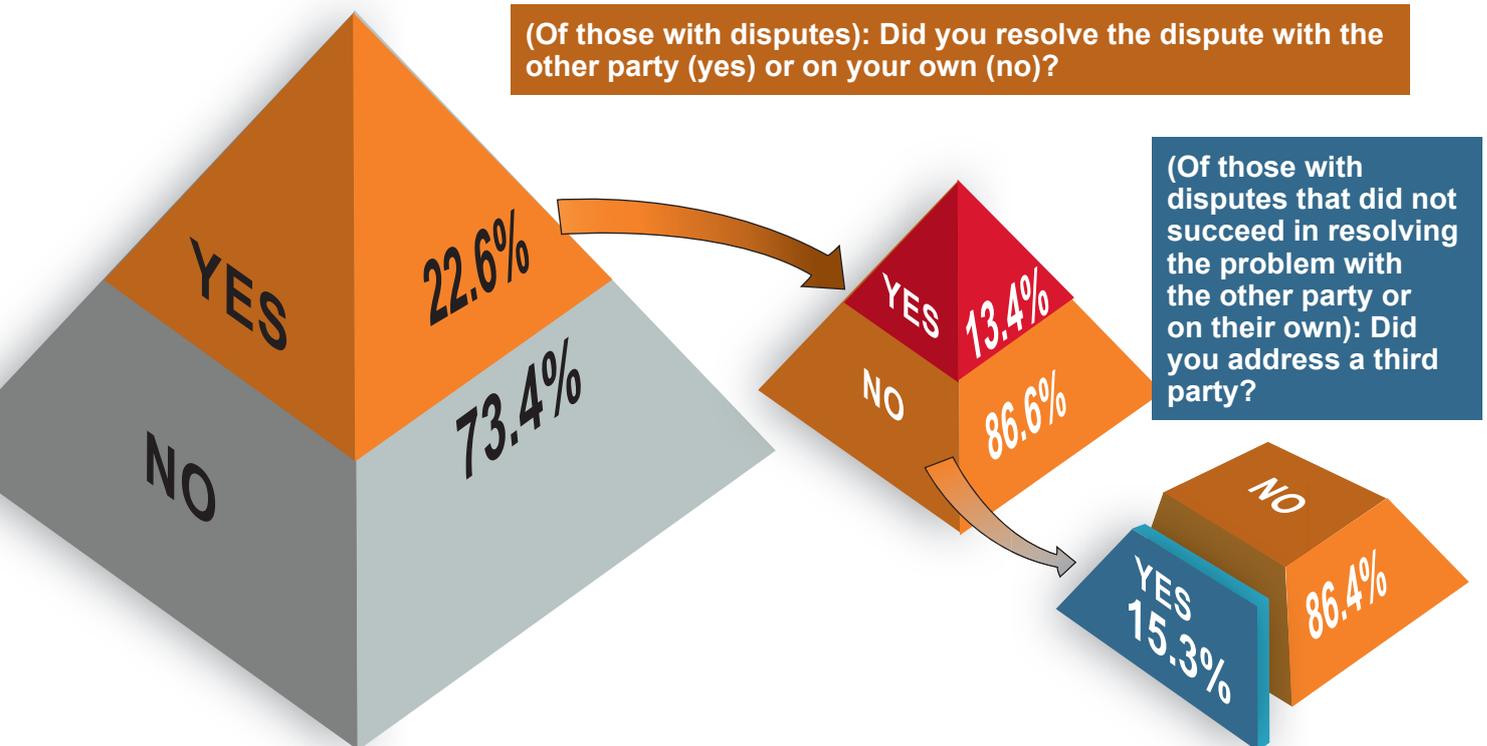
2.3.1 FAILURE TO TURN TO A THIRD PARTY TO RESOLVE A DISPUTE

The findings show that the overwhelming majority of those with legal issues that did not resolve them with the other party or on their own⁵ (86.4%) did not turn to a third party, be it a person in their social network or an institution, to attempt to resolve their dispute.

The overall pattern of the prevalence of legal problems can best be summed up in a graph:

Prevalence of legal problems

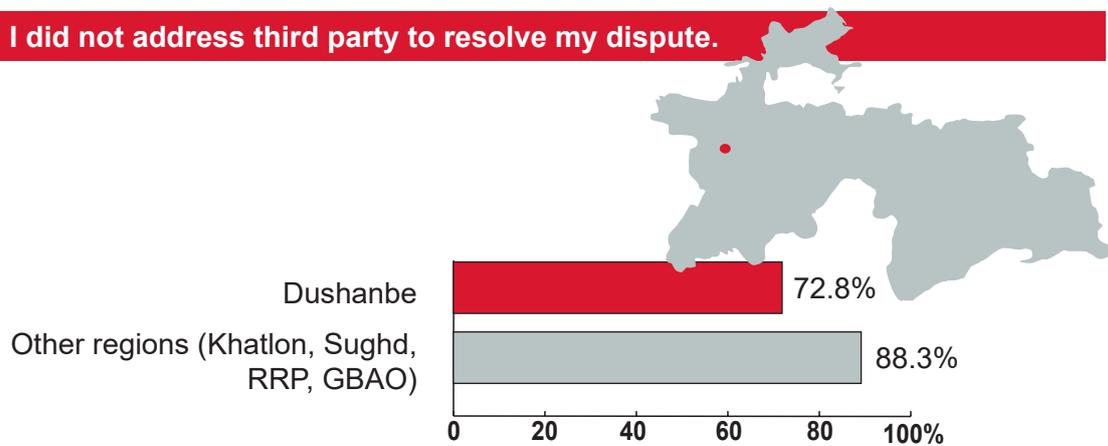
Have you had any disputes raising legal issues in the past three years?



⁵ For the remainder of the sub-section, references to respondents with legal issues should be taken to mean respondents with legal issues that did not resolve them through actions on their own or with the other party – unless explicitly noted.

Respondents mostly refused to turn to third parties irrespective of their wealth (87% of those that say they “do not have money even for food” state they did not address a third party to attempt to resolve their dispute, as did 90% of those that say they have “enough money for large household appliances, but not enough for a new car”). Similarly, **the respondents’ level of education does not significantly impact whether they would seek the assistance of a third party in resolving their dispute** (while 85.7% of those with no education did not turn to a third party, neither did 89.8% of those with secondary school and 80.9% of those with (in)complete higher education). **The same is true of the respondents’ gender, which makes little difference in this regard:** 88.8% of women and 84.2% of men did not turn to a third party to resolve their disputes. **The only significant difference (albeit on a fairly small sample) was noted between regions: while 88.3% of residents of RRP, Soghd, Khatlon and GBAO did not address a third party, 72.8% of residents of Dushanbe acted likewise.**

I did not address third party to resolve my dispute.



The parties had a variety of reasons for not addressing a third party to help resolve their dispute.

An important sentiment (expressed by a total of 50.2% of disputants that chose not to address a third party) was that justice was inaccessible, whether in terms of time, money, or otherwise. Just under one in five (17.3%) did not have the time to address a third party, while 10.2% stated it would create problems for them and their family, 13.5% said it would cost too much money, 3% said it would damage their relationship with the other party, and 6.2% said long distance prevented them from reaching the third party.

The residents of Dushanbe were likeliest to state that they did not have time to address their problems through a third party (50.8%, as opposed to Khatlon, the next closest region (17.2%)). They were also likeliest to believe that resolving the dispute through a third party would only cause problems for them and their family (32.2%, as opposed to RRP, the next closest region (12.1%)). **Women (14.4%) were also more than twice as likely as men (6.3%) not to attempt to resolve a dispute through a third party** because it would cause problems for them or their families.

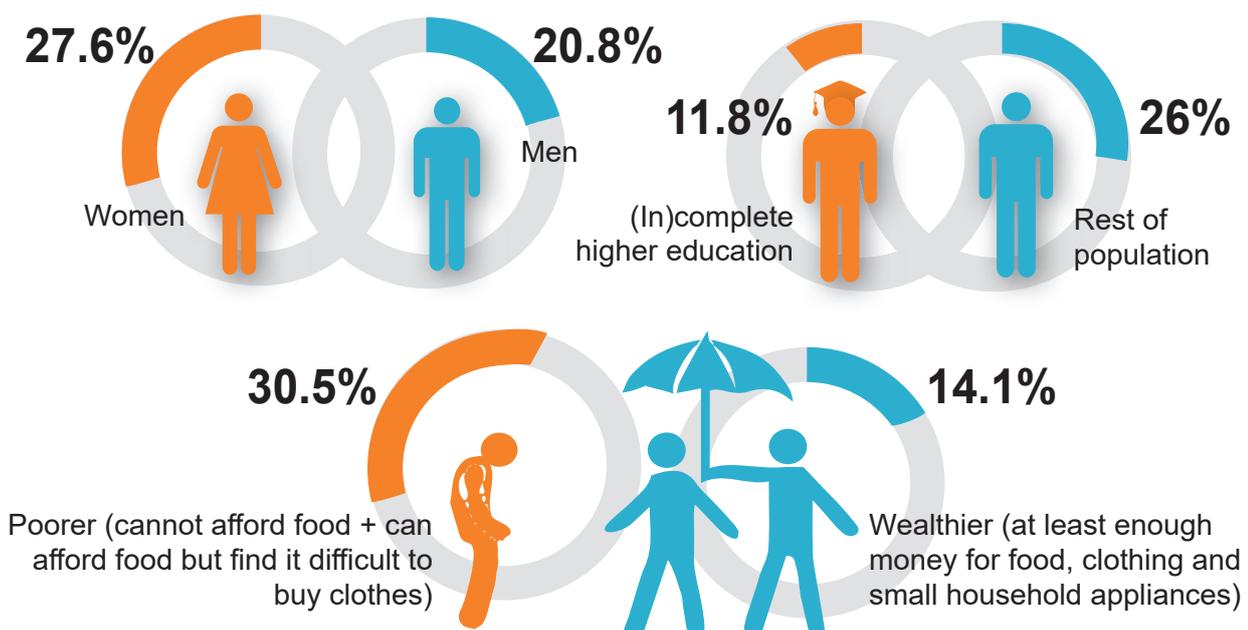
The costs of resolving a dispute were prominent for the poorest and less educated: 13.8% of the poorest disputants did not take their disputes to a third party, as compared to 8.3% of the wealthier respondents. In addition, it was not the cost that prevented the least educated from turning to third parties: only 5.3% of those with an (in)complete higher education said they did not take their disputes to a third party due to the prohibitive cost (compared to 14.7% of all other respondents).

Why didn't you turn to a third party to resolve your dispute?

	Status	Percentage
Answer: I didn't turn to a third party because it would cost too much money	Wealth	
	Poorer (cannot afford food, up to can afford food, clothing, and small household appliances but not a TV, refrigerator, etc.)	13.8%
	Wealthier (at least enough money for large household appliances)	8.3%
	Education	
	(In)complete higher education	5.3%
	All other respondents	14.7%

Another important reason was ignorance – 24.1% stated they did not know what action to take. This is particularly true of women, the less educated and poorer respondents. In particular, women (27.6%) were likelier to be unfamiliar with what actions to take than men (20.8%). Unsurprisingly, disputants with (in)complete higher education were much less likely to say they did not know what action to take (11.8%) than the rest of the population with disputes (26%). Similarly, poorer respondents were likelier to be ignorant of how to proceed than wealthier ones. Thus, while 30.5% of the two poorest categories (those who cannot afford food, or can afford it but find it difficult to buy clothes) did not know what action to take when time came to address a third party, the same was true of only 14.1% of all wealthier respondents.

Why didn't you turn to a third party to resolve your dispute? Because I didn't know what action to take



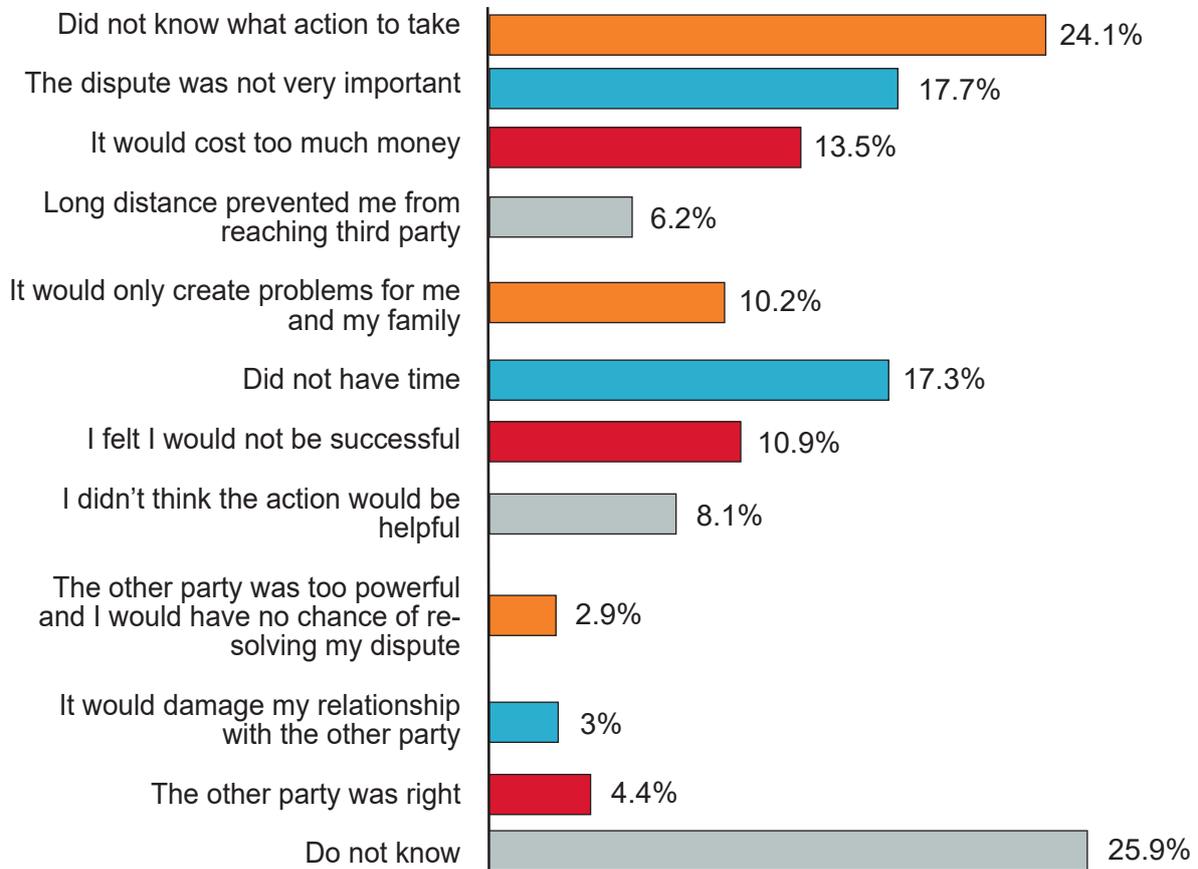
A further **17.7%** felt that the dispute was not very important.

Another important group of reasons can be distilled to disputants believing taking their dispute elsewhere would be futile, given by a total of 21.9% of those that did not address a third party.

More specifically, 10.9% said they felt they would be unsuccessful, 8.1% said approaching a third party would not be helpful, and 2.9% said the other party was too powerful and they would have no chance of success.

Finally, just over a quarter (25.9%) of the disputants stated that they do not know why they did not address a third party.

What was the most important reason for not taking any action through a third party?



2.3.2 THOSE TURNING TO A THIRD PARTY TO RESOLVE A DISPUTE – OVERALL PICTURE

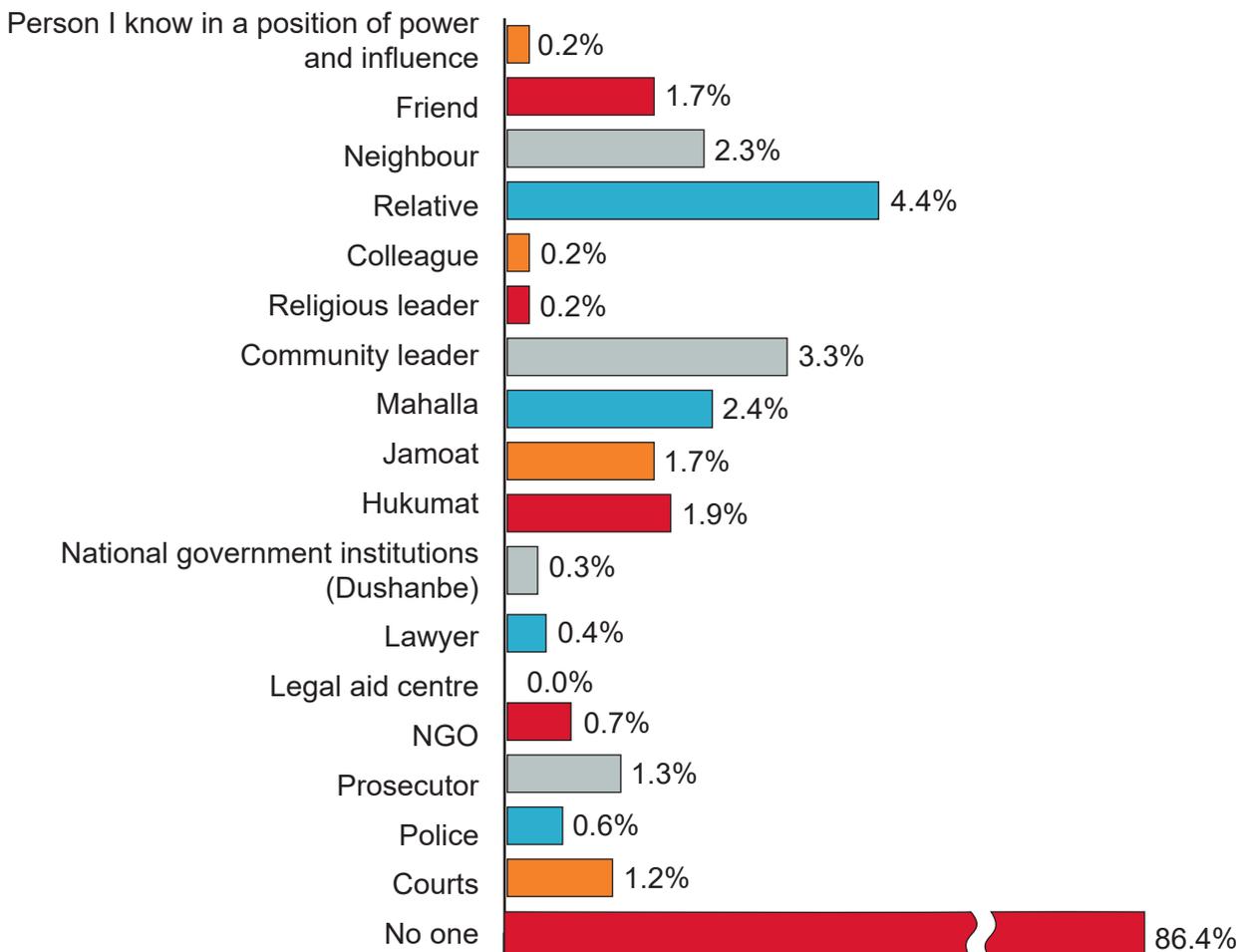
The findings notably show how few persons in Tajikistan turn to third parties – be they trusted persons (such as friends and relatives) or institutions - in an attempt to resolve disputes.

As was noted earlier, only 13.6% of those with disputes (that did not resolve them on their own or with the other party) addressed a third party. The rest did not address anyone and chose to let their disputes go unresolved.

Only 0.4% turned to a lawyer, which could potentially be explained by the monetary cost associated with this course of action. However, **very few persons turned to institutions that do not charge for their services. For instance, none of those surveyed in a representative national sample of 1,898 persons addressed a Legal Aid Centre. Further, only 1.7% disputants turn to their jamoats, 2.4% to their mahallas, and slightly over one in twenty refer disputes to hukumats (1.9%).**

Disputants are also very unlikely to turn to their friends and members of their social networks. Just 1.7% addressed their friends, 3.3% their community leaders, and 2.3% their neighbours, and 4.4% their relatives in an attempt to help them resolve their disputes.

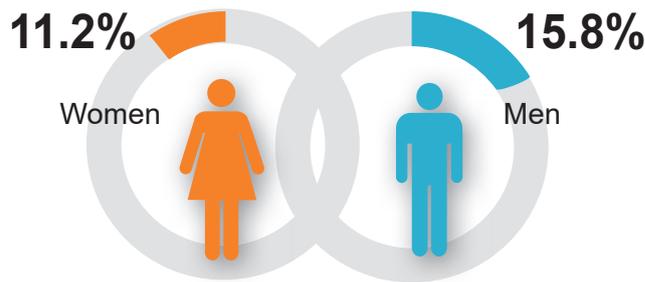
Who did you first turn to (besides/after the other party) to try to resolve your dispute?



Finally, formal institutions are also quite unlikely to help in resolving disputes. Thus, only 0.6% referred their dispute to the police, 1.2% to the courts, and 1.3% to prosecutors.

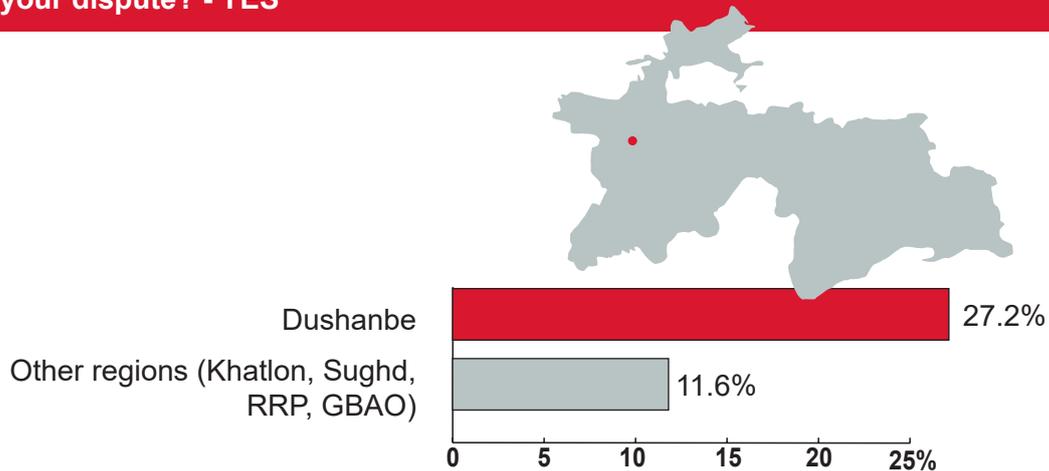
Men utilised third parties in an attempt to resolve disputes more frequently than women. Namely, while 15.8% of men attempted to resolve their dispute by addressing another person in their social network or an institution, 11.2% of women did so.

Did you turn to a third party (besides/after the other party) to try to resolve your dispute? - YES



Residents of Dushanbe were also likelier to turn to third parties than those in other regions when resolving their disputes. Namely, while 27.2% of those from Dushanbe addressed a third party, only 11.6% of those from the other regions combined chose the same course of action.

Did you turn to a third party (besides/after the other party) to try to resolve your dispute? - YES



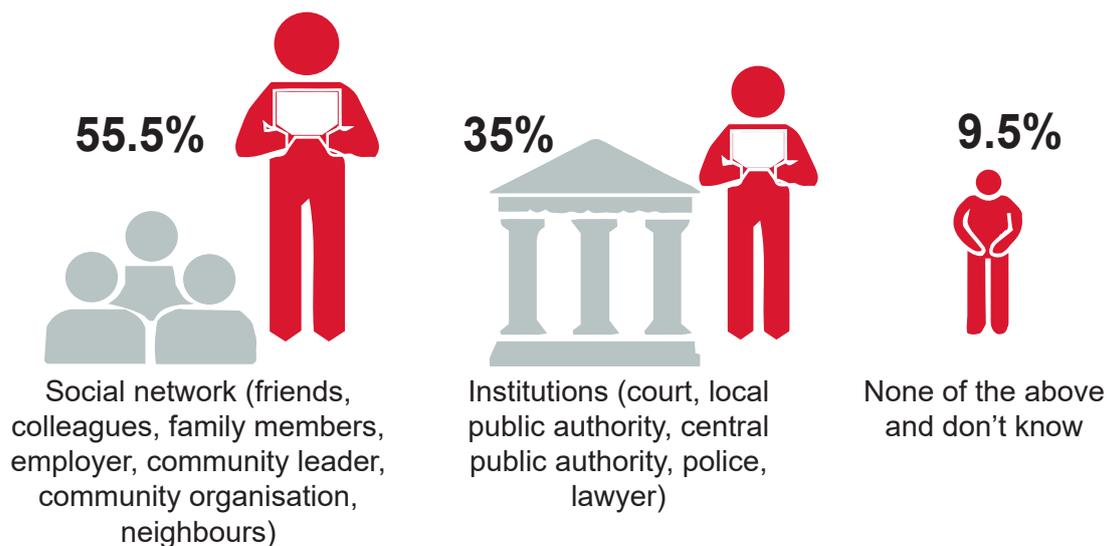
2.3.3 THOSE TURNING TO A THIRD PARTY TO RESOLVE A DISPUTE – FIRST PHASE

Among those (few) respondents with disputes that did turn to a third party to resolve their disputes, nearly a third (31.8%) went to their family members as the first step. This is truer of men (41.8%) than of women (14.3%), though it should be borne in mind that these results – and indeed all of those in this section – are derived from a small sample and should be treated accordingly.

In second place as the most popular institution to resolve a dispute, are community leaders, which 15.8% of those choosing to turn to third parties addressed as their first step. Running close behind are local authorities, initially used by 15% of those that addressed third parties. The only other notable third party in terms of results were neighbours (8.9%); other individuals or institutions were first addressed by fewer than 5% of those that chose use the services of third parties.

It is worth highlighting that **over half of those with disputes that did address third parties first turned to their social network (55.5%)**, while only just over a third (35%) first addressed institutions (including courts, local and national government, the police and so on).

Percentage of those that turned to a third party



The numbers above show where disputants that do use third parties initially 'go to' in their attempts to resolve their disputes. However, considering the low percentage of those that turned to third parties to resolve their disputes in the first place, it is equally meaningful to show these ratios as a percentage of the overall sample. These show that 8.8% of those with disputes turned to their social network (friends, colleagues, family members, community leaders, and others) to help them resolve it. They also show that a paltry 3.6% turned to institutions, (including courts, local government, national government, the police, and other institutions). Finally, as noted above, they show that 86.4% did not address anyone.

These results, perhaps better than any other, show the lack of trust that the population has in the justice system.

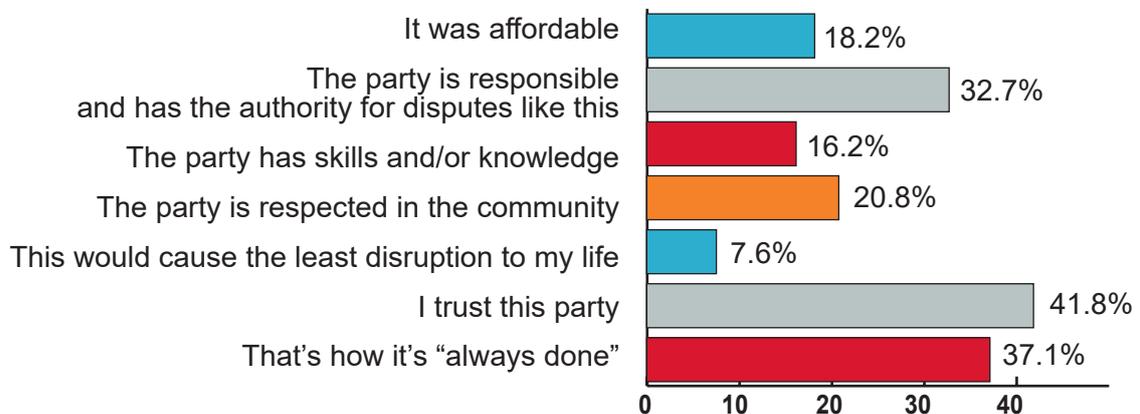
Percentage of those that turned to a third party – overall sample



Although **the overwhelming majority of disputants did not address any third parties to attempt to resolve their disputes, those that did had varied reasons for doing so.**

Some chose third parties because of institutional reasons: they are responsible for disputes such as the respondent's (32.7%). Others emphasised the characteristics of the third party – their trustworthiness (41.8%) and that they command respect in the community (20.8%). Others still were guided principally by their own considerations; they found the third party affordable (18.2%) and believed addressing their dispute to it would cause the least disruption in their lives (7.6%). Finally, some (37.1%) made their choice because "that's how it's always done".

What was the reason you tried to resolve the conflict through this third party? – Percentage of those that turned to a third party



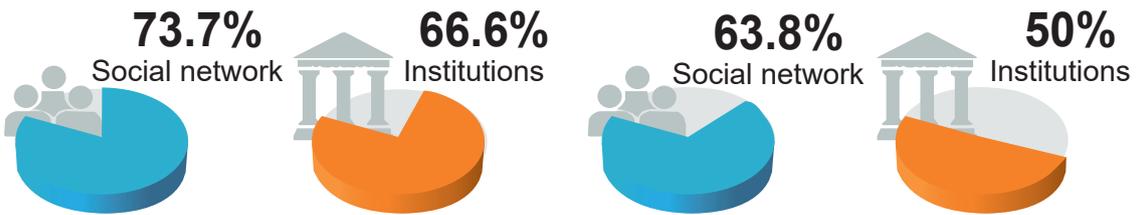
Respondents were asked about their experiences in this first phase. **Those that initially turned to their social network (including relatives, community leaders, and others) had better experiences by most criteria than those that turned to institutions (including courts, local administrations, and others).**

Thus, respondents believe that the processes for resolving disputes employed by social networks are superior to those used by institutions. For instance, those that addressed their social network (73.5%) had more opportunities to state their opinions and feelings than those that addressed institutions. Similarly, respondents believe their opinions were likelier to be considered by their social network (63.8%) than by institutions (50%). In addition, respondents felt more respected by their social networks (75.4%) than by the institutions they turned to in this first phase (69.5%).

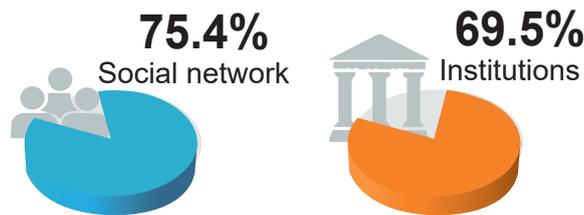
Experiences of those that addressed (besides/after the other party) their social network first to try to resolve dispute vs those that addressed institutions first

To what extent did you have the opportunity to state your opinions and feelings in this stage of the process?

To what extent did this person or institutions consider your opinion in this stage of the process?



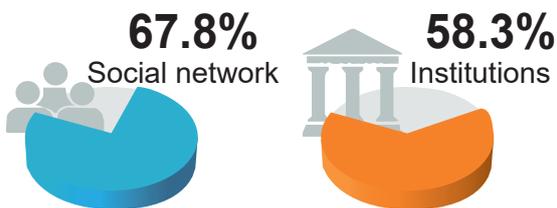
To what extent did this person or institution treat you with respect?



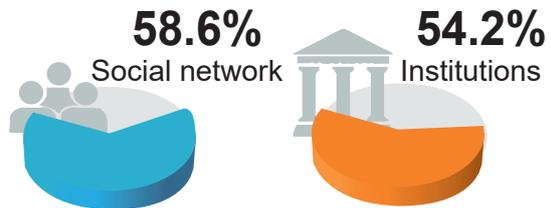
Further, respondents believe social networks are fairer and less biased than institutions. They think social networks are fairer (67.8%) than institutions (58.3%); they also believe social networks (58.6%) are likelier to apply rules equally than institutions (54.2%). Moreover, disputants believe social networks (66.7%) more frequently act without external influence than institutions (45.5%); similarly they believe social networks (71.9%) act without prejudice or bias more frequently (69.6%).

Experiences of those that addressed (besides/after the other party) their social network first to try to resolve dispute vs those that addressed institutions first

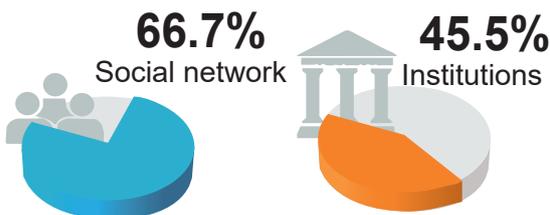
To what extent did think this stage of the process was fair?



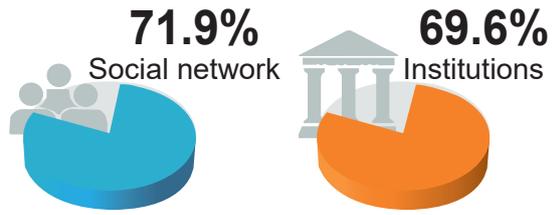
To what extent do you think the rules were applied equally to both parties?



To what extent did this person or institution act without external influence?



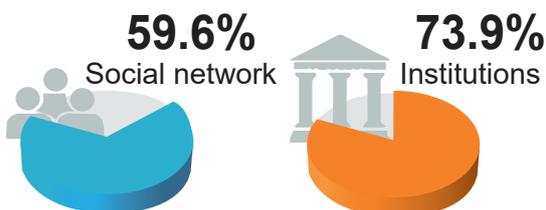
To what extent did this person or institution act without prejudice or bias?



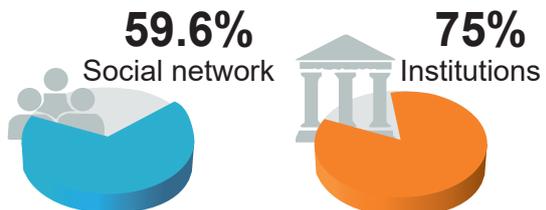
Institutions did score better when it comes to clarity of process and procedures: to the respondents that addressed them in the first phase, **the procedures used by institutions were clearer than those used by social networks.** Thus, while 73.9% of respondents felt that institutions explained how the process works and made sure respondents understood them, the same was true of 59.6% of respondents that turned to social networks. Similarly, while three quarters (75%) of respondents understood the process used by institutions, this was the case for 59.6% of those that addressed social networks.

Experiences of those that addressed (besides/after the other party) their social network first to try to resolve dispute vs those that addressed institutions first

To what extent did the person or institution explain how the process works and make sure you understood them?



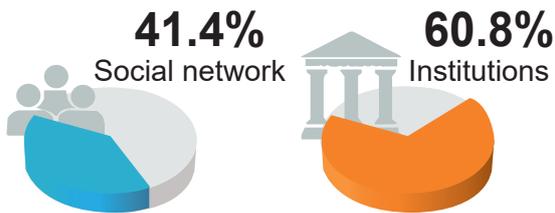
To what extent did you understand the procedures governing the process?



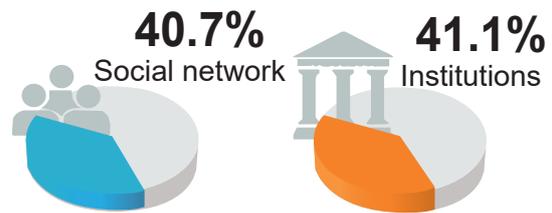
The proceedings before institutions made respondents notably angrier than those led by members of their social networks. Namely, while 60.8% of those that initially sought justice before an institution felt angry to a very large or large extent, the same was true of 41.4% of respondents that first addressed social networks. Otherwise, proceedings had a similar financial and emotional toll on respondents, irrespective of whether they were held before institutions or guided by social networks.

Experiences of those that addressed (besides/after the other party) their social network first to try to resolve dispute vs those that addressed institutions first

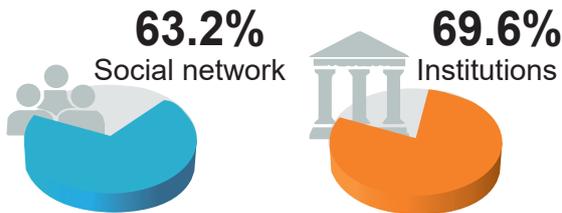
To what extent did this phase make you angry?



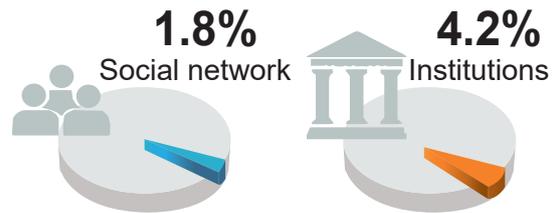
To what extent did this phase make you feel stressed?



To what extent was this phase affordable to you?



Did you incur any additional costs in this phase, such as bribes?



If the problem occurred again, the disputants would be equally as likely to report it to the social network (50%) or institution (50%).

At the end of the first phase, 25.2% of those that had gone through it asked another person for assistance. This included 37.9% of those that addressed an institution and 20.7% of those that addressed someone from their social network. The next sub-section will consider the processes of those respondents that addressed another third party to resolve their disputes.

2.3.4 THOSE TURNING TO A THIRD PARTY TO RESOLVE A DISPUTE – SECOND PHASE

This sub-section will portray the results of those that addressed a second person or institution in their attempts to resolve their dispute. They amount to 4% of the overall sample.

Among those that did turn to another third party to resolve their disputes, nearly two thirds addressed their social network (67%, even more than the 55.5% that initially addressed their social network in their first phase), while only under a third went on to address institutions (30%, less than the 35% in the first phase).

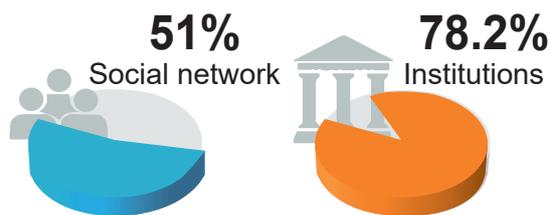
This shows that, as disputants progressed in their attempts to resolve disputes, they are less likely to call on institutions to help them in doing so, which is remarkable, considering the already low number of disputants that turn to institutions in the first place.

The most striking results show once again that respondents had better experiences with their social networks than with their institutions, by almost any measurable criteria.

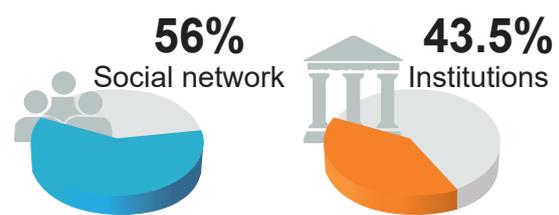
As in the first phase, respondents rate processes for resolving disputes used by social networks better than those used by institutions. Respondents believe their opinions were likelier to be considered by their social network (56%) than by institutions (43.5%). Moreover, they felt more respected by their social networks (60%) than by the institutions they turned to in this first phase (56.5%). On the other hand, they believe that they had more of an opportunity to state their opinions and feelings before institutions (78.2%) than through processes guided by social networks.

Experiences of those that addressed (besides/after the other party) their social network first to try to resolve dispute vs those that addressed institutions first

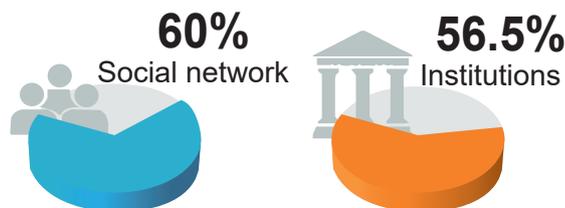
To what extent did you have the opportunity to state your opinions and feelings in this stage of the process?



To what extent did this person or institutions consider your opinion in this stage of the process?



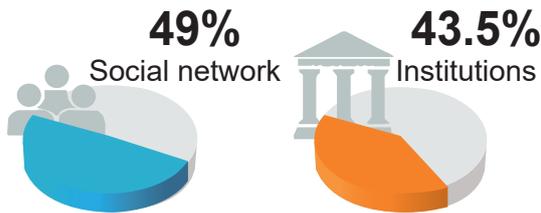
To what extent did this person or institution treat you with respect?



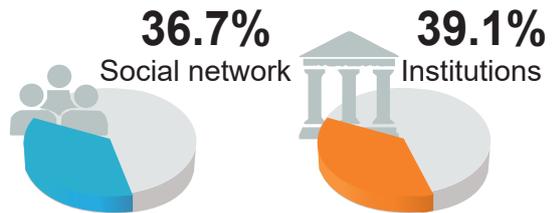
Social networks are thought to be less biased and fairer than institutions, as was the case in the first phase. Most notably, while only 37.5% of respondents thought that institutions in the second phase acted without prejudice or bias, the same was true of 65.3% of social networks. Social networks also scored higher (49%) on their fairness than institutions (43.5%) and were thought to be less likely to act without external influence (47%) than institutions (45.5%).

Experiences of those that addressed (besides/after the other party) their social network first to try to resolve dispute vs those that addressed institutions first

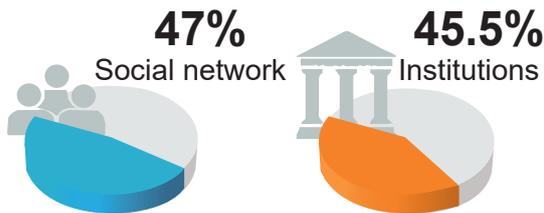
To what extent did think this stage of the process was fair?



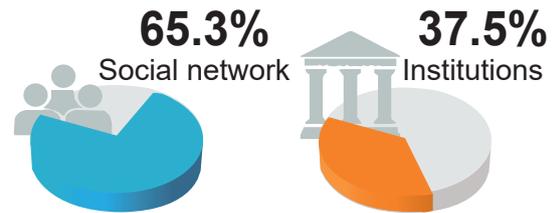
To what extent do you think the rules were applied equally to both parties?



To what extent did this person or institution act without external influence?



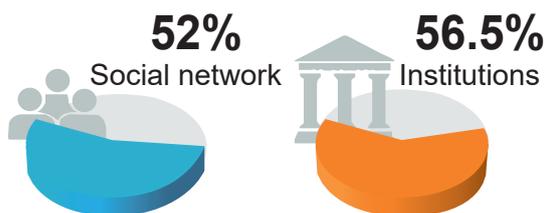
To what extent did this person or institution act without prejudice or bias?



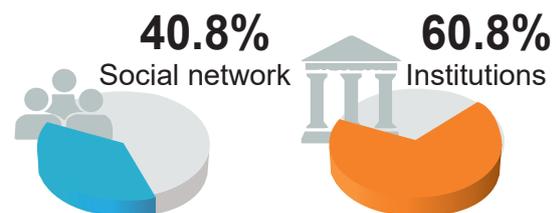
As in the first phase, the respondents did believe that institutions used clearer procedures than social networks. Understandably, 60.8% of respondents that went to institutions understood the procedures governing the process, while only 40.8% of those that used social networks did so.

Experiences of those that addressed (besides/after the other party) their social network first to try to resolve dispute vs those that addressed institutions first

To what extent did the person or institution explain how the process works and make sure you understood them?



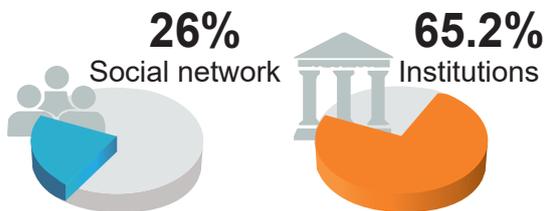
To what extent did you understand the procedures governing the process?



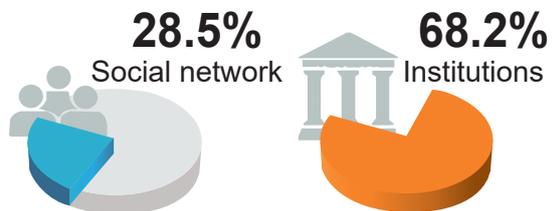
Respondents were made far angrier and more stressed by proceedings before institutions than by those before social networks. For instance, 68.2% were stressed by proceedings before institutions, while only 28.5% were stressed by proceedings in front of social networks. Similarly, 65.2% were made angry by proceedings before institutions, compared to 26% experiencing the same emotion during their efforts to resolve disputes through social networks. On the other hand, there were more respondents that felt proceedings before institutions (54.5%) were affordable in the second phase than proceedings through social networks (48%).

Experiences of those that addressed (besides/after the other party) their social network first to try to resolve dispute vs those that addressed institutions first

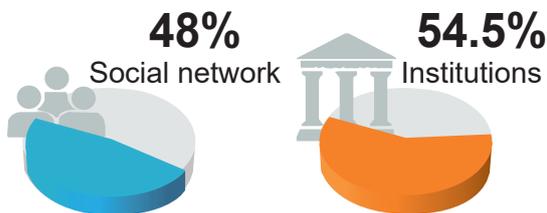
To what extent did this phase make you angry?



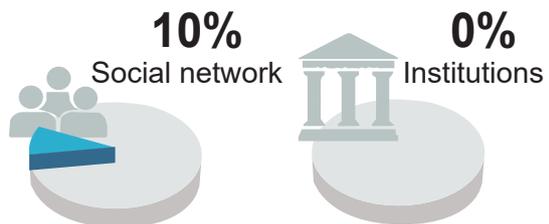
To what extent did this phase make you feel stressed?



To what extent was this phase affordable to you?



Did you incur any additional costs in this phase, such as bribes?



At the end of the second phase, 28.4% of those that had gone through it said they asked another institution or person for assistance in resolving their disputes. The next sub-section details more on their experiences.

2.3.5 THOSE TURNING TO A THIRD PARTY TO RESOLVE A DISPUTE – THIRD PHASE

Very few respondents (3.2% of the overall sample) addressed a third person or institution in their attempts to resolve their dispute. **Of those that did, more of the respondents turned to their social network (56.5%), than to institutions (38.7%).**

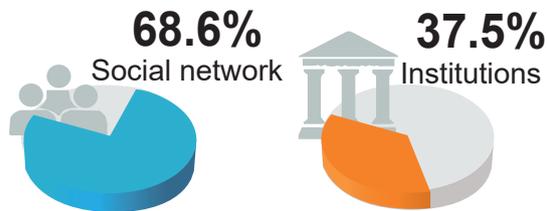
This belies the usual trend in comparative studies that, even in jurisdictions where respondents first attempt to resolve disputes through their social networks, they eventually turn to institutions. This is not the case in Tajikistan, where very few respondents address institutions in the first place, and then their number decreases as they further attempt to resolve their dispute.

Once again, in the third phase respondents had better experiences with social networks than with their institutions.

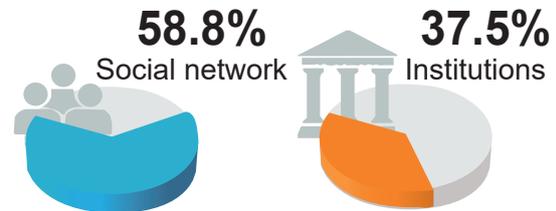
Thus, respondents – as in the first two phases – are more approving of processes for resolving disputes used by social networks than of those employed by institutions. They thought they had more of an opportunity to state their opinions and feelings before social networks (68.6%) than institutions (37.5%). They also believed social networks were more likely to consider their opinions (58.8%) and to treat them with respect (67.6%) than institutions (37.5% and 50%, respectively).

Experiences of those that addressed (besides/after the other party) their social network first to try to resolve dispute vs those that addressed institutions first

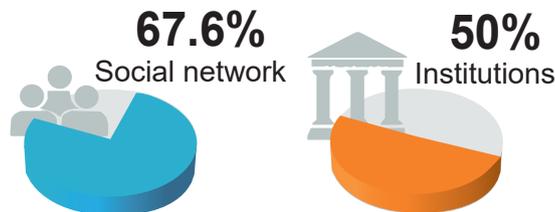
To what extent did you have the opportunity to state your opinions and feelings in this stage of the process?



To what extent did this person or institutions consider your opinion in this stage of the process?



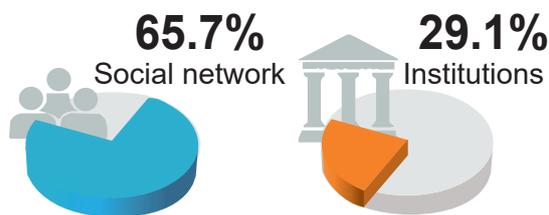
To what extent did this person or institution treat you with respect?



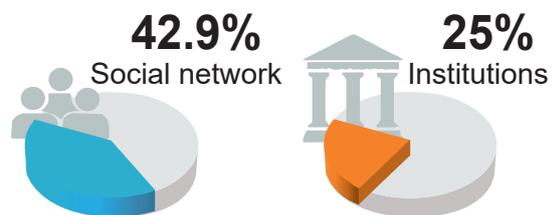
For the third time in the three phases, respondents believe social networks to be more equitable and less susceptible to external influence than institutions. While 65.7% of respondents believed social networks were fair, only 29.1% of respondents thought institutions were. Similarly, they thought social networks applied the rules more equally, and were likelier to act without external influence, prejudice or bias.

Experiences of those that addressed (besides/after the other party) their social network first to try to resolve dispute vs those that addressed institutions first

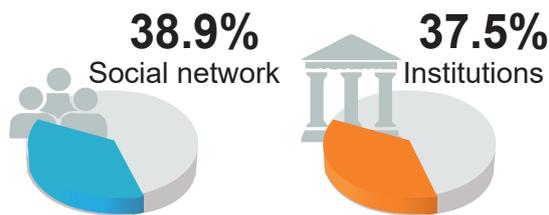
To what extent did think this stage of the process was fair?



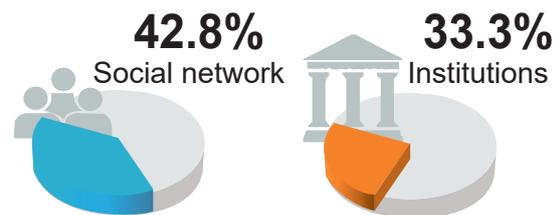
To what extent do you think the rules were applied equally to both parties?



To what extent did this person or institution act without external influence?



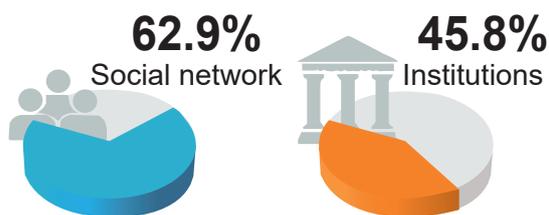
To what extent did this person or institution act without prejudice or bias?



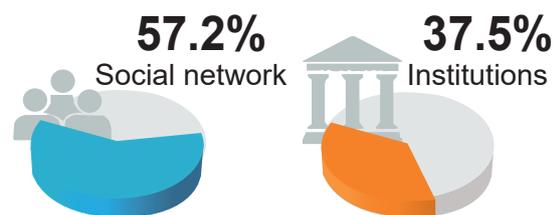
Unlike the first two phases, in this phase respondents thought social networks even used clearer procedures than institutions. Namely, while 62.9% felt social networks explained how the process works, the same was true of only 45.8% of those that addressed institutions.

Experiences of those that addressed (besides/after the other party) their social network first to try to resolve dispute vs those that addressed institutions first

To what extent did the person or institution explain how the process works and make sure you understood them?



To what extent did you understand the procedures governing the process?

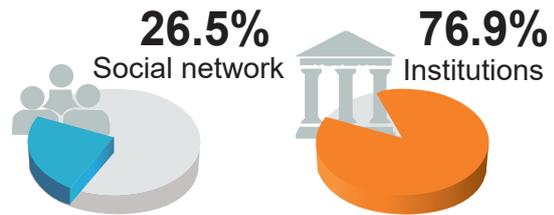
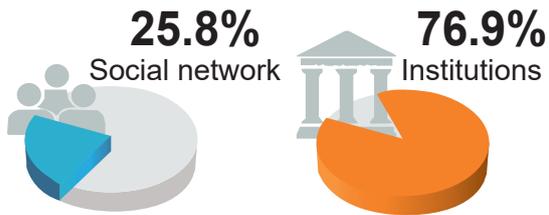


Proceedings before institutions again made respondents far angrier and more stressed than proceedings before social networks. Only 25.8% of those that addressed social networks said the proceedings made them angry, while 76.9% of those that addressed institutions said the same.

Experiences of those that addressed (besides/after the other party) their social network first to try to resolve dispute vs those that addressed institutions first

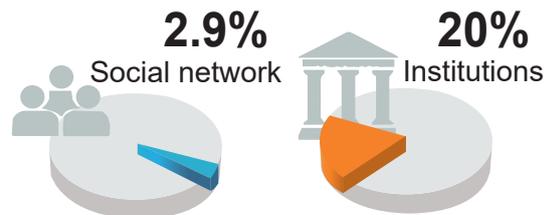
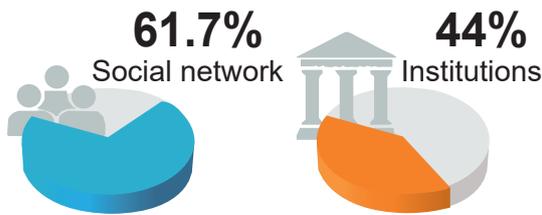
To what extent did this phase make you angry?

To what extent did this phase make you feel stressed?



To what extent was this phase affordable to you?

Did you incur any additional costs in this phase, such as bribes?



2.3.6 OUTCOMES AND IMPACTS OF USING THIRD PARTIES TO RESOLVE DISPUTES

This sub-section will focus on the outcomes of dispute resolution processes, as well as on some impacts that were not discussed in the previous sub-sections.

Nearly two thirds (63.3%) of all disputants that addressed third parties spent less than 500 somoni on attempting to resolve disputes, while 25.4% spent over 1,000 somoni.

The average disputant spent 2,167 somoni on attempting to resolve a dispute through a third party (although this figure is skewed by one disputant who spent 90,000 somoni; excluding this disputant, the average disputant spent 1,167 somoni on resolving a dispute).

How much money did you spend in total on attempting to resolve this dispute? (respondents that addressed third parties)

Total	0	1-100	101-500	501-1,000	1,001-5,000	5001-90,000
	25.9%	12.6%	24.8%	10.3%	21.7%	4.7%

Respondents spent similar amounts addressing their social networks and institutions. On the one hand, nearly three in ten (29.3%) did not spend anything resolving their disputes through social networks, while the same was true of 20% of those addressing institutions. On the other hand, although 6.8% spent more than 5,000 somoni addressing their social networks, that was not the case for any of the respondents that addressed institutions.

How much money did you spend in total on attempting to resolve this dispute? (respondents that addressed institutions)

Total	0	1-100	101-500	501-1,000	1,001-5,000	5001-90,000
	20%	16%	24%	12%	28%	0%

How much money did you spend in total on attempting to resolve this dispute? (respondents that addressed social networks)

Total	0	1-100	101-500	501-1,000	1,001-5,000	5001-90,000
	29.3%	13.7%	25.9%	10.3%	13.7%	6.8%

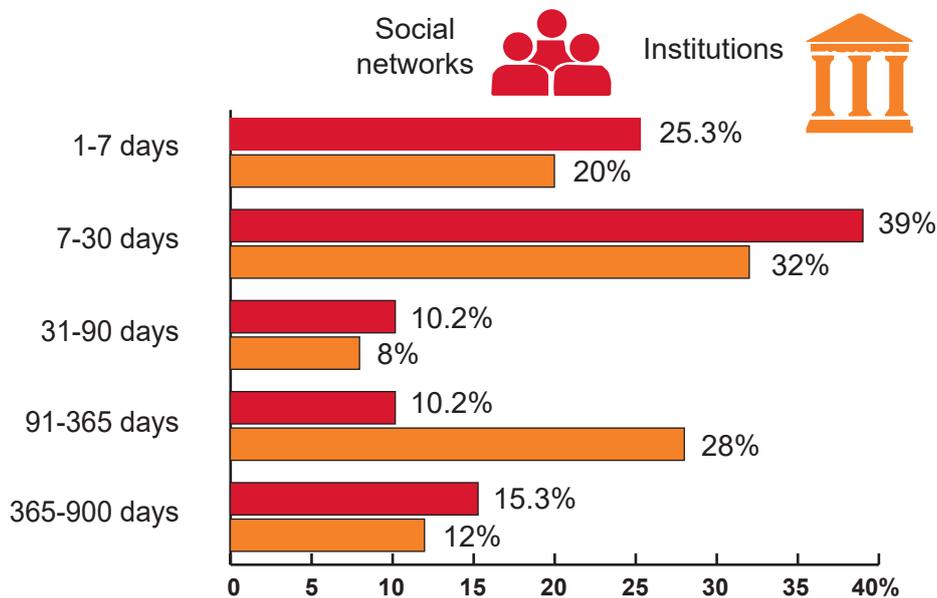
The survey also examined the time spent by respondents in addressing third parties. Just over three in five respondents (60.6%) spent less than a month attempting to resolve their disputes through third parties. Approximately a quarter (24.8%) spent between a month and a year doing so, and slightly less than one in seven (13.6%) took between a year and three years. **On average, disputants spent 147 days attempting to resolve their disputes through third parties.**

How much time did you spend in total on resolving this dispute? (in days)

Total	1-7	7-30	31-90	91-365	365-900
	21.7%	38.9%	10.1%	14.7%	13.6%

Respondents attempting to resolve disputes through social networks spent less time on those processes than those using institutions, which indicates a higher degree of efficiency in using social networks to resolve disputes compared to the use of institutions. Thus, nearly two thirds (64.3%) of those addressing social networks spent 30 days or less, as compared to slightly over half (52%) of those addressing institutions.

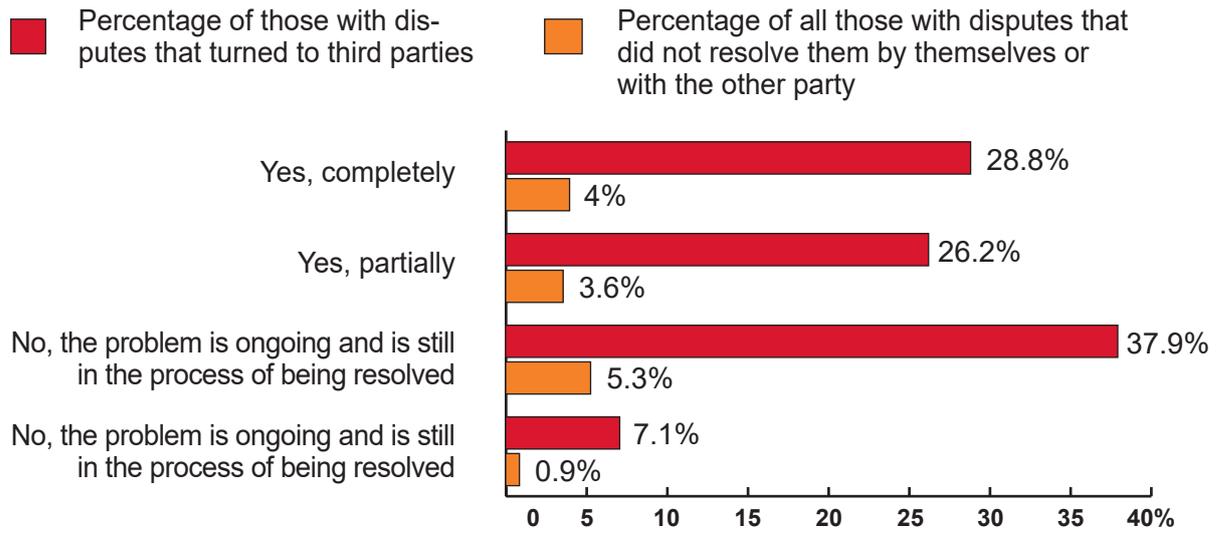
How much time did you spend in total on resolving this dispute? (in days)



Ultimately, respondents resolving disputes through third parties had mixed success. Slightly over half of those engaging with third parties said their disputes were resolved completely (28.8%) or partially (26.2%). On the other hand, nearly half (45%) stated that their disputes were not resolved; most of these respondents (37.9%) said they were still attempting to resolve their disputes, while a minority (7.1%) said they were unsuccessful and no longer undertaking any attempts to address their legal problems.

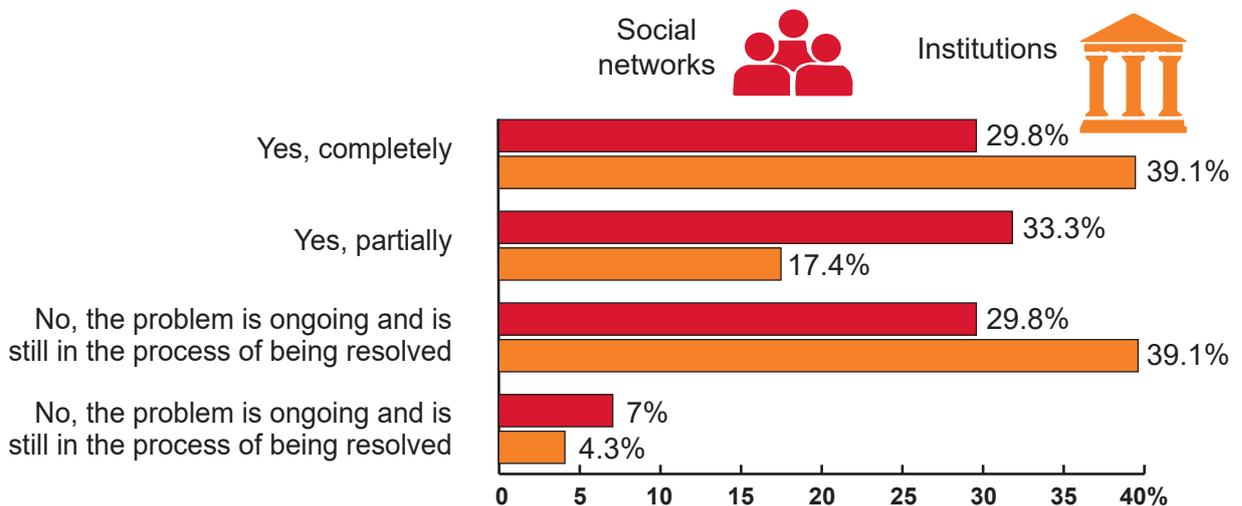
However, these percentages pale into relative insignificance when placed in the context of all those with disputes. When we set aside those that resolved their dispute with the other party or through actions on their own, **only 7.6% of all those with disputes said they resolved their disputes either completely (4%) or partially (3.6%). This is another reminder of the lack of trust in third parties, which hampers access to justice by the Tajik population.**

Has your problem been resolved (through a third party)?



Of those that addressed third parties, respondents had similar successes in resolving disputes whether they turned to social networks or institutions. On the one hand, 39.1% of those that addressed institutions resolved their legal problem completely, as opposed to 29.8% of those that addressed social networks. On the other, 33.3% of those that turned to social networks resolved their problem partially, while only 17.4% of those that addressed institutions did so. Moreover, more disputants failed to address their disputes through institutions (43.4%) than through social networks (36.8%).

Has your problem been resolved (through a third party)? (Percentage of all those with disputes)

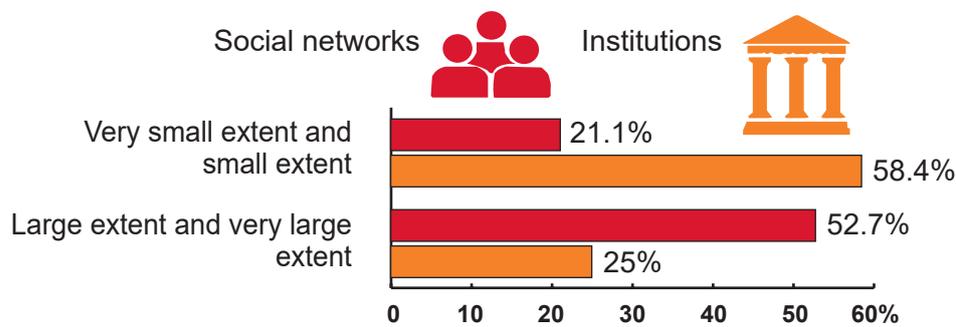


Of these, **only 19.2% of disputants that addressed third parties, or a tiny 1.4% of all disputants** (that did not resolve their disputes with the other party or on their own) **solved their disputes through court initialled settlements or court decisions.**

This shows the role of courts in settling disputes by Tajiks is – at present – very limited.

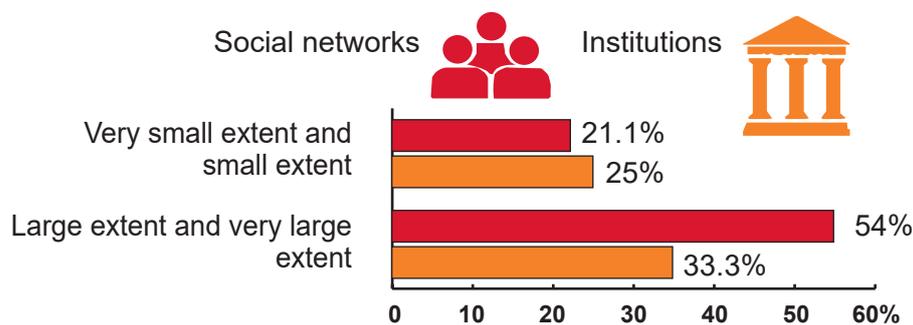
The **outcomes of disputes conducted through social networks were clearer and more satisfactory to respondents than those conducted through institutions.** Thus, while 52.7% of those that turned to social networks felt the result met their needs to a large or very large extent, the same was true of only 25% of those that addressed institutions.

To what extent does the result meet your needs?



On a related note, 54% of disputants that addressed social networks believe the result corresponded to what they deserved to receive, while that was true of only 33.3% of respondents that used institutions.

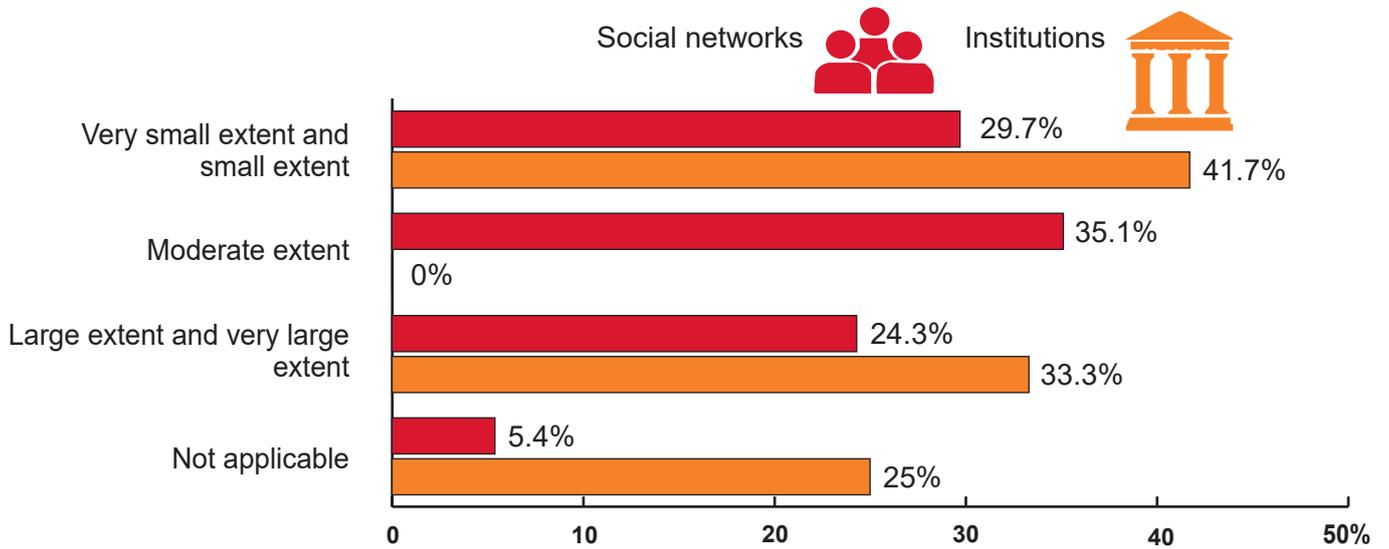
To what extent does the result meet your needs?



The results above would seem to indicate that respondents believe the outcomes of disputes conducted through social networks were more just than those conducted through institutions.

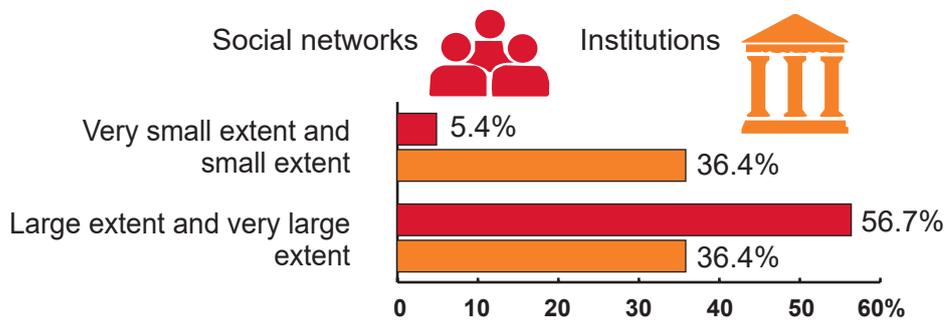
The results are less conclusive on which path – social networks or institutions – leads to a greater restoration of relationships between parties, as shown below.

(If there was a relationship with the other party) To what extent did the result help to restore the relationship with the other party?



In addition to outcomes of disputes conducted through social networks being more satisfactory, they were explained more clearly as well. Over a third of disputants that addressed institutions (36.4%) felt the final decision was not explained to them properly (to a very small or small extent); only 5.4% of those that used social networks felt the same way.

To what extent was the final decision explained to you?



KEY FINDINGS ON DISPUTE RESOLUTION

- ◆ 49.5% of all respondents with a legal issue sought advice from their social network (including relatives, community leaders, and others), while 35.8% sought advice from an institution (including courts, local administrations, and others).
- ◆ Of those that sought advice from a trusted individual, 19.6% addressed a community leader, and 18.5% spoke to a relative about their disputes.
- ◆ Those that sought institutions' advice tended to address their jamoats (12.4%), mahallas (12.3%) and hukumats (7.8%).
- ◆ The advice provided by institutions was not thought of as particularly helpful by the respondents. Advice provided by social networks was thought of as more useful.
- ◆ 22.6% of those with legal issues approached the other party to try and resolve them.
- ◆ 15.3% took other actions on their own, such as contacting witnesses or gathering evidence, to address their legal problems.
- ◆ Efforts to resolve disputes in these ways are relatively successful: 42.4% of those who contacted the other party or undertook actions of their own managed to resolve their disputes.
- ◆ However, 86.6% of cases were not resolved through direct negotiations with the other party or through the disputants own actions.
- ◆ Of the remaining cases (those that did not resolve disputes with the other party or on their own), only 13.6% addressed a third party to resolve the dispute. The rest did not address anyone and chose to let their disputes go unresolved.
- ◆ Respondents refused to turn to third parties irrespective of their wealth, level of education or gender, for the following principal reasons: 50.2% said was that justice was inaccessible, whether in terms of time, money, or otherwise; 24.1% stated they did not know what action to take; and 21.9% said taking their dispute elsewhere would be futile.
- ◆ Of those that addressed a third party, very few persons turned to institutions. For instance, none of those surveyed in a representative national sample addressed a Legal Aid Centre. Further, only 1.7% disputants turn to their jamoats, 2.4% to their mahallas, and slightly over one in twenty refer disputes to hukumats (1.9%).
- ◆ Men and the residents of Dushanbe were likelier than women and the residents of other regions, respectively, to address a third party.
- ◆ Disputants tended to turn first to their social network (55.5%), while just 35% first addressed institutions.

- ◆ Those that initially turned to their social network had better experiences by almost any measurable criteria than those that turned to institutions. They believe social networks in the first phase were fairer and less biased than institutions, and used superior processes that are less likely to make participants feel stressed or angry.
- ◆ Similar findings are true in the second and third phases; however, as disputants progressed in their attempts to resolve disputes, they were less likely to call on institutions to help them in doing so, which is remarkable, considering the already low number of disputants that turn to institutions in the first place. This belies the usual trend in comparative studies that, even in jurisdictions where respondents first attempt to resolve disputes through their social networks, they eventually turn to institutions. This is not the case in Tajikistan, where very few respondents address institutions in the first place, and then their number decreases as they further attempt to resolve their dispute.
- ◆ These results, perhaps better than any other, would appear to show the lack of trust that the population has in the justice system as well as the lack of social capital in Tajik society.
- ◆ The average disputant spent 2,167 somoni and 147 days on attempting to resolve a dispute through a third party.
- ◆ Ultimately, respondents resolving disputes through third parties had mixed success: 55% of those engaging with third parties said their disputes were resolved completely or partially. However, when placed in the context of all those with disputes, only 7.6% said they resolved their disputes. This is another reminder of the lack of trust in third parties, which hampers access to justice by the Tajik population.
- ◆ Respondents graded their experiences before social networks as superior in many ways to those with institutions
- ◆ Only 19.2% of disputants that addressed third parties, or a tiny 1.4% of all disputants solved their disputes through court initialled settlements or court decisions. This shows the role of courts in settling disputes by Tajiks is – at present – very limited.



CHAPTER 3

LEVEL AND CHARACTERISTICS OF TRUST IN THE JUSTICE SYSTEMS

Trust in the justice system is a key precondition for effective access to justice.

Somewhat paradoxically, although very few respondents use the justice system to resolve their disputes (indicating a lack of trust in the system), a **considerable majority of the population in Tajikistan (68.5%) believes that the justice system protects their rights**, with **44.9%** stating they trust the justice system to a **very large extent**.

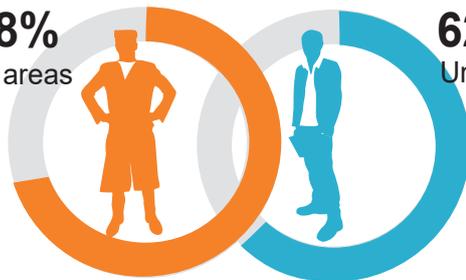
To what extent does the result meet your needs?

Level of trust	Percentage
Very small/not at all	4.4%
Small	2.3%
Moderate	12.8%
Large	23.6%
Very large	44.9%
Refuse to answer	11.9%

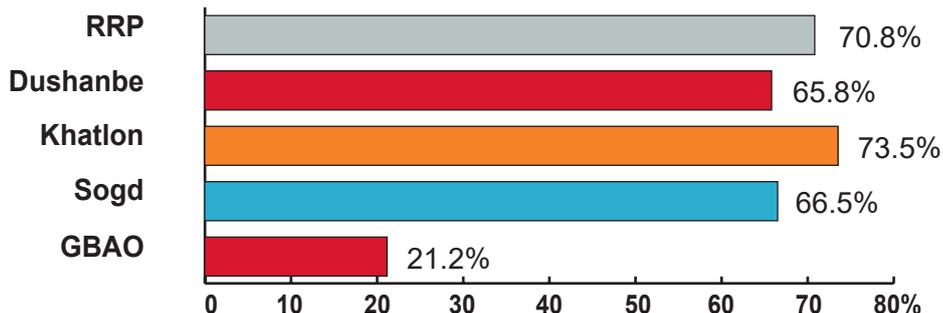
Those who proclaim **strong levels of trust (large or very large)** in justice system mainly come from **rural areas (70.8%)**, with populations in the Khatlon (73.5%) and RRP (70.8%) regions' showing the highest levels of trust in the justice system. By contrast, the population of GBAO region indicated it has the least trust in justice system institutions, with only 21.2% of respondents saying they trust justice system to a very large or large extent. However, it should also be noted that nearly three fifths of the population from this region (59.6%) refused to answer this question.

Large or very large extent of trust in justice system

70.8%
Rural areas

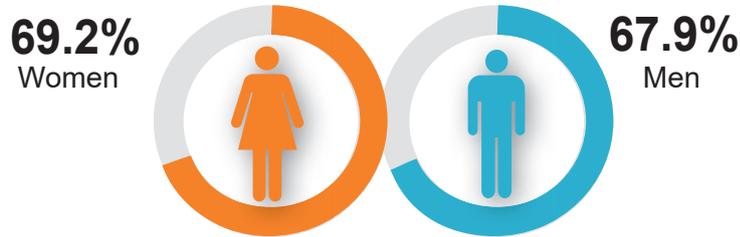


62.4%
Urban areas



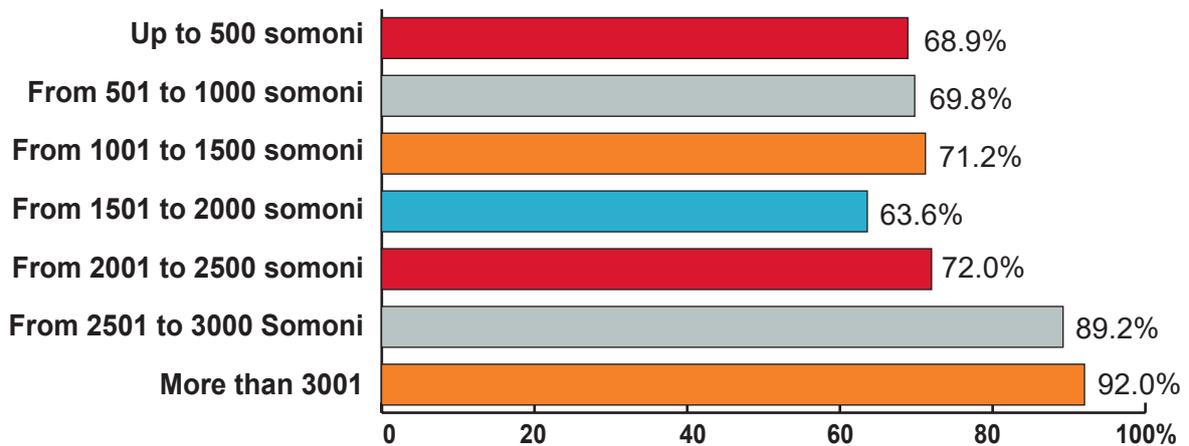
When disaggregating survey data by gender, it is clear that there is almost equal share of men and women who claimed high levels of trust in justice system – **69.2% of men and 67.9% of women.**

Large or very large extent of trust in justice system



It is also notable that the higher a person's income, the more they claimed they trusted the justice system with those in the highest income bracket being the most trusting (92.0%). This result is consistent with attitudes indicating that the justice system protects the rights of rich and powerful as it will be shown further below.

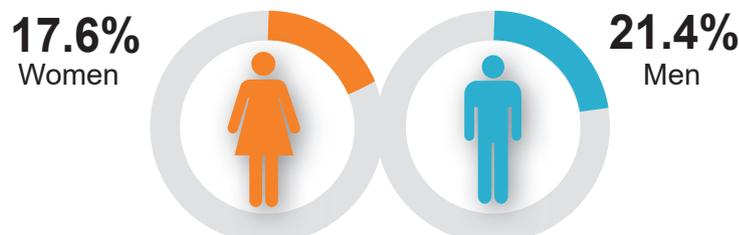
Large or very large extent of trust in justice system (monthly income)



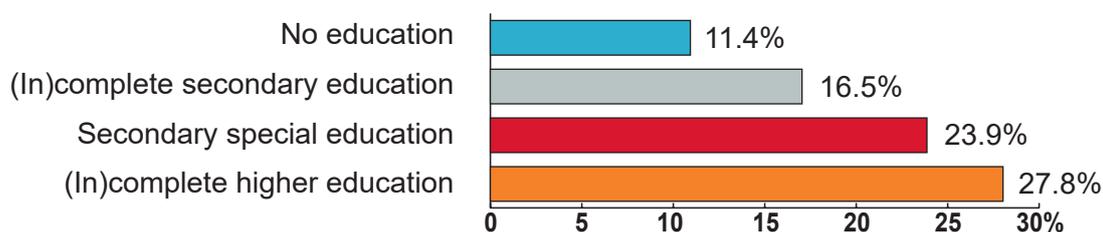
Only 6.7% of the total sample indicated that they trust the justice system to a small or very small/not at all extent, while one in eight persons moderately believes in justice system (12.8%).

Male respondents (21.4%) reported a slightly higher degree of distrust in the justice system than women (17.6%), while the youngest age group (18 to 24 years old) was also the least trusting (22.7%). Additionally, the higher the level of a person's education, the more they reportedly distrust the justice system.

Small or very small/not at all extent of trust in justice system (including moderate levels)



Small or very small/not at all extent of trust in justice system (including moderate levels)



Those who stated they have **small** levels of trust in the justice system cited **corruption** as being one of the leading reasons (86.7%), while the key reason for those that have **very small levels of trust** is the claim that the **justice system is too slow** (24.7%). Females that reported small levels of trust are more likely to think that the justice system is corrupt and too slow compared to male respondents from the same group, while men who claimed very small levels of trust in justice system were more likely to believe that the system is both too distant and too slow.

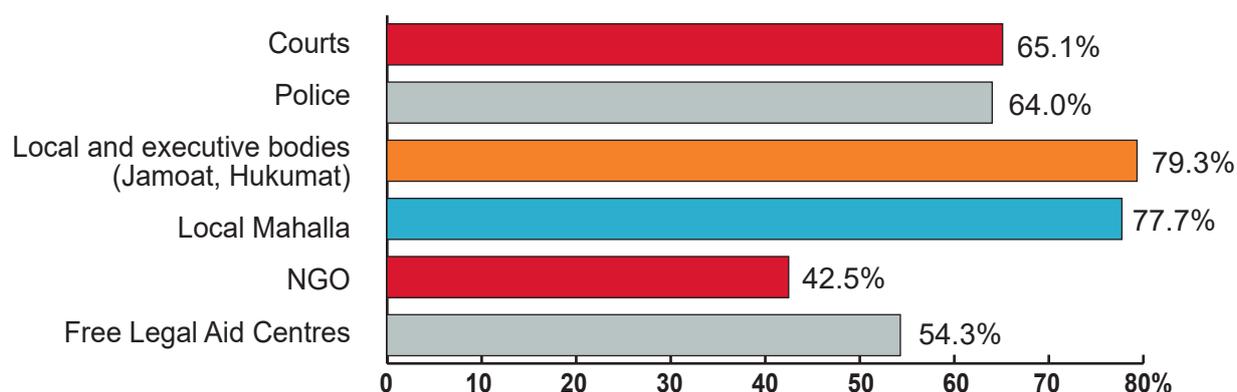
The survey additionally shows that those disputants that did have experiences with the justice system are less likely to believe it protects their rights than those that have not come in contact with it. Specifically, half of those that have not had legal issues over the past three years (50.1%) say they trust the justice system to a very large extent, while this percentage drops considerably for those that have had legal issues and resulting contacts with the justice system (37.0%). Thus, it appears that the level of trust in the justice system shrinks considerably as a result of interactions with legal institutions.

Besides, nearly one in eight persons **refused to specify to what extent they trust the justice system (11.9%)**. Those who were the most reluctant to disclose information on the levels of trust in justice system come from the GBAO region (59.6% refused to answer), have no formal education (24.3%), but also include those that are financially better off (36.8% of those who have no material difficulties of any sort). In addition, more females refused to answer (14.6%) than males (9.4%). A comprehensive interpretation of these results implies that this reluctance to answer the question on trust may be directly related to a lack of trust in the justice system due to a fear of disclosing this type of information in the given social context.

MANIFESTATION OF TRUST IN RELATION TO PARTICULAR INSTITUTIONS

The most trusted institutions are local executive bodies including jamoats and hukumats (79.3%) and mahallas (77.7%). These are followed by courts (65.1%) and the police (64.0%), while NGOs and legal aid centres were the least trusted by the respondents – 42.5% and 54.3% respectively. On the other hand, these results are impacted by the fact that almost a quarter of respondents refused to answer whether they trust NGOs and LACs, while fewer respondents (15.5% and 10%, respectively) did not answer to what extent they trust the courts and the police.

Large or very large extent of trust in relevant institutions



As was already mentioned, the survey findings show a paradox of sorts between how few disputants address their legal problems to justice sector institutions in practice (indicating a low level of trust), and the proclaimed high level of trust portrayed in this chapter. This contradiction is made all the more evident by the additional fact that more often than not, the population believes **that the justice system protects the interests of the rich and powerful**. A plurality of the sample claimed that justice sector institutions including courts, the police and prosecutors, protect the interests of the rich and powerful – 38.5%, 39.6% and 34.9% respectively.

Likewise, when asked **how often the justice system protects the interests of the rich and powerful**, a substantive amount of respondents indicated that this is **always** the case: 23.9% said so for courts; 25.7% for the police; and 27.9% for prosecutors.

Additionally, approximately half of all respondents stated that courts, the police and prosecutors only **sometimes or rarely make fair decisions without outside influence or prejudice** – 50.0%, 53.1% and 50.8% respectively.

Justice institutions only sometimes or rarely make fair decisions without outside influence or prejudice

Institution	Percentage
Courts	50.0%
Police	53.1%
Prosecutors	50.8%

Some of the above results have been confirmed by the testimonies of those participating in the qualitative research as a part of this research. Namely, the great majority of respondents in focus groups confirmed low levels of trust in the justice system and repeatedly indicated that the justice system always protects the interests of rich and powerful. They also highlighted widespread corruption and their inability to afford the services of the justice system as persistent obstacles to accessing justice (more details are to be found in the chapter on vulnerable groups).

KEY FINDINGS ON TRUST IN THE JUSTICE SYSTEM

The results show:

- ◆ Somewhat paradoxically, although very few respondents use the justice system to resolve their disputes (indicating a lack of trust in the system), a considerable majority of the population in Tajikistan (68.5%) believes that the justice system protects their rights, with 44.9% stating they trust the justice system to a very large extent.
- ◆ High levels of trust are most prominent among those in rural areas (70.8%) and those from the Khatlon region (73.5%). Conversely, only 21.2% of residents of the GBAO region said they trust the justice system to a large extent.
- ◆ Of those that said they trust the system to a low extent, the most prominent are the young (18-24 years old, 22.7%) and those with higher educational credentials (27.8%).
- ◆ The leading reason for mistrust in the justice system was corruption (86.7%) and the fact that the justice system is too slow, as well as the inability of the citizens to afford services of justice system in Tajikistan. Women are likelier to believe the justice system is corrupt than men. In addition, a plurality of respondents believe institutions such as courts, police and prosecutors protect the interests of the rich and powerful.
- ◆ A significant portion of the sample refused to answer to what extent they trust the justice system, which indicates a tacit lack of trust on the part of survey respondents.
- ◆ The most trusted institutions were the local and executive institutions, such as jamoats and hukumats, (80.6%), followed by courts (65.1%) and the police (64.0%), while NGOs and legal aid centres were comparatively trusted less by citizens.
- ◆ Those that have had experiences with the justice system are far less likely (37.0%) to believe it protects their rights than those that have not come in contact with it over the past three years (50.1%).



CHAPTER 4

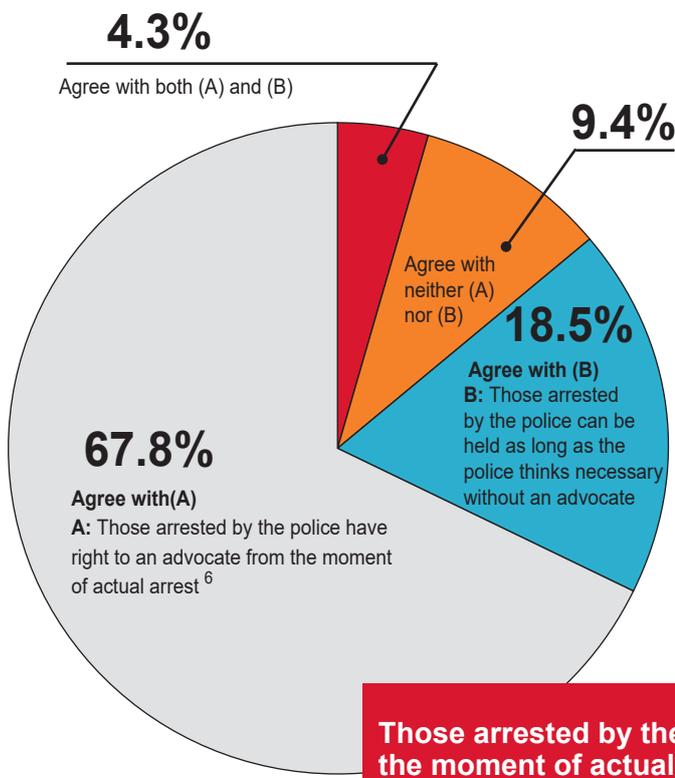
KNOWLEDGE OF THE LAW AND CONCEPTIONS OF JUSTICE

Knowing one's rights under the law and having a conception of justice are vital elements of access to justice. While citizens are not expected to possess high levels of knowledge of the law, familiarity with basic principles of justice, widely applicable provisions and key tenets of the law is a necessary precondition to accessing justice. In order to ascertain their legal literacy, citizens of Tajikistan were surveyed on their knowledge of the law, awareness of certain legal mechanisms and opinions of justice.

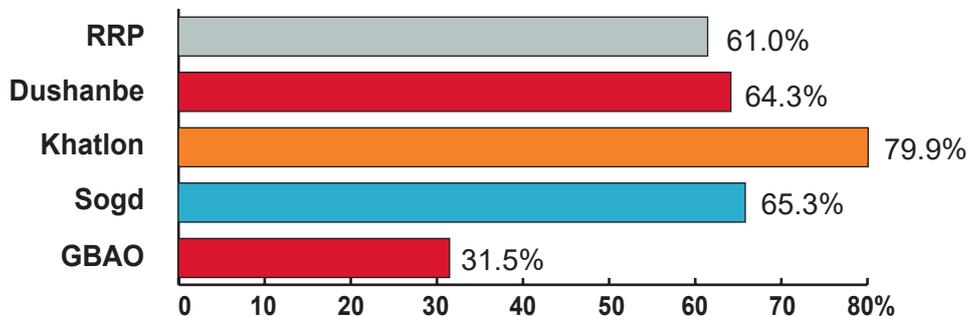
4.1. KNOWLEDGE OF THE LAW

When asked particular questions regarding respondents' rights under the law, results show variable patterns in levels of legal awareness. Namely, **while the rights of women to get a divorce and the rights of children with disabilities to inclusion in regular education are overwhelmingly misunderstood, there is also a widespread understanding of women's rights to equal pay for equal work, and of equal inheritance rights for sons and daughters.** Moreover, between one half and two thirds of the Tajik population correctly understood their rights in relation to the powers of the police to enforce detention measures and the right to a state lawyer for those accused of a crime.

Powers of police to detain



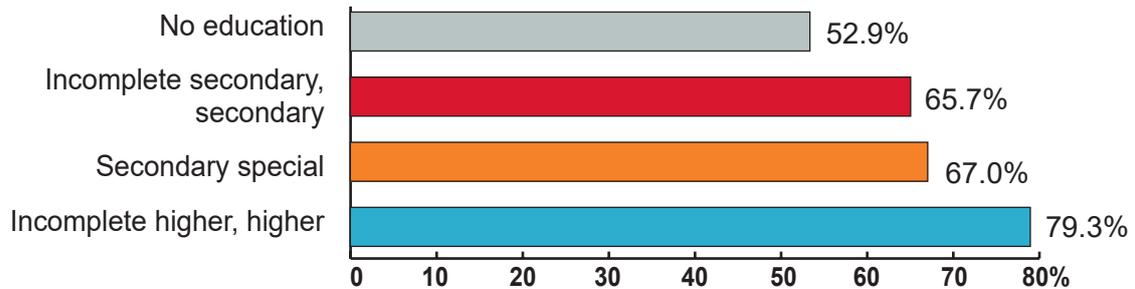
The results show that over two thirds (67.8%) of the population identified option A as the correct answer, while around a third (32.2%) identified the three other incorrect answers. Men were more represented (72.9%) than women (62.5%) among those who gave the correct answer, while there was an almost equal level of knowledge in urban (68.2%) and rural (67.6%) areas. The most knowledgeable respondents came from the Soghd region (79.9%).



⁶ Articles 50 and 94, Criminal Procedure Code of Tajikistan.

The results of the survey indicate a correlation between formal education and knowledge of the law. **Those lacking in formal education showed the least level of knowledge (52.9%)** of this legal provision, while those most educated **showed the highest level of understanding of this right (79.3%)**.

Those arrested by the police have right to an advocate from the moment of actual arrest - agree

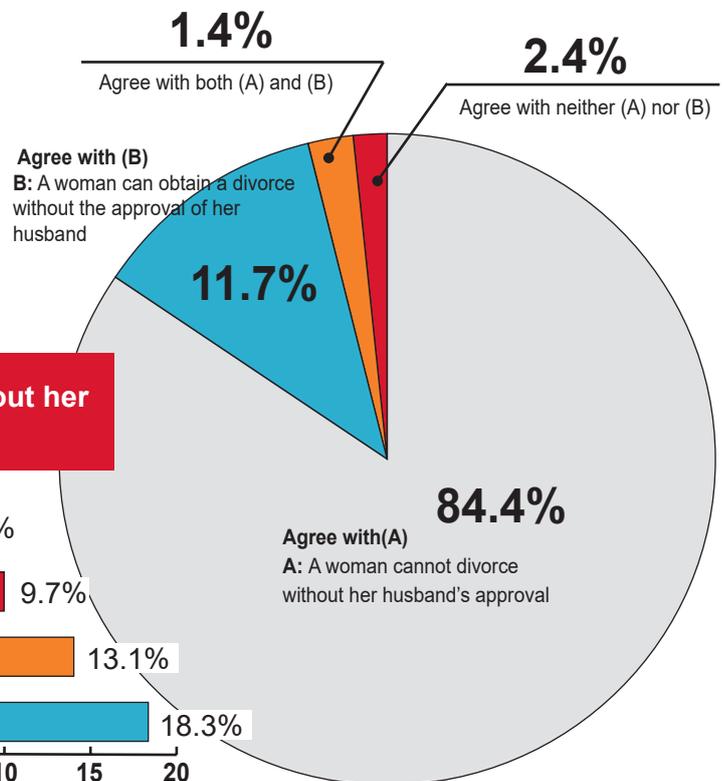
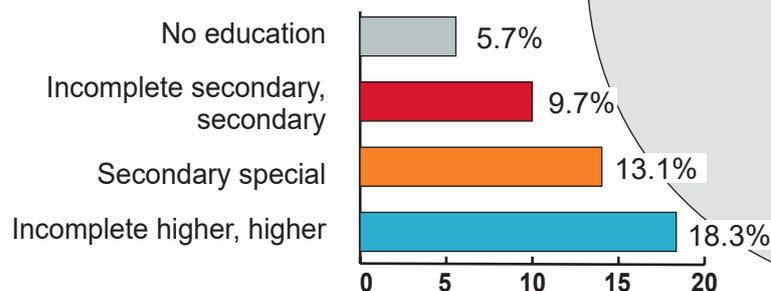


However, when asked about the **women’s right to get the divorce**, the results reflect disconcerting traits. Namely, only **slightly over one in nine (11.7%)** provided the **correct answer** (that a woman can obtain a divorce without the approval of her husband⁷), while there was **an enormously high number of those who incorrectly believe that a woman must have her husband’s permission in order to obtain a divorce (84.4%)**.

A woman’s right to get the divorce:

It is particularly troubling that women are unfamiliar with this provision; namely, **only 9.1% of women are aware of their right to get a divorce without the consent of their husbands**. In addition, the **youngest age group (18 to 24 years old) and those between 25 and 34 years old had the least knowledge of the right to get the divorce, only 9.8% and 9.7% respectively**.

A woman can obtain a divorce without her husband’s approval - agree

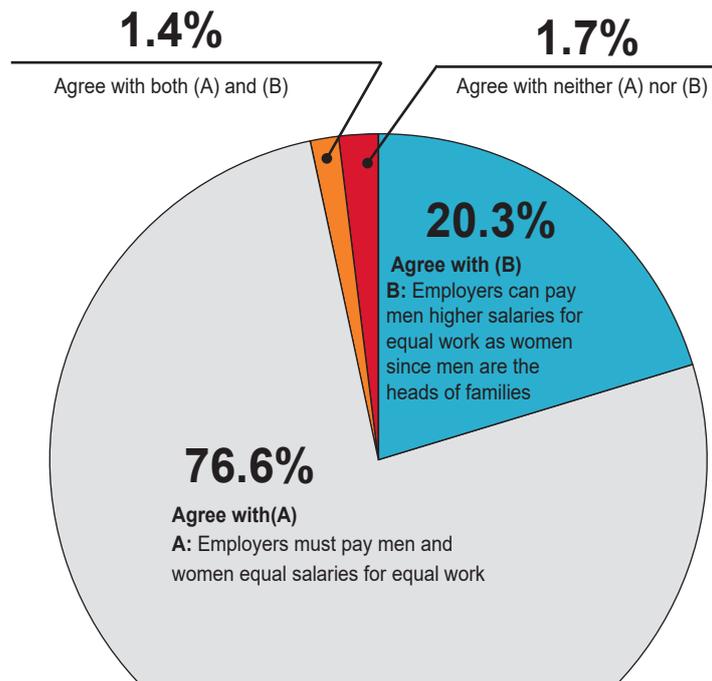


⁷ Article 16 Family Code of Tajikistan.

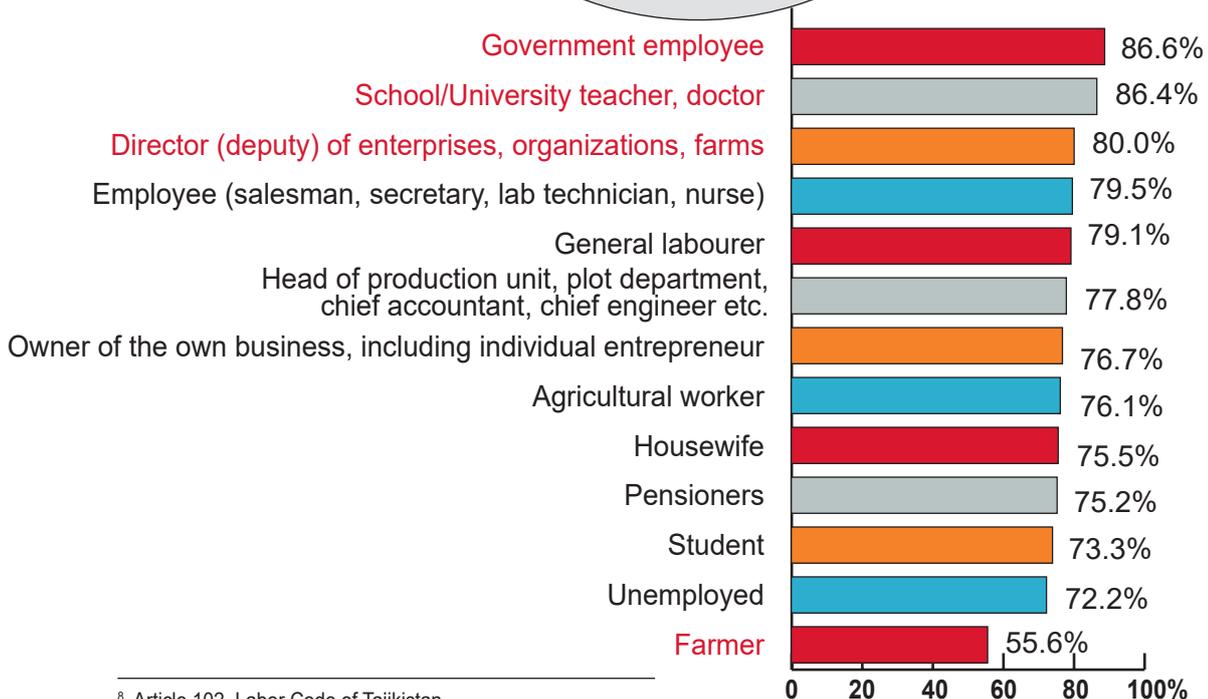
Once again, the level of education was a determinant of the level of legal literacy and shows the same linear progression. Yet, this result also shows that education is not a significant factor in raising awareness of this particular right, as **only 18.3% of those with a university degree provided the correct answer.**

When asked whether employers have the right to pay **men and women equally for the equal work**, the great majority of the populace (**76.6%**) correctly identified that the law provides for equal pay for the same work for men and women. ⁸

The right to equal salaries for equal work



Employers must pay men and women equal salaries for equal work - agree

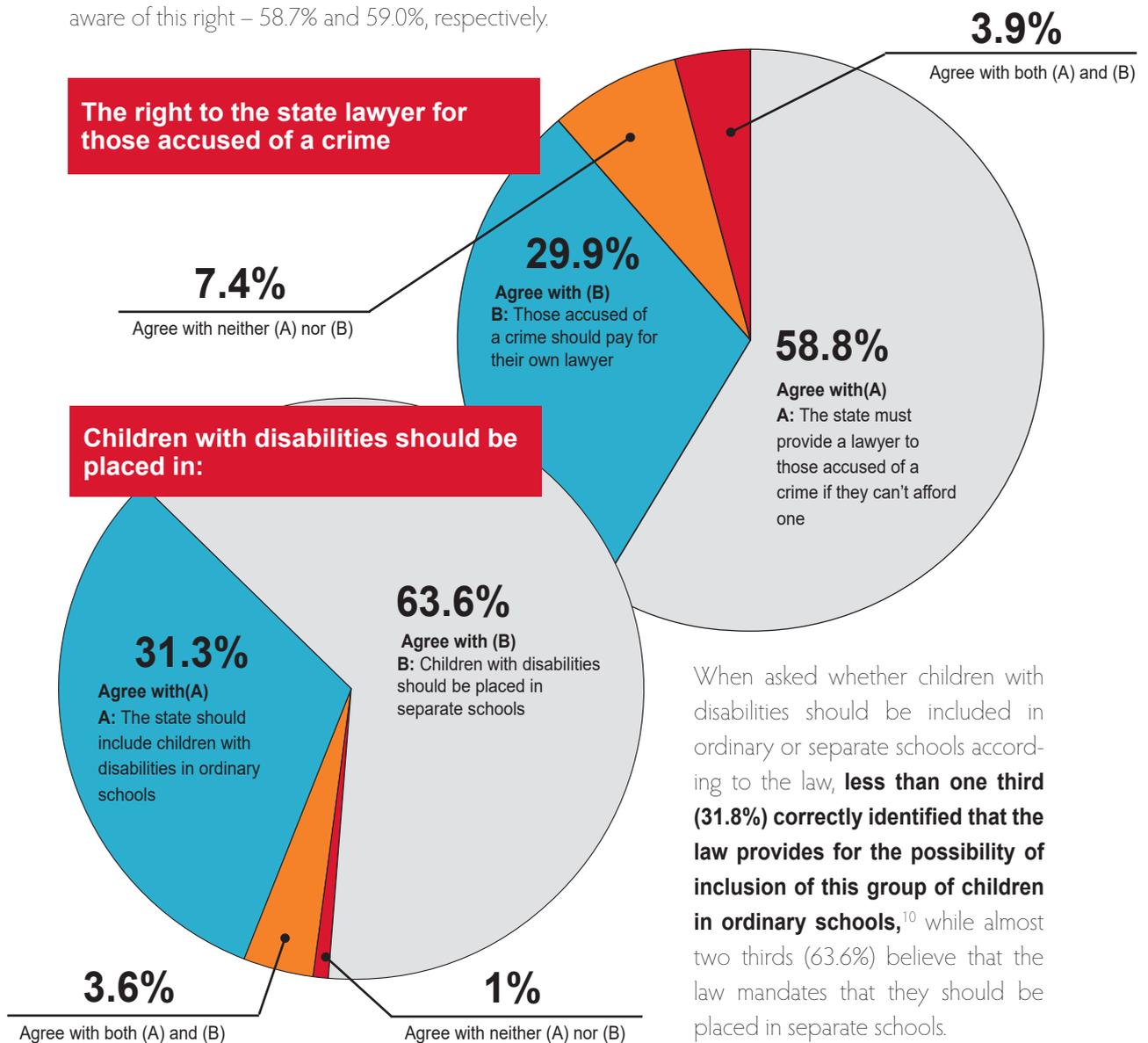


⁸ Article 102, Labor Code of Tajikistan.

While both men and women are predominantly aware of this right, male respondents were slightly more informed (78.5%) than female ones (74.7%). Moreover, there was again a clear pattern with regard to a respondent's level of formal education – the most educated were most aware of this legal provision (81.7%). However, while those with no formal education were the least informed, their level of awareness was still a notable 74.3%.

The respondent's **employment status and/or profession also affects the knowledge of this right under the law.** Those working in state administration (88.6%) and school or university professors (86.4%) were the most aware of this provision, while farmers (55.6%) were the least likely to be informed about the right to equal remuneration for men and women when performing equal work.

When asked about the **right to a lawyer for those accused of a crime, slightly over half of those surveyed (58.8%) were aware that they should be provided with a lawyer by the state if they cannot afford one.**⁹ The figure was considerably lower among the population of the GBAO region, where less than one third of the populace (30.2%) answered correctly. Both women and men are nearly equally aware of this right – 58.7% and 59.0%, respectively.



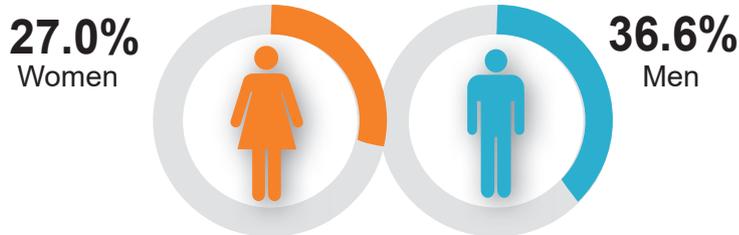
When asked whether children with disabilities should be included in ordinary or separate schools according to the law, **less than one third (31.8%) correctly identified that the law provides for the possibility of inclusion of this group of children in ordinary schools,**¹⁰ while almost two thirds (63.6%) believe that the law mandates that they should be placed in separate schools.

⁹ Article 46, Criminal Procedure Code of Tajikistan.

¹⁰ Article 19, Law on Protection of People with Disabilities of RT.

Women are less aware than men of this provision, although both have quite low levels of awareness of the rights of children with disabilities to be included in schools on an equal footing with the remaining children.

The state should include children with disabilities in ordinary schools – agree

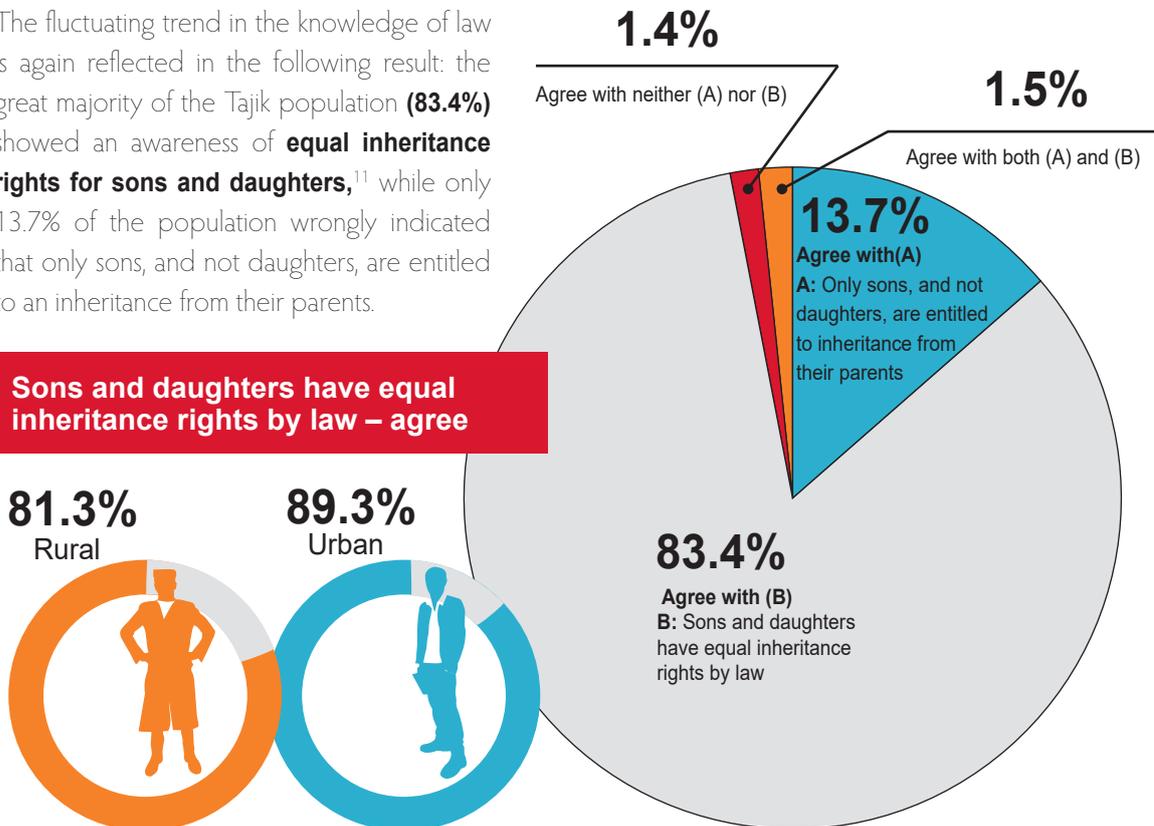


In contrast to some of the previous findings, **the level of education was merely indicative, though not significantly decisive**, in choosing the correct answer. The relevant variance (in percentage points) between those with higher education (35.3%) and those with no education (28.6%) who answered correctly stood at only 6.7 percentage points, which implies worrisome low levels of awareness of this right irrespective of levels of education. Similarly, **school/university teachers are insufficiently aware of the possibilities of inclusion of this population of children/students in ordinary schools**. Only 27.2% were likely to know the law on this point, which may lead to the exclusion of children with disabilities from regular education.

Entitlements to inheritance from the parents

The fluctuating trend in the knowledge of law is again reflected in the following result: the great majority of the Tajik population (83.4%) showed an awareness of **equal inheritance rights for sons and daughters**,¹¹ while only 13.7% of the population wrongly indicated that only sons, and not daughters, are entitled to an inheritance from their parents.

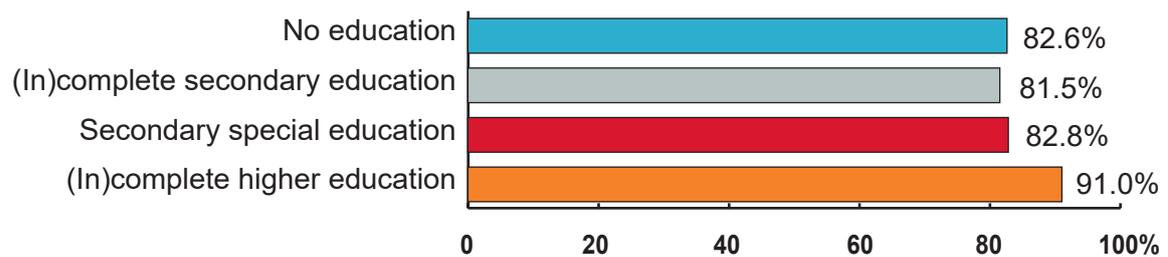
Sons and daughters have equal inheritance rights by law – agree



¹¹ Article 1165, Civil Code of Tajikistan.

Persons from **urban areas, those with higher educational credentials, and the elderly are among those most informed** about the law on this point. Specifically, over 80% of those with no formal education believe sons and daughters have equal rights to inheritance, while 91% of those with completed higher education believe the same. Additionally, the youngest respondents, students and farmers again showed the least knowledge of the law - 80.4%, 71.7% and 72.2% respectively. There were no significant disparities between men (84.4%) and women (82.5%) on this topic.

Sons and daughters have equal inheritance rights by law – agree



Finally, when scrutinizing all aspects of the knowledge of the law encompassed by this survey, it is clear that **there is no noticeable difference in legal knowledge between those that did and those that did not have experiences with resolving disputes in the justice system.** One possible conclusion from this is that citizens learned little to nothing about the law from their experiences.

4.2. LEGAL AWARENESS: STATE LEGAL AID CENTRES

The majority of the population **was not aware of state legal aid centres**. Namely, nearly three quarters (**73.5%**) **have not heard of them**. The slightly over one in four (26.5%) that are aware of legal aid centres have mostly become familiar with them via mass media (39.6%) and personal networks of connections (21.3%).

Have you heard of State Legal Aid Centres?

Answer	Percent
Yes	26.5%
No	73.5%

How did you hear about State Legal Aid Centres?

Mass media	39.6%
Social channels (relatives, neighbours, family, friends)	21.3%
Social media	15.7%
At work	7.1%
State institutions	12.1%

Even among the minority that have heard of legal aid centres, **very few are aware of their role and mandate**. Only **17.4% of those who have heard of them correctly identified the mandate of legal aid centres**. Among the remaining respondents that had heard of legal aid centres, 55.7% claimed to know what the legal aid centres do – but were wrong, while the remaining 26.9% said they **do not know their role**. The results also show partial awareness when it comes to the knowledge of who may use the services of the legal aid centres – **42.5% of respondents knew that they provide services to citizens, while 12.1% said that they did not know who legal aid centres serve**. In addition, the results of the survey indicate that the great majority of population (**82.3%**) **was not aware of any other option to get free legal aid**.

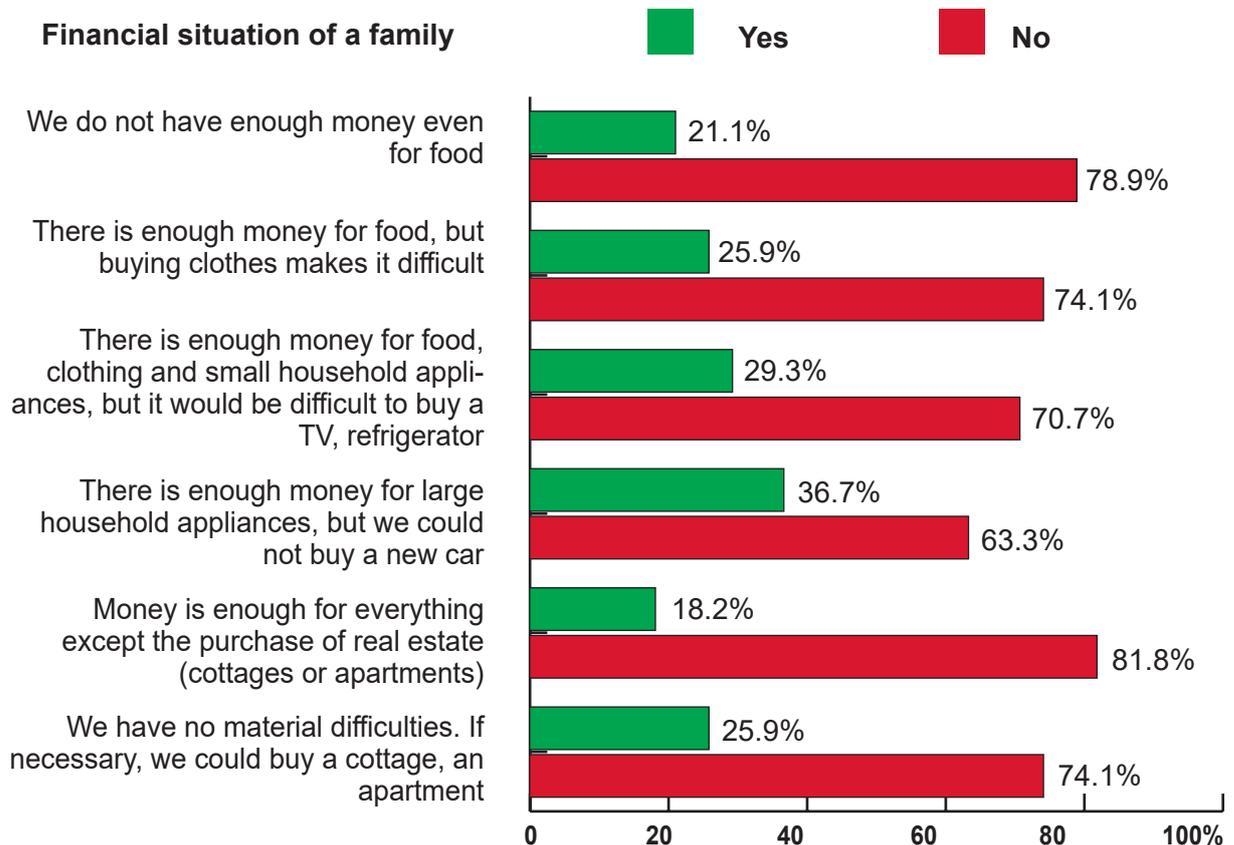
The results further demonstrate that the level of awareness of legal aid centres is directly connected to the level of education, indicating that those with **incomplete higher/higher education are the most aware of this service (41.9%)**, while those with **no education** were least aware - **90%** have never heard of this mechanism before.

Have you heard of State Legal Aid Centres?

Level of education	Percentage	
	Yes	No
No education	10.0%	90.0%
Incomplete secondary, secondary	22.0%	78.0%
Secondary special (technical school vocational school)	30.0%	70.0%
Incomplete higher, higher	41.9%	58.1%

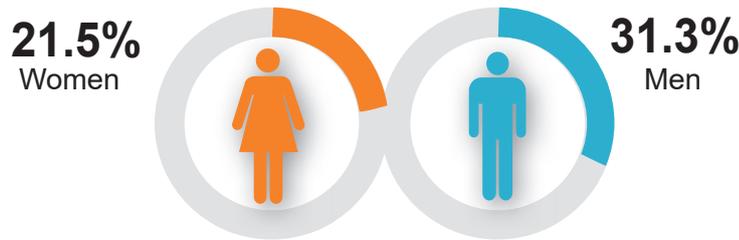
The respondents that are the least well off tend to be relatively unaware of legal aid centres; for instance, only 21.1% of those who do not have enough money for food, and 25.9% who have enough money for food but not for clothes, have heard of legal aid centres. This is significant because in the longer term, if they want to be financially sustainable, legal aid centres may have to restrict the provision of their services to the poorest – who are currently fairly unaware of their existence. It is therefore imperative that more awareness-raising is done to familiarise the population as a whole, and this segment of the population in particular, with legal aid centres and their mandate.

Have you heard of State Legal Aid Centres?



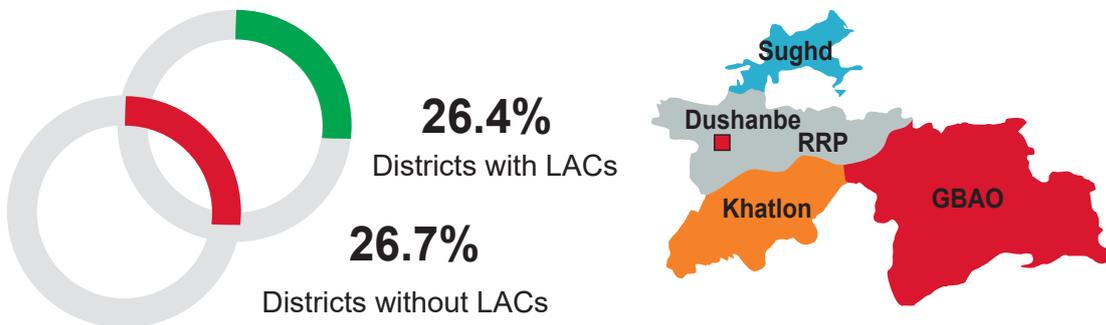
It is noteworthy that there was a difference in gender perspectives when it comes to the awareness of legal aid centres and their services – **men are likely to be more aware of the existence of legal aid centres with 31.3%, compared to 21.5% of women.** Rural (26.2%) and urban (27.2%) residents are almost equally aware of legal aid centres and their services.

Have you heard of State Legal Aid Centres? Answered: Yes



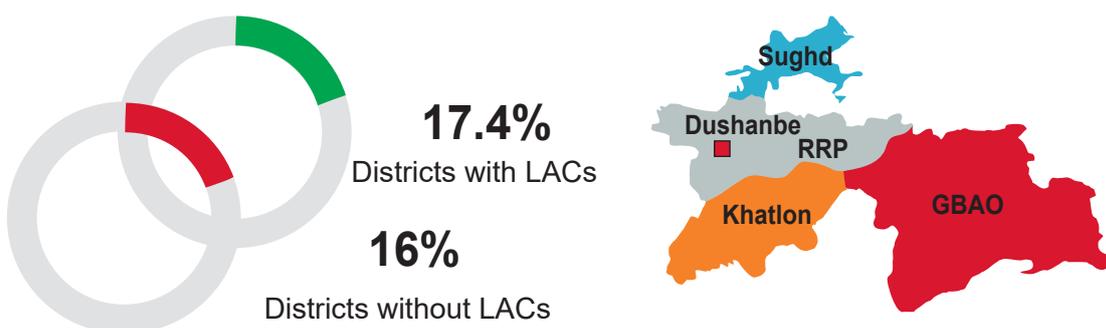
There was little or no difference in awareness of LACs between those living in districts that have a LAC (26.4% have heard of Legal Aid Centres) and those living in districts that do not have a LAC established yet (26.7% have heard of Legal Aid Centres).

Have you heard of State Legal Aid Centres? Answered: Yes



Furthermore, respondents living in districts with LACs are almost equally as likely to think they have a LAC in their district (17.4%) as respondents living in districts that do not have a LAC established yet (16%).

Do you have a State Legal Aid Centres in your district? Answered: Yes



These results show that **far more work remains to be done on raising awareness of the existence and purpose of LACs.** Moreover, they also show that **local outreach efforts to promote LACs set up in districts have not been particularly successful to date and that they may need to be re-evaluated or re-invigorated** in order to have the desired effect.

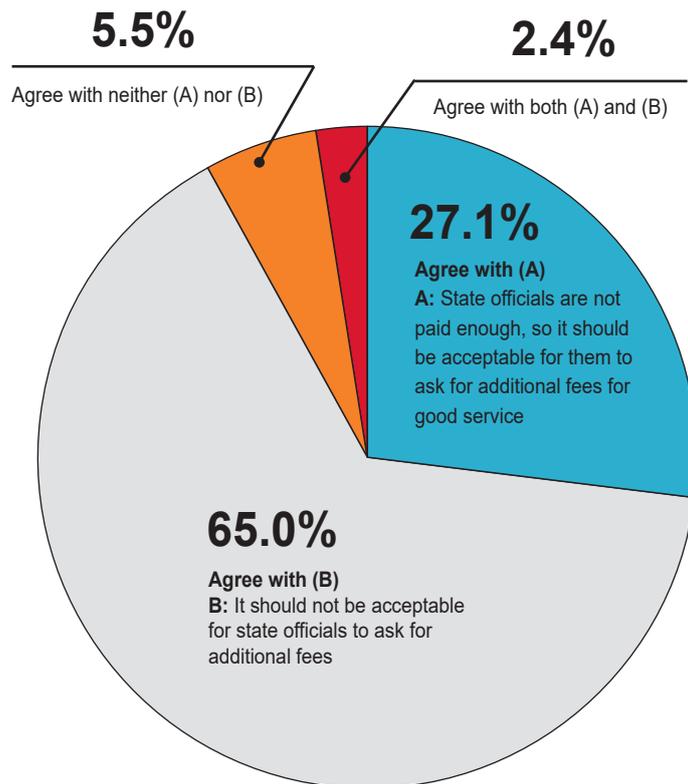
Finally, it is notable that those who have been in contact with the justice system over the past three years have equal knowledge of the existence, the role and the mandate of the legal aid centres as those that have not used with the justice system. The results show that **on both sides, one in four persons have heard of legal aid centres.** This implies that disputants should make further use of legal aid centres and that there is a need to further promote them to those respondents that they can assist in obtaining redress.

4.3 CONCEPTIONS OF JUSTICE

In addition to examining the knowledge of the law of Tajikistan population, the survey also scrutinized its citizens' conceptions of justice. Along with the above results, these are supposed to provide a data-driven baseline for policymakers in Tajikistan to reference when determining the ways in which to address issues with respect to access to justice, particularly in terms of awareness-raising.

State official's are not paid enough

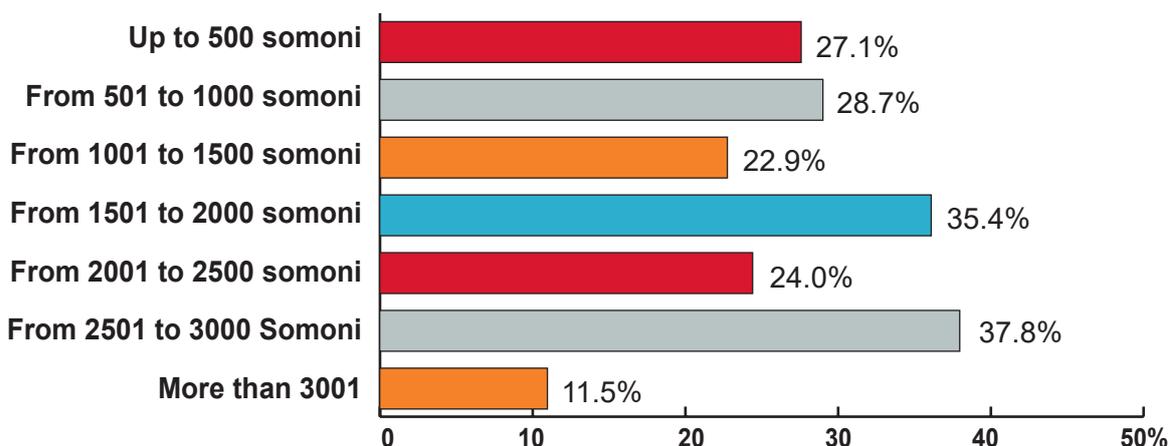
The results show that nearly four in ten respondents **has a tolerance of corruption - 27.2% of those surveyed said it would be acceptable for state officials to ask for additional fees**, while for approximately two thirds (65.6%) of respondents corruptive practices were not acceptable.



Those who were most vociferous in tolerating corruptive practices within state institutions come from the ranks of the **rural population, those with secondary education**, as well as **from the middle age cohort** – those between 45 and 55 years old. Thus, while **22% of the elderly** said that **state officials may ask for additional fees**, **30.5% of those between 45 and 55 years old** said the same thing. Additionally, while **21.7% of those with no education** said they would tolerate these additional fees, **32.0% of those with completed secondary special education** expressed the same opinion.

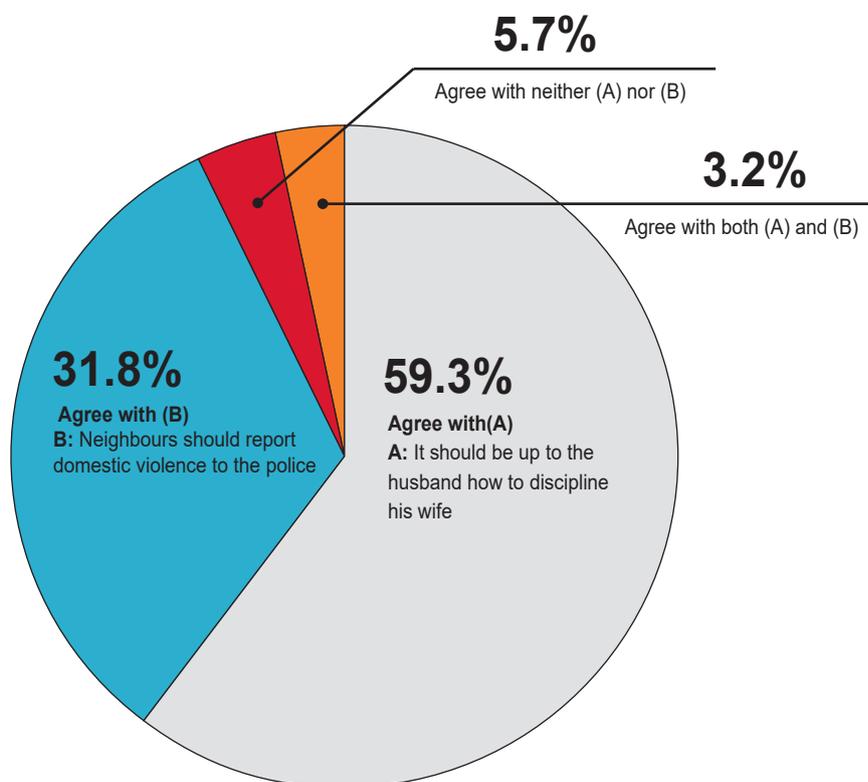
Moreover, those on top of the income ladder, earning **more than 3001 somoni per month, are the least likely to tolerate corruption (11.5%)**, while more than one third (37.8%) of middle and higher earners were less concerned about corruption within state administration. Additionally, **directors of companies are the occupational category that is most likely to tolerate corruption** – more than half approve of corruptive practices (52.6%). On the other hand, government employees as well as students are the least likely to tolerate corruption – 20.2% and 15.2%, respectively.

State officials are not paid enough, so it should be acceptable for them to ask for additional fees for good service – agree



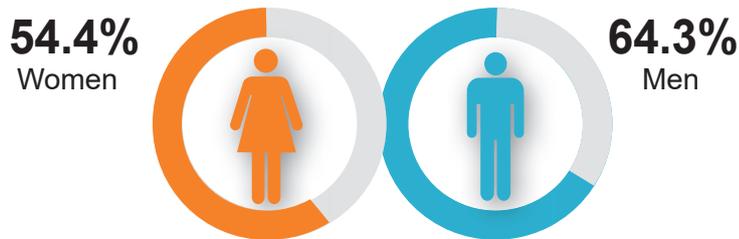
On domestic violence

Domestic violence is tolerated even more than corruption. A surprisingly large portion of the population, around **three fifths (59.3%)**, believes that “it should be up to the husband how to discipline his wife”, while slightly less than one third (31.8%) say that “neighbours should report domestic violence to the police”.

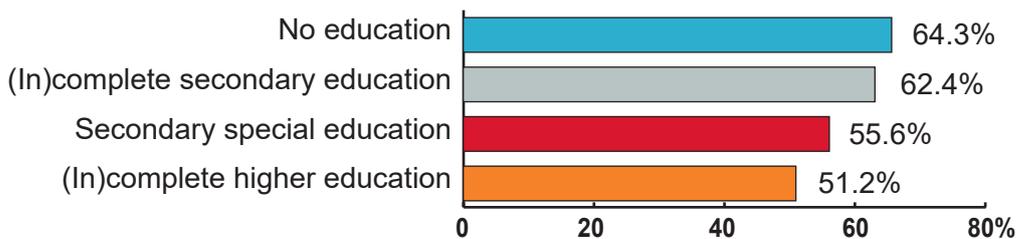


Even more unexpectedly, **women (64.3%) are more accepting of domestic violence than men (54.4%),** with **housewives in particular being tolerant of it (67.4%).** Likewise, those from **rural areas (62.7%) and those between 25 and 34 years old (63.7%) lead on the domestic violence tolerance scale.** In addition, the higher a person's level of formal education, the less tolerant they are of domestic violence.

It should be up to the husband how to discipline his wife - agree

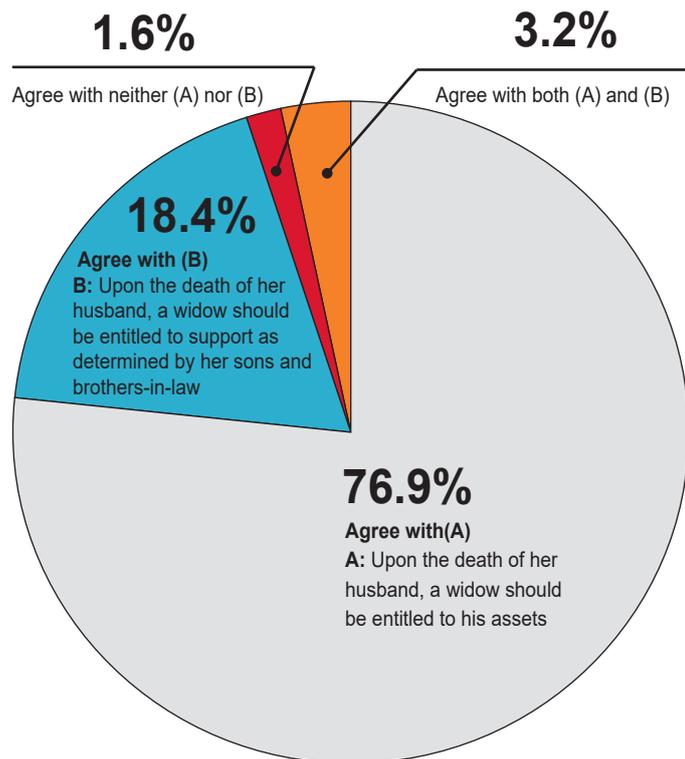


It should be up to the husband how to discipline his wife - agree

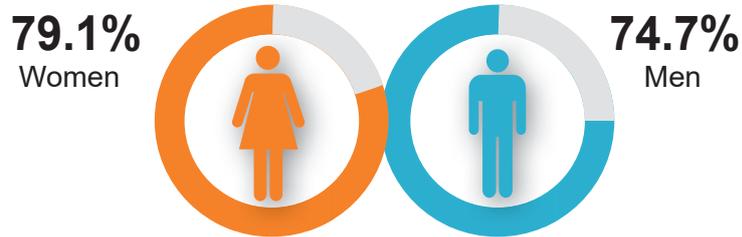


Property and family rights of women

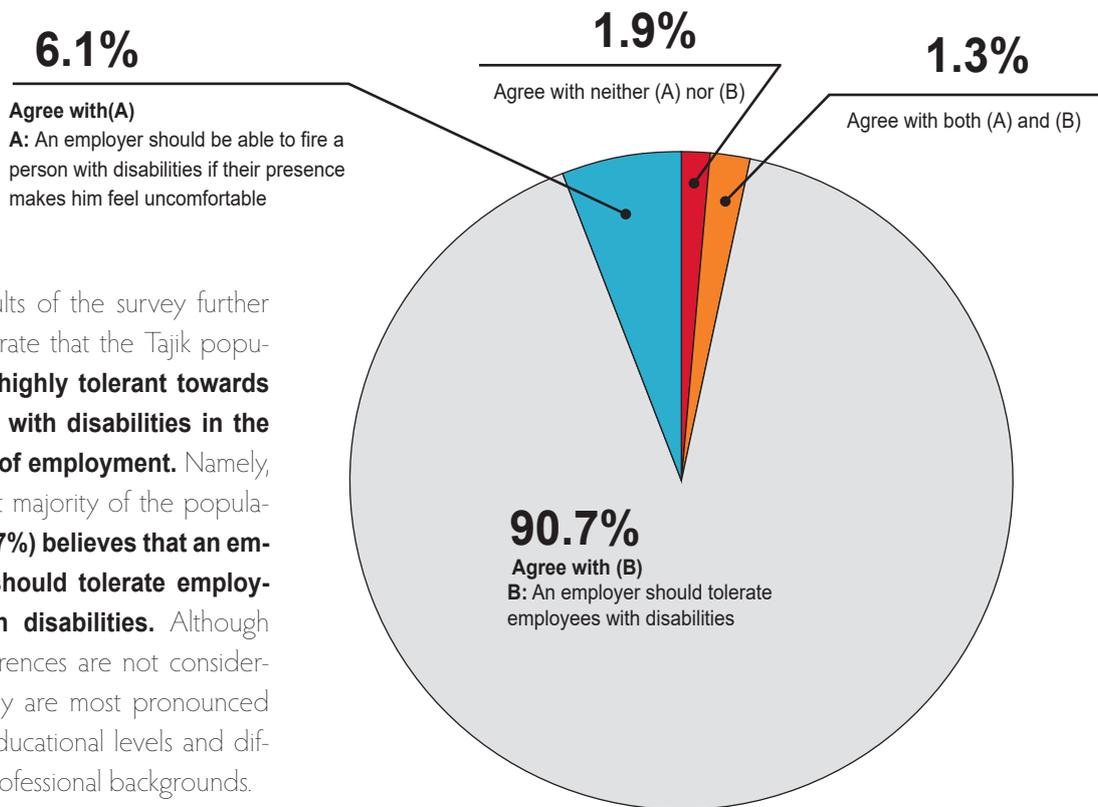
On the other hand, the idea that women have property and family rights is fairly entrenched across Tajikistan. The results show that **slightly above three quarters (76.9%) of the populace believe that “upon the death of her husband, a widow should be entitled to his assets”,** while less than a fifth (18.4%) believe “a widow should be entitled to support as determined by her sons and brothers in law.” Women more than men tend to support the former conception of property and family rights (79.1%).



Upon the death of her husband, a widow should be entitled to his assets - agree

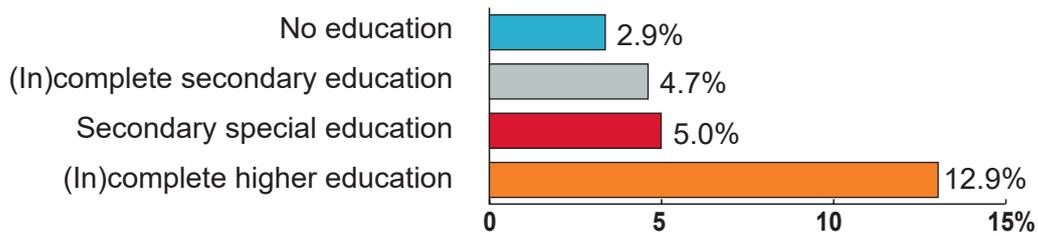


Rights of persons with disabilities



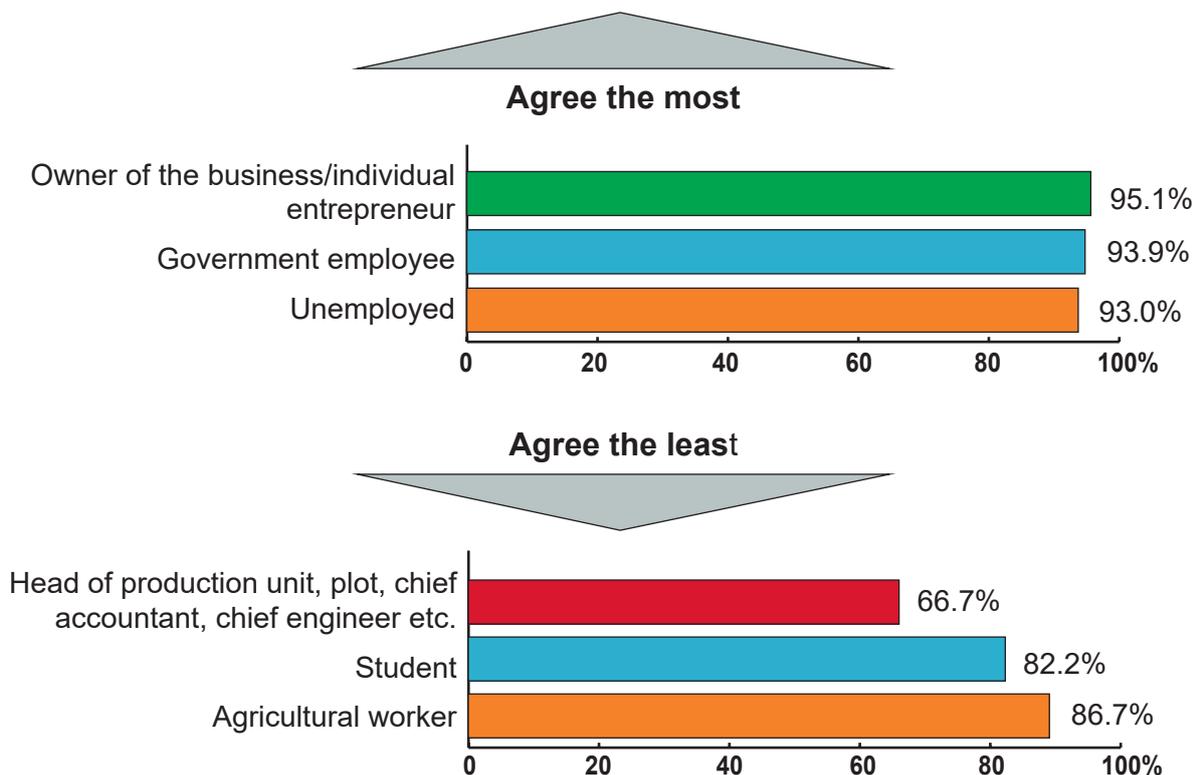
Intriguingly, those with the highest education levels are the least tolerant towards the right of persons with disabilities to enjoy the same treatment in employment as the remainder of the populace (12.9% thought that an employer should be able to fire persons with disabilities if their presence made him/her feel uncomfortable), while only 2.9% of population with no formal education said that should be the case, showing thus that an **increase in education is inversely relevant to levels of tolerance towards persons with disabilities in the workplace.**

An employer should be able to fire a person with disabilities if their presence makes him feel uncomfortable - agree



Across the occupational brackets the levels of tolerance towards persons with disabilities differ although not significantly with owners of the businesses/individual entrepreneurs, government employees, and unemployed leading on the tolerance spectrum, while heads of unit/plot/department/chief accountant/chief engineer were the least likely to manifest tolerance towards persons with disabilities in employment as the following graph shows.

An employer should tolerate employees with disabilities - agree



KEY FINDINGS ON KNOWLEDGE OF THE LAW AND CONCEPTIONS OF JUSTICE

The results show:

- ◆ **The results demonstrate very variable levels of legal awareness** on surveyed rights under the law. Namely, three patterns emerged on legal awareness: 1) **very low levels of legal awareness in the domain of women's rights to a divorce and the rights of children with disabilities to inclusion in regular education;** 2) **higher levels of understanding of women's rights to equal pay, and equal inheritance rights of sons and daughters;** and 3) **moderate levels of understanding of rights in detention by the police and of the right to a state lawyer for those accused of a crime.**
- ◆ For instance, **only 11.7%** are aware of the **right to a divorce without the consent of their husbands**, while **63.6%** claimed that **children with disabilities should be placed in separate schools**. On the other hand, **76.6%** of the population indicated that **women and men must be paid equal salaries for equal work**, while **83.4%** of the population **claimed equal inheritance rights for sons and daughters**. Slightly over half of the population (**58.8%**) **correctly identified the right to a state lawyer for those accused of a crime**, while two thirds of respondents (**67.8%**) **are aware that a person arrested by the police has the right to a lawyer from the moment of arrest**.
- ◆ **The level of education, professional occupation, and age stand out as determining factors of legal literacy.** However, these determinants of legal literacy do not always neatly predict how legally literate a person will be.
- ◆ **There is no noticeable difference in legal awareness between those that did and those that did not have experiences with resolving disputes in the justice system.**
- ◆ **The results illustrate a modest level of recognition of, and knowledge about, the role of State Legal Aid Centres.** For instance, slightly more than a quarter of all respondents (26.5%) are aware of them, with little or no difference in awareness between respondents living in districts that have a LAC (26.4%) and those that do not (26.7%). Further, only 17.4% of the population understood the LACs' role correctly. Likewise, those with no formal education and those financially the least well off showed the lowest degrees of awareness of this legal service – only 10% and 21.1% were aware of legal aid centres, respectively. Disconcertingly, respondents living in districts with LACs are almost equally as likely to think they have a LAC in their district (17.4%) as respondents living in districts that do not have a LAC established yet (16%). Finally, the poorest – who are likely to be the legal aid centres primary target group in the longer term – are fairly unaware of their existence. These figures point to an imperative to carry out further awareness-raising on legal aid centres and their mandate and that local outreach efforts to promote LACs set up in districts have not been particularly successful to date..
- ◆ **The population appears to tolerate or support the idea of a number of unjust and/or illegal practices. This makes it additionally difficult to create attitudes that promote just outcomes in the country.** Thus, for instance, **27.2% tolerate corruptive practices** – including over half of directors of companies, as well as significant portions of the middle-aged population, those with higher income and secondary education and those with modest employment. It would therefore appear that tolerance of corruption has become fairly entrenched across society.

- ◆ There is also a **worrisome level of tolerance of domestic violence**, as **59.3%** believe that “it should be up to the husband to discipline his wife”, with an even higher rate of women confirming this statement (64.3%).
- ◆ On the other hand, women’s property and inheritance rights appear better recognised, as 76.9% claim that a woman is entitled to her late husband’s assets. In addition, the Tajik population is very tolerant of the rights of persons with disabilities at work, as 90.7% believe that they should be treated equally with the rest of the population by employers.



CHAPTER 5

ACCESS TO JUSTICE OF DISADVANTAGED GROUPS

This chapter focuses on the experiences of particular disadvantaged groups in accessing justice. As explained in the introduction, the principal tool utilised in the survey – the questionnaire administered to 1928 persons across Tajikistan – was inadequate to understand the experiences of certain groups that may be reluctant to discuss their plight with anonymous enumerators or that may be difficult to reach.

As a result, the research team selected certain groups with these characteristics and utilised additional research tools, such as focus groups, to seek better insight into the difficulties they face in resolving disputes and using the justice system in Tajikistan.

5.1 SEX WORKERS

Sex workers face many challenges in accessing justice in Tajikistan. This is, in large part, due to the following key reasons: lack of knowledge of pathways in access to justice; lack of knowledge of their rights under the law; lack of trust in law enforcement institutions; and widespread poverty, discrimination and stigmatization of this population by the society as a whole.

The majority of focus group participants highlighted that in cases of violations of their rights by the police, family or clients, they lacked knowledge about mechanisms for accessing justice. For instance, focus groups discussants in Dushanbe indicated the following:

They [police] can detain us anytime, they take us to the police station and hold us sometimes for days, and at the same time we are not told about the reasons for the detention and our rights. We would like to get information about whether the police has right to beat, insult, humiliate us, and how justified is detention for several days without any reason. I would also like to have information on lawyers, whether we have the right to a lawyer, and if so, how to find him.¹²

Police abuse and a general lack of knowledge about rights, and how to exercise them, was confirmed by another sex worker:

Three months ago, when police officers detained me, I had a 6-month-old baby at home. When I asked the police officer to give me the opportunity to feed him, he hit me so hard that my earring flew off my ear. While they were taking me to the police [station] in a car, they hit me hard several times and insulted me. For two days, I was kept in a special detention centre, and at the same time they did not allow me to see and feed my child. Do police officers have the right to treat me like this?¹³

Those living in abusive families and relationships expressed similar sentiments: *"I met a guy, gave a birth to a baby, we later married, but he constantly beat me. I never complained and did not know that you could go somewhere for legal assistance".¹⁴*

Even when they have legal awareness, sex workers do not press charges or submit criminal complaints for violations of their rights by the police, family or clients. They do so for two principal reasons: first, to avoid additional problems in their communities and at home, and because they severely lack trust in legal institutions to investigate and act on their complaints according to principles of fairness, equality and non-discrimination. In this vein, a focus group participant stated: *"I do not trust the police, courts and lawyers, because I believe that they are all on the same side"¹⁵*, while another participant

¹² Focus group with sex workers in Dushanbe, 26 April 2019.

¹³ Ibid.

¹⁴ Focus group with sex workers in Spitamen, 16 April 2019.

¹⁵ Ibid.

indicated: ***“Once, a client beat me severely, but I did not report him, since I have no trust in law enforcement agencies.”***¹⁶

Besides, widespread poverty, including discrimination on various grounds, further increases the already significant ‘distance’ from sex workers to the justice system. Namely, the majority of respondents claimed that one of the key constraints they face in seeking justice is a lack of financial means:

My child was taken away from me without a court order. I want my child back but I don’t know how, there is no money for a lawyer. We do not have free lawyers, you have to pay everywhere, otherwise no one will look in your direction.¹⁷

Another focus group participant confirmed: ***“When we have problems, we generally don’t know where to turn. There is no money for lawyers. Once I went to a lawyer, I had 100 somoni, to which he rudely said, I don’t need your somoni, I only take dollars.”***

In addition to the above issues, sex workers often face other obstacles, including those related to administrative procedures. For instance, they require a valid residence permit (which a considerable number of them lack) when applying for personal documents. In addition, they are relatively uninformed of free legal aid mechanisms and other available assistance from relevant civil society organisations, which makes it even more difficult for members of this vulnerable group to access justice.

¹⁶ Focus group with sex workers in Dushanbe, 26 April 2019.

¹⁷ Ibid.

5.2 PEOPLE LIVING WITH HIV

Focus group discussants that are HIV positive felt they are victims of **widespread discrimination**, notably in the fields of **health care and employment**. Yet, seeking justice for this population is rarely an option. This is mostly due to a lack of knowledge and access to information about their constitutional rights, including a lack of economic means to press charges against those exercising discriminatory practices. Moreover, fears that – if they address justice section institutions - information about their health status will be spread within the community, and consequent acts of discrimination they would face, prevent them from meaningful access to justice.

An oft-mentioned challenge is access to health care: *“My tooth hurt and I had to remove it. I went around several dental clinics where I honestly admitted my status, but not one of them agreed to treat me (...) Next time, I will not disclose my status in order to be accepted.”*¹⁸

A large number of participants within the focus groups stressed that people living with HIV face a plethora of obstacles in finding and keeping employment, with many of them consequently lacking even basic financial means:

*We have big problems with employment, no one wants to hire a person with HIV positive status. Everywhere you go they require a health certificate, and if we bring a certificate, they immediately refuse us. And we need to work to live, now I got a job, but I hid my status, otherwise I would not have been hired.*¹⁹

Or, as another respondent indicated:

*When I honestly admit my status, I do not get hired anywhere. Don't people with [HIV] status have the right to work as janitors? I didn't go for a consultation. I didn't know that in our area there is a free legal aid office.*²⁰

Still, those who do have a job find themselves in a difficult position when information on their health status becomes known to employers and colleagues:

*I work as a dispatcher in an ambulance. A month ago, a police officer revealed my status, he came to my work, told the others and persuaded them not to communicate with me (...) Due to the disclosure of my status at work, my colleagues began to shun me and it's hard for me to work there now. Now I'm afraid that they will fire me. I would like to call the police officer to justice, but I don't know how to do it.*²¹

Besides a clear indication that discrimination against people living with HIV is rife, the citations noted above show that there is a widespread lack of knowledge of rights and responsibilities of people living with HIV when it comes to reporting discriminatory practices and accessing legal instruments. Yet, as with the previous groups highlighted in this chapter, the reluctance of people living with HIV to seek justice also comes from their lack of trust in the legal system as a whole: *“We don't trust in law enforcement agencies, we believe that they are all corrupt. To solve the problems, we usually turn to our friends, we solve issues through our channels.”*²² Thus, relying on thick networks of relationships in the immediate community represents a common instrument in dealing with, and solving, important issues outside the institutional realm.

¹⁸ Focus group with HIV positive persons, Dushanbe, 11 April 2019.

¹⁹ Ibid.

²⁰ Focus group with HIV positive persons, Spitamen, 17 April 2019.

²¹ Ibid.

²² Focus group with HIV positive persons, Dushanbe, 11 April 2019.

5.3 DRUG USERS

According to numerous accounts by participants in focus groups, the population of drug users in Tajikistan is in an extremely vulnerable position, particularly due to immensely abusive and **violent treatment by the police**. Moreover, pathways to accessing justice are thorny, as mechanisms for doing so are either inaccessible to this population or are infused by corrupt practices of justice system officials. Consequently, the level of trust of this group in the justice system is very low. Widespread discrimination and a careless approach by healthcare practitioners add to the already vulnerable position of drug users.

The great majority of focus group participants were consistent in pointing out the brutal violence, abuse and systematic violations of rights and professional codes of conduct by the police. This statement by a respondent was typical:

I am a drug addict and because of this the police can detain me just like that, they keep me in the police department for more than 3 hours (...) they beat you. We have a lot of problems with the police. And since the police officer knows me, every time some kind of crime happens, they know that I am a drug addict, they immediately call me to the department and torture me, and they use physical violence. That is, I am always under suspicion. They say "write, who is the drug dealer? Call the drug dealer." If you don't cooperate with them, they can plant drugs on you (...) many illegal detentions occur among members of our community. We can't complain anywhere, as it will become worse for us. Human rights does not work for us. I do not trust lawyers, as they concur with prosecutors or act on the side of investigators.²³

Another respondent confirmed that drug addicts are the first to be interrogated when a crime or an offence is committed in the local community. As he pointed out, being a drug addict automatically invokes suspicion or an allegation of perpetrating a crime by the police, even if it is without any relevant proof:

I am a drug addict and I do no harm to anyone except myself and my health (...) they see me as a criminal. Whenever a theft, fighting, stabbing, is committed police officers come to my house, rough me up and take me to the department, beat me severely, and demand to confess a crime I did not commit. For example, 4-5 years ago, when, in our neighbourhood, during a fight a murder was committed, they first came to me ... without any reason and beat me, brought me to the department. Only after they managed to discover the identity of the suspect from the video camera recording, only then did they release me. They did not provide me with a lawyer then either. If you look like this, the cops break the law, not us!²⁴

When seeking justice this population encounters numerous difficulties, ranging from the lack of financial means to cover costs of legal procedure and representation, to a lack of knowledge of free legal aid mechanisms, and the corrupt practices of judicial officials:

According to employees in justice system, if you are a drug addict or HIV infected, then you are a criminal. If you are not guilty but suspected to be a perpetrator of

²³ Focus group with drug users, Dushanbe, 11 April 2019.

²⁴ Ibid.

crime and under investigation, no one will help you, neither a lawyer, nor a court (...) I can't afford the services of a lawyer, as it is very expensive, I have no money for it. I have not heard that we have free lawyers available.²⁵

Although the majority of respondents have not been aware of free legal aid, some pointed out that they have heard of it, but have been unable to use it.

On the other hand, even when respondents were provided with lawyers by the state, they mostly saw this service as inefficient and quite formal:

In the criminal case raised against me, I was provided with a free lawyer, whom I saw only twice before the trial. When they read the verdict, he didn't even say goodbye to me and left. This free lawyer did not worry about my case - he participated in the case for the sake of participation. I do not trust lawyers.²⁶

In a similar vein, a respondent noted that ex officio lawyers are notoriously careless, while occasionally even supporting abusive conduct by police officers:

I was assigned a state lawyer. This lawyer was sitting on a chair, smoking a cigarette and watching me being hit in the head by police officer and did not react to this at all. And then he said: "you better confess, it will be easier for you, they will sentence you to less time." These state lawyers work only in the interests of the state, and not in my favour. It's better not to have a lawyer than to have one.²⁷

As in the cases of other disadvantaged groups, it is unsurprising that drug users lack trust in justice sector institutions that fail to respond to the needs of citizens.

In addition, drug users highlighted as a significant issue the frequent discrimination by providers of health-care, including through breaches of their codes of conduct:

In addition to problems with the police, we have problems with medical treatment at healthcare centres ... Unprofessional doctors...each client must have an individual approach, but everyone is given the same dose [of methadone]. They do not ask if we had hepatitis or not. They are not interested in human health, if only they had the number of people.²⁸

Yet, as noted earlier, respondents from the ranks of drug users did not access legal remedies due to various factors - with attitudes towards this group by the judicial system being the principal one. Finally, as indicated during focus group discussions, fostering the development of a civil society sector active in protecting vulnerable groups, including drug users, would be welcome and would increase the ability of these groups to access justice.

²⁵ Focus group with drug users, Buston, 16 April 2019.

²⁶ Ibid.

²⁷ Focus group with drug users, Dushanbe, 11 April 2019.

²⁸ Focus group with drug users, Buston, 16 April 2019.

5.4 FORMER PRISONERS

Former prisoners face great challenges in accessing justice. Focus group discussions clearly highlight instances of misconduct during criminal proceedings, resulting in severe sentences. The focus groups also show that former prisoners faced difficulties in obtaining adequate representation by a lawyer before the court, leading to a presumption of guilt before proceedings are completed:

(...) Very often, especially in criminal cases, the circumstances of the case are not investigated by the courts, and on the basis of superficial research, they often impose extremely severe penalties. Courts are mainly guided by materials collected by the investigator, which are not examined in detail. A lawyer is not provided both during the preliminary investigation and during the trial. Even when provided by designation, lawyers are [only] formally present in the case, but are essentially inactive. An interpreter is not provided, both during the preliminary investigation and during the trial. For the sake of career advancement, many investigators and prosecutors superficially check the circumstances of the case, and there is a 'guilt bias' in the proceedings.²⁹

Similar narratives were repeated numerous times during focus group discussions. The consequences of the inaccessibility of free legal aid lawyers are exacerbated by the fact that many of the accused and those in prison are severely economically deprived, which both lowers their legal awareness and their ability to pay for a lawyer themselves.³⁰

Former prisoners experience discrimination and social exclusion. As was stressed a number of times during the focus groups, there is a chronic lack of integration mechanisms for this population group. While this has affected them in all walks of life, its strongest effect is in the field of employment:

No one thinks about the return and integration of people released from serving their sentences in civilian life. State structures do not deal with the employment of this category of citizens. This issue is resolved individually. But if [potential] employers find out about your past they will refuse to employ you, or, if you already work, they will fire you.³¹

Moreover, former prisoners rarely, if ever, attempt to use legal remedies available for discrimination, either due to a lack of knowledge or because they are economically deprived.

Focus group respondents additionally reflected that the paucity and ineffectiveness of state mechanisms for integration is, to some extent, 'substituted' by the engagement of non-governmental organisations, which implement projects aimed at enhancing employment, activating social protection mechanisms and investing in the overall social inclusion of the former prisoners.³²

²⁹ Focus group with former prisoner, Khujand, 15 April, 2019.

³⁰ Ibid.

³¹ Ibid.

³² Focus group with former prisoner, Dushanbe, 4 May, 2019.

5.5 PERSONS WITH DISABILITIES

Persons with disabilities face a wide scope of challenges that prevent them from exercising their rights on an equal basis with the remainder of the population. A veritable chorus of voices from focus groups highlighted the following main obstacles to access to justice of persons with disabilities: a lack of knowledge and information about their rights under the law, inaccessible legal aid services, cases of corruption and widespread discrimination.

By their own admission, persons with disabilities lack knowledge of their rights under the law. While some are aware of the law on welfare and obtaining benefits, they are not well informed of their other rights, including non-discrimination, the right to accessibility, and others. In their own words, they are especially confused by complicated legal terminology and they lack an understanding of legal processes:

*Juridical terminology is not so clear to us, and we have difficulties to understand their meaning, or understanding relevant legal information, sometimes we don't know who to refer for help and how much time or money the dispute resolution process will take.*³³

Another participant indicated that there is a 'silent treatment' by institutional representatives who know the rights of people with disabilities, and yet are unwilling to assist them in accessing justice:

*Sometimes it is our fault as well because we don't have the knowledge or information about how to protect our rights, and the other side is just pretending that they don't know as well. This is how we can be used and abused - I call it "the silent treatment".*³⁴

Yet, those who are better informed of their rights are more successful in accessing justice and exercising their rights – and exposing corruption along the way:

*I went to the dentist and the dentist pressured me to pay 150 somoni for the treatment, which I refused to pay; however, he refused to treat my teeth without an advance payment for the treatment. The doctor said to me: "you people from the north part of Tajikistan don't like to pay because you are greedy." After this, I went to head of the clinic and complained that I am a person with a disability and I know there is an article in the law that indicates that medical service for the disabled is free of charge (...) I fought for my rights in the hospital and the dentist returned my money and asked "why did you complain?", so I said "you thought we are disabled and don't know our rights."*³⁵

³³ Focus group with persons with disabilities, Khujand, 16 April, 2019.

³⁴ Ibid.

³⁵ Ibid.

In another example of the value of legal awareness, a focus group participant spoke of how their knowledge of the law enabled them to exercise their rights in the judicial system, often the source of discrimination against persons with disabilities:

Discrimination in court is a common thing in our region. For example, I had a case which went up to court, and instead of support, I got a nervous breakdown from the judge as he shouted at me and didn't allow me to say a single word. I couldn't resist anymore and sent a complaint letter to the higher court about the judge's attitude towards disadvantaged people. As I was aware of the legal remedies, I could fight injustice; unfortunately, the poor and other disadvantaged people cannot seek remedies for injustice when they don't know what their rights and entitlements are under the law.³⁶

A frequently noted **challenge for persons with physical disabilities in accessing justice is the literal inaccessibility** of courts and other buildings. This has dissuaded many persons with disabilities from using the justice system altogether, thus depriving them of the possibility of redress. Other challenges include some that are common to members of other disadvantaged groups. An expensive and corrupt justice system was recurring theme at the focus groups; it is seen as corroding the already small levels of trust in the justice system:

Anyway, we have to pay everywhere in the system (court, judge and lawyer) to win the case. The law system in our country works only for those who have money, connections and friends in the system. They don't care about our concerns - what they care about is money. The justice system is corrupt.³⁷

As is the case across the spectrum of vulnerable groups in Tajikistan, persons with disabilities usually come from the ranks of economically deprived persons, which deters them from seeking redress in court. In addition, although there is access to free primary legal aid through Legal Aid Centres (LACs) in some districts in Tajikistan, focus group participants claimed that LACs often lack knowledge and capacities to deal with legal cases of persons with disabilities:

We have a lawyer in the government whose duty is to support us when it comes to any legal issue, for free. However, the lawyer does not have the capacity to help us... he is almost useless, and professional lawyers are expensive and, due to our limited finances, we cannot afford to hire more qualify lawyer.³⁸

³⁶ Focus group with persons with disabilities, Khujand, 16 April, 2019.

³⁷ Focus group with persons with disabilities, Dushanbe, 1 May, 2019.

³⁸ Ibid.

5.6 NATIONAL MINORITIES

National minorities in Tajikistan face various challenges in accessing justice, including corruption, discrimination and a lack of information on their rights under the law.

Much like focus group participants from other vulnerable groups, respondents from the ranks of national minorities suggest corruption in the judiciary is a common phenomenon. It is seen as weakening trust in judicial institutions and in the rule of law in general: ***“There is no trust in the judicial system of Tajikistan, since there is no trust in authorities, officials (...) you often have to pay a bribe when solving a problem.”***³⁹ Participants believe there is impunity for corruption in the justice system and that networks of connections often play a significant role in solving particular legal issues.⁴⁰

Access to justice for national minorities is often coloured by discriminatory practices of the justice authorities:

Often we encounter discrimination on a national basis both when dealing with indigenous people, and when contacting state bodies, courts and law enforcement agencies. Everywhere there are double standards, laws prescribe one thing, but in reality a completely different one.⁴¹

However, in some cases, as underlined by participants in the focus groups, being the member of a national minority community may ease access to justice and overcome discriminatory practices in the judiciary:

The fact that we are representatives of a different nationality sometimes helps us in solving a problem. Because representatives of the indigenous population do not always fight for their legal rights, and we fight, in this regard, officials do not want to have a problem with us. We can complain and go to the end. In those places where we live, they know about us.⁴²

In addition, discussions in focus groups suggested that awareness of the law can help respondents in accessing justice to a considerable degree. Still, this is not common phenomenon; struggles with understanding minorities' rights and the mechanisms for obtaining redress remain an obstacle to access to justice of national minorities in Tajikistan.⁴³ Likewise, the high rate of illiteracy among particular national minorities – namely the Roma - is a tremendous obstacle in seeking justice.

In addition to these concerns, respondents also stated that lawyers, prosecutors, judges and administrative officials lack adequate knowledge and qualifications to effectively discharge their functions and provide justice for vulnerable groups.⁴⁴

³⁹ Focus group with persons with disabilities, Khujand, 18 April, 2019.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Focus group with persons with disabilities, Bohtar, 16 May, 2019.

⁴⁴ Focus group with persons with disabilities, Khujand, 18 April, 2019.

5.7 (AFGHAN) REFUGEES

Refugees in Tajikistan feel discriminated against by the police and other relevant justice sector institutions, as well as local communities. Besides, their lack of knowledge of the justice system is a considerable constraint in accessing justice, as is the corruption firmly embedded in justice sector institutions.

As repeatedly noted during focus groups, the most pressing issues for refugees in Tajikistan are access to personal documents and freedom of movement, which is significantly restricted by the police. It is unclear why in certain cases personal documents, including refugee cards and passports, were taken away from refugees, raising questions about their status, and creating difficulties for those wishing to access justice:

All the required documents that we had (passports, refugee card, and other documents) have been taken from us, and we don't know the reason. I went to the court and trying to find out the reason, and instead of an explanation I was told to leave the courtroom. After ten days, I got my rejection letter from the court, indicating that I have to leave the country, but I don't have my passport, so how I can leave the country!? I don't understand the rule of law and justice in Tajikistan, it has been more than ten years that I have lived in Tajikistan, my children are attending school in Tajikistan, if I go back to Afghanistan how would my children go to school - they don't know how to write in the Dari Language. I think we are entitled to be informed as to why we have to leave the country, the reason.⁴⁵

The lack of information provided by officials for deporting and changing the status of refugees further complicates their situation, while increasing their levels of vulnerability. Their already difficult position is made all the more challenging because they face recurring harassment by the police:

The last one, five years, I got mentally sick, as every single day the police show up in our house asking for documents, and we don't have documents ... the police here are so mean to us. They are chasing us, discriminating against us and mentally attacking us every time. We are in this village like in prison, we have to ask permission from the police to go to the town or village.⁴⁶

Another focus group participant highlighted restrictions to refugees' freedom of movement as a major issue:

We are forced to move and live in the village where the living conditions are poor and we have to survive somehow here. We are not allowed to move freely within the country which, we think, is against our rights as human beings.⁴⁷

⁴⁵ Focus group with refugees, Vahdat, 2 May 2019.

⁴⁶ Ibid.

⁴⁷ Focus group with refugees, Khujand, 19 April 2019.

Similar statements were repeated numerous times during discussions with refugees. Yet refugees rarely seek redress due to two main reasons: first, the considerable level of corruption within the justice sector, and, second, a lack of legal literacy and awareness about the rights of asylum seekers and refugees, as well as about anti-discrimination laws and policies, and the rule of law in general:

We are not aware of the rule of law and justice system here in Tajikistan. The relevant people should have organised a training for us, so we could have been aware of free movement within the country. Last year my son went outside the village and he was prosecuted and they wanted to deport him, so I resolved this issue by paying a bribe. The problem was that nobody informed us that we are not allowed to go outside of the districts. After that I received a booklet from UNHCR and it is now clear for me and I have the map now where we are allowed to go and where we shouldn't go.⁴⁸

Likewise, a language barrier in getting prompt information about the rights and responsibilities of refugees seems to additionally affect their vulnerable position. Discussants claimed that a lack of translated information brochures for asylum seekers and refugees effectively renders them clueless when it comes to acquiring or maintaining refugee status.⁴⁹

In addition to these examples, refugees face discrimination in almost all walks of life in the local community, with participants in focus group discussions reporting that refugees in rural areas experience higher degrees of discrimination and barriers to social inclusion than those living in urban areas.

⁴⁸ Focus group with refugees, Bokhtar, 16 May, 2019.

⁴⁹ Ibid.

5.8 MIGRANT WORKERS

Migrant workers are often the victims of violations of labour and other rights in the countries where they are employed (the most common such examples for workers from Tajikistan include the Russian Federation, Saudi Arabia, and Turkey). The reasons are many, ranging from a lack of written contracts, exploitative practices by their employers and others, and discrimination against this group. Likewise, their lack of knowledge of the local legal context, and of their rights and obligations under the host country's laws, makes their position increasingly vulnerable.

Testimonies of focus group participants often emphasise the difficult working conditions in foreign countries, failures to honour their contracts and a lack of social and health protection. Most migrant workers were willing to share examples of exploitation and how agreements regarding their financial compensation were violated: *“In 2016, I went to work in Krasnoyarsk, as I was in debt. It was important for me to repay the debt. I worked on a construction site for a year, but I was deceived, as we were not given even half the [agreed on] wages for our work.”*⁵⁰ While some receive wages that are smaller than agreed on, others are left without any financial compensation: *“In 2017, the guys invited me to the city of Tyumen to go to work. I went, and I worked at the construction site for two months [but] the company closed, the work was unfinished. Because of this, we were not paid our salaries.”*⁵¹

While most migrant workers do not seek redress or compensation from their employers, some do, especially when it comes to extreme cases that result in catastrophic consequences. A participant of a focus group from Istaravshan, who is a family member of a migrant worker, shared his experience of seeking justice:

*In 2013, my brother went to Tyumen, as a migrant worker, to work on construction. He fell from a truck crane, which was not working, and died. I pressed charges against employer. I turned to the Tajik Embassy for help, where they brought me a lawyer. He asked for 5,000 Russian rubles to write a statement of claim. I asked why it was so expensive, and he replied that I would soon receive good compensation in the case. I handed over the completed statement of claim to the investigator in the case. As per the court verdict, the employer was punished with a three-year probationary sentence, but no compensation was sought. The judge argued that the claim allegedly did not distinguish between material and moral damage. Then I had to re-compose a statement of claim and file it in civil order. As a result, in 2016, the Tyumen court awarded me compensation for the case of 150,000 rubles. Until now, this money has not been received. I went to the prosecutor's office several times but they threatened me that I should stop or they would plant drugs in my pocket and put me in jail. They did not repair our damage.*⁵²

⁵⁰ Focus group with labour migrants, Istaravshan, 18 April, 2019.

⁵¹ Focus group with labour migrants, Kulyab, 3 May, 2019.

⁵² Focus group with labour migrants, Istaravshan, 18 April, 2019.

Thus, when seeking redress, migrant workers and members of their families feel there is a widespread corruption and a lack of fairness in the justice system, both with regard to the process and the outcome. Yet, many cases of violations of labour rights or other human rights remain unaddressed due to economical and knowledge-based barriers: ***“Some guys could not get their salaries from employers, they were also deported to their homeland. To write a complaint somewhere, to seek justice, to sue - you need a lot of money there.”***⁵³

Employment agencies have recruited large numbers of migrant workers from Tajikistan in the recent past. However, promises of good working conditions often fail to materialise, and instead workers are frequently subject to violations of their human rights and victims of severe exploitation. Some participants from Dushanbe did highlight the help they received by NGOs in seeking redress:

*In April 2016, a friend of mine suggested going to work through an employment agency in Saudi Arabia. I went to this agency, and they assured me that the work was safe and legal. I agreed. I flew to Saudi Arabia, where I was told to work as a “nanny”. I worked for a year and two months as a slave, more than 15 working hours, although according to the contract I had to work for eight hours. Under the contract, I had to look after one child, but in reality there were five of them, including two small ones. Cleaning, cooking - everything was on me. The attitude of the mistress of the house to me was bad. She fed me twice a day, and did not allow me to sleep. She paid me only \$300, and did not allow me to leave their house. I called my relatives and told them. They appealed to the Ministry of Foreign Affairs, but nothing happened. With tremendous difficulties, I barely bought a ticket and returned to my homeland. I appealed through the NGO “Center Themis” with a complaint about bringing the perpetrators to justice, and an investigation is currently underway.*⁵⁴

Many similar cases of human trafficking emerged during the focus group discussions.

A significant theme that emerged during the focus group discussions was that some migrant workers are unfamiliar with relevant laws and procedures in their new host country, such as those on the possession of work permits. Another theme that was explored was why illegal work abroad is so pervasive, with respondents suggesting that it was due to many factors, including the aforementioned lack of knowledge about procedures:

*Some guys go abroad to do work as migrant workers for the first time not knowing the laws and regulations. They meet people that promise to arrange everything for them, but it turns out to be a fraud. They promise to arrange registration, guys trust them, pay the money, but it turns out that this is false registration. The police themselves cannot find out if the registration is normal or not. Then, during checks by the police, it turns out that the registration is false, and then they are deported.*⁵⁵

⁵³ Focus group with labour migrants, Istaravshan, 18 April, 2019.

⁵⁴ Focus group with labour migrants, Dushanbe, 3 May, 2019.

⁵⁵ Focus group with labour migrants, Istaravshan, 18 April, 2019.

In addition, even when migrant workers have all the requisite permits to work in a foreign country, they are still sometimes subject to police misconduct, which can result in detentions and in the deportation of migrant workers. Migrant workers rarely attempt to get redress for such conduct:

I was deported. We practically cannot appeal the decision on deportation - to whom? It is useless. Tajiks are not recognised in Russia, they are humiliated, put in disadvantageous conditions. Until our Government negotiates with representatives of the migration services of the Russian Federation to improve the legal status of our migrants, writing any complaints is useless for us. I see our fellow countrymen, all the documentation is framed: a patent, and registration, and more. [But] they [the Russian authorities – NB] find fault with the fact that they had two border crossings – and because of this they can deport.⁵⁶

The vulnerability of migrant workers is heightened by the discriminatory attitudes held by institutions and their officials– most notably police officers – which leaves migrant workers feeling that attempting to access justice would be futile:

Now in the Russian Federation it is very difficult to make money. ... Russians do not like Tajiks, they despise us. The police can stop and fine, they want 500 rubles, they want 1000 or 5000 rubles. They will find something to complain about. You can't prove anything to anyone. You are nobody there. No one will protect your rights.⁵⁷

⁵⁶ Focus group with labour migrants, Istaravshan, 18 April, 2019.

⁵⁷ Focus group with labour migrants, Kulyab, 3 May, 2019.

5.9 VICTIMS OF NATURAL DISASTERS

Focus group discussions indicate that those that have suffered from the consequences of natural disasters have been to some extent compensated by the government's assistance:

We recently experienced a flood in our village, our houses affected by the flood we lost all our documents. The relevant government institutions in DRR supported us. We got first aid, and the local government institutions are now busy renewing our documents (passports, diploma).⁵⁸

Another participant from a focus group held in Bokhtar enthusiastically highlighted the efforts of the government to protect people in the aftermath of a disaster:

As a result of the natural disaster case (mudflow) in Khuroson district, communities lost all their assets along with their personal documents. The government provided remedies in response to the emergency and people were taken to temporary shelters right after the disaster. While the communities were residing in those shelters, the government started building houses for those whose houses were wiped out by mudflow. Also, the government provided support by issuing new personal documents for community members. Within a short period of time, people were given new houses to live in.

However, the discussions also revealed that some of those affected by natural disasters did not get government assistance and were unclear on where and how to obtain it: *"My house was affected by the disaster. The house is in very bad condition. I don't know where to complain to get support."*⁵⁹ However, as testimonies showed, even those respondents that have not yet received government support are wary of interacting with the justice system, as they perceive it to be corrupt, time-consuming and too expensive.⁶⁰

We don't trust the justice system, and we try not to interact with these people. They don't support or protect us and they are creating and complicating cases. The articles in the law that relevant institutions adapt are against the people's rights. They don't care about people - what they care about is their own interest and benefits (making money). (...) I don't know why, but I know we now have a rule in the law based on which we have to go through the court to be eligible to inherit land, [whereas] before it wasn't like that. In the court the judge forced me to hire the lawyer, I said I don't need a lawyer, I inherited the land from my parents. And I had to pay 5000 somoni to a lawyer for what? The justice system is corrupt.⁶¹

Moreover, those who usually do not interact with the justice system are unfamiliar with the rule of law as a concept, and with including the justice system as a whole. At the same time, those that have interacted with the justice system consider its procedures to be too complicated: *"The cases that economic courts are examining are more complicated, they are confusing people, they are not clear to ordinary people."*⁶² Finally, as was stressed during focus groups, women in rural areas particularly lack knowledge about the justice system, and about their rights and responsibilities under the law.

⁵⁸ Focus group with persons faced natural disasters, Dushanbe, 2 May, 2019.

⁵⁹ Focus group with persons faced natural disasters, Khujand, 16 April, 2019.

⁶⁰ Focus group with persons faced natural disasters, Dushanbe, 2 May, 2019.

⁶¹ Focus group with persons faced natural disasters, Khujand, 16 April, 2019.

⁶² Ibid.

5.10 VICTIMS OF DOMESTIC VIOLENCE

Victims of domestic violence face **numerous challenges in accessing justice**.

One of these, highlighted repeatedly in focus groups, is the **attitude of the police officials, which can be dismissive and humiliating for victims of domestic violence**. A participant in a focus group held in Khujand states:

*We have been living for 19 years together. My husband is a sadist by nature, he is addicted to alcohol and constantly beats me, including with a knife and bottles. I have been in the hospital many times. I turned to the police, but when they found out that my husband is beating me, they did not take any measures against him.*⁶³

In addition, besides not taking any measures to restrain the abuser, the police did not, in many cases, provide the victims with relevant information on the availability of protection orders or refer them to court to seek orders in cases where they would have been appropriate.

When it comes to access to justice, focus group discussions show that victims of domestic violence can be divided in three groups: those who press charges against perpetrators, those who lack of knowledge of their rights under the law (and are thereby unable to access justice), and those who do not have the economic means to seek redress.

Among members of the first group, some of the victims of domestic violence who decide to seek redress report that attitudes of officials in the justice sector, and most notably judges and court staff, are dismissive - resulting in verdicts that favour abusers:

*With the help of a neighbour who supports me as a defender in a case, I brought my husband to criminal responsibility for attempting to kill me. The husband was sentenced by a court to one and a half years in prison, although the article in the law provides for a longer sentence and the court should have sentenced him to at least 5-6 years.*⁶⁴

Victims of domestic violence also expressed fears that their abusers were helped by corrupt officials:

*I think that my husband bribed the judge, since he is a wealthy man, he worked as a currency dealer, so this was the reason for short sentence he was assigned.*⁶⁵

*Six months ago, I submitted documents through a court to divorce my husband. Why I say that the judge was bribed, because while the husband did not want to consent to the divorce, the judge refused to divorce us, and when the husband agreed to divorce, the judge immediately decided to divorce us.*⁶⁶

Another group of domestic violence victims lacks information and knowledge of their rights under the law and **the functioning of the mechanism of protection orders**. Another significant finding shows that **victims of domestic violence often lack the economic means to obtain redress through the courts**, as a result of which they are likelier to continue being abused.⁶⁷

⁶³ Focus group with the victims of domestic violence, Khujand, 19 April, 2019.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Focus group with the victims of domestic violence, Kulyab, 3 May, 2019.

Moreover, without sufficient funds, victims cannot be economically independent and therefore find it difficult to contemplate leaving their abusers. Unfortunately, these victims report they are either unaware, or have not received, free legal aid, particularly as it is unavailable in their places of residence:

I don't know what to do with my family problem, will we live with my husband or not. We had a fight, we do not have a good relationship. The husband is in the Russian Federation and he married [another woman] and has a child. Do I have the right to invalidate our marriage? He refuses to pay child support and threatens that he will deprive me of my parental rights and that he will take away my son. I need to get free legal advice. In our city there are no free lawyers.⁶⁸

Some respondents indicated that the only support available to them comes from NGOs that protect the interests of female victims of domestic violence:

I have been married 12 years. The husband periodically leaves for work in the Russian Federation, returns and leaves again. We have three children. Recently I found out that my husband married a Russian woman in the Russian Federation, and that they registered their marriage. Our marriage is also registered. How could they re-register a marriage? What are the legal implications? I live in my husband's parents' house and do not have a residence permit. Can I get kicked out of this house, what rights do I have? I need to get free legal advice. The only thing I can turn to today for free is at an NGO.⁶⁹

The testimonies of women victims of domestic violence show that they are very vulnerable and need increased legal protection, free legal assistance, and a changed attitude by law enforcement and judicial officials to enable them to exercise their rights effectively.

⁶⁸ Focus group with the victims of domestic violence, Kulyab, 3 May, 2019.

⁶⁹ Ibid.

KEY FINDINGS ON ACCESS TO JUSTICE OF VULNERABLE GROUPS

The research shows that:

- ◆ **Members of vulnerable groups often lack economic means**, which discourages them from seeking justice.
- ◆ **Members of vulnerable groups frequently do not have sufficient information on their rights under the law**, which is a major obstacle in accessing justice.
- ◆ **Members of vulnerable groups do not, on the whole, trust the justice system**, which dissuades them from engaging with it.
- ◆ **Members of vulnerable groups rarely use free legal aid mechanisms**, either due to a lack of awareness of it, or due to their unavailability in their places of residence.
- ◆ **Many members of vulnerable groups, such as victims of domestic violence, , people living with HIV, refugees and other disadvantaged groups face discrimination and a dismissive attitude from justice sector officials, such as police officers, judges and others, which prevents them from accessing justice.**
- ◆ **The lack of infrastructural accessibility is a major impediment to access to justice of persons with disabilities.**
- ◆ The police treatment of sex workers, drug users, and many other vulnerable groups is frequently violent, and almost invariably involves violations of their rights, calling for an immediate halt to such practices and an introduction of new policing methods towards vulnerable groups.
- ◆ Former prisoners frequently lacked access to a lawyer during the pre-trial and trial phases. This made it impossible for them to have meaningful access to justice. However, civil society groups have managed to partially address the discrimination and social exclusion of former prisoners within their local communities.
- ◆ Refugees in Tajikistan lack freedom of movement and access to personal documents, which, when coupled with a chronic lack of information and knowledge about their rights under the law, means they are unequal before the law and find it had to access justice.

RECOMMENDATIONS ON MEASURES THAT WOULD IMPROVE THE ACCESS TO JUSTICE OF VULNERABLE GROUPS

- ◆ Improve the legal literacy of vulnerable groups, including victims of domestic violence, disadvantaged persons, people living with HIV and other disadvantaged groups.
- ◆ Raise awareness among members of vulnerable groups of the institutional mechanisms at their disposal for protecting their rights, such as protection orders for victims of domestic violence.
- ◆ Raise awareness of the established mechanisms of free legal aid while supporting their further development throughout the entire country, including Dushanbe.

- ◆ Train free legal aid lawyers on subjects and laws required to assist members of vulnerable groups.
- ◆ Introduce specialised university courses focusing with the rights of vulnerable groups.
- ◆ Strengthen the outreach of the legal aid system to enable it to reach vulnerable groups that need assistance but lack trust in the justice system.
- ◆ Enable active employment measures for members of vulnerable groups, in order to assist them in their efforts to access justice.
- ◆ Introduce adequate measures needed to make court proceedings accessible to persons with disabilities and members of other vulnerable groups. These efforts should target judges, prosecutors, lawyers and the administration.
- ◆ Build the capacities of health and social care workers to assist particularly vulnerable persons, such as people living with HIV, drug users, victims of domestic violence, persons with disabilities, and others who require holistic assistance, beyond that offered by the justice sector, in order to exercise their rights.

RECOMMENDATIONS ON MEASURES THAT WOULD IMPROVE THE ACCESS TO JUSTICE OF SEX WORKERS

- ◆ Increase legal literacy of sex workers by sharing information on their rights and responsibilities. This can be done by organising workshops and publishing materials easily accessible to sex workers.
- ◆ Raise awareness among officials in the justice system (police officers, lawyers, judges, prosecutors) on the importance of respecting sex workers' rights, including zero tolerance of violent abuses, and sexual and psychological violence perpetrated by justice sector institutions on this population by. In addition, consider establishing special departments with female police officers in charge of sex workers.
- ◆ Foster the establishment of mechanisms that will lower barriers for women, particularly the most vulnerable and disadvantaged, to enter the labour market.
- ◆ Strengthen access to free legal aid and raise awareness among sex workers about free legal aid as a mechanism to seek justice.

RECOMMENDATIONS ON MEASURES THAT WOULD IMPROVE THE ACCESS TO JUSTICE OF PEOPLE LIVING WITH HIV

- ◆ Raise awareness about the need for the respect of the principle of confidentiality of data of people living with HIV by relevant institutions, most notably healthcare providers.
- ◆ Raise awareness among healthcare workers on the importance of respecting the rights of people living with HIV, including the ethics of safeguarding personal data and confidential information.
- ◆ Capacity building of people living with HIV on their rights under the law and on the means to access justice.

- ◆ Strengthen access to free legal aid mechanisms and raise awareness among people living with HIV about free legal aid as a mechanism for seeking justice.
- ◆ Ensure barriers to employment for this population category are removed and that active employment measures are introduced to foster access to the labour market.

RECOMMENDATIONS ON MEASURES THAT WOULD IMPROVE THE ACCESS TO JUSTICE OF DRUG USERS

- ◆ Raise awareness of officials in the justice system (police officers, lawyers, judges, prosecutors) on the importance of respecting the rights of drug users, including introducing zero tolerance for torture, violent abuses, sexual and psychological violence of this population by justice sector institutions.
- ◆ Raise awareness of justice sector officials, notably the police, about respecting drug users' rights under the law and on the prohibition of torture and cruel, inhuman and degrading treatment.
- ◆ Ensure the Ombudsman can effectively monitor the compliance of the police, prisons and other justice sector institutions with the law in general, and in protecting the rights of vulnerable groups such as drug users in particular.
- ◆ Foster the development of civil society organisations equipped to provide assistance in legal, social and health issues to drug users.
- ◆ Provide access to free health care and adequate medical treatment for drug users.
- ◆ Strengthen access to free legal aid and raise awareness among drug users of the availability of free legal aid.
- ◆ Increase the legal literacy of drug users.

RECOMMENDATIONS ON MEASURES THAT WOULD IMPROVE THE ACCESS TO JUSTICE OF FORMER PRISONERS

- ◆ Strengthen access to free legal aid and raise awareness among this population about free legal aid as a mechanism to seek justice.
- ◆ Raise awareness in the judiciary on respecting the rights of defendants in court proceedings.
- ◆ Ensure barriers to employment for this population category are removed, and that access to the labour market is fostered via active measures for creating employment.
- ◆ Support civil society organisations to further develop social inclusion mechanisms and in seeking redress for discrimination.

RECOMMENDATIONS ON MEASURES THAT WOULD IMPROVE THE ACCESS TO JUSTICE OF NATIONAL MINORITIES

- ◆ Raise awareness among national minority communities on their rights and the existing legislation on the non-discrimination mechanisms.
- ◆ Increase legal literacy of the national minorities by organizing workshops and publishing materials easily accessible to these communities.
- ◆ Strengthen the access to free legal aid and raise awareness among this population about free legal aid as a mechanism to seek justice.
- ◆ Continuous capacity building of the lawyers, judges, prosecutors and administrative staff in the domain of anti-discrimination legislation.

RECOMMENDATIONS ON MEASURES THAT WOULD IMPROVE THE ACCESS TO JUSTICE OF REFUGEES

- ◆ Build capacities and raise awareness of (Afghan) refugees on their rights under national and international law, including freedom of movement of those with refugee status in the host country. In particular, international organisations mandated with protecting refugee rights, such as UNHCR, should cooperate with local authorities and/or civil society organisations in organising awareness-raising sessions aimed at fostering legal literacy of the refugee population in the domain of asylum, migration and refugee rights in Tajikistan.
- ◆ Enable freedom of movement for refugees.
- ◆ Develop sustainable mechanisms of social inclusion for refugees with a view to deepening their engagement with institutions and strengthening their access to justice.
- ◆ Enable access to free legal aid for the refugee population, including legal representation in seeking asylum and in obtaining refugee status.
- ◆ Build the capacities of institutional actors on anti-discrimination laws and mechanisms.
- ◆ Authorities, civil society organisations and international organisations should expand their focus from refugees to also include stateless persons as a vulnerable group that has difficulty accessing justice.

RECOMMENDATIONS ON MEASURES THAT WOULD IMPROVE THE ACCESS TO JUSTICE OF VICTIMS OF NATURAL DISASTERS

- ◆ Increase legal literacy of the people faced natural disasters in rural areas by organizing workshops and publishing materials easily accessible to these communities.
- ◆ Strengthen the access to free legal aid and raise awareness among this population about free legal aid as a mechanism to seek justice.

- ◆ In raising awareness about the rights under the law including justice system mechanisms target women from rural areas as the level of their legal awareness is considerably low.

RECOMMENDATIONS ON MEASURES THAT WOULD IMPROVE THE ACCESS TO JUSTICE OF LABOUR MIGRANTS

- ◆ Raise awareness among labour migration about their rights and responsibilities under the law when applying for work permits and exercising their right to work.
- ◆ Raise awareness among labour migrants about justice seeking mechanisms when their rights are breached.
- ◆ Raise awareness of existing free legal aid mechanisms while supporting their further development notably in the cases of human trafficking.
- ◆ Raise awareness and develop mechanisms for prevention of human trafficking in relation to labour migration and enable assistance and support to the victims of human trafficking.
- ◆ Capacity building of government officials, including consular departments' officials to identify and assist victims of human trafficking.



CHAPTER 6

RECOMMENDATIONS

This section presents recommendations aimed at strengthening access to justice in Tajikistan. They are derived from the study's key findings and are linked to efforts made to date by authorities in Tajikistan to establish a legal aid system and to strengthen its justice system.

STRENGTHEN ACCESS TO JUSTICE

The findings show the need to improve access to justice for the population of Tajikistan. The preponderance of those with disputes raising legal issues did not resolve them. Of these, the overwhelming majority did not turn to justice sector institutions for help; however, many of those that did had negative experiences with the justice system in resolving their disputes. They, and others like them, need fairer, more efficient and cheaper avenues to justice.

Implementing this recommendation will require at least some of the following actions:

Building trust in the justice system. The survey findings highlight how few people turned to any formal justice sector institutions to resolve their disputes, be they the courts, police, and prosecutors, or auxiliary actors like lawyers or jamoats and mahallas. Although the survey contains some contradictory findings on this point, it is the author's contention that this result shows that respondents lack trust in the justice system as a whole. This trust needs to be built – and it is up to the justice system, led by the courts, police and prosecutor's office, to do so by being much more transparent about its functioning and to be more efficient in order to entice the people of Tajikistan to use it more.

Further increasing access to a functional legal aid system. A legal aid system is the bedrock for a fairer system that provides citizens with access to justice. Tajikistan has recognised this and established Legal Aid Centres in 34 provinces and the State Agency for Legal Aid Centres to manage them. The LACs have provided a valuable service to an increasing number of persons since their inception – 8,540 persons received services in 2019 alone. However, as the survey's findings show they are insufficiently known and do not, at their present capacity, meet the needs of the people of Tajikistan. There are 710,000 legal disputes annually, and citizens require assistance to resolve the bulk of them. It is therefore paramount that LACs are set up across the country in order to help meet this need, particularly for the poorest and most vulnerable citizens.

Provide secondary legal aid in civil and criminal cases. Even among those disputants that initially sought advice, the vast majority did not follow up by using the courts to resolve their disputes. This is, in some part, due to a lack of legal representation made available to them. Pilot efforts have started by SALAC in parts of Tajikistan to provide such representation in criminal cases. However, as the data from the survey shows, the vast majority of disputes are civil in nature and it is therefore important that legal representation by lawyers (or secondary legal aid) should be provided in civil cases, at least to the least well of members of society.

Establish LACs and other dispute resolution mechanisms in Dushanbe. To date, there has not been a Legal Aid Centre established in Dushanbe. As the survey's findings show, there are significantly more legal disputes in Dushanbe than in other parts of the country. To meet this need, SALAC should establish at least two legal aid centres in Dushanbe. Moreover, other dispute resolution mechanisms should be strengthened in the capital as well.

Increase the number of practicing lawyers and strengthen their capacities. As LACs are managed

under the auspices of the state, there is a clear need for more independent practicing lawyers that would take on the numerous disputes in which citizens have the state as their adversary (such as the ones on obtaining welfare and benefits, for instance). However, the results of the survey show how few persons with disputes turn to lawyers, due to their unavailability and/or perceived lack of capacity. There is a pronounced need to create stronger incentives for more graduates to enter the legal profession, creating a strong cadre of lawyers that can improve the population's access to justice.

Legal Aid Centres should deepen their efforts to reach persons that do not have the knowledge or the means to reach them. As the findings demonstrate, a substantial number of citizens are not adequately informed about which institution to address when they have justice needs. In order to avoid having such disadvantaged people 'falling through the cracks' of the legal aid system, LACs should redouble their efforts to reach out to them, currently consisting of weekly outreach programmes in some jamoats.

Making legal representation and advice more accessible. The findings show that there is room for cheaper and less labour-intensive means of providing legal advice to those with justice needs and ongoing disputes. These include means such as free phone lines offering advice, websites and interactive online services.

Building an effective mediation system. As was mentioned in the findings, the Tajik population has had some success in resolving disputes directly through negotiations with the other party. This is welcome; however, the success rate could be improved through the establishment of an effective mediation system. Although an earlier initiative to do so was unsuccessful, it may well be time, in light of the results of the survey, to use the lessons learned from that attempt and to develop a mediation system that would use the population's seeming preference for engaging with trusted individuals rather than impersonal institutions to resolve disputes.

INTRODUCE ADDITIONAL MEASURES TO ENSURE BETTER ACCESS TO JUSTICE FOR DISADVANTAGED GROUPS

Improving the access to justice of disadvantaged groups will not be achieved solely through the above-mentioned actions. Instead, targeted actions are required in order to address the needs of disadvantaged groups. The list below is not exhaustive, but highlights one or two measures for each of the disadvantaged groups profiled in this survey:

Raising awareness among officials in the justice system (lawyers, judges, police officers, prosecutors and others) on the rights of persons with disabilities, victims of domestic violence and others. The survey has shown that members of certain vulnerable groups are unable to enjoy their rights under the law due to widespread discrimination. This makes it almost impossible to access justice as it discourages them from approaching institutions. The authorities should therefore seek to raise the awareness of their officials on non-discrimination, equality and human rights of all groups in society. This could take the form of seminars, promoting their dialogue with civil society groups active on this point or engaging their exposure to members of vulnerable groups.

Raise awareness among members of vulnerable groups on their rights and how to access them.

This entails systematic training of those groups identified in the report that lack knowledge on how to exercise their rights under the law.

Promote the work of civil society organisations actively supporting vulnerable groups and ensure they are provided with an adequate legal framework.

The importance of civil society organisations to vulnerable groups should not be understated, as evidenced by the findings of this report. They are often the primary, and sometimes the sole, provider of legal assistance and psychosocial support to members of vulnerable groups. Accordingly, it is important that these groups should be provided with support by the state and the donor community alike. Moreover, the authorities should create an adequate legal framework that would enable these organisations to advocate for vulnerable groups effectively.

The provision of mobile services to members of disadvantaged groups.

This is particularly important for those, such as victims of domestic violence, certain persons with disabilities and others that are prevented from accessing lawyers or other providers of legal aid. Civil society organisations in other countries have had successes with lawyers that have carried out house visits to persons with disabilities whose movement may be impaired and establishing mobile clinics. LACs have carried out outreach work but an even more proactive approach needs to be taken to address the needs of vulnerable groups, as they are having a very difficult time in accessing justice.

IMPROVED LEGAL LITERACY AND LEVEL OF SERVICE IN THE JUSTICE SYSTEM

The lack of legal literacy and questionable attitudes to justice of many citizens should be addressed in order to provide more access to justice. The following actions will support the implementation of this recommendation:

Raising awareness of the law and legal procedure. There can be no equality of arms – no level playing field in the justice system – if some citizens are not aware of their rights. Addressing this problem requires a range of measures, including legal education programmes through schools; outreach activities by legal aid providers and open days by courts, prosecutors' offices and lawyers.

The promotion of the rights of disadvantaged groups. This survey highlighted the blind spot among the population at large when it comes to the rights of women, victims of domestic violence and persons with disabilities. Efforts – such as awareness-raising campaigns and outreach events - should be made to rectify this gap.

Build the capacity of justice sector officials to provide better service. The findings show that service providers, including those in courts, are not particularly respectful, fair or transparent in their communications with citizens. Moreover, those that have had experiences with the justice system appear to have worse opinions of it than those that did not. This state of affairs should be rectified through systematic capacity building efforts featuring activities such as training, mentoring and exchanges with providers of access to justice in the region.

USE INNOVATIVE AND EMPIRICAL METHODS TO PROVIDE EFFICIENT ACCESS TO JUSTICE

It is paramount, however, that the effectiveness of new – and existing – mechanisms is empirically measured. Going forward, mechanisms used for providing access to justice should be accompanied by a sound methodological design for measuring their effectiveness. More specifically, they should include control groups, sound research design, randomly selected samples, and other features of scientific quantitative and qualitative research.

It is also important that the **measurement of the success rate is continuously measured and shared widely.** This will lead to improvements in the provision of access to justice over time. Finally, it is paramount that **actors in the justice sector are exposed to best practices globally,** to enable them to improve and find more effective mechanisms for providing access to justice.

APPENDIX 1 – METHODOLOGY

The research sampling methodology was developed on the basis of data on the population of the Republic of Tajikistan as of January 1, 2018 and the Population Census of the Republic of Tajikistan for 2010 done by the Agency on Statistics under the President of the Republic of Tajikistan. The survey was conducted in a face-to-face manner using a structured questionnaire developed by the authors.

The target group of the study was the population of the Republic of Tajikistan aged 18 years and older.

Survey covered two groups of districts:

- a) pilot districts in which the Project was implemented. For this group of districts, a disproportionate sample was used, that is, 160 respondents were interviewed in each district (see Table "Pilot Districts");
- b) control areas. For this group of districts, a multistage, stratified, proportional sampling was used (see Table "Control districts").

Based on preliminary discussions, it was decided to divide the sample size by

- 960 respondents in the pilot regions of the Project; and
- 1040 respondents in control districts - all cities and districts of the Republic of Tajikistan.

PILOT DISTRICTS

District	Interview quantity
Bobojon Gafurov	160
Devashtich	160
Panjakent	160
Jayhun	160
Vose	160
Vahdat	160
Total:	960

CONTROL DISTRICTS

Region	District	Interview quantity
Dushanbe	Dushanbe	100
Khatlon	Abdurahmoni Jomi	20
Khatlon	Dangara	20
Khatlon	Jalolidini Balkhi	20
Khatlon	Dusti	40
Khatlon	Kubodiyon	40
Khatlon	Kushoniyon	40
Khatlon	Mirsaid Ali Hamadoni	20
Khatlon	Muminobod	20
Khatlon	Norak	20
Khatlon	Farkhor	20
Khatlon	Khuroson	20
Khatlon	Shahritus	60
Khatlon	Yovon	40
GBAO	Khorug	20
GBAO	Shugnin	20
Sughd	Asht	20
Sughd	Khujand	40
Sughd	Jabbor Rasulov (Proletar)	40
Sughd	Zafarobod	20
Sughd	Istarafshan	40
Sughd	Isfara	20
Sughd	Konibodom	80
Sughd	Mastchoh	20
Sughd	Spitamen (Nov)	20
RRP	Hissor	40
RRP	Rudaki	80
RRP	Mirzo Tursunzoda	40
RRP	Nurobod	20
RRP	Rasht (Garm)	40
Total:		1040

HOUSEHOLD SELECTION

For research purposes, twenty interviews were carried out at each selected point. Households in the survey were selected using the “random route” method. The method consists of a specific route given to each interviewer to be followed.

Typically: a) in cities, the route followed streets that were randomly selected from a complete list of streets; b) in villages, the route was based on a map of the area.

If the interviewer was unable to interview a pre-selected household in three attempts (on different days of the week and at different times of the day), then the interviewer would move on to the next selected household.

Within each selected point, two start addresses were selected. They were designated as two clusters or two groups. Ten successful interviews were required for each group.

Moreover, if a ready-made list of addresses was used, then two starting addresses were selected at a distance of about 200 meters (or 100 houses) from each other. The first address was randomly selected within the polling point, while the second address was selected at a specified distance.

In cases where there were not ready-made lists of addresses (usually in rural areas), the selection of the street was carried out based on the map of a village. The starting address for the second group was at a distance of about 200 meters (or 100 houses) from the starting address of the first group.

SELECTION OF RESPONDENTS

The final step was to select a respondent from each household. Only one respondent was selected for the interview. The selection of respondents in the household was carried out using the Kish map (see table below).

SELECTION METHOD BY THE “KISH GRID”

After the interviewer entered the apartment or house, which was indicated in his/her assignment, the interviewer would select the right person/respondent whom they interviewed. To do this, the interviewer would fill in the Kish Grid by asking a question to the respondent who opened the door and would then select the respondent needed for the survey.

KISH GRID

#	Name and surname	Male	Female	Age	KISH GRID									
					Last numbers of the questionnaire									
					1	2	3	4	5	6	7	8	9	0
1		1	2		1	1	1	1	1	1	1	1	1	1
2		1	2		1	2	1	2	1	2	1	2	1	2
3		1	2		2	1	2	3	1	2	3	1	2	3
4		1	2		3	4	1	2	3	4	1	2	3	4
5		1	2		1	2	3	4	5	1	2	3	4	5
6		1	2		3	4	5	6	1	2	3	4	5	6
7		1	2		5	6	7	1	2	3	4	5	6	7
8		1	2		7	8	1	2	3	4	5	6	7	8
9		1	2		9	1	2	3	4	5	6	7	8	9
10		1	2		1	2	3	4	5	6	7	8	9	10
11		1	2		2	3	4	5	6	7	8	9	10	11
12		1	2		3	4	5	6	7	8	9	10	11	12
13		1	2		4	5	6	7	8	9	10	11	12	13
14		1	2		5	6	7	8	9	10	11	12	13	14
15		1	2		6	7	8	9	10	11	12	13	14	15
16		1	2		7	8	9	10	11	12	13	14	15	16
17		1	2		8	9	10	11	12	13	14	15	16	17
18		1	2		9	10	11	12	13	14	15	16	17	18
19		1	2		10	11	12	13	14	15	16	17	18	19
20		1	2		11	12	13	14	15	16	17	18	19	20

SELECTION METHOD ACCORDING TO THE KISH GRID.

Step 1. The interviewer writes down all the names of the respondents in the household in the appropriate column, starting with the oldest and ending with the youngest, circling the gender in front of each name.

Step 2. The interviewer determines the total number of respondents.

Step 3. Then the interviewer traces the last digit of the questionnaire number (or the last digits of the passport number, interviewer's phone number).

Step 4. According to the Table, the interviewer selects suitable respondents for the survey.

Step 5. The interviewer (with the consent of the respondent) interviews the respondent with the same number on the Kish Grid.

The respondents, with whom the interviewers conducted the survey were:

1. 18 years of age or older;
2. Citizens of the Republic of Tajikistan;
3. Permanently residing in the household to which the interviewer applied (they were required to only live there; it was not important whether they were administratively registered as residing elsewhere);
4. Interviewed individually, without interference or additions from other persons.