



Human Rights Watch Submission to the UN Committee on Economic, Social and Cultural Rights In Advance of its Review of Tajikistan

January 2015

We write in advance of the United Nations Committee on Economic, Social and Cultural Rights (“the Committee”) periodic review of Tajikistan in February 2015, to highlight serious shortcomings in the Tajik government’s (“the government”) resettlement of 1,500 families between 2009 and early 2014 for the construction of the proposed Rogun hydroelectric dam. Because the resettlement process is ongoing—with an estimated total of 7,000 families (about 42,000 people) expected to be displaced should the dam be built at its maximum height—Human Rights Watch raises this issue as a particular area of concern we hope to see the Committee take up as part of its examination of the government’s implementation of the International Covenant on Economic, Social and Cultural Rights (“the Covenant”).

This submission provides an overview of Human Rights Watch’s principal concerns with respect to the process by which families have been resettled and the conditions of their resettlement, which violate Covenant articles 2, 3, 6, 7, 10, 11, 12, and 13. Human Rights Watch’s June 2014 report, “We Suffered When We Came Here,” provides greater detail of the concerns with the resettlement process highlighted below. A digital copy of the report is available in English at: <http://www.hrw.org/reports/2014/06/25/we-suffered-when-we-came-here-o>.

We hope the Committee will find this information useful for its upcoming consideration of the government’s compliance with the Covenant. For additional information about our work on Tajikistan, please see Human Rights Watch’s Tajikistan page: <http://www.hrw.org/europecentral-asia/tajikistan>. For additional information about our work on development and human rights, please see Human Rights Watch’s International Financial Institutions page: <http://www.hrw.org/topic/business/world-bank-imf>.

Summary of Findings

Lack of Sufficient Compensation for Resettled Families to Build Homes of Similar Size and Quality and Sustain Livelihoods

The government has resettled families from low-lying areas and areas near the Rogun dam and hydropower plant construction site to villages created to resettle them, some as far as 200 kilometers away. The families typically are assigned a plot of land in the new village and use government compensation to build new homes. However, in contravention of Covenant article 11, which upholds the right to “adequate food, clothing and housing,” Human Rights Watch found that government-provided monetary compensation was often not sufficient for resettled people to build new homes of similar size and quality to their previous homes, nor to cover costs of building material and labor. Furthermore, residents often were compelled to use their own money for construction and faced significant burdens of having to build homes themselves, which precluded them from other employment. The Committee’s General Comment 7 requires “adequate compensation for property, both personal and real, which is affected” by forced evictions.

Reduced Food Availability for Many Families Following Resettlement

Following resettlement, many residents of resettled communities described reduced availability of food because they can no longer engage in subsistence farming or animal husbandry. The government has not made agricultural land readily available in all resettled communities. Human Rights Watch research found that those subject to resettlement were often unaware of whether land for farms and pastures was available in their specific resettlement site, where that land was in relation to their household land in the new site, and whether, when, and how they could apply for it. Many families have lost livelihoods dependent in part on agriculture and livestock because they have not had access to agricultural land and many have had to spend more money on food.

Prior to resettlement, many residents in villages in Rogun and Nurabod districts interviewed by Human Rights Watch stated that the produce from their gardens supplied most or all of the fresh vegetables for their entire family. Most people interviewed also raised livestock – including cows, sheep, goats, and chickens – and in some cases kept bees in the villages in which they lived prior to resettlement. They relied on milk, eggs, meat, and honey for home consumption and sold or bartered any excess for household income. Many families, particularly those with young children, relied on their cows for milk throughout much of the year.

For many resettled families, houses together with outbuildings such as kitchens and bathrooms occupy much of the smaller land plots provided to them by the government, leaving little room for agriculture or livestock. Many residents told Human Rights Watch that they now had to use their limited incomes to purchase the bulk of their food, which they previously had produced themselves. Some residents reported higher food prices after resettlement. For example, residents interviewed in resettled communities in Tursunzoda reported that markets charge as much as 30 percent more for food in resettled communities than the markets did in their old villages.

One resident, “Pagzman G.” [not his real name], who moved to a resettled community in Tursunzoda in 2012 with his wife and eight children stated that prior to resettlement his family owned 10 cows and 20 goats, and he also cultivated crops including wheat, potatoes, and other vegetables. After resettlement, because he lacks the space for crops or livestock, he struggles to feed his family. “Pagzman G.” told Human Rights Watch,

We now don’t have enough food. We have a hot meal only once per day, for lunch. We have meat just one time per month. Every week we have 30 eggs for 10 people. [Before we moved] we had hot milk for breakfast, hot meals for lunch and dinner. We had meat every day there. The old place was better. We used to be able to feed ourselves from the land and from our animals. Here we must buy everything and there is not enough money.¹

In addition, monetary compensation awards provided to families facing resettlement typically did not reflect the loss of agricultural activities. While assessors evaluated fruit-bearing trees as a component of compensation, they did not appraise other kinds of trees (though residents reported valuing them as a source of firewood and building materials), vegetable gardens, or livestock, which many residents relied on as sources of food and income.

Under article 11 of the Covenant, the government has an obligation to ensure access to food is both adequate and sustainable. The Committee’s General Comment 7 requires “adequate compensation for property, both personal and real, which is affected” by forced evictions.

Lack of Electricity in Some Resettled Communities

In contravention of article 11, which guarantees the right to the “continuous improvement of living conditions,” some resettled residents have faced increased hardships due to intermittent access to electricity.

During the winter months, the government provides electricity to families in resettled communities on a schedule, usually for three to four hours in the morning and three to four hours in the evening, as it does for most of rural Tajikistan. However, people compelled to resettle and build their own homes suffer particular hardships due to this lack of continuous electricity. Some residents in resettled communities reported that they limited their work hours and methods due to a lack of electricity, resulting in longer construction times and increased costs of construction materials, due to inflation. These residents stated that with a more reliable electricity supply they would use power tools and work lights more regularly and would be able to build their homes more quickly, and that they would also be able to more productively use hired labor.

¹ Human Rights Watch, “We Suffered When We Came Here’: Rights Violations Linked to Resettlements for Tajikistan’s Rogun Dam,” June 2014, http://www.hrw.org/sites/default/files/reports/tajikistano614_ForUpload_o_o.pdf, 27.

Lack of Water Availability and Access in Some Resettled Communities

Human Rights Watch found that in resettled communities in Nurabod and Rudaki districts residents lacked continuous and sufficient water for drinking, household use, and irrigation, with availability limited to a few hours per day. In New Nurabod, residents did not have water physically accessible close to their homes but had to walk past several neighboring houses to retrieve water using buckets. In all resettled communities, residents reported having to pay for water service at rates ranging from 2 somoni (about \$0.50) per person per month to a flat rate of 10 somoni (about \$2.00) per month, creating an additional economic strain on households struggling to meet their basic needs. These new challenges in economic accessibility were in contrast to their old villages where they accessed continual spring-fed water in immediate vicinity of their homes without charge. This decrease in availability and accessibility of water violates articles 11 and 12 of the Covenant, as well as the Committee's General Comment 15, which upholds the right of "everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses."

Lack of Local Employment in Resettled Areas

Because the government did not always provide sufficient farmland and land for grazing in resettled villages, many resettled residents lost access to the income-generating activities of farming and raising livestock. At the same time, very few resettled people have been able to secure long-term employment in resettled communities, and the government has not done enough to assist people with job placement, vocational training, or retraining that could help residents in their search for employment.

While unemployment is an issue in many areas of Tajikistan, it can particularly impact resettled people, many of whom have been recently deprived of significant means of livelihood, including subsistence agriculture and animal husbandry. Many people in these areas viewed the lack of employment prospects as one of the biggest problems with respect to resettlement. Additionally, many men who would otherwise migrate for work to other countries such as Russia told Human Rights Watch that they did not feel safe leaving their families in unfinished houses. The lack of local employment opportunities in resettled areas and the barriers to obtaining employment abroad violate the principles outlined in articles 6 and 7 of the Covenant, which guarantee an individual's right to work and to earn a "decent living for themselves and their families."

Schools in Some Resettlement Villages Not Yet Complete

Before resettlement, children had access to local primary and secondary schools, with the exception of a few villages. However, Human Rights Watch found that at the time of its research, the government had not yet completed schools for resettled children in Rudaki and Dangara districts, thus requiring children to walk several kilometers to school and decreasing the likelihood of attendance in winter or in bad weather. Some parents interviewed reported that they no longer send their daughters to school due to the long distance and the price of school uniforms. Children subject to involuntary resettlement should not suffer from decreased access to education or to gaps in their education, and the cost of uniforms or other school supplies should not constitute a barrier to education. These

barriers to attending school contravene article 13 of the Covenant regarding the right to education.

Forced Child Labor in Dangara District

Parents and children interviewed in the resettled community in Dangara district told Human Rights Watch researchers that teachers and the school director in Dangara forced children in all grades (ages 7 to 17) to pick cotton during the harvest season (September through early November) under threat of beatings and public humiliation should they refuse. Picking cotton is arduous manual work that is widely considered to be hard labor, even for adults. In addition to violating Tajikistan's national law and international labor laws, forced child labor violates article 10 of the Covenant, which obliges states to protect children "from economic and social exploitation" and from "work harmful to their...health or dangerous to life or likely to hamper their normal development."

Government Demolition of Inhabited Homes in Talhak Cheshma

In June 2013 the government partially demolished three houses in the village of Talhak Cheshma, located in Rogun district. One family interviewed stated that the government began demolishing the house in which they were living before their new house in the resettlement community in Tursunzoda was completed. Another family interviewed suffers the hardships of living in the reduced space of their partially demolished house because they cannot yet afford to build a new home with the compensation provided. The demolition of inhabited houses violates articles 10 and 11 of the Covenant, which provide for the protection of families and for adequate housing.

Physical Danger and Damage to Homes Near the Dam

Blasting by construction crews has damaged homes and created safety hazards for some residents living closest to the Rogun Dam construction site, in particular in Kishrogh and Mirogh, two of the most isolated villages in the Rogun Dam's construction zone, which the government has prioritized for resettlement. Residents reported that blasts shattered their windows and cracked their homes, and residents of Kishrogh reported that the blasts dislodge rocks, including in some cases large boulders, on the mountainside above, which frequently roll down, damaging homes and other buildings in the village. Blasts occur a few times each week, regardless of the weather, causing villagers to evacuate their homes and disrupting their daily lives.

While work crews usually transport residents living in close proximity to blasts to a safe area when a blast occurs, if vehicles were not available, the elderly or persons with disabilities stayed in their houses despite the danger of injury. None of the people that researchers interviewed in Kishrogh and Mirogh reported receiving compensation for damage to their homes from blasting. These actions contravene article 11 of the Covenant, which provides for adequate housing.

Lack of Special Assistance for Members of Marginalized Groups

Marginalized groups, including people with disabilities, widows, and divorced women, often reported to Human Rights Watch a need for special assistance during resettlement, such as

help building their new houses, help registering for disability pensions and discounts on medication, or accessing medical and rehabilitation services. People with disabilities and their families reported additional hardships during the resettlement process due to their disabilities, particularly with respect to their ability to construct new houses and construct them in a timely way. Inadequate compensation, lowered standards of living due to inadequate housing as well as loss of access to food, water and education may impact these individuals disproportionately. In addition, in Nurabod district, Human Rights Watch found that government-built housing, which officials claimed was designated for particularly vulnerable groups, did not appear to be accessible for people with disabilities and housed only government employees and their families. The lack of special assistance to marginalized people violates articles 2 and 3 of the Covenant, which obliges states to provide the rights guaranteed under the convention without discrimination.

Lack of Transparency and Effective Complaint Mechanisms

Both resettled families and those yet to be resettled told Human Rights Watch that in many cases the government has not sufficiently explained whether additional farmland would be available in resettled communities and how to apply for it, nor has it informed residents facing resettlement how to properly file complaints to the relevant agencies regarding specific aspects of the resettlement process such as household land plot allocation or compensation.

The government has also not yet sought to actively involve resettled persons in monitoring the resettlement process or to provide timely and accurate information with regard to accessing grievance mechanisms and remedies, as required by the Committee's General Comment 7. Human Rights Watch also found that the government's systems for monitoring and supervising the resettlement process did not identify and address many of the problems identified during the course of our research. The government's approach risks overlooking serious harms that may occur as consequences of resettlement.

The Role of the World Bank and Other Donors

The World Bank has provided \$18 million in concessional loans for various technical expertise to assess the feasibility of the dam, which has included financing an Environmental and Social Assessment that addresses resettlement impacts. However, although the World Bank assessment considers international environmental treaties and international water laws, it does not consider international human rights instruments regarding resettlement, including the Covenant.

The World Bank and other donors should work with the government to realize the rights in the Covenant and prevent regression of economic, social, and cultural rights caused by the Rogun dam and hydropower plant and all investments in Tajikistan, including by ensuring that any assistance that they provide regarding the Rogun dam is consistent with Tajikistan's human rights obligations. Donors should also amend their policies to require respect for human rights, including compliance with the Covenant. The World Bank's ongoing review and update of its safeguard policies provides a key opportunity to achieve this.

Recommendations for the Government of Tajikistan

- Fully compensate all resettled individuals for the full replacement cost of their homes and other property, including the cost of hiring qualified laborers to build homes, and the loss of continuous customary water access, as well as all associated additional expenses resulting from involuntary resettlement, and ensure that their livelihoods are restored to pre-resettlement levels.
- Re-evaluate previously issued property assessments to ensure that compensation amounts reflect the full replacement cost of homes and other property on household land and that they reflect lost means of livelihood, including crops, livestock, other animals, farmland, and informal means of income generation. Ensure future assessments reflect all of these elements.
- Take all necessary measures to restore livelihoods to pre-resettlement levels for both those resettled and in future resettlements. Fully and repeatedly inform residents about the availability of land for agriculture and pasture and the process by which to apply for it.
- Promptly provide continuous, adequate, and safe access to essential services, such as water, electricity, roads, local schools, and healthcare without discrimination and with particular focus on the needs of marginalized individuals or groups.
- Ensure that all infrastructure components are functional in resettlement villages in advance of commencing further resettlement and enable resettled residents to access these services during the process of constructing their new homes.
- Inform individuals in advance about what employment opportunities, if any, exist in a particular area and provide job-search assistance or professional or vocational training to all resettled individuals, including women. After resettlement, continue to make information available about employment opportunities and continue to provide job search assistance or vocational training.
- Ensure a strict prohibition on forced child labor and hazardous child labor, including in cotton farming. Ensure that school authorities and others who engage in forcing children to perform forced and hazardous labor are held accountable.
- Promptly compensate people in Kishrogh, Mirogh, and Talhak Cheshma villages for damage to their homes caused by government actions. Refrain from damaging or demolishing homes in any villages while people continue to live in them.
- Provide special assistance in ensuring essential services to marginalized groups such as people with disabilities, widows, and divorced women. This can include offering assistance, whether physical or financial, in constructing their new homes; ensuring people in marginalized groups do not experience any disruptions of access to their entitlements under the law such as pensions, disability payments, and

discounts on medication throughout the resettlement process; and that individuals promptly receive water and electricity in their new homes.

- Increase systematic monitoring and outreach at all stages of the resettlement process with a view to identifying and addressing adverse human rights impacts.
- Develop a clear and transparent complaints mechanism whereby resettled residents and those awaiting resettlement can file complaints and have them reviewed and resolved in a timely and impartial manner. Regularly inform affected populations about the existence of the complaints mechanism and the manner in which to file a complaint.
- Allow civil society free access to areas from which residents are being resettled as well as to resettlement sites to enable them to independently monitor and report on the resettlement process and assist people in filing complaints or with other needs.