

COMMITTEE ON THE ENVIRONMENTAL PROTECTION UNDER THE GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN

The following report is submitted on behalf of the Republic of Tajikistan [name of the Party or the State signed the Convention] in accordance with decision I/8 and II/10

NATIONAL REPORT ON IMPLEMENTATION OF THE AARHUS CONVENTION IN THE REPUBLIC OF TAJIKISTAN FOR 2011 – 2013

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The purpose of submitting the report

The basic purpose of the Report is to introduce the OSCE, the Secretariat of Convention and through them the society of our country ad other countries to the basic ecological challenges in Tajikistan, in addition to report about how successful the Convention is being realized in Tajikistan and how the implementation of the Convention promotes to protect the rights of citizens and the present and the next generation for having a worthy life in the conditions of the environment, meeting his interests of his health and welfare.

The project of the forth National report is made on the basis of analysis of three previous National projects of Tajikistan republic, the legislation of TR, program documents, plans, declarations, materials of seminars and trainings and forums. The Report is made with support and an active participation of ecological NGO and society.

Inquiries were sent to all the interested governmental structures in order to get the necessary material. The received information is included into the report.

The project of the report was placed in an official site of the Committee on Environmental Protection under the Government of the Republic of Tajikistan [www.hifzitabiat](http://www.hifzitabiat),and also in site of Aarhuscenters [www.aarhus.tj](http://www.aarhus.tj) for discussion.

On the 1st of October there was a round table with the participation of the representatives of the interested ministries, agencies (members of the working group and Aarhuscenters).

The project of the National report was improved taking into consideration the remarks and recommendations in the end of the round table and also according to the information received in written form from NGO and society it is placed in the site to be discussed repeatedly.

The basic ecological challenges of Tajikistan Republic

1. The influence of the climate change



*The influence of the climate change to the melting of watermaking mountain glaciers of Tajikistan.*



*The influence of the climate change to the safety of agriculture and foodstuffs, Pamir mountains, Tajikistan*



*A high risk of natural calamity as landslides, streams, bloods as the result of the influence of the climate change. Pamir mountains, Tajikistan*

1. Ruling over land resources



*Deforestation in all over Tajikistan brings to the degradation and erosion of the ground*

1. Ruling over garbage



*Illegal junkyards in a populated place. Khatlon Region, Tajikistan*

1. Rule over water resources



*River Panj separating Tajikistan and Afganistan, Pamir mountains, Tajikistan*

Organization of new regional Aarhus –centers

Khorogh Aarhus center was established in 2011. The center was created by the Association “Milal-Inter” in common with the Department on environmental protection of the region under the support of Dushanbe Bureau of OSCE. In 2012 Aarhus center continued its work under the support of the Association “Milial-Inter” and at the beginning of 2013 Dushanbe Bureau of OSCE submitted its financial assistance to the Center.

In previous 2011-2012: a material-technical basis of the center was made, the center provided by high –qualified specialist, site [www.pamireco.tj](http://www.pamireco.tj) was designed.

The Aarhus center as an resource center –Due to the mutual activity of Dushanbe Bureau of OSCE and the Association “Milal-Inter” the Aarhus center “PamirEco” possesses a good material technical basis. The center is equipped by modern equipment, technique, Internet and a library and other necessary material which provide good opportunity for all people who are interested in using the service of the center.

The Aarhus center has shown itself as a lever in coordination of activities of the participants of the ecological dialogue of MBAR. Today many people know the location of the Center and ar familiar with its activity, use its service. Many partners of the project and the participants positively express their opinion about the goals and the intentions of the Aarhus Center, actuality and the necessity of the activities conducted by the Center.

The being of the Khorogh Aarhus center gives opportunity to undertake steps on widening the activity of the Aarhus Center to the whole territory of MBAR and Badakshan region of Tajikistan and Afganistan wholly fro integration with the neighbor regions of Kirgiz republic.

Text of report

Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.

The fundamental basis for having consultations with state bodies and civil society

1. Informational and methodological basis for choosing an ecological indicator

A qualitative and a quantitative evaluation of the condition of the environment are based on the system of the indicators, which are included in the forms of statistic report.

The process of evaluation of the situation, dynamic of development and the projection of a sustainable ecological development is possible with the help of ecological indicators.

The informational and methodological basis for choosing an ecological indicator depends on:

- having a state statistic information;

- departmental information ;

- having a methodical learning aids on calculation of ecological parameters;

- scientific publications and investigations in this field.

There is a number of limits and barriers in defining the ecological factors in the system of the basic social-economical indicators of development of Tajikistan republic. These are:

- lack of necessary ecological economical information;

- problems in availability of information connected with its departmental uncoordination;

- inaccuracy of some information;

- not completely designed normative legal basis does not give an opportunity to define fully the priority of the ecological factors.

1. The basic criterion of the selection of the ecological indicators in Tajikistan

- capacity of the chosen indicator;

- comparativeness of the data;

- possibility of using in macrolevel in a national scale;

- combination of ecological and economical aspects;

- definite interpretation for those who make decisions;

- to have a quantitative expression;

- presentativeness for international comparison;

- complexity (ecological-economical and social aspects);

- possibility of evaluation in periodical dynamic;

- limited number;

- availability.

1. The statistics of environmental protection in the republic is calculated for the following ecological priorities:

- protection of land resources;

- protection of water resources;

- protection of atmosphere air;

- ruling over wastes;

- protection of fauna and flora;

-controlling extraordinary situations.

Preparation of the National Report

The National Report is prepared on the basis of the analysis of proper normative legal act, program documents, plans, strategies and declarations, materials of conferences, seminars and trainings for the period 2011-2013.

The National Report was prepared with the help of the specialists of the ministries and agencies who are realizing the activity in the field of environmental protection and also with the help of the representatives of public organizations of Tajikistan.

Governmental bodies:

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| 1. Committee on Environmental Protection under the Government of the Republic of Tajikistan |
| 2. Ministry of Agriculture of the Republic of Tajikistan |
| 3 Ministry of Economic Development and Trade of the Republic of Tajikistan |
| 3. The Ministry of Health of the Republic of Tajikistan |
| 5. Ministry of Energy and Industry of the Republic of Tajikistan |
| Ministry of Justice of the Republic of Tajikistan |
| 7. Ministry of Education of the Republic of Tajikistan |
| 8. Ministry of Land Reclamation and Water Resources of Tajikistan |
| 9. The State Committee for Land Management, Geodesy and Cartography of the Republic of Tajikistan  10. Agency for Statistics under the President of the Republic of Tajikistan  11. Academy of Sciences of the Republic of Tajikistan  12. The Committee on the extraordinary situations under the Government of the Republic of Tajikistan  13. The chief Department on geology under the Government of the Republic of Tajikistan |

For a more complete account of the implementation of the Aarhus Convention, as well as public opinion in preparation of the National Report the following organizations participated:

* Aarhus Resource Centre under the Committee on Environmental Protection under the Government of the Republic of Tajikistan, supported by the OSCE Centre in Dushanbe;
* Khorogh Aahus center “Pamireco”;
* Informational ecological Aarhus center in Kurgantube city;
* PU “Youth ecological center”;
* Tajik Branch of the Regional Ecological Center of Central Asia
* PU “Youth group on the protection of environment in Soghd region” (YGPE);
* Informative Ecological Aarhus Center of Soghd Region

Question № 2. Report any particular circumstances that are relevant for understanding the report, e.g. whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

The Aarhus Convention was ratified by the Republic of Tajikistan on 9 June 2001. In Tajikistan, for the years of sovereignty were created a politicals, legislatives and institutional frameworks that are conducive to the successful implementation of the core of the Aarhus Convention. The national legislation defines the main directions of public participation in environmental issues, access to information and access to justice in environmental matters and sustainable development.

According to Article 10 of the Constitution of the Republic of Tajikistan, international legal acts recognized by Tajikistan are a constituent part of the legal system and are a priority over national legislation.

In the case of contradiction of laws of the republic and recognized international legal acts international norms and legal acts will be applied.

To the implementation of the Aarhus Convention in Tajikistan, there were some obstacles, including

- Lack of adequate technical base of public structures;

- Lack of knowledge of experts on environmental protection in the judiciary;

- Lack of cooperation with the media;

-Weakness of specialized institutions for the implementation of the Aarhus Convention, the establishment of precedents for its application in administrative and / or judicial procedure;

- a weak awareness of citizens about the necessity to protect their environmental rights, the lack of practice and precedent of citizens’ appeals;

- in many cases a formal conducting of public hearings, press conferences with the public about the implementation of various projects affecting the environment;

- a low level of using the NGOs, the experience of public organizations of other countries successfully lobbying for environmental concerns and protecting the environmental rights of their citizens;

- In most cases, the neglect of civil society on environmental issues and environmental protection in relation to their economic problems.

Question № 3. List legislative, normative and other measures that implement the general provisions in paragraphs 2, 3, 4, 7 and 8 of article 3. Explain how these paragraphs have been implemented.

In below mentioned of legislations the public access to information and public participation in decision-making on matters relating to nature conservation are defined as a basic principle for the protection of the environment in Tajikistan:

The Constitution of the Republic of Tajikistan

The Republic of Tajikistan Law "On Environmental Protection"

The Republic of Tajikistan Law "On Atmospheric Air Protection"

The Republic of Tajikistan Law "On Ecological Expertise"

The Republic of Tajikistan Law "On the biological safety"

The Republic of Tajikistan Law "On protection of soils"

The Republic of Tajikistan Law "On Wildlife"

The Republic of Tajikistan Law "On specially protected natural areas,"

The Republic of Tajikistan Law "On Environmental Monitoring"

The Republic of Tajikistan Law "On environmental education of the population"

The Republic of Tajikistan Law "On Environmental Information"

The Republic of Tajikistan Law "On Production and Consumption Waste"

The Republic of Tajikistan Law "On Radiation Safety"

The Republic of Tajikistan Law "On Protection and Use of Flora"

The Republic of Tajikistan Law "On hydro meteorological activity"

Water Code of the Republic of Tajikistan

The Land Code of the Republic of Tajikistan

Forest Code of the Republic of Tajikistan

The Republic of Tajikistan Law "On State Sanitary Supervision"

The Republic of Tajikistan Law "On informatization"

The Republic of Tajikistan Law "On State Secrets"

The Republic of Tajikistan Law " On appeals of citizens"

The Republic of Tajikistan Law "On State Statistics"

The Republic of Tajikistan Law "On press and other mass media"

The Republic of Tajikistan Law "On Public Associations"

The order of the procedure of Environmental Impact Assessment in the republic of Tajikistan

Presently under the support of OSCE in Tajikistan the Ecological Code of the republic of Tajikistan is designed and going to be finished.

It is defined in the constitution that the governmental bodies, public organizations, political parties and officials are obliged to give an opportunity to everyone to be acquainted with the documents concerning his rights and interests except the cases foreseen by the law (p.25).

Everybody is guaranteed a freedom of speech, press, a right to use media. A state censorship and pursuit for criticizing is prohibited.

The list of information about the state secrets is defined by the law (p. 30).

The citizens have right either personally or in common with others appeal to the governmental bodies (p. 31).

The constitution of the republic of Tajikistan guarantees all the citizens and those who are without citizenship living in the territory of the republic a all the rights and freedom not depending on their origin, social or property status, race or national (p. 16) belonging, language, sex, political views, religious persuasion, type or character of the occupation, place of living or other circumstances (p. 17).

In order to increase the ecological education of the population of the republic the Government adopted a State ecological program of the Republic of Tajikistan for 2009-2019 and created a coordinating interdepartmental Council on designing the state program on the environmental education of the population of the republic of Tajikistan. A Concept of transition of the republic of Tajikistan to a sustainable development is being realized.

According to this the Committee on protection of the environment under the Government of the republic of Tajikistan is undertaking steps for attracting the attention of the governmental bodies and the community to the problem of education for a sustainable development (round tables, conferences, seminars, trainings). Also the collaborators of the Committee are taking an active part in the work of the national and international conferences on education for a sustainable development and ecological education.

In 2012- 2013 the Committee conducted Festivals and Competitions on the ecological journalism for the best pictures and stories concerning a careful treatment with the environment.

In their turn the Resource Aarhus Center and the Informational ecological Aarhus Center of Soghd region under the support of Dushanbe Center of OSCE publish informational materials as articles in Mass Media, print booklets, make topical documental films on TV and translate radio programs.

- more than 30 ecological broadcasts “COMPAS” and “Environment” are made and shown by TV through local TV channels Sughd TV and SM-1;

- 10 informational ecological stands are made and regularly renewed in 8 districts of Soghd region;

- 3 informational campaign are organized in Taboshar, (on radiation safety), in Kanibadam district (on problem of mortuary of toxin chemicals), in Chkalovsk (on problem of municipal solid waste)

- the NGO “Bonu” (Soghd Region) in common with the city Administration of Kanibadam district has conducted works on preventing the environmental pollution from the influence of harmful updated toxin chemicals and pesticides which are in Kanibadam polygon. Just this NGO made booklet and brochure in 300 copies in this field.

-a youth ecological newspaper “COMPAS” is published every month in about 100 copies in the course of 4 years;

- more than 1000 visitors of the Aarhus center in Khujand city used free services, resources in getting and searching information through the internet, library and others.

- In 2011 – 2012 3 numbers of the magazine “Eco Cooperation” in 500 copies each;

-7 additional seminars are conducted on the protocol of PRTR in 7 districts of Soghd region;

Question 4. Describe any obstacles encountered in the implementation of any of the paragraphs of article 3 listed above.

One of the basic problem is a lack of real financial mechanisms of support of governmental nature protecting programs which are designed and adopted by the Government of the country. The National responsible bodies and the competent authority try to implement the programs through mobilizing the international financial institutes. It cannot completely provide a sustainability of the implementation of the items of the Aarhus Convention.

The other obstacles are:

1. A big instability of workers in governmental bodies.

2. Insufficient illumination of the ecological laws in Media and their analysis.

3. Limited technical possibility of the population access to the electronic media in rural places.

4. Insufficient potential of NGO working with the population and the community on protecting ecological rights.

5. Absence of powerful specialized NGO working in the field of ecological right in villages.

Question № 5. Provide further information on the practical application of the general items of Convention.

The Government of the Republic of Tajikistan has adopted and implemented (and implementing) a number of programs and legislative acts in the preparation and implementation of which public organizations took an active part:

*In adopting and changing the Laws: “About environmental protection” (under the support of OSCE); “About protection and using fauna”, “About protection and using the flora”, “About protection of atmosphere air”;“About specially protected nature territories”;“About wastes of production and consumption”(under the support of OSCE); “On Hydro meteorological Activity", "On Ecological Expertise", "About the Public Associations", "On appeals of citizens", "On ecological information", "On press and other media", "On the Biological Safety", "On environmental education of the population", "On Environmental Monitoring", the Land Code, Water Code, Forest Code.*

A positive happening in the republic is a practice of public discussion of the state documents, programs, strategies and bills. So practically all the projects of nature protecting laws, programs amd other country documents are published in nature protecting newspaper (Committee body on the environmental protection under the Government of the republic of Tajikistan “Navruzgoh”).

For a successful implementation of the Aarhus Convention the Government of the republic has organized a new Governmental Working Group on fulfilling the Convention in Tajikistan. It includes the representatives of governmental, scientific and public organizations.

(Y. Ochilov- a director of Youth Ecological Center is a member of the Governmental Working Group on implementation of the Aarhus Convention and F. Illarionova-director of NGO “A Group of nature protection”).

A new working group under the support of OSCE in Tajikistan has made and confirmed a Manual for making a National Plan on Implementation of the Aarhus Convention in Tajikistan.

Public hearings are permanently conducted by the Committee on ecology and agrarian issues of Madjlisi namoyandagon Madjlisi Oli of the republic of Tajikistan. According to the item 8 of the Aarhus Convention – «participation of the community in preparation of normative provisions which have a direct executive power or commonly applied judicial normative acts» citizens and interested organizations realize their constitutional rights in participation in discussion of bills.

A considerable contribution in the process of activation of the ecological movement and development EcoNGO was creating a network of youth ecological organizations “Green Patrols” over regions of Tajikistan. The network continues working in regions with regional departments of environmental protection, youth committees for realization of programs which are directed to activation of young people. Last times the examples of participation in making ecological decisions united in the informal network of the youth ecological organizations of Tajikistan are actively demonstrated. Youth ecological organizations take part in designing and implementing local plans of actions on environmental protection (LPAEP), «Youth group on protection of nature», Khujand) designed 3 Strategies of Ecological Development in city of Kayrakkum, Chkalovsk and Djamoat Pallas with the participation of local population and organizations.

Participation in the work of youth networks gives groups and organizations an opportunity to strengthen their potential, unite their effort for conducting mass ecological actions, as «Day of Land», «World Day of the environment», to attract more and more citizens to the ecological activity.

There is an organized service and a provision of the public ecological monitoring from the side of Green patrols of Soghd Region, Aarhus Center in Khujand city and the Department of the Environmental Protection. The results of the conducted monitoring of the condition of the environment in different parts of the region are shown to a wide round of community in regions.

Aarhus Centers organized a number of meetings with responsible organizations also with the departments of protection of environment and a plan of conducting events is agreed with the city Administartions in districts in order to realize the activity on widening the number of well-informed people about the Aarhus Convention in districts of Soghd, Khatlon regions and Dushanbe.

- Khorogh Aarhus Center has conducted 4 sessions on ecological notification and increasing the level of ecological awareness and culture among different categories of the population of the region.

In the session which was held on June 29 of the current year a question about opportunities an necessity of organizing a movement of volunteers under the Aarhus Center from the teachers and students of Khorogh state university, teachers and pupils of secondary schools and other interested people. On the basis of the decision made by the participants of the session the collaborators of the Aarhus center have organized a Public ecological Council from the number of leading specialists in the field of ecology which was confirmed by the members of the Council.

Provision about the organization of the movement of volunteers. Also a list of volunteers is made and in September they will be registered and receive their official authority about their activity on the environmental protection.

Along with solving other organizing questions the collaborators of the Aarhus center have conducted a work on preparation to conduct a combined tajik-afgan regional seminar on realization of Aarhus Convention which was conducted in September of the current year in Khorogh city.

Participation in the work of youth networks gives groups and organizations an opportunity to strengthen their potential, unite their effort for conducting mass ecological actions, as «Day of Land», «World Day of the environment», to attract more and more citizens to the ecological activity.

The ecological dates in Tajikistan are celebrated publicly. A marsh of parks, seminars and mass events are conducted on the World day of Land. After addition of the day of the environment to the list of state holidays (without day off) this ecological date is celebrated wider with a participation of a big number of population, with conduction quizzes, actions concerts with a participation of art masters. The Aarhus center of Kurgan-tube has prepared informational booklets on 3 aspects of the Aarhus Convention “Right to know”, “Right to participate”, “Right to have an access to justice” which are spread with the help of green patrols among the participants of actions from different regions of Khatlon Oblast. Also every year the Aarhus center of Khatlon Oblast conducts an action “Water -” Также Орхусс- центром г.Курган-Тюбе ежегодно проводится акция «Вода – guarantee of health!». The action was conducted in those mahallas through which the river “Jaybor” runs. Mini-sessions were conducted among the people of mahallas, who live near the river, informational leaflets were spread, which illuminate the basic water problems and their decisions.

It should be mentioned that the majority of events conducted by the nongovernmental organizations were financed by International organizations.

Question 6. Indicate the corresponding websites if there are any:

A website is created by the Committee on protection of environment under the Government of the republic of Tajikistan where the information about the activity of the committee, normative legal acts of the republic of Tajikistan, information about conventions ratified by Tajikistan, designed strategies and programs, data about the connections with the community, ecological news are placed.

The following websites of governmental establishments and nongovernmental organizations are created and acting where one can find an ecological information:

The committee on protection of the environment under the government of the republic of Tajikistan:

www.hifzitabiat.tj

Statistic agency under the government of the republic of Tajikistan

[www.stat.tj](http://www.stat.tj)

Agency on hydro meteorology of the republic of Tajikistan

[www.meteo.tj](http://www.meteo.tj)

National convention on biological diversity

http://www.biodiv.tj

NGO “Youth Eco-Center”

[www.ecocentre.tj](http://www.ecocentre.tj)

Informational network CARNET in Tajikistan

[www.caresd.net](http://www.caresd.net)

PU “Civil initiation support fond”

<http://www.fsci.freenet.tj/>, [www.caresd.ru](http://www.caresd.ru)

PU “Youth of the 21st century»

[www.tabiat.tj](http://www.tabiat.tj)

PU “Youth group on protection of the environment”(YGPE) /Informational Ecological Aarhus Center in Soghd Oblast

[www.ygpe.tj](http://www.ygpe.tj)

Academy of science of the republic of Tajikistan

www.ant.tj

The website of Aarhus centers of the republic of Tajikistan is re-established under the support of the office of OSCE in Tajikistan:

www.aarhus.tj

Question 7. Name the legislative, normative and other steps for implementation of the provisions of article 4, concerning access to the ecological information. Describe how the provisions of every items of article 4 are implemented.

The basic bodies responsible for submitting ecological information in Tajikistan are the Committee on the protection of the environment under the Government of the republic of Tajikistan, the Ministry of Melioration and water resources, the Ministry of energetics and industry, the State committee on land management, cartography and geodesy and other ministries.

The information concerning the health of population, sanitary –hygienic factors, epidemic and others as a rule is submitted by the Ministry of health or by the separate sanitary hygienic departments.

The public organizations have right to function according to the laws adopted in the republic of Tajikistan and their regulations.

It is noted in the constitution of the republic of Tajikistan that every citizen is guaranteed freedom of speech, press, right to use mass media. A state censorship and pursuit for criticizing are prohibited.

The list of information about the state secretes is defined by the law (p.30).

The law of the republic of Tajikistan “About ecological expertise” (from April 22, 2003, № 20)

In article 4 of the abovementioned law one of the tasks is preparation of objective, scientifically justified conclusions about ecological expertise, timely their informing to the state and other bodies which make decisions about the realization of the object of expertise, informing interested people, community and citizens.

According to the article 3. Law of the republic of Tajikistan “About the ecological information”. The object of relationship in sphere of ecological information is ecological information including the following:

- about the condition of the environment, as well as atmosphere air, surface and underground water, ground, soil, flora and fauna, natural landscapes other natural objects and about interinfluence of these objects, also about the gen-engineering organisms and microorganisms;

- about the influence of matters, energy, noise radiation and other physical factors to the environment:

- about the decisions of the governmental bodies, economic and other activity of legal entities, connected with harmful influence to the environment or its protection, also justification the necessity of their fulfillment including financial –economical justification;

- about the legislative acts of the republic of Tajikistan, about the territorial complex schemes, programs and events on rational usage of natural resources and environmental protection, conceptions, strategies, schemes, programs and events the realization of which influences or may influence on the environment, also justification of necessity of their adoption including financial –economical justification;

- about the condition of health of citizens;

- about the life conditions of people on that degree to which the environment influences or may influence or factors, activity or steps through the environment which are indicated in the third and fourth article of the given article.

- According to the law of the republic of Tajikistan “About hydro meteorological activity” (from December 2, 2002 #86) the information about the condition of the environment and informational production are open and available excluding the information of a limited access related to the legislation of the republic of Tajikistan (p. 20). General information is given to the users in texts, tables and graphics through mail connection, through media, e-mails, regular messages or to the users requests. A specialized information about the condition of the environment submitted to the users on the basis of agreements.

The law of the republic of Tajikistan “About the hydrometeorological activity” foresees a payment for submission of information to individuals and legal entities mentioned in the law..

According to the article 3 of the republic of Tajikistan “About the ecological monitoring” the ecological monitoring is realized to:

– observe the conditions of the environment also the condition of the environment in districts where the sources of anthropogenic influence to the environment are located ;

– evaluate and forecast the changes of the conditions of the environment under the influence of natural and anthropogenic factors;

– provide the demands of the government, individuals and legal entities for reliable information about the conditions of the environment and its changes, which is necessary to prevent and (or) decreasing unfavourable consequences of these changes.

According to the article 2 of the “Law of the ecological education of the population” the basic principles of the governmental policy in the sphere of the ecological education are:

- governmental garantee for a citizen to get a necessary minimum ecological knowledge;

- compulsity of the ecological education in each level of the eduactional system;

- including the issues of the ecological education to every target and sectorial governmental programs;

- purposefullness of teh ecological education to fullfill the tasks of protection of the environment;

- implementation of the governmental policy in part of teh ecological education;

- publicity in issues of implementation of the governmental policy about the cological education;

- participation of public organizations and citizens in realization of teh governmental policy about the ecological education.

Question about the secret documents is solved in the law «About the state secret ».

(from April 22, 2003 № 4). So, article 5 contains information not liable to be secret. The following information is not secret:

(a) about disasters, catastrophes and other extraordinary events which threat the safety of people, which happened or may happen;

(b) about the condition of the environment and people’s health, their level of life including nutrition, clothes, place of living, medical service and social security and also about the social demographic indicators, condition of law and order, education and culture of people;

(c) about illegal actions of the governmental bodies and officials.

Article 5 of the law of the republic of Tajikistan “About guarantee of sanitary epidemiological safety of population” (from December 8, 2003 # 49) also foresees the right of people to get information. On the basis of this article an information about the conditions of the place of living, epidemiological conditions, about steps of providing sanitary-epidemological prosperity, about the quality of goods, food and drinking water may be demanded.

It is necessary to mention that mostly the representatives of the interested community appeal for getting information, as public ecological organizations, students, journalists, aspirants. The rural people mostly appeal to specialists fro consultation. Mostly they apply with problems of managing wastes, cutting trees, greening yards and others and inquiries are offered in oral form. The mentioned citizens are directed to the competent bodies by the specialists. They make necessary written inquiry by the demand of the competent bodies and submit the necessary documents for solving problems.

Question № 8. Describe any obstacles encountered in the implementation of any of the paragraphs of article 4. (f) With respect to paragraph 7, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;

(g) With respect to paragraph 8, measures taken to ensure that the requirements on charging are met.

There are no any problems concerning submitting information from the governmental organizations, though they can infringe the term of giving answers, sometimes not the needed information is submitted (though the reaction of the people’s appeal in every body should be controlled). However a legal and informational illiteracy of population, not knowing the sphere of using the necessary ecological information decreases the number of appeals of citizens for ecological information.

The demanded information is not always given to a user in an accessible and clear form. Today the processing and categorization of the information demands not only timely, financial and human resources, but also knowledgeable, good specialists, i.e. educating cadres and specialists.

Question № 9. Provide further information on the practical application of the provisions on access to information, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons.

The committee on the protection of the environment analyzes the letters – requests during 10 days and prepares information (answer). In the case of absence of information the requests is resent to a corresponding department of the Committee. In the course of 2011-2013 according to the information of the general department 246 requests of citizens were received by the Committee of on the protection of the environment of the republic of Tajikistan which were given answers in time and term foreseen by the Committee (from 10 days to 1 month depending on the complexity of the problem). Totally 4012 letters and appeals were received from different organizations, governmental and international organizations, other ministries, structural subdivisions(2011-2013г).

The realization of the provisions of the convention concerning the access to information provides a number of public organizations which in the framework of their activity also collected and analyzed corresponding ecological information.

In order to improve the access to information, knowledge and practice of and sustainable development a Youth EcoCenter (YEC) has established 5 village public informational educational centers (Nosiri Khisrav district, Kabodiyon, Shartuz, Hissar) and 5 demonstration sites where farmers and community can get practical knowledge on rational land using, water using and agrotechnology amicable to the environment, about the steps of adaptation to the climate change in the level househoulds and collective farms. YEC published the best practice in its press collections and also registered soil-water saving technology WOCAT in World survey. The organization “A small Land” regularly spreads information to the representatives of community, governmental and international organizations. The informational network CARNet presents a popular portal [www.caresd.net](http://www.caresd.net). The news are spread from the pages of portal for more than 500 subscribers. The information in all over Tajikistan is systematically renewed. The interested people may get a resource information like base of data about NGO, ecological legislation, realizing projects and other resource information which is necessary for institutional development of a civil society.

Khorogh Aarhus Center has provided the community a free access to the Internet fro searching material on ecological problems, the base of data of ecological information is created, working and renewed in a local level, also an assistance is done to conduct a public hearing about the final working version of the Ecological Code of the republic of Tajikistan.

Question № 11. List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5. Explain how each paragraph of article 5 has been implemented.

In the republic of Tajikistan the governmental bodies have an obligation to form governmental informational resources to satisfy the demand of the community and interested people.

It is said in the Law of the RT “About Infromatization” (August 6, 2001 #40) that action of the given law is spread to the relationship which arise in the process of implementation of activities in the sphere of informatization by the governmental bodies, individuals and legal entities not depending on the form of property.

The law of the republic of Tajikistan “About ecological information” defines legal, organizational, economical and social basis of providing ecological information in the republic of Tajikistan, assists to guarantee rights of individuals and legal entities fro receiving a complete, reliable and timely information and regulates relationship in this sphere.

A Resolution of the Government of RT is adopted to realize article 6 (from October 2, 2012 №542) about assertion “The order of forming and processing of the governmental ecological informational resources”. This Order is sent to all corresponding governmental structures and NGO.

Presently every governmental body has its own base of data on the activity. Besides the information is placed in sites. The governmental bodies submit their informational resources to their users through registration in sites as electronic informants or press publications.

According to the Law “About environment” of the republic of Tajikistan and provisions of the governmental organizations affirmed by the Government of the republic the governmental institutions should implement the following:

(a) to inform about the condition and pollution of the environment, ecological conditions in separate objects, economical activity to the environment;

(b) to inform about the extraordinary situations;

(c) to inform about the process of realization of documents in the sphere of environmental protection;

(d) inform about investment of nature protecting events and making payments for environmental protection.

Presently all the information is submitted to the Agency of statistics under the President of the RT. On the basis of annual reports the Agency of statistics publishes quarterly ballots, codes of programs and pressed information which is paid. Besides the Agency submits a catalogue of informational publications, which is planned to be published next year.

Presently a National interdepartmental commission is created in sphere of ecological statistics on the bases of the Agency of statistics under the President of the RT. The commission is established to coordinate the statistic calculation and collect information about all the ministries and departments, enterprises and organizations of the republic and also to perfection of the ecological calculation. The Agency collects information from all the ministries and departments and publishes an anual collection of statistic data concerning social –economical condition of the republic. Every 2 years a special statistic collection “Protection of the environment in the RT” is published, where statistic data for 5 years in dynamic is shown. Now everyone who wishes can buy this publication.

The Ministry of Health Protection is responsible for analyzing the norms and provisions about the quality and safety of food stuff, materials and articles, also diet and children nutrition, food and biological additions to guarantee their conformity with the international norms not less than for 5 years. It should be mentioned that informational materials on the quality of food production, being imported into Tajikistan were published in Media for several times

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Question № 12. Describe any obstacles encountered in the implementation of any of the paragraphs of article 5.

The basic obstacle for collecting and spreading ecological information is:

* A weak financial base fro spreading information (there is no enough money for independent publication of statistic data and its realization to the users).
* Insufficiency of budget for re-equipment of having mobile laboratories and getting new.
* Нехватка квалифицированных кадров владеющих анализом данных.
* Insufficiency of skills in using technology of collection, spreading and receiving information.

Question 13. Describe an additional information concerning a practical application of of provisions of article 5 about collection, spreading of ecological information, e.g. if there are any statistic data about publishing information.

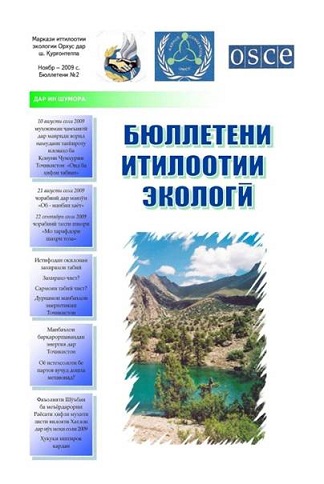
In Tajikistan the ecological information is spread by the Committee of environmental protection under the Government of the RT through participation and conduction press-conferences, seminars, trainings, round tables, competitions among ecojournalists, meetings with NGOs and others. Press-conferences are conducted quarterly where the head of the Committee, his assistants in his absence conduct the press-conferences with a participation of different media.

Generally in 2011 -2013 in Tajikistan more than 400 events were conducted on ecological issues (competitions of photos, round tables, on ecological journalism, discussion of bills and others.) 350 publications are made and 740 statements were done through radio and TV, more than 750 seminars and trainings are conducted.

Presently a Center of ecological information is successfully functioning in the Committee of environmental protection under the government of RT successfully functions, which make a base of data of the ecological information, publication of annual ballot. This Center gets information via internet and e-mail (fax) which is spread through the Committee newspaper “Navruzgon” and annual ecological ballot. This ecological ballot is a reflection for transparency of the activity of the Committee of the environmental protection in the region.

A colorful illustrative ecological newspaper “Navruzgon”is published every month in 1000 copies printed in a good qualified paper. Informational material is spread over the regions of the republic like booklets bout usage of normative nature protecting documents and ecological education. 11 numbers of ecological magazine “Tabiat” is published quarterly by the Committee of environmental protection in 3 languages (English, Russian, Tajik) in three last years.

An informational ecological Ballot is published quarterly in 80 copies by the Aarhus Center of Kurgan-tube in common with the Department of environmental protection of Khatlon Region. The informational ballot is spread among the institutions and agencies which have relationship with environmental protection, public organizations, participants of seminars, visitors of the center and students.



In 2011 two 20-mimute TV programs were shot by the Aarhus center of Kurgantube “Vaksh mortuary and poisonous lands” and “Ecology and education”. The abovementioned films were translated several times through local TV and demonstrated during abroad consultations.

 In February 2011 a Debate ecological club (DEC) was established under the Aarhus center from the number of students of Kurgantube State University after Nosiri Khusrav which is presently functioning. The main goal of establishing the ecoclub is to involve the young people to the work of the Aarhus center on awareness of the population and to guarantee the further participation of young people in the process of solving issues regarding protection of the environment.

The members of the DEC have conducted an ecological monitoring of the city in the form of questioning the population, conversation with the people of the same age, inquiry of materials from the governmental bodies on ecological problems (including form the Department on the environmental protection of Kurgantube city, communal housing complex, water company, sanitary epidemiological station of Kurgantube city) and taking pictures of problematic sites. The members of the club find the ways of the solving the problems during presenting and discussion of the problems. The members of the DEC take part in organizing and conducting different ecological actions.

In may 2013 there was a public hearing in Kurgantube on a working final version of the Ecological Code of the RT. The Ecological Code was developed by the working group under the commission of the government and parliament of the RT under the financial assistance of Bureau of OSCE in Tajikistan. Representatives of different organizations, services and agencies who work in the sphere of environmental protection, ecologists, scientists, representatives from law enforcement bodies and judicial branch, nongovernmental sector and media took part in the hearing.

Public organizations also inform the population through their publications. So, the Youth Eco Center is actively working with mahalla councils and conducts educational courses on using the mechanisms of the Aarhus Convention. An additional commemorative booklet was published which explained the mechanisms of the convention about access to information in detail. Template forms of inquiring information were presented in the booklet. In the course of three years the Youth Eco Center also published a number of renewed booklets for young people and teachers on education for a sustainable development, as “An interesting ecology”, Students’ manual on land using issues, “Climate changes” and others.

Unfortunately because of absence of financing since 2010 the Youth Eco Center stopped to publish a popular public ecological magazine “Tabiat”, but the site of the organization still functions. [www.ecocentre.tj](http://www.ecocentre.tj). A weekly informational Digest is spread among the members of Climate network of NGO. In 2012 a new site was opened deducated to the problem of increasing the level of awareness of people about the climate change. www.tajcenet.tj

In the report period the web-site [www.pamireco.tj](http://www.pamireco.tj) was constantly renewed by the Aarhus Center of Khorogh. [www.pamireco.tj](http://www.pamireco.tj), which is focused on informing the population about the condition and problems of the environment, increasing the ecological culture of different group of people of MBAR, spreading another information about ecology and historical monuments of nature and culture. Further necessary material as international and national ecological normative legal acts, conventions and information about natural resources of Pamir are placed in the web-site. Also the web-site contains information about the collaboration and corporation of other Aarhus Centers.

Eco Center as a Center of collecting and spreading information. Presently 2 numbers of ballot “Pamir Eco” are published, which are considered to be a demanded publication of such style in the region. The Internet site www. pamireco.tj is the only site illuminating ecological questions of MBAR. there is a close connection of Pamir Biological Institute and Aarhus center. There is a library in Aarhus Center which is created due to the collaboration with the specialists of the Institute and which presently has more than 50 books, scientific and methodical manuals. Further the Aarhus Center will continue the work of enriching the fond of the center and strengthen the work of creating an electronic library.

# Question 15. Name the legislative, normative and other measures on implementation of provisions of article 6 concerning the participation of the community in decision making in definite kinds of activities. Explain how the provisions of each point of article 6 is being realized.

# According to the law of RT “About the protection of environment” (from August 2, 2011) the citizens of the Republic of Tajikistan have right to participate and control the process of making and realization of decisions connected with the influence on the environment. This right is realized by publication, public discussion of projects of ecologically important decisions.

According to the articles of chapter 4 “Public ecological expertise” of the law of RT “About ecological expertise” public organizations can take part in expertise of projects connected with the problems of environment.

So, 3 strategies of Ecological Development in Kayrakkum, Chkalovsk and Djamoat Palas were developed by Public Organization “Youth Group on environmental protection” in Soghd Region with the participation of local people and organizations, 8 seminars were conducted on evaluation of influence on the environment (EIE) in 8 regions of Soghd oblast, 4 trainings were conducted by the Aarhus Center of Kurgan –tube in J.Rumi and Yava districts on topic “Evaluation of influence on the environment” the participants of which were organs of local governmental authority, representatives of Department and agencies of PE of the abovementioned districts, private businessmen, representatives of factories and other industrial companies, dehkan –collecting farmers, students, Media, NGO and others.

According to the article 11 of the Law of RT “About the ecological monitoring”

1. Individual and legal entities, public organizations have a right to appeal to teh governmental authorized body for organization of the ecological monitoring to receive a reliable and complete information about the condition of the environment.

2. A governmental authorized body on organizing an ecological monitoring is obliged to examine all the complaints and applications of citizens and public organizations about the condition of the environment and inform the appliers about the result of examination and decisions made.

3. Public organizations have right to appeal to the governmental authorized body on organization of ecological monitoring with recomendations to make additional objects of ecological monitoring.

4. Public organizations and citizens have right to take part in organizing an ecological monitoring at their own and other expenses foreseen by the legislation.

5. The material of the ecological monitoring received by the public organizations which conform to the requirments of the informational resources in quality are brough in the register of the ecological monitoring.

According to the Law a service is organized and a provision of the public ecological monitoring is developed by the Green Patrols of Soghd Oblast, Aarhus Center of Khujand city and Department of Environmental Protection of Soghd Region. More than 12 ecological monitorings are conducted in 12 cities and regions of Soghd region and the results of these reports are presented to the wide range of community in districts.

According to the article 13 of the Law of RT “About the ecological education”

1. in the ecological sphere the population, public organizations and the citizens have right to:

- prepare suggestions on improvement and realization of the governental policy in sphere of teh ecological education;

-take part in competetions on development of projects on ecological educations;

-take part in preparation of programs of international colaboration in the sphere of ecological education.

2. Public organizations and citizens carry out ecological activity on the basis of the governmental certificate which they receive in order determined by the legislation of the republic of Tajikistan.

3. Organizations and citizens realizing an ecological activity have a right to submit an application to the cotrresponding body and receive a reliable ecological information.

According to the article 4 of the Law of RT “About the ecological information” individuals and legal entities are guaranteed a right to a free access to ecological information available to the possessers of the ecological information without necessity to clarify the reasons of being interested in getting an ecological information in order and way foreseen by the given Law.

According to the article 7 of this law the access of governmental bodies, other individuals and legal entities to the general ecological information is provided through submission and spreading a general ecological information by the possessers of ecological information. The access to a specialized ecological information is realized on the basis of an agreement made with the possessers of ecological information. According to this law 6 trainings were conducted by the Aarhus Center of Kurgantube on 3 components of the Aarhus Convention- access to the ecological information, participation of the community in decision making on ecological issues and access to justice.

# The law of RT “About Protection of atmosphere” (from December 28, 2012) mentions about the rights and obligations and also the participation of community in protection of atmosphere.

The public organizations are granted the right to participate in the activities of air protection.  
The public organizations have established in accordance with the Law "On Public Associations" and act on the basis of their Statutes, defining their objectives, which based on the Constitution of the Republic of Tajikistan and other legislative acts. The law was changed regarding revision of the powers of local authorities. Committee on the Environment Protection under the Government of the Republic of Tajikistan, Dushanbe Aarhus Center for representatives of industrial enterprises in the regions. of Dushanbe, Khujand, Tursunzoda in areas of Hissar, Rudaki, Djirgatal was held seminars on the theme: “The strategy of promoting the protocol registers Pollutant Release and Transfer (RVPRZ) in the Republic of Tajikistan" to the Aarhus Convention on Access to Information, Public Participation in making decision and access to justice in matters related to the environment.

Participants were invited to the Committee on Environmental Protection under the Government of the Republic of Tajikistan:  
- To modify the level of requirements of modern European standards ,national standards of measurement methods and analysis of emissions;  
- to create the National Register of releases and transfers of pollutants to the Aarhus Convention in Tajikistan, etc.  
Unfortunately this item is not executed due to lack of funds on the development of the register.

Also in 2011 was held a round table in the city of Kurgan-Tube and a seminar in Sarband on the Protocol "Register of emissions and transfers of pollutants in the Aarhus Convention", which was attended by representatives of government bodies dealing with environmental protection, law enforcement, SES, WSC, KZHKP, the media and NGOs.. All the participants were given guidelines for the implementation of the PRTR Protocol, the text of the PRTR protocol by Russian and Tajik languages.  
Youth Environmental Center ( MEC ) in 2013 in Doha is a part of the official delegation of the Republic of Tajikistan and in 2012 and 2013 in Mexico and South Africa. To participate in the negotiation process has developed positions of NGOs on international UN climate negotiations.

Khorog Aarhus Centre organized a public council, which composed of representatives from government agencies, scientists, non-governmental organizations, the Pamir Biological Institute and Khorog State University. RT Law "On Waste of Production and Consumption" (from May 10, 2002, # 44)  
Article 17 of the "Public control over waste management" refers to the fact that public control over waste management is carried out by public associations in accordance with their charters and the citizens of the community in the manner prescribed by regulations of the Republic of Tajikistan, and includes verification of the claims. In the Republic of Tajikistan in 2007 adopted the Law "On Public Associations" (from May 12, 2007, # 258).. On the basis of this law, non-governmental organizations, as independent legal entities, have the right to participate in the development of public decisions, take initiatives on various aspects of community life, to submit proposals to government bodies, receive from government agencies the information needed to implement the statutory objectives (Article 24.).

The State enforces the rights and legal interests of public associations, and in accordance with the Constitution of the Republic of Tajikistan guarantees the conditions for the fulfillment of their statutory tasks.  
 RT Law “On the Environmental Impact Assessment”.  
Article 5 provides the principles of environmental assessment, which states that environmental assessment is based on the principles of transparency, public participation, taking into account public opinion. Article 6 states that the territory of the Republic of Tajikistan is carried out two types of environmental impact, one of which is a public environmental assessment.  
Public examination is organized and conducted by citizens, community organizations, the main activity of which, in accordance with its charter, is the protection of the environment, including the organization and carrying out environmental impact assessment.

Currently, none of the environmental organizations have not conducted public environmental assessment due to lack of experience and expertise in this area. However, it should be noted that the leaders and experts of environmental organizations are invited to the international projects as local experts to work on the environmental assessment.

Question 16. Indicate any obstacles encountered in the implementation of any of the paragraphs of article 6.

• Insufficient level of training NGOs who can work on specific activities  
• Lack of human capacity in organizations (experts) or a lack of funds for attraction highly qualified personnel  
• Weak technical and material base  
• Lack of meetings and press conferences on the results of the EIA

• Ignorance the purpose of conducting and procedures of conducting the public hearings on specific activities  
- Ignorance of procedures for public hearings on specific activity on the part of developers.

Question 17. Provide further information on the practical implementation of the provisions regarding the public participation in deciding specific activities in article 6.

One of the forms of community engagement in solving urgent environmental and social issues, based on their interests, the historical features of development, as well as national and spiritual values, local customs and traditions is to develop national and regional plans of action for the protection of the environment.

Non-governmental organizations have established mechanisms for cooperation with the Committee on Environmental Protection under the Government of the Republic of Tajikistan, in the participation of specialists in the various programs, the exchange of experiences and information.  
Members of the public participated in the development of such documents as NEAP, REAP, Poverty Reduction Strategy, the National Strategy for Sustainable Development, the program "Environment and Security". Since January 2008 we are working on the implementation of the regional project "Public involvement and support of civil society in the implementation of the Aarhus Convention." Initiators of the development of the first LEAP in Tajikistan are, "Fund for Support of Civil Initiatives" and "Youth EcoCenter." Jointly with the local authorities and the government was developed a number of LEAP which execution carried out with a significant contribution to communities.

During the implementation of the LEAP more than 4,000 people gained access to safe drinking water, create jobs, planted more than 10,000 seedlings, provided care for them, take measures against soil salinity, cleared more than 40 km. drainage systems, creating new sources of livelihood and jobs in the community.  
 Sughd Aarhus Centre has developed 3 Environmental Development Strategy in Kairakkum, Chkalovsk and Djamoat Pallas with the participation of local people and organizations;

* Service is organized and developed the position of public environmental monitoring by the Green Patrols of Sughd Aarhus Centre in Khujand and the Environmental Protection office of Sughd region  
  - In 2012-2013, public hearings were held jointly with the Office of Environmental Protection of Sughd region on the collection, storage and disposal of your energy-saving lamps containing the mercury involving the public, businesses, government agencies. .

Question 19. List the appropriate practical and or other measures taken to ensure public participation in the preparation of plans and programs relating to the environment. Please indicate how to apply the relevant definitions in article 2 and paragraph 9 of Article 3 of the requirement of non-discrimination

According to the order of the President of the Republic of Tajikistan, representatives of non-governmental organizations, reflecting the interests of public are members of the government working group on the implementation of the conventions ratified by Tajikistan and participate in the development of National Plans of Action for the Protection of the Environment of the Republic of Tajikistan and the Regional Plan of Action for the Protection of the Environment of the Central Asian states (CA REAP).

With the assistance of international organizations is the development and implementation of the following programs and projects:  
• The National Action Programme to Combat Desertification  
• National Report on Climate Change  
• National Action Plan on Climate Change  
• National Biodiversity Strategy  
• Self-assessment of national capacities in three convention - Climate Change, Biodiversity and Combating Desertification

• National Action Plan for Sustainable Development in Mountain Regions  
• National Report on Sustainable Development of the Republic of Tajikistan  
• Poverty Reduction Strategy Paper  
• National Development Strategy for the period up to 2015  
• Concept of Transition of the Republic of Tajikistan to sustainable development in 2030  
• Strategies on environmental development of cities and regions

There is an established practice of including NGOs in the structure,  
involved in decision-making in the field of environment. At present, every work of the Convention Working Group, which included representatives of NGOs - on the implementation of the Aarhus Convention on the Conservation of biological diversity, climate change, desertification control, etc. (correctly write yourself, how are they written correctly, these Working Groups ). In accordance with the theme are invited NGOs who are specialized in these matters and have experience in this area. Under the Interstate Commission on Sustainable Development of Central Asia Regional Working Group works - NGOs in Central Asia, a Regional Public Council under the ICSD. This has strengthened the cooperation and involvement of the public sector in a joint discussion with the authorities and making- decision on environmental programs and issues in the countries of Central Asia and the Republic.

Community of the republic takes part at national processes related to international agreements: the Central Asian Initiative, Environment for Europe, the EECCA Environment Strategy, the WTO and the Environment, Education for Sustainable Development, etc

Youth EcoCenter in 2011, 2012 together with environmental NGOs was organized by the Club of the National Conference of NGOs on climate change adaptation. The conferences have been developed proposals on development of Pilot Programme for Climate Change (PPCR) in Tajikistan.

During 2011-2013, the Information Environment AARHUS center of Kurgan-Tube in conjunction with the Office of the Environmental Protection of Khatlon region were held six public hearings, including the discussion under development with the support of the OSCE Environmental Code of RT.

At the hearing, were attended representatives of the Office and departments of Environmental Protection, representatives of the regional court, the regional prosecutor's office, the regional Hukumat, representatives of NGOs and the media. Following the discussion, the participants adopted the resolution. The second public hearing on "Waste Management" was held with the participation of representatives of the Office and the departments of Environmental Protection, representatives of regional and city Hukumat, KZHKP, water utility, the private sector DF-governmental organizations and the media. Khorog Aarhus Center established contacts with potential partners - governmental agencies, academia and civil society organizations which concerned with environmental problems (management of environmental protection, forestry Pamir, Pamir Biological Institute, Tajik National Park, Khorog State University, Tajik national park, wildlife sanctuaries, etc. It is supported a regular business relationship with the employees of the Tajik National Park and Preserve Muzkul and reserve Zorkul, whose representatives are also actively involved in the ongoing activities of Aarhus center.

Center gradually expanded its activities in the areas of Badakhshan. For this purpose a regular meetings were held in the district center and jamoat Buni of Shugnan area. The participants were representatives of local state structures, environmental organizations, schools, local NGOs. The result of these information sessions was the creation of local NGOs on the basis of the reference point of Khorog Orhustsentra in this area.

It is also important that the Khorog Aarhus Center laid the foundation for co-operation with the management of the Badakhshan province of Afghanistan on environmental security in the region.

Dushanbe Aarhus Resource Centre under the Committee for Environmental Protection under the Government of Tajikistan in order to prepare the corresponding strategic priorities and action plans for the implementation of the principles and objectives of the Aarhus Convention, during 2012-2013, was held 5 meetings in different regions of the country for the dissemination the positive examples of existing practices prevailing in the other countries.

The work was continued and held several meetings with the public and government agencies to discuss the structure of the Guidelines on writing the NAP of the Aarhus Convention in Tajikistan.

Tajik Branch of the Scientific Information Center ICSD:

• was conducted a search and made a list of sources of information (state statistics, departmental, non on environmental protection and sustainable, sites of environmental conventions to which Tajikistan is).

• Updated database was presented to representatives of the public, government agencies, at a meeting of ICSD and transferred to the regions of Tajikistan.

Question # 20 . Explain what opportunities exist for public participation in the development of policies on the environment.

In the Republic of Tajikistan legislation provides a procedure for public participation in development of policies in the field of environment. The Law on Environmental Protection of the Republic of Tajikistan was approved by the people’s participation on environmental protection. Instrument of public participation on environmental issues is the public environmental assessment of government programs and plans, which conducted a research groups, public associations on their own initiative. The conclusion of PEA becomes legally binding after the approval of the results by the state ecological expertise.

The participation of non-governmental organizations on development of environmental documents allows taking into account a public opinion, adoption and implementation documents.

Establishment of Public Council under the ICSD is an important tool in continuing the dialogue with civil society organizations by the public sector, the involvement of civil society in the discussion and implementation of national and regional programs, projects and documents under the National Action Plan on the Environmental Protection (NEAP) and the Regional Action Plan on the Environmental Protection (REAP)....

An important step towards the implementation of the Aarhus Convention should be

1. the inclusion of the principle of public access to information at the early stages of development and approval and implementation issues of national environmental programs;
2. enhanced coordination of state environmental authorities with the Parliament of the Republic of Tajikistan and the Office of the President of the Republic of Tajikistan;
3. preparation and constant updating of electronic catalogs of environmental information, the preparation of registers on the types and scope of environmental information was held by public authorities with the conditions of its production and rejection of delivery;
4. development of the Environmental Code of the Republic of Tajikistan, which makes it possible to harmonize environmental legislation in the Republic of Tajikistan;
5. cooperation and collaboration on environmental issues with a business structures, commercial agencies and the ability to obtain information not only from the ministries, but also from the public and private enterprises;
6. holding training programs for all stakeholders in the EIA, and for the population - for Human of access to information and justice;
7. To achieve a public participation in making decisions on GMOs, exceptions the import of food items with eco-labeling.

Question 21. Describe any obstacles encountered in the implementation of the provisions of Article 7.

  They are:

(a) Delayed awareness on the part of the government agencies on plans and programs for the development of plans, programs and policies;

(b) The comments and proposals submitted by community organizations are not always reflected in the outcome.

Question 22. Provide further information on the practical application of the provisions, concerning the public participation in making decisions on specific activities in article 7

The Concept of Environmental Protection of RT noted that decisions relating to the protection of the environment are the civil society and business organizations.

The wide opportunities for participation in decision-making, in the discussion of the implementation of the strategic government documents offered to the public as part of the Framework Convention on the Climate Change. This is due to the fact that 93% of the country is mountainous, which are frangible ecological systems and the nature of mountain regions are sensitive to the processes associated with the climate change. Particularly the frangible ecological systems are mountain glaciers, which are the main source of fresh water of the Central Asia. Considering this specificity in Tajikistan after years of discussion at all levels in 2013 has been adopted the Law of RT "On the mountain areas", and in 2010, and after extensive discussion and participation of civil society has been accepted and realizing the State program for the protection and study of mountain glaciers of RT.

As part of the Concept of Transition of the Republic of Tajikistan to the sustainable development up to 2030 in 2011 - 2013 under the Eco center has continued to operate the program on education for sustainable development.  
In collaboration with the Environmental Protection of Dushanbe and the public organizations was held a public informational and educational events "Earth Day", "World Day for Conservation of Nature."

Question 23. Describe what measures are being taken to promote effective public participation in the preparation by public authorities with the provisions of executive power, and generally applicable legally binding rules that may have a significant impact on the environment.

Please inform about applying the relevant definitions at national level contained in Article 2 and paragraph 9 of Article 3 of the requirement of non-discrimination.

In the Republic of Tajikistan legislation enshrines the freedom and human rights, which are regulated and protected by the Constitution of the Republic of Tajikistan. The Law on Environmental Protection of the Republic of Tajikistan provides for the right of citizens to participate in environmentally important solutions and monitoring their implementation:

The citizens of Tajikistan have the right to participate and to control the development, adoption and implementation of decisions related with the impact on the environment.

This right provides by the promulgation and the public discussion of projects of environmentally significant decisions, the public environmental expertise of projects, the duty of authorities is to take into account citizens' proposals, the use of various forms of public participation in environmental protection.

Recently in Tajikistan for public discussions the projects of normative legal acts are sent to non-governmental organizations, to associations and to nature users.

The projects of normative legal documents intended for discussion are posted on the pages of national newspapers, and projects available at the Committee on the Environmental Protection under the Government of the Republic of Tajikistan and the Parliament.

Committee on the Environment Protection under the Government of the Republic of Tajikistan functions a legal department, which collects all of the printed materials (environmental laws, internal documents, policies, international agreements). Access to them is carried out in according to the requirements of the Law "On Environmental Information." Anyone can work with these documents. Also it is available at the Center for Environmental Information, at general department, at the International Department and at the Aarhus Centre (electronic version).

Also, all the draft laws are printed in the newspaper of the Committee on the Environmental Protection under the Government of the Republic of Tajikistan, also are published in the national newspapers - in Russian and Tajik, in special newspaper of the Parliament of RT "Sadoi mardum ', is available at the public library - in sets of newspapers, in the legal department, in the library of the Ministry of Justice, in a yearbooks of the Agency for statistics under the President of Tajikistan, in the "Bulletin of the Majlisi Oli (Parliament of the Republic of Tatarstan), in the library of Parliament, etc

Question 24. Report any obstacles encountered in the implementation of the provisions of Article 8.

- Late distribution of public authorities - customers and developers for discussing, making changes, additions the draft laws and legal documents of the public concerned.

-The passivity of the public and the disinterestedness to collaborate on a legal documents and their lack proper knowledge  
- Suggestions from the public are not always taken into account, sometimes they are late.

Question 26. Provide further information on the practical application of the provisions on public participation in the field covered by the provisions of Article 8.

The results of the public participation are taken into maximum account on developing the following documents  
- The Central Asian Convention on the Protection the Environment for Sustainable Development  
-The rules on the Implementation of the EIA procedure in Tajikistan  
-The Law on Hydro meteorological Activity  
-The Law on Environmental Monitoring  
- The Environmental Information  
- The Law on Environmental Education of the population  
- The Law on mountain areas.

-When amendments to the Law "On Production and Consumption" and "On Ecological Expertise".  
- Concepts of Environmental Protection of the RT

Question 28. Please enumerate legislative, regulatory and other measures to implement the provisions of

Article 9 relating to access to justice. Explain how each paragraph of article 9 is carried out.

In the legislation of the Republic of Tajikistan, the international legal acts recognized by Tajikistan as an integral part of the legal system. In case of discrepancy between the laws of the republic recognized by international legal treaties are used the norms and international laws (The Constitution Art. 10).

According to Article 17 of the Constitution, "all are equal under the law and a court," in Article 19 "Everyone is guaranteed the judicial protection. Everyone is entitled to require that his case should be reviewed by a competent, independent and impartial court established according to the law. "

The state bodies, a public associations, a political parties and officials must provide for everyone the opportunity to obtain and familiarize themselves with the documents relating to their rights and interests, except the cases prescribed by law. (Art .25)

The right of citizens to petition to the state authorities is also enshrined in the law which adopted by the Parliament in 14 December 1996 "On Public Appeals', according to which in case of violation of rights and interests, and violations of the laws, citizens have the right to submit applications, proposals and complaints to the state agencies that obliged for a month to take the necessary measures on identified violations of law.

In the Law of the RT "On Environmental Protection" of the Republic of Tajikistan marked the rights of citizens to protection of health from the adverse effects of the environment. This right is guaranteed by:  
- Reimbursement of a court or administrative order of the damage caused to the health of citizens as the result of environmental pollution and other harmful effects to it, including the consequences of accidents and disasters;

The state and public control over the state of the environment and enforcement of environmental regulations, bringing to justice those responsible for violations of the requirements of environmental protection awareness. Attraction the offenders to the administrative responsibility, and submit materials on attraction them to the disciplinary, administrative or criminal liability, to make claims in court for reimbursement of damage caused to the environment or human health violations of environmental laws.

Similar rules are noted in the Law of the Republic of Tajikistan "On Radiation Safety" (from August 1, 2003 number 42). Article 26 noted that the citizens of the Republic of Tajikistan, foreign citizens and stateless persons residing in the territory of the Republic of Tajikistan have the right to radiation safety.

This right is ensured by a complex of measures on prevention of radiation effects on the human body, the ionizing radiation above the established norms, the rules and regulations performing by individuals and organizations, involved with the use of ionizing radiation, and requirements for radiation safety.

The citizens on the issue of their rights to ensure the Radiation Safety may apply to the state authorities or the court. Only in Sughd region in the last 2 years as a result of the Aarhus Convention on informing and awareness rising of the population have been submitted more than 40 applications to the Department of Environment of Sughd region and to the Environmental Information Center Aarhus of Sughd region concerning the radiation safety.

This is mainly concerned the state of the tailing dumps of Taboshar and Chkalovsk (Degmayskaya hill). In the treatment a local residents and organizations was requested the information regarding remediation and restoration of installations on the tailing dumps. Also, citizens asked to strengthen the monitoring of above mentioned places, due to the fact that the residents and businesses mined metals in the waste, and subsequently sold the radioactive metal from the tailings resellers.

The Law of the Republic of Tajikistan "On Ecological Expertise" is regulated a common procedure for organizing and conducting environmental assessments, including the public,increases the role of citizens in establishing of responsibility for violation of legislation on environmental impact assessment on the part of citizens, government agencies and other businesses and organizations.

In order to raise awareness of understanding of the requirements of the Aarhus Convention among the judiciary and the Lawyers of the Republic of Tajikistan, assisting in the development of legal acts for the effective implementation of the Aarhus Convention, strengthening the legislative framework on environmental issues in the implementation of conditions of the Aarhus Convention in the Republic of Tajikistan regularly from 2009 to the present, there are trainings "Raising awareness of judges and lawyers on the application of environmental legislation" by Dushanbe Aarhus Centre.  
  
Question 29. Describe any obstacles encountered in the implementation of any of the paragraphs of article 9.

* The lack of sufficient experience in handling the judicial authorities of the non-governmental organizations and the public.-
* The stereotype understanding of "judicial authorities" as "punitive structure"-
* The payment of legal costs on the part of the plaintiff
* The fear of losing lawsuits and compensatory mechanisms.

Question 30. Provide any additional information on the practical application of the provisions relating to access to justice, in accordance with article 9, for example, are there any statistics about justice in environmental matters and are there any assistance mechanisms to remove or reduce financial and other barriers to accessing to justice.

In 2011-2013, by Aarhus Centre in Sughd region, together with the Centre for Human Rights was held three educational courses «Schools of Environmental Law» for students of legal institutes, neighborhood committees and practicing lawyers. In the courses for a total was attended by over 50 people.

In 2011, at Khujand City Court has won an administrative case Khojent State University student to obtain the requested environmental information from a public authority of Sughd region.

The legal community organizations on a voluntary basis without payment may provide a lawyer to execute documents and pay the costs if their activity includes  
- Rendering of assistance from the international legal NGO

Question 32. Indicate, as appropriate, how implementation of the Convention contributes to the protection of the right to life of every person of present and future generations at the ambient conditions that meet the interests of their health and well-being.

The Republic of Tajikistan since the first days of the sovereign existence was taken a positive step on a balanced solution of problems of the economy and social sphere, environmental, of national security and democratization of society. It should be noted that today the resolution of environmental issues is the priority for the country and this is clearly reflected on the environmental policy of the President and the Government of the Republic.

In the development of international cooperation, our republic has become an active member of many regional and global organizations and has signed a number of agreements in the political, economic and environmental areas:  
  
Tajikistan today ratified a number of UN conventions:

a) The Convention "On Biological Diversity."  
(b) The Vienna Convention "On Protection of the Ozone Layer".  
(c) United Nations Framework Convention "On Climate Change."  
(d) The Convention "to Combat Desertification."  
(e) The Ramsar Convention “On Wetlands.”  
(f) The UN Convention "On the Conservation of Migratory Species of Wild Animals" (Bonn Convention).

(g) The Stockholm Convention "on Persistent Organic Pollutants."  
(h) The Convention "On Environmental Impact Assessment in a Transboundary Context."  
(i) The Aarhus Convention "On Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters."

With the assistance of international organizations such as the OSCE, UNDP, GEF, UNECE, World Bank, ADB, the Swiss Agency for Cooperation and the Secretariats of the conventions are developed activities and policy documents for the protection of the environment. In the development and implementation of National Action Plans on international instruments actively participates the representatives of the public organizations.

One of the main issues which have to be resolved for the effective implementation of the Aarhus Convention in our country- is a matter of awareness and understanding by public authorities.  
The implementation of the Aarhus Convention in Tajikistan - these are the steps of the republic towards to sustainable development. The Convention is an important factor for the transparency of the state institutions in the field of environmental protection.

By the resolution of the Government of the Republic of Tajikistan in 2012, re-established the Government Working Group on the development of the National Programme implementation of the Aarhus Convention, which consists of representatives from government, academia and non-governmental organizations and representatives of NGOs.