

## **BRIEFING PAPER**

### **Round Table "Application of International Law and International Mechanisms by Lawyers in Tajikistan" 28 October 2023, Dushanbe**

#### **I. Introduction**

On 28 October 2023, a roundtable discussion titled "Application of International Law and International Mechanisms by Lawyers in Tajikistan" was convened in Dushanbe by the International Commission of Jurists (ICJ). This event brought together members of the legal profession from across Tajikistan. The roundtable aimed to explore the challenges and explore opportunities for enhancing the use of international law and standards by members of the legal profession in Tajikistan. It sought to address the critical need for a deeper understanding and integration of international norms in the national legal system, emphasizing the role of lawyers as key facilitators in this process.

The roundtable "Application of International Law and International Mechanisms by Lawyers in Tajikistan" serves as a foundational step towards reinvigorating the application of international standards in Tajikistan's legal system. The recommendations outlined emphasize the collective responsibility of the legal community, judiciary, and international partners to foster an environment where international law is not only respected but actively applied. As Tajikistan continues on its path of legal reform and human rights protection, these discussions and subsequent actions will play a critical role in bringing Tajikistan legal practices closer to international law, ensuring justice and human rights are better protected.

#### **II. Discussion Outcomes**

The roundtable discussions highlighted several critical barriers to the effective application of international standards in Tajikistan, highlighting the essential role of capacity building, access to resources, and active engagement in overcoming other obstacles, the insufficiency of mechanisms for the implementation of international treaties as well as their non-binding nature of the decisions made by UN Treaty Bodies. Participants pointed to the lack of understanding of the significance of international human rights treaties as an integral part of Tajikistan's legal framework as well as their binding nature under international human rights law. A consensus was reached on the need for an active engagement to ensure the incorporation of international law into domestic legal practices, alongside fostering a culture of continuous learning among legal professionals.

#### **III. Recommendations**

##### *A. Enhancing legal education and access to resources*

**Enhanced Training on International Law:** Allocating additional resources for comprehensive training on international law for lawyers, enhancing their capacity to integrate international standards into national jurisprudence effectively.

**Development of implementation mechanisms:** The establishment of procedures for the implementation of international instruments in national legislation, ensuring these mechanisms are both mandatory and equipped with clear procedural guidelines.

**Accessibility of international documents:** Improving the translation and availability of international legal documents in the Tajik language to help lawyers in their work, ensuring translations meet the standards of accuracy and comprehensibility.

**Joint training initiatives:** A call for integrated training programs for lawyers and judges, focusing on both the theoretical and practical aspects of international law, aiming to bridge the gap between international standards and national legal practice.

##### *B. Application and awareness of international standards*

Active application by courts: Encouraging courts to proactively apply international standards, coupled with equipping lawyers with the necessary resources and methodologies for effective use of these standards. Thus, developing effective mechanisms for the implementation of international treaties, ensuring their greater integration into national legislation is essential. These mechanisms should be binding under national law and have clear procedures for application.

Awareness campaigns: Launching initiatives to increase the understanding and importance of international law among lawyers, judges, and law enforcement officials, fostering a judicial practice that respects international human rights law.

Utilization of international mechanisms: Recommending the strategic use of international bodies, such as the Human Rights Committee, to protect the rights of individuals in Tajikistan, demonstrating the practical use of international mechanisms in ensuring justice and accountability.

### *C. Professional ethics*

Ethics and responsibility training: Emphasizing the ethical obligations of lawyers in training programs, highlighting their role in upholding justice and ethical representation of clients. Quality legal assistance and international focus: Advocating for a commitment to quality legal support and adherence to international laws and standards, regardless of case outcomes, to uphold the principles of justice and human rights protection.