

THE RED CRESCENT SOCIETY OF TAJIKISTAN



ANALYSIS OF THE LEGISLATION OF THE REPUBLIC OF TAJIKISTAN ON EMERGENCY SITUATIONS

**THE NATIONAL CENTER FOR LEGISLATION UNDER THE PRESIDENT OF THE
REPUBLIC OF TAJIKISTAN**

THE RED CRESCENT SOCIETY OF TAJIKISTAN



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This analysis covers issues related to the legislation of the Republic of Tajikistan on emergency situations, its current state, and future prospects, ensuring the rights and fundamental freedoms of individuals, citizens, as well as protecting the health of the population in response to emergencies.

The authors, while preparing the analysis, conducted monitoring of international legal normative documents, national legislation, strategic documents, state programs, and bylaws. As a result of studying the experience of implementing legal norms, legislative techniques, emerging developments, the sector's prospects during the years of independence, as well as proposals for improving the legislation of the Republic of Tajikistan were formulated.

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Preface

These days, humanity witnesses numerous natural and technological disasters, which result in loss of life and material damage.

Tajikistan and its territory are also not entirely immune to the occurrence of natural and technological disasters. The calamities that have occurred in the republic, or those that may occur in the future, compel us to be prepared in terms of reducing the risks and threats of emergency situations. This is because preparedness for emergencies allows us to save hundreds of lives and reduce their negative effects, such as loss of life and economic damage, while safeguarding the property of the state and citizens.

Statistical data shows that from 1997 to the present, 87,551 natural and technological emergency situations have occurred in the country¹. Over the past decade, funding for eliminating the consequences of natural disasters in the republic has exceeded 107 million TJS, and its volume increases annually.

A crucial issue in this area, which exists in the republic and in most countries of the world, is the timely response to emergency situations, as a set of interconnected measures involving the activities of management bodies and forces, which define the procedure for combating all kinds of accidents, disasters, natural hazards, and their consequences. In order to combat emergency situations, the republic has established an emergency response system, its management levels have been improved, and necessary measures are taken to prevent and mitigate the negative consequences of emergencies.

Furthermore, the changing and complex political situation in the world, global climate, internal and cross-border wars and conflicts, and other factors require that the response to emergency situations, alongside other priority goals, be established as an essential part of the country's development. A comprehensive system for this must be set up in different countries, ensuring the Sustainable Development Goals.

In line with the Sustainable Development Goals of the UN, the Sendai Framework for Disaster Risk Reduction for 2015–2030 was adopted, which calls for a shift from a post-disaster response approach to a risk management approach before disasters occur. According to the Sendai Framework, responsibility for this situation falls on not only the authorities, institutions, or state organizations responsible for managing disasters and crises, but also on all interested parties. Achieving these set goals requires cooperation and engagement at both the «community level» and «state institution level.»

Tajikistan's legislation on emergency situations has been continuously developed and formed based on the Constitution of the Republic of Tajikistan, the Constitutional Law “On the legal regime of a state of emergency” other laws, bylaws, state programs, strategies, and particularly the establishment of authorized government agencies and a national platform.

Today, the need for comprehensive improvement of emergency legislation has emerged due to amendments and additions made to the Constitution of the Republic of Tajikistan in 2016, the adoption of laws, including the Law of the Republic of Tajikistan “On normative legal acts” (2017), Civil Code (2022), Labor Code (2016), other codified laws in new editions, and bylaws, along with the introduction of new terminology in this field.

Therefore, international and national legal foundations related to emergency situations demand that previously existing principles be altered, and new mechanisms for responding to emergencies be developed.

Furthermore, at the level of national legislation, in addition to measures for eliminating existing emergency situations, it is also advisable to focus more on regulating the methods of preventing them, identifying the risks and dangers of natural hazards and technological accidents. Because, according to the data from the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan, approximately 3,460 natural disasters

¹ Tajikistan: 30 Years of State Independence. Statistical Collection, 2021. – p. 328-329.

occurred in Tajikistan from 1997 to 2018, which means that on average, one natural disaster occurred every two days.²

In this context, the National Center for Legislation under the President of the Republic of Tajikistan, in cooperation with the Red Crescent Society of Tajikistan, has decided to develop and publish an analysis and roadmap for improving the legislation of the Republic of Tajikistan in relation to emergency response.

It is believed that the results of this analysis will contribute to the development of a qualitatively new legal framework in the field of emergency response, helping to establish correct legal regulation in this area, eliminating legislative shortcomings, filling gaps in legal protection during emergencies, and fostering the rights and fundamental freedoms of individuals and citizens in society.

² National Strategy of the Republic of Tajikistan on Natural Disaster Risk Reduction for 2019-2034 dated December 29, 2018, No. 602

I. INTERNATIONAL LEGAL MECHANISMS FOR RESPONSE TO EMERGENCY SITUATIONS

1.1. General information on international organizations in the field of emergency situations

International legal regulation mechanisms for responding to emergency situations are formed through the activities of universal, regional, and cross-border organizations.

UN. Tajikistan is a member of this organization, and within its framework, the UN Office for Disaster Risk Reduction (UNDRR) operates, which focuses on the critical reduction of disaster risk and loss from disasters, aiming to ensure sustainable development in the future.

This office is the custodian of the Sendai Framework for Disaster Risk Reduction 2015-2030, which supports countries and communities in its implementation, monitoring, and reviewing progress.

Tajikistan's cooperation with the UN in the area of disaster risk reduction (UNDRR) mainly involves organizing conferences and the participation of experts in international events related to the Sendai Framework.

IFRC. The International Federation of the Red Cross and Red Crescent Societies (IFRC) is the world's largest humanitarian organization, established in 1919. The National societies of the Red Cross and Red Crescent are active in 189 countries and have over 60 representatives globally, supporting activities in key strategic locations worldwide.

The goals and objectives of the IFRC include:

- encouraging, facilitating, and coordinating the activities of national societies;
- conducting operations to assist disaster victims;
- improving the situation of the poor and people in need;
- supporting human dignity, humanitarian values, and peace worldwide.

The IFRC is part of the International Red Cross and Red Crescent Movement, in cooperation with the International Committee of the Red Cross (ICRC) and Red Cross and Red Crescent National Societies.

The activities of the International Red Cross and Red Crescent Movement are based on principles of humanity, impartiality, neutrality, independence, voluntary service, unity, and universality.

After natural hazards or emergencies that pose a risk to the health of people affected by disasters, the International Red Cross and Red Crescent Movement, through volunteers and national societies, provides assistance. For example, during the outbreak of the Ebola disease in West Africa in 2014-2015, volunteers from national societies made great efforts, earning the trust of the community and succeeding in eliminating the disease³.

SCO. Tajikistan is one of the founding members of the Shanghai Cooperation Organization (SCO), within which, as early as 2002, a regional cooperation mechanism was established – the Consultative Meeting of Heads of Institutions of the SCO member states, which deals with disaster warning and response. These meetings have been held once every two years (a total of 11 times from 2002 to the present).

Within the SCO framework, emergency response is coordinated according to the Agreement between the governments of SCO member states on mutual assistance in eliminating emergencies, adopted on October 26, 2005, in Moscow, Russia, and its protocol signed on December 5, 2012, in Bishkek, Kyrgyzstan. Additionally, an Action Plan for the implementation of this Agreement is reviewed and adjusted every two years.

³ Fundamental Principles of the International Red Cross and Red Crescent Movement. Ethical Foundations and Humanitarian Action Means. ICRC, March 2018. – p. 14-15. Electronic Resource: [https://www.icrc.org/sites/default/files/topic/file_plus_list/4046-the_fundamental_principles_of_the_international_red_cross_and_red_crescent_movement.pdf Accessed on: 15.03.2024.

The main task of the Consultative Meeting is to coordinate cooperation on disaster warning and response, establish permanent communication between the institutions of member states, prepare proposals for the Council of Heads of States and the Council of Heads of Governments on the development of specialized cooperation within the SCO, develop cooperation programs, coordinate and monitor their implementation, exchange relevant experience, and facilitate practical cooperation with the SCO Secretariat and other its bodies.

In the course of its activities, the Meeting focuses on major emergencies occurring in the territories of the member states, exchanging views on future cooperation, and adopting relevant protocols and action plans for the implementation of sectorial agreements. Regular meetings of the regional authorities of the member states are held within the framework of the Meeting, addressing issues of disaster warning and response, including transboundary issues, challenges in this area, the risk of potential emergencies, and proposals to improve cross-border emergency response mechanisms. The primary forms of cooperation under the action plan include roundtables, workshops, expert meetings, conferences, and joint international exercises of SCO member states on disaster relief and mitigating the effects of emergencies.

According to the Concept of foreign policy of the Republic of Tajikistan, approved by the President of the Republic of Tajikistan on January 27, 2015, No. 332, Tajikistan actively participates in efforts to address key issues of Asian development, expansion, and practical enrichment of cooperation within the framework of the Asia Cooperation Dialogue. One of the priorities in the framework of cooperation is the enhancement of community preparedness for mitigating the impacts of natural disasters.

CIS and CSTO. Commonwealth of Independent States and Collective Security Treaty Organization. Another regional organization where documents and agreements on emergency response are adopted and endorsed is the Interstate Council on Emergency Situations of the CIS and CSTO, in which Tajikistan is a member.

Within regional cooperation, bilateral and multilateral agreements are signed, and specialists on emergency safety issues are trained. In particular, specialists are trained for the Committee for Emergency Situations and Civil Defense under the Government of Tajikistan at the Academy of Civil Defense of the Ministry of Emergency Situations of Russia, the Command and Engineering Institute of the Ministry of Emergency Situations of Belarus, and under agreements with the Ministries of Emergency Situations of Kazakhstan and Azerbaijan.

The analysis of the activities of a number of international sectoral organizations, as well as international legal mechanisms for disaster response, shows that Tajikistan is also not neutral in this regard. It actively utilizes available cooperation opportunities, based on the «open doors» principle in its foreign policy, and continuously improves national legislation by considering international experience and standards.

1.2. Analysis of international universal and regional legal documents on emergency response

International universal and regional mechanisms exist within the activities of international organizations, through which cooperation in the field of emergency response is established.

UN. In the context of universal documents on emergency response, UN resolutions play a key role. Among them, UN General Assembly resolutions, which are recommendatory for member states.

According to the UN General Assembly Resolution No. 69/283, dated June 3, 2015, the Sendai Framework for Disaster Risk Reduction 2015–2030⁴, which was approved by the UN member states, holds a special position. It is important to note that a comprehensive interim report

⁴ Hereafter: the Sendai Framework

on the results of the implementation of the Sendai Framework was prepared and published in 2023, covering the outcomes of the past seven years⁵.

Overall, the Sendai Framework includes 7 goals to be achieved:

1) To significantly reduce the death rate due to natural disasters by 2030, ensuring that the average death rate per 100,000 people during the program's implementation period is lower than the figures for 2005–2015.

2) To significantly reduce the number of people affected by natural disasters globally by 2030, with the average number of disaster-affected people per 100,000 during the 2020–2030 period being lower than the figures for 2005–2015.

3) To reduce direct economic losses from natural disasters as a percentage of global GDP by 2030.

4) To significantly reduce damage to infrastructure and disruptions in essential services, including medical and educational institutions, through enhancing their resilience by 2030.

5) To significantly increase the number of countries adopting national and local disaster risk reduction strategies by 2020.

6) To significantly expand international cooperation with developing countries, providing them with comprehensive and continuous support to enhance measures for the implementation of the Sendai Framework at the national level by 2030.

7) To significantly improve early warning systems by 2030, ensuring access to information on various hazards and risks and facilitating widespread public access to these systems.

For the implementation of the goals outlined in the Sendai Framework, 13 guiding principles were developed. These include the primary responsibility of states to prevent and reduce disaster risks, including through international, regional, cross-border, and bilateral cooperation, with the aim of protecting people, property, health, resources, and cultural and environmental assets, while promoting and safeguarding human rights, including the right to development.

The Sendai Framework not only includes the Development Goals but also outlines future strategic objectives, principles, and four priorities that can contribute to reducing the level of natural disaster risks. Of these, the second and fourth priorities, related to emergency response, are particularly significant.

According to these priorities, the development of the organizational-legal framework for disaster risk management should be addressed (second priority), while enhancing disaster preparedness to ensure an effective response and the principle of «build back better» in recovery and rehabilitation activities is deemed essential (fourth priority).

One of the main forms of implementing the Sendai Framework is the submission of voluntary national reports, with 49 countries, including Tajikistan, having submitted their reports by November 30, 2022. A significant point is that based on the guiding principles of the Sendai Framework, Tajikistan has adopted the National Strategy of the Republic of Tajikistan for Disaster Risk Reduction for 2019-2034⁶. This strategy is aligned with the objectives of the Sendai Framework and includes a range of areas, including the improvement of the legal framework for the disaster risk management system.

CSTO. It is worth noting that within the framework of the Collective Security Treaty Organization (CSTO), emergency prevention and response is carried out through cross-border cooperation. In this regard, the Collective Rapid Response Forces (CRRF) of the CSTO plays an important role. The CRRF operates in both peaceful and emergency situations at the request of CSTO member states or by consensus decisions made by them, within a specific area, for defined purposes, including the prevention and elimination of emergency situations.

The legal status of the CRRF is established through a relevant agreement, and their activities, both in peaceful and non-peaceful periods, must comply with the laws of the host state.

⁵ Report on the results of the implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030. Electronic source: URL: <https://www.undrr.org/media/87268/download?startDownload>. Accessed on: 16.09.2024.

⁶ Resolution of the Government of the Republic of Tajikistan dated December 29, 2018, No. 602 // Centralized Legal Information Repository "ADLIYA" 7.0. Date of request: 20.03.2024.

Although the primary mission of the CRRF is focused on implementing the rights of CSTO member states, ensuring collective defense, and countering other security threats, they may also be used for conducting military command-staff exercises and responding to the consequences of emergencies.

Emergency response in the cross-border regions of CSTO member states can only be effective if not only the legal support mechanism but also the specific cross-border areas are utilized. In this regard, the integration of early warning systems to reduce the impacts of emergency hazards (as seen in the cooperation between Kazakhstan and Russia's cross-border regions) may become feasible.

Cooperation at the level of Central Asia. Another international mechanism, the regional mechanism for responding to emergencies, is implemented based on the Agreement between the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Tajikistan, and the Republic of Uzbekistan on cooperation in the field of prevention and elimination of emergencies⁷.

This Quadripartite agreement establishes the conditions for the crossing of state borders by rescue teams and their stay within the requesting state's territory, the import, export, and transit of equipment and goods for emergency response, the use of aircraft, compensation for costs and damages, and dispute resolution.

The legal basis for this quadripartite Agreement is formed by the goals and principles of the Treaty on Permanent Friendship between the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Tajikistan, and the Republic of Uzbekistan, signed on January 10, 1997.

This quadripartite agreement was concluded considering the following factors: the interdependence of the ecological systems in the region and the possibility of emergencies occurring, the consequences of which cannot be eliminated by the forces and resources of one party alone; the need for coordination among the participating states in the event of emergency operations, with the aim of expanding regional cooperation to provide necessary assistance to affected parties during emergencies; based on international law; recognizing the need for joint emergency response forces and the formation of material, technical, medical, food, financial, and informational resources to implement measures to prevent and mitigate the consequences of emergencies; supporting the efforts of the United Nations in providing international assistance during emergencies, and contributing to the formation and effectiveness of the legal framework.

The scope of application of the quadripartite agreement includes the prevention and elimination of emergencies that pose a threat to human life and health or cause significant material damage, which cannot be dealt with by the limited forces and resources of the parties involved.

Under this agreement, competent authorities and an alert system have been established by the authorized emergency management authorities of the participating states at the committee level and related ministries. If no competent authorities are available, the parties inform each other in writing through diplomatic channels.

A comprehensive advance warning and emergency alert system is established by the member states, with its establishment and operation governed by a special interdepartmental protocol. The participating states cooperate in the prevention of emergencies through the following actions:

- organizing and conducting monitoring of hazardous technological and ecological processes, as well as natural phenomena;
- notifying each other about the state of hazardous facilities and the environment, emerging emergency situations, their development, and possible consequences, and the measures taken to eliminate them;
- organizing public preparedness for emergencies, including providing first aid;
- coordinating cooperation among relevant government authorities in emergency response;

⁷ Hereafter: Quadripartite Agreement.

- assessing risks to the environment and population related to potential pollution due to industrial accidents, disasters, and natural hazards;
- joint planning, development, and implementation of scientific projects, exchange of scientific and technical literature, research results, and technologies;
- exchanging information, methodological literature, and other publications, video materials, and photographs;
- ensuring cooperation between the competent authorities of the states;
- planning and carrying out measures to prevent and eliminate emergencies;
- providing mutual assistance in emergency response and taking steps to relocate affected populations to the territories of allied states;
- other activities in the field of prevention and elimination of emergencies that may be agreed upon by the competent authorities of the states.

The parties to the Quadripartite agreement submit requests for assistance during emergencies, in which the requesting party provides information about the nature of the emergency and specifies the type and volume of the necessary assistance. These requests are reviewed in a timely manner, and the parties are informed about the possibility, volume, and conditions of assistance. During the assistance process, the unimpeded crossing of borders, sending of equipment, and delivery of aid by the assisting parties are ensured according to national legislation and international regulations.

Assistance in response to an emergency is provided by sending rescue teams and aid materials, or in another requested form, with the terms, type, volume, and duration agreed upon by the competent authorities of the states in each specific case. Rescue teams are used to carry out emergency rescue operations in the affected area.

Operational management and coordination of the activities of the rescue teams are carried out by the competent authorities of the requesting party through the leaders of these teams. The requesting party informs the leaders of the assisting teams about the situation in the emergency area and specific parts of the work, and, if necessary, provides interpreters, communication equipment, ensures safety, and offers free medical assistance. Rescue teams must be equipped to operate independently in the emergency area for up to 72 hours.

The need for multilateral cooperation by the Republic of Tajikistan with foreign countries, especially in the Central Asia region, is evident, as over 80 million people live in the region, who are exposed to a wide range of natural and man-made hazards such as earthquakes, floods, landslides, avalanches, droughts, extreme temperatures, epidemics, dam failures, and the release of hazardous substances.

1.3. The importance of bilateral international agreements in strengthening the response to emergency situations

According to the data from the relevant authority, Tajikistan has signed more than 2,673 various bilateral agreements with 84 countries worldwide since its independence, including in the field of early warning and disaster response. In this regard, the country has been active, and mainly, bilateral agreements between the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan and relevant sectorial bodies of Armenia, Belarus, Qatar, Kyrgyzstan, Kazakhstan, Uzbekistan, Ukraine, Switzerland, and Iran have been approved (see Table 1).

Analysis of specific bilateral international agreements.

Belarus. According to Article 1 of the Agreement between the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan and the Ministry of Emergency Situations of Belarus regarding cooperation in the field of prevention and elimination of emergency situations, signed on June 30, 2012, cooperation is carried out within the framework of national legislation in the following areas:

- Exchange of information, publications, methodological, scientific and technical literature, research results, video materials, and photographs in the field of prevention and elimination of emergency situations;
- Planning, development, and organization of joint seminars, conferences, training courses, workshops, research, sports, and other events;
- Organization of professional training in educational institutions of both countries, exchange of trainees, teachers, scholars, experts, and other representatives;
- Preparation of proposals for improving legislation on matters within their competence;
- Development and implementation of joint technical, social, and humanitarian cooperation projects;
- Provision of mutual or joint assistance to third countries in the event of natural and technological disasters;

- Cooperation in the elimination of the consequences of the Chernobyl nuclear disaster, etc.

Bilateral cooperation between Tajikistan and Belarus is carried out through the Joint Commission. The Tajik-Belarusian Joint Commission, in turn, is a temporary mechanism for implementing actions related to the prevention and elimination of emergency situations, which is created in cases of necessity.

Kyrgyzstan. In the field of disaster prevention, Tajikistan's cooperation with neighboring countries is also important. The Agreement between the Government of the Republic of Tajikistan and the Government of the Republic of Kyrgyzstan on cooperation in civil defense (protection), disaster prevention, and response to emergency situations, signed on November 2, 2013⁸, is based on the strengthening of traditional friendly relations and aims to:

- Promote well-being and national security of the two countries;
- Recognize the risks of emergency situations for both parties;
- Exchange scientific and technical information in the field of civil defense;
- Prevent and eliminate emergency situations, taking into account possible emergencies that cannot be addressed by available resources of one party.

It should be noted that according to Article 2 of the Agreement between Tajikistan and Kyrgyzstan, the responsible authorities for its implementation are the Ministry of Emergency Situations of the Republic of Kyrgyzstan and the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan.

Disaster preparedness and response are implemented in the following forms:

- Organization and monitoring of dangerous technological and environmental processes, and natural phenomena;
- Mutual warning about the condition of hazardous objects and the environment, in case of threat and occurrence of emergency situations, their development, and potential consequences, as well as measures to eliminate them;
- Exchange of information on monitoring and forecasting natural and technological emergency situations;
- Exchange of experience on organizing public preparedness for emergency situations, including providing first aid;
- Coordination of state authorities' actions during disaster response;
- Assessment of environmental and public risks related to potential pollution from industrial accidents, disasters, and natural calamities;
- Timely information about natural disasters in cross-border rivers;
- Prevention and elimination of natural disasters;
- Joint planning, development, and implementation of research projects, exchange of scientific and technical literature, and research results;
- Exchange of information, periodicals, methodological literature, other materials, video recordings, and technologies;

⁸ Hereafter: the Agreement between Tajikistan and Kyrgyzstan

- Organization of conferences, workshops, meetings, exercises, and joint training;
- Preparation of joint publications and reports;
- Preparation of specialists in the field of civil defense, disaster prevention, and response at educational institutions, exchange of teachers, scholars, and specialists;
- Ensuring cooperation of relevant authorities;
- Providing mutual assistance in equipping rescue teams;
- Providing mutual aid in responding to emergency situations;
- Other activities related to the prevention and elimination of emergency situations as approved by the competent authorities.

According to the Agreement between Tajikistan and Kyrgyzstan, assistance in the elimination of emergency situations is provided in the form of sending rescue teams, equipment, and relief supplies, among other measures. The rescue teams carry out rescue operations in the disaster zone. The rescue teams must be equipped to work independently for 72 hours in the disaster area. After the completion of equipment supply by the requesting side, the necessary tools for further work are provided to the rescue teams.

The Agreement between Tajikistan and Kyrgyzstan also establishes the conditions for the crossing of the state border by the rescue teams and their stay in the territory of the requesting state, as well as the import and export of equipment and materials for disaster response, the use of aircraft, compensation, damage reimbursement, and information usage.

Ukraine. Bilateral agreements have also been signed with other countries, including those in Europe. In particular, the Agreement between the Government of the Republic of Tajikistan and the Cabinet of Ministers of Ukraine from December 6, 2005 on cooperation in the field of emergency situation prevention and mitigation of their consequences⁹, which takes into account the risks of emergency situations for both countries, aims at cooperation in the field of disaster prevention and response for the well-being and security of both countries, exchange of scientific and technical information, as well as the necessity to align the operations of the parties for the prevention and mitigation of emergency situations, support the efforts of the UN in this area, respect and affirm universally accepted standards and rules of international organizations, conventions, and relevant international agreements, and assist in the development of national legislation.

According to the Agreement between Tajikistan and Ukraine, cooperation is carried out based on international agreements and universally recognized principles. In the event of an emergency, the request for assistance, provision of necessary resources for prevention or mitigation of emergency consequences, and distribution of relief supplies among affected populations are carried out. It should be noted that free assistance is provided. The competent authority of the requesting party shall provide the assistance teams with guards, free medical services, food and accommodation, and shall also provide the team members with personal items in case of exhaustion of resources.

The competent authorities of the parties to the Agreement between Tajikistan and Ukraine are the Committee for Emergency Situations and Civil Defense of Tajikistan and the Ministry of Emergency Situations and Population Protection of Ukraine (since 2012, the State Emergency Service of Ukraine), which cooperate on a bilateral or multilateral level. They designate permanent contact points for information and assistance in emergencies, establish or appoint a joint working group. The joint working group meets alternately in Tajikistan and Ukraine, usually once a year, and as needed, by agreement of the competent authorities.

The Agreement between Tajikistan and Ukraine also establishes the procedures for border crossing by the aid groups, their stay in the territory, and the transport of relief supplies. To ensure efficiency, the aid groups cross the state border via simplified procedures at border checkpoints, provided that each group member has a valid identification document. The group leader submits

⁹ Hereafter: the Agreement between Tajikistan and Ukraine

the document confirming the leadership of the group to the border control authorities at the checkpoint, along with a list of persons traveling in the group.

The procedure for using aircraft for assistance includes determining the flight route, landing location, identifying the aircraft, the flight schedule, and reimbursing costs associated with fuel, maintenance, and other issues as stipulated by the Agreement between Tajikistan and Ukraine. The supplying country is exempted from paying for flight fees, landing fees, airport parking, and flight services.

In case of damage to the health of a member of the aid group or their death in connection with the implementation of the Agreement between Tajikistan and Ukraine, the supplying country covers all costs related to compensation, and the amount of compensation is determined by mutual agreement of the parties.

Switzerland. Tajikistan has also signed bilateral international agreements with some European countries. In particular, an Agreement with the Swiss Confederation on cooperation in emergency situations. This agreement is an addition to the Agreement on technical, financial, and humanitarian assistance between the Federal Council of Switzerland and the Government of Tajikistan, signed on November 19, 1999. This Agreement was signed in Dushanbe on November 29, 2005¹⁰.

The competent authorities for the implementation of the Agreement between Switzerland and Tajikistan are the Committee for Emergency Situations and Civil Defense under the Government of Tajikistan and the Commissioner for Humanitarian Aid and the Head of the Humanitarian Aid Department of Switzerland, who directly address the arising issues in emergency situations.

According to the Agreement between Switzerland and Tajikistan, the parties provide assistance directly or indirectly through aid units, including Swiss rescuers using necessary equipment, and in emergency situations, with other acceptable means. They may be sent by land, air, or sea to the affected area within a short time. Assistance is non-returnable, and in case of necessity during operations and upon request from the rescue units, including Swiss rescuers, the requesting country must provide the required support as specified in the bilateral agreement.

Analysis of bilateral agreements shows that the issues related to the response to emergency situations have generally been resolved. However, there are challenges. For example, it is appropriate to implement the provisions of the agreement between Tajikistan and the Russian Federation in Dushanbe dated January 14, 1998 on the training of specialists in the specialty 20.03.01 «Technosphere Safety» (bachelor's degree) at the Russian-Tajik Slavic University.

In order to strengthen cooperation in the field of response, prevention, and elimination of emergencies, the following proposals for Section 1.3. of the Analysis are suggested:

1) An additional chapter on “International Cooperation in the Protection of the Population and Territory from Natural and Technogenic Emergencies” should be added to the Law of the Republic of Tajikistan «On Protection of the Population and Territory from Natural and Technogenic Emergencies» dated July 15, 2004, in order to ensure the promptness and mutually beneficial cooperation of the country with both distant and neighboring countries in the field of emergency response.

2) An analysis of Tajikistan’s international bilateral agreements shows that most of them were signed in the first decade of the country’s independence and need to be revised and improved. Therefore, these agreements should be reviewed in light of the newly adopted legal documents, structural changes, and the activities of newly authorized bodies. They should be renegotiated and concluded again through diplomatic channels or formalized with separate protocols.

3) Considering the importance and daily relevance of the issue of prevention and response to emergencies, cooperation with other countries should be expanded. For Tajikistan, neighboring countries, including China, Afghanistan, Uzbekistan, Turkmenistan, Kyrgyzstan, Kazakhstan,

¹⁰ Hereafter: the Agreement between Switzerland and Tajikistan

Pakistan, and India, are of particular interest. This is because the risk of emergencies, such as flooding, earthquakes, accidents, etc., exists in various regions of the country and the aforementioned countries, and these countries primarily assist each other in emergencies.

4) The development, elaboration, and conclusion of specific agreements with other foreign countries in the field of response, prevention, and elimination of emergencies is necessary. In the case of bilateral agreements, the process of providing assistance will be expanded, and urgent issues related to emergency response will be resolved promptly.

5) It is advisable that future bilateral agreements of Tajikistan be signed permanently without termination with the aim of timely response and rapid elimination of the consequences of natural hazards, expanding cooperation, and ensuring the sustainability of relations.

1.4. Model Laws and recommendations of the Interparliamentary Assembly of the CIS and the Parliamentary Assembly of the CSTO on emergency response

Another mechanism for regional cooperation related to emergency response is implemented within the framework of the CIS Interparliamentary Assembly, of which Tajikistan is a full member. According to the information from the CIS Interparliamentary Assembly, over 650 documents have been adopted, and nearly 70% of them have been incorporated (implemented) into the legislation of the member states of the CIS, with about 10% of them being similar to the legal provisions of the national legislations of the states.

The CIS Interparliamentary Assembly regularly adopts model laws, resolutions, recommendations, and other documents that directly affect the legal framework for emergencies. For this purpose, the CIS Interparliamentary Assembly has adopted the following model laws: “On the Protection of the Population and Territory from Natural and Technogenic Emergencies” (Resolution No. 10-6 from 06.12.1997), “On Emergencies” (Resolution from 13.06.2000, No. 15-15), “On Assistance in Regulating Humanitarian Aid during Emergencies and Assistance in the Conduct of Initial Recovery Operations” (Resolution from 28.11.2014, No. 41-20), and the CIS model law “On the Unified Emergency Service Calling System” (Resolution from 28.10.2022, No. 54-9), based on which relevant laws have been adopted in the CIS member states.

In particular, two legislative acts related to the protection of the population and territory from natural and technogenic emergencies, and emergencies in general, have been adopted in Tajikistan.

To regulate humanitarian assistance in the country, a relevant subordinate legal document, the Regulations on the Procedure for Managing Humanitarian and Technical Assistance in the Republic of Tajikistan¹¹, approved by the Government of the Republic of Tajikistan on November 9, 2000, No. 459, has been adopted. Chapter VII of this document outlines specific provisions regarding the procedure for receiving, transporting, storing, and distributing humanitarian and technical aid to the relevant authorized body. Monitoring of the Regulations indicates that some of its provisions need to be updated, as there are discrepancies in the content, such as incorrect references to the Tax Code of the Republic of Tajikistan (e.g., in Article 2) and inaccuracies in the designation of the authorized body responsible for emergencies.

The analysis has shown that today, to support the regulation of humanitarian aid during emergencies and the provision of initial recovery operations in Tajikistan, the issue of adopting a relevant legal document—the specific law in this sector—has arisen. The experience of several countries, including Kazakhstan, shows that this issue has been addressed by adopting regulations on providing humanitarian assistance, approved by the Government of the Republic of Kazakhstan on October 8, 2019, No. 743. One of the issues resolved in this subordinate legal document is the definition of the term “humanitarian aid” in a broad sense, including in emergencies, as well as the procedure for requesting access to humanitarian aid, its receipt, and distribution.

¹¹ Hereafter: the Regulations

The legal-theoretical support for emergency response is another area of activity for the CSTO Parliamentary Assembly where specific work has been carried out. For example, in order to harmonize the legislation of CSTO member states on emergency response, a Glossary of Special Terms (containing approximately 50 terms) was prepared and approved by the CSTO Parliamentary Assembly on November 28, 2013, No. 6-9. It includes terms such as “emergency response.”

The parties of the legal activities of CSTO member states, including Tajikistan, when implementing policy and developing legal documents, may use these specialized sectoral terms. Additionally, the CSTO Parliamentary Assembly adopted Recommendations on Harmonizing the Legislation of CSTO Member States in Emergency Response (Resolution from 17.05.2012, No. 5-8). The authors of these Recommendations outlined factors that may still be relevant for harmonizing the legislation of CSTO member states, including:

- Defining the regions, boundaries, and extent of areas affected by natural and technogenic factors;
- Declaring an emergency zone in regions affected by natural and technogenic factors;
- Determining the rights, obligations, and restrictions on the activities of individuals and legal entities in emergency zones;
- Lifting the emergency status in regions affected by natural and technogenic factors.

These recommendations aim to harmonize the legislation of CSTO member states and propose several initiatives with the following characteristics: informational (forming an information database for emergency response by developing glossaries), terminological (using the unified term “emergency” in national legislation according to the Classification of Natural and Technogenic Emergencies of the CIS from August 15, 2002, No. 16), legal-constitutional (consequences of declaring an emergency, its impact on restricting human rights and freedoms, and defining the powers of the authorized body), cross-border (establishing a coordinated collective emergency response system at the legislative level for natural and technogenic emergencies and crises when a member state cannot resolve the issue independently), and others.

In this regard, legal regulation of the status of specialized medical teams providing first aid to victims, the provision of psychological first aid, procedures for ensuring this aid, coordination of government bodies in case of emergencies, harmonizing humanitarian response, and providing aid from CSTO member states, as well as determining accountability for violations of emergency laws, compensation mechanisms for damages to citizens' property, financing of response activities, and the establishment of a unified emergency service with a single emergency phone number, have all been addressed.

Suggestions for improving national legislation related to Section 1.4. of the Analysis:

1) An analysis of the legislation of the member states of the Collective Security Treaty Organization (CSTO), including Tajikistan, shows that most of these recommendations have been implemented in the legislation regarding emergency situations, while others are in the process of being adopted. It is advisable that the provisions of model laws on humanitarian assistance during emergencies and assistance in the initial recovery efforts, as well as the establishment of a unified emergency services hotline in national legislation, be analyzed conceptually.

2) Recommendations on the harmonization of the legislation of CSTO member states within the framework of cross-border cooperation in the event of natural and man-made emergencies¹², and recommendations on the coordination of legislation in the preparation and retraining of specialists in the field of “Emergency Safety”¹³ have been developed, which are of practical importance in responding to emergencies. Specifically, the recommendations for harmonizing the legislation of CSTO member states in the framework of cross-border cooperation

¹² Decision of the CSTO PA dated November 26, 2015, No. 8-8. Electronic source: www.mmk.tj. Accessed on: 05.06.2025.

¹³ Decision of the CSTO PA dated November 24, 2016, No. 9-4.4. Electronic source: www.mmk.tj. Accessed on: 05.06.2025.

during natural and man-made emergencies differ from other recommendations in that they propose the development of a multilateral agreement project, including a bilateral model agreement that outlines measures to improve border, customs, and other controls, as well as simplifying border crossing procedures. It is suggested that the standards of national regulatory legal documents concerning “Cross-border Cooperation during Natural and Man-made Emergencies” be refined, and the concept of “cross-border emergency situation” be legally defined.

3) Recommendations on the harmonization of the legislation of CSTO member states regarding the training and retraining of specialists in the field of «Emergency Safety» remain relevant due to the unresolved issues. Emergency safety training is currently only implemented at the Academy of the Ministry of Internal Affairs of the Republic of Tajikistan, and further training is conducted in Russia, Belarus, Kazakhstan, and Azerbaijan.

4) It is advisable to conduct legal-theoretical scientific research on the regulation of international emergency situations in relation to national legislation, the legal provision of emergency situations, and similar topics in scientific institutions of Tajikistan, and to propose them for defense in candidate and doctoral dissertations.

5) It is necessary to strengthen Tajikistan's bilateral relations in the field of emergency response with neighboring countries, and to sign permanent bilateral agreements. The existence of a timeframe for these agreements during natural and technological disasters can delay their implementation.

II. LEGAL PROTECTION IN EMERGENCY SITUATIONS AND DISASTER RISK REDUCTION IN THE NATIONAL LEGISLATION

2.1. The Constitution of the Republic of Tajikistan and Constitutional Laws, Codes, and Laws of the Republic of Tajikistan

The Constitution of the Republic of Tajikistan¹⁴ is the most important law that shapes political, social, economic, cultural, legal, and other aspects of life according to its norms. It is noteworthy that the provisions of the Constitution are applied directly, as well as through the adoption of other legal regulatory acts, particularly constitutional laws and sectoral laws, and they contribute to the provision of rights and the reduction of emergency situations.

In relation to rights and the reduction of emergency situations, two articles of the Constitution (Articles 46 and 47) are established, which are directly aimed at providing constitutional legal protection in this area and serve as components and sources for the development of relevant relations. These norms are included in the chapter on the rights and freedoms of individuals and citizens, and they have practical significance in ensuring the supreme value of human rights and freedoms in Tajikistan.

According to Article 46 of the Constitution, in the case of an immediate threat to the rights and freedoms of citizens, the independence of the state, its territorial integrity, and natural disasters, which prevent the constitutional bodies of the republic from normal functioning, a state of emergency is declared as a temporary measure to ensure the safety of citizens and the state. The duration of the state of emergency is up to three months, according to this norm. As indicated by this norm, the legal grounds for declaring a state of emergency as a temporary and limited measure, the competent bodies authorized to declare such a state, the conditions for extending its duration, and the factors for declaring such a situation are specified.

Another important issue during a state of emergency is the protection of the fundamental rights and freedoms of individuals, which stems from the requirements of national legislation and international legal instruments. Article 47 of the Constitution establishes that during a state of emergency, the rights and freedoms specified in Articles 16, 17, 18, 19, 20, 22, 25, and 28 of the Constitution cannot be restricted. According to another reference norm, the legal system for the state of emergency is determined by the constitutional law.

Thus, in order to ensure the safety of the population, the normal functioning of state bodies, public organizations, the diplomatic representation of foreign countries, and international organizations located in the country after gaining independence, measures have been taken at the state level in terms of predicting and preventing emergency situations, including natural disasters, and addressing their adverse consequences.

Given the importance of this issue, Articles 46 and 47 of the Constitution regulate it. In the event of an emergency situation and a threat to the safety of the population, the independence of the state, its territorial integrity, and the normal functioning of ministries, agencies, and other state and public structures throughout the country or in a specific area, the President of the Republic of Tajikistan may declare a state of emergency and direct the necessary measures to prevent and eliminate the consequences of emergencies. The decree is immediately submitted to a joint session of the parliament—the Majlisi Milli and the Majlisi namoyandagon of the Majlisi Oli of the Republic of Tajikistan for approval and is communicated to the UN.

A state of emergency is a temporary and limited measure, declared for up to three months. This period may be extended by the President of the Republic of Tajikistan if necessary, or it may be canceled before the expiration of the term.

The Constitutional Law of the Republic of Tajikistan «On the Legal Regime of a State of Emergency» regulates the procedure and conditions for declaring a state of emergency. Upon declaration of a state of emergency, a special management system is introduced, and the rights of

¹⁴ Hereafter: the Constitution

individuals and legal entities, except for those specified in Article 47 of the Constitution of the Republic of Tajikistan, may be temporarily restricted, and additional duties may be assigned to them through this Constitutional Law.

A state of emergency is declared in the case of emergency situations such as floods, earthquakes, environmental disasters, the spread of contagious diseases, the widespread violation of law and order, attempts to seize state power, or the violent change of the constitutional system, threats to the territorial integrity of the state, the necessity to restore law and order, and the functioning of state bodies.

Emergency situations are classified into natural, technogenic, and artificial types (see Table 2).

The Constitutional Law of the Republic of Tajikistan «On the Legal Regime of a State of Emergency» and other relevant legal instruments define the powers of the President and the Government of the Republic of Tajikistan, the responsibilities of state bodies, as well as the rights and obligations of natural and legal persons, public institutions, and international organizations in the prediction, prevention, and elimination of emergency situations.

Codes. Normative legal acts related to codes in the republic address specific issues concerning the provision of material rights and procedural response to emergency situations. The legislator has established relevant provisions regarding civil rights protection, violations of the law, such as responsibility for violations of the law of the Republic of Tajikistan concerning emergency situations, and the procedure for considering the procedural aspects of these violations.

The Civil Code of the Republic of Tajikistan, adopted on December 24, 2022, No. 1918, establishes specific provisions regarding requisitioning of property in emergency situations. Requisitioning refers to the forced taking of property during emergency situations by administrative procedures.

According to Part 1 of Article 312 of the Civil Code of the Republic of Tajikistan, in the event of a natural disaster, accident, epidemic, epizootic, or other emergency situations, property may be taken from the owner by decision of the authorized state bodies and transferred to the ownership of local government authorities for the benefit of society, with compensation for the property value paid to the owner (requisitioning).

Other requirements established by civil legislation concern the valuation of property and the procedure for compensation, which, according to this provision, may be disputed in court. The owner of the requisitioned property has the right to claim the return of the remaining property after the cessation of the situation causing the requisition and may appeal in court if the return is denied.

Analysis of the issue shows that requisitioning of property in Tajikistan is only carried out based on the law, which, in turn, guarantees additional legal protection of property rights, including private property. The concept of “requisitioning” and the substantive provisions concerning the guarantee of investors' rights during expropriation and requisitioning are specified in Article 14 of the Investment Law of the Republic of Tajikistan, dated March 15, 2016, No. 1299. Investors can challenge the legality of the purpose of expropriation and requisitioning, property valuation, and the procedural aspects followed by government bodies in the implementation of expropriation and requisitioning in the courts of the Republic of Tajikistan, as well as in arbitration courts, international arbitration, and international commercial arbitration.

Experience from the CIS member states shows that the requisition of property is carried out based on civil codes, laws, and separate regulations. For example, in Moldova, the Law «On Requisitioning Property and Performing Labor Obligations for the Benefit of Society» of October 11, 2002, No. 1384-XV¹⁵, and in Kazakhstan, the Rules for the Accounting of Requisitioned

¹⁵ The Law of the Republic of Moldova "On the Requisition of Property and the Performance of Labor Obligations for the Benefit of Society" Electronic Source: URL: https://base.spininform.ru/show_doc.fwx?rgn=5099. Accessed on: 29.03.2024.

Property, adopted for ensuring the needs of emergency measures related to natural and technogenic disasters, as well as during rescue and restoration works¹⁶, have been approved and enforced.

In this regard, it is advisable to study and thoroughly analyze the aforementioned legal provisions and international best practices.

The Criminal Code of the Republic of Tajikistan, adopted on May 21, 1998, does not establish a separate category of the crime of looting. The legislator classifies looting, according to Article 405 of the Criminal Code, as a violation of international human rights law. Although the commission of a crime using the conditions of an emergency, natural disaster, or other public calamities, as well as during public disorders, is recognized as an aggravating circumstance according to Part 1 of Article 62 of the Criminal Code of the Republic of Tajikistan, there are unresolved issues in this regard.

According to Article 405 of the Criminal Code of the Republic of Tajikistan, in the absence of the elements of the crimes foreseen in Articles 403 and 404 of the same Code, looting—i.e., taking the property of deceased or injured persons in wartime or military operations, as well as the property of citizens in regions affected by military operations—using these individuals for protecting their troops or facilities in military operations, using means and materials prohibited under international treaties, or using weapons of mass destruction prohibited under international treaties, is a violation of international humanitarian law. This provision indicates that this act constitutes a violation of international humanitarian law only when committed in a wartime situation; however, if it occurs in a peaceful time but under an emergency, such acts are not considered looting.

Regarding this issue, it is proposed that looting during an emergency be recognized as a criminal offense and addressed as a separate provision during the drafting of the Criminal Code of the Republic of Tajikistan in its upcoming revision.

A particular feature of national legislation, especially administrative offenses concerning emergency situations, is that the legislator prohibits risking people's lives and health. If such risk is explicitly connected to ecological disaster or public catastrophe, it is not justified.

The Code of Administrative Offenses of the Republic of Tajikistan, adopted on December 31, 2008, establishes administrative responsibility for the failure of local executive bodies of state power to fulfill their obligations regarding the prevention and elimination of the consequences of natural disasters (earthquakes, landslides, floods, etc.) and for failure by individuals to comply with established rules in emergency situations, according to Articles 415 and 471 (1). However, the classification and resolution of administrative offenses during natural disasters or other emergency situations that aggravate administrative liability but lack criminal elements are not fully addressed in this Code.

Based on this issue, it is suggested that a separate chapter on administrative violations related to emergency situations be developed and incorporated into the Code of Administrative Offenses of the Republic of Tajikistan.

The Law of the Republic of Tajikistan “On the protection of the population and territories from natural and technogenic emergency situations” dated July 15, 2004, No. 53, was adopted in relation to the prediction and prevention of emergency situations, including natural disasters, accidents, the spread of infectious diseases, and the elimination of their consequences.

It defines the powers and responsibilities of state authorities regarding the prevention of emergency situations and reducing their spread and damage, timely informing the population about the occurrence of emergency situations, and eliminating their consequences, cooperation between state authorities and public institutions, international organizations, the preparation and use of relevant forces and resources, determining the boundaries of emergency situations, resolving other issues related to the protection of the population and territories from emergency situations, as well as the rights and obligations of legal and physical entities.

¹⁶ Resolution of the Government of the Republic of Kazakhstan from October 6, 2011, No. 1145 // Electronic Source: <https://adilet.zan.kz/rus/docs/P1100001145>. Accessed on: 29.03.2024.

Emergency situations with widespread effects are those that have a natural or technogenic character and can occur in any region or country. As statistics from 2015-2020 show, this trend in the country has not been uniform and is rapidly changing (see Diagram 2)¹⁷.

Prediction plays a significant role in preventing emergency situations and reducing their damage, which is carried out by specialized monitoring and inspection services in the case of natural disasters, technological accidents, and catastrophes. Additionally, in accordance with this law, the establishment of a special state authority responsible for emergency situations, coordination of the work of ministries, departments, organizations, and enterprises in this regard, and resolving other issues related to emergency situations have been clearly defined.

According to the law, public order protection and the safety of vital state and public objects have been strengthened, and measures are taken to evacuate people from dangerous areas and provide them with permanent or temporary housing. It is also established that measures will be taken to prevent individual citizens from leaving the disaster zone and to remove violators of public order, who are not residents of the affected area.

In order to ensure the safety of the community and the smooth operation of government bodies, organizations, enterprises, and institutions during emergencies, weapons, military training equipment, toxic substances, and other hazardous materials may be temporarily confiscated from citizens, enterprises, institutions, and organizations. At the same time, gatherings, rallies, demonstrations, strikes, hunger strikes, protests, and other public events that may cause instability are limited.

A special work regime has been introduced for enterprises and institutions, regardless of their ownership, which resolves issues such as the attendance of leaders and employees, and the mobilization of working personnel. The scope of individuals involved in maintaining the state of emergency is determined by the President of the Republic of Tajikistan. In case of necessity, the operation of information programs may be restricted or banned, and special communication rules may be introduced.

Authorized state bodies may restrict and inspect the movement of vehicles, introduce a curfew, inspect citizens' documents, prevent incitement of national discord, disobedience to authorities, and quarantine measures. Other mandatory security and sanitary measures may also be taken.

The law also provides for the preparation of the population in such situations and the promotion of knowledge related to emergency situations.

The Law of the Republic of Tajikistan “On martial law” dated June 20, 2019, No. 1608, in addition to regulating issues related to martial law, also regulates emergency situations.

Persons who violate the laws and other normative legal acts related to emergency situations are held accountable. Cases in this area are reviewed within three days. Persons who have committed administrative violations may be detained until the case is reviewed by a judge. The President of the Republic of Tajikistan may establish a special form of temporary governance in the country or in specific regions.

The Law of the Republic of Tajikistan “On emergency and rescue services, rescue structures, and the legal status of rescuers” dated March 1, 2005, No. 83¹⁸, defines the general legal and organizational foundations for the establishment and operation of emergency and rescue services, as well as rescue structures in the territory of Tajikistan, establishes the rights, obligations, and responsibilities of rescuers, regulates the state's policy in the area of legal and social protection of rescuers and other citizens who participate in eliminating the consequences of natural and technogenic emergencies, and identifies the types of emergency and rescue operations, including addressing natural hazards and environmental and sanitary disasters.

Moreover, the involvement of emergency and rescue services in the development of prevention and response plans for emergencies at facilities and regions under their service,

¹⁷ Tajikistan: 30 Years of State Independence (Statistical Compilation), Agency for Statistics under the President of the Republic of Tajikistan, 2021. – p. 329.

¹⁸ Hereafter: the Law of 2005, No. 83

cooperation plans for eliminating the consequences of emergencies at other facilities and regions, promoting knowledge in the field of protecting the population and territories from emergency situations, preparing the population and employees of organizations for actions during emergency situations, and their involvement in emergency-related activities has been defined.

The Law of the Republic of Tajikistan “On fire safety” dated March 20, 2008, No. 363. Especially nowadays, incidents of forest fires are increasingly observed in various parts of the world, and this situation compels every country to take measures, particularly to prevent their occurrence, in response to this natural disaster. A fire is also an unfortunate incident and a part of emergency situations that can cause harm to humans, nature, state property, property of legal and natural persons, as well as the property of associations and public organizations.

The Law of the Republic of Tajikistan “On fire safety” establishing the legal, economic, social, and organizational foundations for fire safety in Tajikistan, regulating relations between government bodies, organizations, and individuals regarding fire safety, and contributing to the prediction, prevention, and elimination of fire consequences.

The Law of the Republic of Tajikistan “On seismic safety”. An earthquake is also a part of emergency situations and can bring negative consequences for both humans and nature. Taking this into consideration. The Law of the Republic of Tajikistan “On seismic safety” was adopted on May 30, 2017, No. 1416, as an emergency measure against earthquakes, which can have adverse consequences for people and nature. This law defines the organizational, legal, economic, and social aspects of ensuring seismic safety and establishes the responsibilities of government bodies and specialized institutions regarding seismic prediction, protection, and notification.

The Law of the Republic of Tajikistan “On glacier protection” dated January 3, 2024, No. 2026. Addresses the urgent issue of rapid global climate change, reducing rainfall, and natural disasters related to this process, such as avalanches. According to Article 8 of this law, predictions about the possibility of avalanches and floods, and the preparation of preventive measures to protect glaciers, fall under the authority of the relevant state body responsible for glacier protection.

To reduce emergency situations in this area, scientific research results on glaciology and glacier monitoring for developing emergency snow maps, identifying glacier areas, predicting the movement of glaciers, and preventing disasters related to them are necessary.

The Law of the Republic of Tajikistan “On veterinary” was adopted on December 16, 2010, No. 108, and in 2016, new concepts such as “biological safety,” “threat,” “threat management,” “threat assessment,” “veterinary and biological protection” and “threat warning” were introduced to reduce emergency situations when epizootics widespread infectious diseases affecting animals in one or more territorial units occur.

To reduce emergency situations in this area, measures for improving veterinary health have been planned. In particular, according to Part 3 of Article 6 of this Law, in the presence of sufficient scientific evidence for an objective assessment of a threat or in emergency situations, the authorized body has the right, based on the existing indications, including those provided by relevant international organizations and information on veterinary health measures in other countries, to adopt temporary veterinary health measures. These indications may be related to the activities of the International Bureau of Epizootics and the temporary measures may be implemented in the form of quarantine.

The Law of the Republic of Tajikistan “On radiation safety” adopted on August 1, 2003, No. 42¹⁹, defines principles and regulations for radiation safety, including procedures during radiation accidents and responsibilities of citizens and organizations in ensuring radiation safety.

It is worth noting that the Law of 2003, No. 42 has not been amended or supplemented since its adoption. It is necessary for this Law to be reviewed and its provisions adjusted in accordance with the adoption of the Civil Code of the Republic of Tajikistan, the Labor Code of

¹⁹ Hereafter: the Law of 2003, No. 42

the Republic of Tajikistan in its new edition, other laws, the requirements of the official language spelling, and legal drafting techniques.

The Law of the Republic of Tajikistan “On industrial safety of hazardous production facilities” was adopted on February 28, 2004, No. 14. It establishes the legal, economic, and social foundations for ensuring safety at hazardous production facilities, aiming to detect and prevent accidents in these facilities. Industrial safety in this area is implemented in accordance with industrial requirements.

Industrial safety of hazardous production facilities is implemented based on industrial requirements. The industrial safety requirements, according to Part 2 of Article 4 of this Law, should align with the standards for protecting the population and areas from emergencies, improving public health and sanitation, environmental protection, ecological security, radiation safety, fire protection, labor protection, construction, as well as the requirements of state standards. One of the positive aspects of this Law is the introduction of the concepts of “industrial safety,” “accident,” “incident,” and “hazardous production facilities,” which contribute to the legal regulation of the emergency sector. An analysis of this Law shows that although amendments were made in 2020, it is necessary to review its provisions in light of the adoption of the Civil Code of the Republic of Tajikistan and the Law of the Republic of Tajikistan “On the Licensing System” from June 22, 2023, No. 1968.

The Law of the Republic of Tajikistan “On the Safety of Hydraulic Structures” adopted on December 29, 2010, No. 666, addresses issues related to emergency situations in the field of hydraulic facilities. It should be noted that the concept of «emergency situation» is defined in this Law, and the powers of the state authority in the field of safety of hydraulic engineering structures, general requirements for ensuring the safety of these structures, as well as the responsibilities of the owners and users of hydraulic engineering structures, are provided. Ensuring the safety of hydraulic engineering structures is one of the urgent issues, and proper regulation of this matter contributes to the prevention of any emergency situations.

The Law of the Republic of Tajikistan “On the Red Crescent Society of Tajikistan” dated January 12, 2010, No. 592. The legal status of the Red Crescent Society (RCST) requires that it be established as a voluntary public association at the national level, recognized as a legal entity in accordance with the procedure defined by the legislation of the Republic of Tajikistan. The RCST operates based on the common interests of citizens with the goal of alleviating human suffering, addressing social issues, assisting victims of armed conflicts, as well as individuals affected by emergencies and technogenic disasters, cooperating in the fulfillment of tasks arising from the Geneva Conventions (1949) and Additional Protocols (1977), promoting international humanitarian law and the core principles of the International Red Cross and Red Crescent Movement, and enhancing public awareness in the field of health protection.

The Red Crescent Society of Tajikistan (RCST) was established in 1927 and currently has over 12,000 volunteers, who can play an active role in preventing and mitigating emergency situations. According to Article 6 of this Law, the RCS performs the following tasks in relation to emergency situations:

- Organizes search and rescue services to locate missing persons, restores communication between family members separated as a result of armed conflicts, emergencies, and technogenic disasters, and assists in reconnecting families.
- Provides assistance to individuals affected by emergencies through cooperation with the authorities and departments of the Committee for Emergency Situations and Civil Defense, and organizes relevant services for this purpose.
- Assists the state authorities of the Republic of Tajikistan in the reception and accommodation of victims of armed conflicts and those affected by emergencies.
- Organizes assistance within the territory of the Republic of Tajikistan to individuals who are victims of armed conflicts, as well as those who have suffered from emergencies and technogenic disasters.

- Provides aid to victims of armed conflicts and those affected by emergencies and technogenic disasters in foreign countries through the International Red Cross Committee, the International Federation of the Red Cross and Red Crescent Societies, and national Red Cross and Red Crescent Societies of other countries.

The duties and areas of activity of the RCST are defined based on the occurrence of emergency situations and include providing assistance, coordination, and organizing work with development partners, including the International Red Cross and Red Crescent Movement, both in peaceful and conflict situations.

The Law of the Republic of Tajikistan “On volunteer activities” was adopted on September 19, 2013, No. 1019, and establishes the legal, organizational, and social foundations for volunteer activities, regulating public relations related to the implementation of this type of community activity. It should be noted that this activity is carried out voluntarily, freely, and without remuneration through an agreement with the organizer for specific purposes (conducting events related to social protection of the population, human rights protection, healthcare, education, science, culture, sports, tourism, charity, and environmental protection).

As part of civil society, volunteers can actively participate in emergency situations. Therefore, it is appropriate to provide for the activity of participating in emergency response as one of the areas of volunteer activity in a separate article.

Thus, the analysis indicates that in order to strengthen the constitutional norms, the Constitutional Law of the Republic of Tajikistan «On the legal regime of a state of emergency» was adopted on November 3, 1995, and has been amended four times (the last amendment was in 2014). Therefore, this Constitutional Law should be reviewed in light of the amendments to the Constitution in 2016. The study shows that the aforementioned regulatory legal documents define and regulate emergency situations, including forecasting, prevention, and mitigating the consequences, as well as the cooperation between the Government of the Republic of Tajikistan and other relevant state bodies with other countries and international organizations in various forms. The long-standing experience of state bodies and their cooperation with civil society and international organizations in this area has proven that comprehensive measures regarding emergency situations are fully provided for. However, reviewing certain requirements or standards is also of importance and may contribute to improving the structure of relevant state bodies, advancing their activities, and ensuring timely and effective actions in this area.

The use of force and means by the Armed Forces and the Ministry of Internal Affairs to eliminate emergency situations is carried out in accordance with the relevant laws. Specifically, this clause is also provided for in Article 17 of the Law of the Republic of Tajikistan «On Civil Defense» from February 28, 2004, No. 6.

Based on the analysis of national legislation, the following proposals are made regarding the Section 2.1 of Part II of the analysis:

1. Amendments to the Constitutional Law of the Republic of Tajikistan «On the legal regime of a state of emergency»:

- remove the words «legal regime of» from the title and text, and rename it the «Constitutional law of the Republic of Tajikistan 'On emergency situations'»;
- in Article 10 of the Constitutional Law, it is stated:

“Article 10. For directing prohibited strikes in emergency situations, as well as for obstructing the work of enterprises, institutions, and organizations, the guilty person will be held criminally liable under the applicable laws of the Republic of Tajikistan.”

To harmonize this provision with the relevant laws, it should be revised as follows:

“Article 10. For directing prohibited strikes in emergency situations, as well as for obstructing the work of enterprises, institutions, and organizations, the guilty person will be held liable.”

This is because the phrase «in accordance with the applicable laws of the Republic of Tajikistan, they will be held criminally liable» is not in line with the legal content and structure.

Also, the conduct of this person might be an administrative offense or another type of legal violation.

- Article 11 of the Constitutional Law grants the Supreme Court of the Republic of Tajikistan the right to change the territorial jurisdiction of civil and criminal cases established by law in the event of a state of emergency. It is appropriate to provide for this requirement in the relevant procedural codes.

2. The issue of the legal regulation of requisitioning citizens' and legal entities' property during emergency situations, the necessity of adopting a regulatory legal document considering the conditions and procedure for conducting requisition regarding property objects, registration, and determining all property owners based on international best practices, should be fully studied and analyzed.

3. A separate chapter on violations of the law in the field of emergency situations should be developed and included in the Administrative Offenses Code of the Republic of Tajikistan.

4. In addition to the Law of the Republic of Tajikistan "On the protection of the population and territory from natural and technogenic emergency situations" separate laws have been developed and adopted regarding fires and earthquakes. Taking into account the requirements of the legal policy of the Republic of Tajikistan, which is aimed at reducing the number of regulatory legal acts regulating similar relations, it is appropriate to include the provisions of fire and seismic laws as a separate chapter in the Law of the Republic of Tajikistan "On the protection of the population and territory from natural and technogenic emergency situations".

5. Since the Law of the Republic of Tajikistan "On civil defense" covers emergency situations and uses terms like "epidemics" and "epiphytotics," it is advisable to provide explanations of these terms accordingly.

6. The provisions of the Criminal and Administrative offenses Codes, as well as civil and administrative procedural laws, regarding criminal and administrative liability, the procedure for the consideration of cases, and the duration of detention during the consideration of cases in the event of violations of the emergency situation order, should be harmonized with the Constitutional Law of the Republic of Tajikistan «On the legal regime of a state of emergency». For example, under Article 136 of the Administrative offenses Code, administrative offense cases related to election and referendum laws are considered within five days from the moment the protocol of the administrative offense and other materials are received by the judge. However, such a requirement is not provided for violations during an emergency situation.

7. Disaster, accident, catastrophe, and the like are natural and man-made events that cause an unpleasant situation or situation, leading to destruction and action. In order to simplify and clarify the meaning of the words used in the legislation, it is appropriate to explain the concepts of «disaster» and «technogenic disaster».

8. A separate provision should be introduced in the Criminal Code of the Republic of Tajikistan recognizing robbery (looting) during an emergency situation as a specific criminal offense, and this should be taken into account in the drafting of the new Criminal Code.

9. The Law of the Republic of Tajikistan «On industrial safety of hazardous production facilities» indicated that, although amendments were made to it in 2020, its provisions should be reviewed considering the adoption of the new Civil Code and the Law «On the licensing system» from June 22, 2023, No. 1968.

10. In order to regulate humanitarian aid access, the development of a relevant draft law or rules regarding humanitarian aid provision is essential. A comparative legal analysis of the legislation of countries such as the Russian Federation and Republic of Kazakhstan shows that adopting such regulatory legal documents in Tajikistan is necessary to fill the regulatory gap in this area.

Thus, the Republic of Tajikistan has adopted 1 Constitutional law, 5 laws, and 21 subordinate legal acts regarding emergency situations, making up a total of 27 legal documents, which collectively regulate the prevention of emergency situations.

2.2. The normative bylaws on the protection of rights, risk reduction, and response to emergency situations

The issue of the risks that people face on a daily basis was at the center of attention at the 2005 World Conference of the UN on “Disaster Risk Reduction”, held in Kobe, Japan. At this conference, the Hyogo Framework for Action for 2005-2015 was adopted, with its main goal being “to create disaster resilience at the national and community levels,” outlining priority actions to reduce the threat of disasters.

The Government of the Republic of Tajikistan, in line with the Hyogo Framework for Action, directed all efforts to reduce disaster risks, cooperating with non-governmental organizations and development partners to mitigate the impacts of disasters in the country. In this process, a number of strategic planning documents were adopted based on subordinate regulatory acts. Specifically, the first National Strategy of the Republic of Tajikistan on Disaster Risk Management for the years 2010-2015 was adopted and implemented by the Decree of the Government of the Republic of Tajikistan on March 30, 2010, No. 164.

Taking into account the National Strategy for the Development of the Republic of Tajikistan until 2030, the experience gained from the implementation of the 2010-2015 Strategy, and the new approach of the international community to natural disaster risk issues, including climate change, as stated in the Sendai Framework and the Sustainable Development Goals for 2030, the Government of the Republic of Tajikistan adopted the National Strategy of the Republic of Tajikistan for Disaster Risk Reduction for the years 2019-2034²⁰ by the Decree of December 29, 2018, No. 602.

The objective of the Strategy for 2019-2034 is to reduce existing disaster risks and prevent new ones based on strengthening national capacity for disaster risk management. Four main tasks were set to achieve this goal.

First, by 2030, reduce the number of casualties, injuries, and the volume of damage caused by natural disasters compared to the period of 2005-2015. To address this task, a number of measures will be implemented, including:

- continuous analysis of the factors and main causes that lead to loss of life and economic damage due to natural disasters;
- conducting risk assessments focusing not only on threats but also on identifying the vulnerability of the population to risk, assessing capacity considering gender and age factors, available resources for management, and reducing vulnerability, identifying threats, risk factors, and areas and groups of the population most vulnerable to take measures to reduce risks;
- creating a database and incorporating gender, age, and disability-specific information in assessing vulnerability in hazard/risk conditions;
- developing a set of measures for each type of threat aimed at preparedness and response to natural disasters.

Second, ensure access to information on natural disaster risks for all stakeholders. This task will be fulfilled through the following measures:

- Establishing national and local information repositories for the exchange of disaster-related information to unify data on past disasters, risk assessments, warning system data, impact information, and operations for assistance and recovery, accessible to relevant state authorities, the at-risk and affected population, and other stakeholders;
- Assessing the technical condition of buildings and facilities in educational institutions for disaster resilience;
- Implementing and actively using information and communication technologies and other innovative solutions.

Third, coordinating disaster risk management measures in the development process. This task will be addressed through the following measures:

²⁰ Hereafter: the National Strategy for 2019-2034

- Increasing funding for local executive authorities to carry out small and medium-scale disaster risk reduction measures and preventive actions while maintaining a balance between structural and non-structural measures and based on cost-effectiveness analysis;

- Activating dialogue between state structures, the private sector, civil society, and local communities to engage them in disaster risk management, including strengthening the leadership of women, people with disabilities, and youth in developing post-disaster recovery and development plans, considering the needs and interests of different social groups;

- Strengthening the role of the National Disaster Risk Reduction Platform of the Republic of Tajikistan in coordinating risk reduction measures with state bodies, the international community, and emergency coordination and evaluation groups. Improving funding mechanisms for risk reduction and establishing monitoring procedures in the risk management sector;

- Developing and implementing innovative environmental protection systems, including ecosystem-based management approaches in rural areas, especially in mountainous regions;

- Conducting physical infrastructure assessments, including buildings and facilities of educational, medical, and other social institutions for resilience to natural disasters and improving access for more vulnerable groups to risks;

- Strengthening the capacity and role of media in all stages of disaster risk management, including expanding gender-sensitive activities to raise awareness of natural disaster risks, the importance of public participation in creating early warning systems, response, recovery, and development.

Fourth, improving preparedness and response mechanisms to natural disasters. This task will be implemented through the following measures:

- updating the existing preparedness and response system at all levels based on clearly defined responsibilities and management sectors, improving planning and coordination procedures for assistance and recovery to ensure transparency while promoting gender equality and the development of other sectors;

- creating an integrated warning system for public authorities, at-risk populations, and other stakeholders using appropriate technologies alongside training information recipients;

- preparing plans and measures for ensuring preparedness for natural disasters at local and regional levels with the participation of all stakeholders, considering the specific needs of women, children, the elderly, disabled persons, and other vulnerable groups;

- updating damage assessment procedures in line with international standards;

- expanding the search and rescue capabilities through improved cooperation between specialized rescue services and similar organizations, increasing their capacity.

In the National Strategy for 2019-2034, special attention has been given to climate change and weather issues, and several proposals have been outlined for the successful implementation of activities in the areas of mitigation and response to emergencies, including:

- the development of an early warning system and existing risk management methods (e.g., for floods and droughts);

- the formulation of new ways to reduce the impact of consequences and adapt to them, particularly in relation to abnormally warm weather periods and droughts;

- considering the diverse impacts of climate change on various regions of the country, forecasting from the perspective of these regions;

- developing a common platform for warnings in the country and involving various institutions in its operation, as well as addressing the issue of sustainable funding for the activities of such a platform;

- improving the warning system based on the use of information and communication technologies and addressing adaptation to climate change and other vital issues;

- promoting informal education on reducing the risk of natural disasters and climate change to ensure the overall safety of schools.

Based on the priorities and goals of the National Strategy for 2019-2034, the State Medium-Term Program for the Protection of the Population and Territory from Emergency Situations for

2023-2028²¹ was adopted. In relation to this Program, the Action Plan for 2023-2025 was developed.

Clause 10 of the Program anticipates that in light of global climate change and the emergence of new threats, new approaches to shifting focus from disaster management to disaster risk management, particularly at the local level, must be aligned with national policy.

It is expected that within two years, from 2023 to 2025, the legal and organizational foundations of the disaster risk management system will be improved, including the issue of amendments and additions to the legislation, the Regulations of the National Disaster Risk Reduction Platform of the Republic of Tajikistan, and other subordinate legal acts regarding the activities of executive bodies at the national and local levels related to the disaster risk management system. Because there have been many changes in the legislation, which certainly require the consistency of this regulatory legal act with other regulatory legal acts.

The total volume of funds for the implementation of the Program is estimated at 19 million somoni, including 2 million 125 thousand somoni from the state budget, and 16 million 875 thousand somoni from development partners and international organizations. The legislator stipulates that the funding for the program can also be implemented from sources that are not prohibited by the legislation of the Republic of Tajikistan.

Another state program related to emergencies was the Program for Accident Preparedness and Protection from Radiation for the years 2013-2017²². An analysis of the current legislation in the emergency sector, carried out under this program within the framework of the «Project for strengthening disaster response capacities» by the International Labor Organization with the support of the Government of Japan, showed that the issue of immediate response to radiation accidents, warning points (alert), which implement radiation disaster warnings and responses, has not been fully addressed in the relevant regulatory documents.

An urgent issue related to ensuring rights, reducing risks, and responding to emergency situations is the possibility of compensation for damage to the property of citizens caused by emergencies. The legislator has adopted several regulatory orders specifically aimed at regulating this aspect. These include:

- The general procedure for determining the extent of property damage and submitting necessary documents when emergencies occur²³;
- The procedure for compensating damage to legal and physical persons resulting from the confiscation and destruction of animals and animal products that pose a threat to animal and human health²⁴;
- The procedure for determining the amount of financial responsibility for damage caused by accidents at hydrotechnical facilities²⁵.

These Procedures were adopted as subordinate regulatory acts in 2010, 2012, and 2015 and have not been significantly revised since. An issue that arises in relation to these procedures is their compliance with the requirements of the Civil Code of the Republic of Tajikistan, addressing legal gaps, clarifying the rights and responsibilities of authorized bodies regarding damage assessment, simplified forms of damage compensation, the use of modern technology and information systems, and similar matters.

²¹ Decree of the Government of the Republic of Tajikistan of December 29, 2022, No. 630. Centralized Legal Information Repository "ADLIYA" 7.0. Date of request: 20.03.2024.

²² Approved by the Resolution of the Government of the Republic of Tajikistan dated December 29, 2012, No. 770. Centralized Legal Information Repository 'ADLIYA' 7.0. Date of request: March 20, 2024.

²³ Resolution of the Government of the Republic of Tajikistan dated December 2, 2010, No. 632. Centralized Legal Information Repository 'ADLIYA' 7.0. Date of request: March 20, 2024.

²⁴ Resolution of the Government of the Republic of Tajikistan dated April 3, 2012, No. 156. Centralized Legal Information Repository 'ADLIYA' 7.0. Date of request: March 20, 2024.

²⁵ Resolution of the Government of the Republic of Tajikistan dated July 2, 2015, No. 436. Centralized Legal Information Repository 'ADLIYA' 7.0. Date of request: March 20, 2024."

The Civil Code of the Republic of Tajikistan also establishes civil liability for individuals and legal entities for causing damage through activities that pose a significant risk to others (Article 1204 of the Civil Code).

The legislator defines that individuals (both physical and legal persons) whose activities are associated with significant risks to others (such as transportation organizations, industrial enterprises, construction, vehicle owners, etc.), if they are unable to prove that the damage occurred as a result of an irresistible force or the intention of the injured party, are obligated to compensate for the damage caused by a high-risk source. The obligation to compensate for damages is assigned to physical or legal persons who own the said source based on property rights, rights to promote economic activities, or operational management rights, or according to any other legal basis (such as a lease agreement for property, an authorization to manage a vehicle, a directive from an authorized body regarding the provision of the source, etc.) (Part 2 of Article 1204 of the Civil Code).

In relation to this issue, the legislation prescribes compensation for damages caused by accidents involving hydraulic engineering structures, as well as the procedure for determining the amount of financial provision for this.

The Procedure for determining the amount of financial provision for civil liability for damages caused by accidents involving hydraulic engineering structures generally determines the amount of financial responsibility based on the estimated maximum damage that may be caused to the life and health of physical persons, as well as the property of physical and legal persons, as a result of an accident involving hydraulic engineering structures (possible damage).

The state authority, when the aforementioned situations occur, must determine the amount of financial responsibility for the potential damage within 3 months from the date of submission of the necessary documents, the calculation of the potential damage determines the amount of financial responsibility for a period of no more than 5 years or send a reasoned letter to the owner of the hydraulic structure if the determination of this amount is refused. The analysis of the Procedure for determining the financial responsibility for damages caused by accidents of hydraulic structures also shows that its provisions, including those related to changes in concepts and payment procedures, need to be reviewed and brought into line with the requirements of the Civil Code of the Republic of Tajikistan.

The role of bylaws in ensuring the rights of citizens, especially those who face emergencies, is very significant, as they ensure the implementation of constitutional norms and other acting laws. For example, according to Article 13 of the Constitutional Law of the Republic of Tajikistan “On the Government of the Republic of Tajikistan,” in order to promptly address the consequences of natural disasters in the city of Khorog, Badakhshan Mountain Autonomous Region²⁶, a resolution was adopted. According to its first paragraph, the state-owned insurance enterprise “Tojiksughurta” was assigned the task of paying 2,000 somoni to each completely affected family and 1,000 somoni to each partially affected family in the city, regardless of the existence of an insurance contract, for those affected by the natural disaster of February 15, 2023.

Furthermore, by the Resolution of the Government of the Republic of Tajikistan, the Procedure for organizing shelters and other civil defense structures was adopted on May 31, 2012, No. 262, which plays a significant role in ensuring citizens' rights during emergencies. This Procedure primarily establishes the rules for organizing shelters and other civil defense structures during peacetime, mobilization, and wartime within the territory of the Republic of Tajikistan.

To ensure civil defense across the republic, anti-radiation shelters, specially designated warehouses for storing personal protective equipment, radiation and chemical detection tools, dosimetry control, and other civil defense equipment, sanitary and hygiene points, decontamination stations for clothing, transportation, and other structures are created to ensure medical protection and the provision of basic necessities for the population, including the sanitary processing of people and animals, special processing of clothing, and transportation. Currently,

²⁶ Decree of the Government of the Republic of Tajikistan dated April 29, 2023, No. 176. Centralized Legal Information Repository “ADLIYA” 7.0. Date of request: 20.03.2024.

based on the Procedure it is necessary to develop a Registry of facilities used as shelters and other civil defense structures, to resolve issues of legal provision and response to emergencies in advance.

Another important issue in ensuring legal rights and response to emergencies is the material support for military and rescue units. The Committee for Emergency Situations and Civil Defense (CoES) includes military units (totaling 8 military units: 45005, 45010, 45025, 45045, 45075, 45085, 45095, 45989), as well as specially designated military units. Additionally, in the CoES system, the Mountain Rescue Service has been established in the cities of Khujand, Norak, and Rogun, which is regulated by the Resolution of the Government of the Republic of Tajikistan “On Approving the Procedure for Material Support of Mountain Rescue Military Units of the Committee for Emergency Situations and Civil Defense” of November 2, 2011, No. 555.

The Procedure establishes the legal basis for the contractual activities of the mountain rescue military units of the CoES, material support, financial support for personnel, payment of bonuses for emergency and rescue operations, the establishment of a unified incentive fund, a state reserve fund for the mountain rescue military units, retirement provisions for personnel, and technical support for the rescue units.

The analysis shows that there is a need to expand the CoES system, particularly the Mountain Rescue Service, to other cities, including Khorog, Badakhshan Mountain Autonomous Region. At the same time, the mentioned Procedure has not been modified to date, and it is proposed that its provisions be aligned with the requirements of the Labor Code of the Republic of Tajikistan, the Civil Code, and other regulatory legal acts.

It is recommended that the following measures be taken to improve bylaws related to the section 2.2 of part II:

1. The documents “General procedure for determining the extent of property damage and submitting necessary documents when emergencies occur” and “Procedure for compensating damage to legal and physical persons resulting from the confiscation and destruction of animals and animal products that pose a threat to animal and human health” adopted in 2010 and 2012. It is appropriate to ensure that the provisions of these procedures comply with the requirements of the Civil Code of the Republic of Tajikistan, eliminating gaps in the legal regulation, clarifying the rights and obligations of the authorized bodies in determining the damage amount, simplifying the payment forms, and applying modern information technology.

2. The average time for compensating property damage and submitting necessary documents in case of emergencies is about 50 days, and we believe that it needs to be reconsidered. Specifically, emergencies occurring during the winter season cause heavy burdens and catastrophic consequences for the affected population. It is proposed that a simplified procedure for reviewing applications by the Emergency Situations Commission and its coordination be established in the “General procedure for determining the extent of property damage and submitting necessary documents when emergencies occur.”

3. It is necessary to address the issue of compiling a Registry of facilities used as shelters and other civil defense structures in the Procedure for organizing shelters and other civil defense structures, so that the issue of legal protection and emergency response is proactively resolved.

4. The Procedure for material support of the mountain rescue military units of the Committee for Emergency Situations and Civil Defense has not been modified to date. It is proposed that its provisions be aligned with the requirements of the Labor Code, Civil Code, and other regulatory legal acts.

5. The analysis of the Procedure for determining the amount of financial responsibility for damage caused by accidents of hydraulic structures also indicates that its provisions, including the concepts and payment procedures, need to be revised and brought into line with the Civil Code of the Republic of Tajikistan.

6. One of the challenges regarding disaster risk reduction is the neglect of the gender factor, as natural disasters impact men and women differently. Thus, women and men have separate needs and vulnerabilities. In addition, women are not only a vulnerable group but also a valuable resource for reducing disaster risk. Therefore, a gender-sensitive approach should be implemented at all stages of disaster risk reduction, with two essential aspects to be taken into account in practice:

- considering the needs and demands of men and women or other socially vulnerable groups, including people with disabilities, the elderly, and others, in relation to various types of vulnerabilities and real opportunities;
- involving women and other social groups in the decision-making process and participation in all key areas²⁷.

In this regard, it is proposed that attention be given to the following issues during the improvement of legislation:

- introducing specific standards in legal documents that ensure the protection of women and vulnerable groups, including people with disabilities, the elderly, and others, in emergencies;
- considering gender factors when identifying the mechanism for providing assistance during emergency situations;
- developing programs and action plans related to the protection of the rights of women and other vulnerable groups who are most in need of assistance during emergencies;
- establishing social protection points in vulnerable areas for emergency support;
- studying international experience and adopting global standards related to the protection of gender rights.

7. In addition to the measures outlined in the National Strategy of 2019-2034 regarding climate change issues, it is also proposed that:

- regulating the involvement of scientific institutions and civil society, as well as artificial intelligence, in the development and implementation of adaptation policies in the legislation;
- developing and implementing support programs for vulnerable populations, particularly in regions most affected by the impacts of climate change;
- promoting green economies and energy-saving programs to reduce the human impact on the climate;
- introducing educational programs to raise public awareness about the consequences of climate change.

²⁷ Decree of the Government of the Republic of Tajikistan from December 29, 2018, No. 602 // Centralized Legal Information Repository "ADLIYA" 7.0. Date of request: 20.03. 2024.

III. DISASTER PREPAREDNESS AND RESPONSE TO EMERGENCY SITUATIONS

3.1. General provisions on disaster preparedness and response to emergency situations

Before achieving independence, Tajikistan had a distinct history of forming a disaster response and preparedness system, with the role of each individual, the population, and the state management system in this field being somewhat defined. According to historical sources, in the territory of the republic, efforts to prevent natural hazards, the construction of irrigation facilities, and social activities aimed at preventing natural disasters were carried out, with the population being forcibly mobilized and acting collectively in the form of “hashar” (community work)²⁸. Emergency response, on the other hand, was initially simple, and only after the development of social, economic, scientific, and technological sectors, and access to new communication technologies, it became professionally implemented.

The establishment of state management bodies related to emergency situations in the post-Soviet republics, including Tajikistan, occurred during the period from 1932 to 1960, and continued into the late 1960s to 1989, when the Soviet Union collapsed. The first management structure, which dealt with emergencies, was organized for local anti-aircraft defense and was later transformed into civil defense in the 1960s. According to publicly available information, in 1956, there were only two individuals working on civil defense in Tajikistan, and in 1967, the first head of the Civil Defense Staff of the Tajik Soviet Socialist Republic began operations. According to a decision of the Council of Ministers of the Republic of Tajikistan from August 17, 1994, No. 400, the Committee for Emergency Situations and Civil Defense was established under the Government of the Republic of Tajikistan based on the Civil Defense Staff. One of the reasons for establishing emergency management authorities in the post-Soviet republics is considered to be the severe earthquake in Soviet Armenia in 1989, which caused significant loss of life and material damage.

If, on one hand, the occurrence of emergency situations, loss of life, and the need for preparedness to withstand these events led to the creation of authorized bodies, on the other hand, it called for reforms and a stable system in this area. During the early independence period, the concepts of “emergency situations,” “prevention of emergency situations,” “elimination of emergency situations,” “emergency zone,” “rescue workers,” and similar terms were incorporated into national legislation.

One of the key concepts introduced into national legislation was the concept of “protection of the population and territory from emergency situations,” which is understood as a system of measures, methods, and activities aimed at preventing and responding to emergency situations. In addition to the aforementioned concepts, the concept of “training the population for protection from emergency situations” was not specifically defined in national legislation. Unlike Tajikistan, the concept of “training the population for protection from emergency situations” is more limited in the legislation of several CIS countries, including in Article 1 of the Federal Law of Russian Federation from December 21, 1994, No. 68-FZ (as amended on April 14, 2023) “On the protection of the population and territory from emergency situations of natural and technogenic nature.” Thus, preparing the population for protection from emergency situations is understood as a system of educational measures related to actions taken in the event of emergency situations of natural and technogenic nature.

The State Commission of the Government of the Republic of Tajikistan for emergency situations (further in the text Commission). In the republic, special attention is given to preparedness for emergency situations. According to Article 28 of the Constitutional Law of the Republic of Tajikistan «On the Government of the Republic of Tajikistan», the government

²⁸ Qushmatov A. Tajik peasants at the end of the 19th century and the beginning of the 20th century, Dushanbe, “Irfon”, 1996. P. 258 (in Tajik); Murtazokulov J.S. Civil-legal issues of peasant economy (Based on materials from the Republic of Tajikistan), Dushanbe, 2002. P. 21 (in Tajik).

establishes permanent, temporary commissions, and working groups whose activities address important public issues, including emergency situations.

The Commission is a permanent executive body, one of its goals being to improve the resilience of the country's economy and the readiness of all levels of government agencies for swift and efficient operations in the event of extraordinary situations resulting from natural and technogenic emergency situations. The Commission is a permanent executive and supervisory body, led by the Prime Minister of the Republic of Tajikistan, which holds meetings at least twice a year, has 26 specific tasks, rights, and responsibilities, and includes 40 members from ministries and agencies.

To prepare for emergency situations, the Commission carries out the following activities:

- preparing proposals to establish contractual relationships with foreign countries regarding mutual notification, assistance in preventing and eliminating the consequences of possible emergency situations;

- preparing proposals for the formation of a system of economic, social, organizational, scientific, technical, legal, and other measures aimed at protecting the population and territory from emergency situations;

- preparing proposals for providing material and financial support to victims of emergency situations;

- preparing proposals on the distribution of financial, material, and technical resources that the Government of Tajikistan allocates for eliminating emergency situations, conducting urgent and necessary preventive measures, and eliminating the consequences of sudden emergencies;

- organizing material-financial reserves for eliminating emergency situations, etc.

Analysis shows that the Commission's tasks, according to the legislation, include organizing work during emergency situations, assisting in the activities of sub commissions and territorial bodies of the Unified State System for the prevention and elimination of emergency situations, coordination, preparation, addressing issues related to emergency situations, and ensuring informational and legal support. The Commission's Regulations, approved by the Government of the Republic of Tajikistan on December 30, 2015, No. 799, have not been amended so far. It is important to review the Regulation considering the amendments made to the Constitution in 2016, the adoption of new versions of the Labor and Civil Codes, sectoral laws, and the principles of the Sendai Framework.

One of the key issues regarding the Commission's activities related to preparedness and response to emergency situations is ensuring timely access to information, and the mechanisms for implementing e-government, which is being carried out through the official website. Studies have shown that several Commissions under the Government of the Republic of Tajikistan, including the Human Rights Commission, have their own official websites www.khit.tj. It is proposed to activate such a website for the Commission's activities.

Preparedness for emergency situations, depending on the type of emergencies, can also be found in sectoral laws. For example, one of the facilities that could lead to technogenic emergencies is hydraulic structures. According to Article 8 of the Law of the Republic of Tajikistan "On the safety of hydraulic structures," general requirements for ensuring the safety of hydraulic structures are outlined, which include maintaining local emergency warning systems for hydraulic structures in a state of constant readiness. Furthermore, according to Article 9 of the same law, owners of hydraulic structures are required to coordinate their activities with civil defense and emergency management authorities regarding the prevention of accidents at hydraulic structures and inform government bodies and the public in case of imminent failure risks.

Preparedness for natural and technogenic disasters, which fall under emergency situations, is regulated at the level of specific sectoral laws and subordinate regulations. For instance, several regulations concerning preparedness are defined in the Law of the Republic of Tajikistan "On the protection of the population and territory from natural and technogenic emergency situations."

According to this law, a total of 12 tasks are assigned to the Unified state system for the prevention and elimination of emergency situations, including:

1. Ensuring preparedness of managing bodies, forces, and resources assigned to prevent and eliminate emergency situations;
2. Training the population to act in emergency situations.

Legal foundations of preparedness are also determined in Chapter 4 (Articles 20 and 21) of the Law of the Republic of Tajikistan “On the protection of the population and territory from natural and technogenic emergency situations,” which defines the training of the population in civil protection and the procedure for acquiring knowledge in this field. Definitely, one of the ways to reduce risks related to emergency situations is training the population in civil protection, which is implemented based on the Rules for training the population in protection from natural and technogenic emergency situations²⁹.

Study of these Rules reveals that the tasks defined in this field involve five groups of the population (those employed in production, those not employed in production, students, heads of ministries and agencies, local government officials of BMAR, regions, Dushanbe city, cities and districts, organizations, and authorized personnel) to participate in preparedness activities.

Preparedness activities vary depending on these groups and are carried out on a mandatory and voluntary basis. For example, students are trained according to programs within the course “Basics of emergency preparedness and civil defense,” while employees of authorized ministries, agencies, local governments officials of BMAR, regions, Dushanbe city, cities and districts, and organizations must undergo training and specialization within the first year of employment.

Re-training and specialization for these groups are conducted annually at the Republican Center for training and methodical support of civil defense and emergency management of the CoES. The Center’s activities are aimed at preparing, training, and enhancing the skills of management personnel from ministries, committees, agencies, educational institutions, organizations, and specialists in emergency management and civil defense. The center also includes training-methodical and regional departments, as well as specialized and administrative departments.

For the unemployed population, activities like lectures, film screenings, and emergency drills at local residences, as well as independent study of visual materials and instructions, radio and TV programs on civil protection are planned.

An important issue in the training of the mentioned groups of the population is the funding of activities, which should be implemented according to the approved budget from the CoES and the organizations’ own funds. For example, training and exercises for workers in production-related fields are financed by the organizations themselves.

It should be noted that the Rules for the training of the population in civil protection, adopted in 2009, require revision, as there have been many changes in the legislation of the republic in the last 15 years, namely the law on emergency situations has undergone significant changes, the public relations related to the sector have transformed, and the duties and powers of the authorities responsible for preparedness have been defined.

The **Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan** was established as the highest body, alongside the State Commission of the Government of the Republic of Tajikistan on emergency situations³⁰. This Committee operates permanently and discusses preparedness issues for emergencies.

In the country, a state system of responsible authorities for ensuring preparedness and response to emergencies has been established (in the first phase as a general Soviet structure, in the second phase as a competent body - a committee, ministry, and later a committee). Specifically, in the first period of 1994, the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan was established. Later, to protect the population, economic facilities, and regions of Tajikistan from the consequences of emergencies during peaceful times and war, the Ministry of Emergency Situations and Civil Defense of the Republic of Tajikistan was created by a Government decision in 1999, No479.

²⁹ Decree of the Government of the Republic of Tajikistan from August 31, 2009, No. 490.

³⁰ Hereafter: the Commission

In the third phase of sectoral reforms, by the Decree of the President of the Republic of Tajikistan “On improving the structure of central executive authorities” dated November 30, 2006, No. 9, the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan was established, based on the Ministry of Emergency Situations and Civil Defense. Subsequently, the Government of Tajikistan approved the Regulation, Organizational Structure, Management Plan, and List of organizations of the Committee for Emergency Situations and Civil Defense under the Government of Tajikistan³¹ on December 28, 2006.

Currently, the CoES is a central executive authority responsible for disaster preparedness and response. It supports the emergency commissions at the national, regional, city, and district levels and ensures coordination of initial response measures.

Additionally, to improve operations, the Unified state system of the Republic of Tajikistan for preventing and eliminating emergencies was established. The Program for the development of the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan for 2018-2022³² was adopted to strengthen the material, technical, and institutional capacity of the authorities responsible for protecting the population and territory from both natural and man-made disasters.

The implementation of the 2018-2022 Program contributed to enhancing the capacity of the Unified State System for the prevention and elimination of emergency situations, as well as the Committee for Emergency Situations and Civil Defense (CoES) in the field of protecting the population and the territory of the country from natural and man-made disasters. Furthermore, based on the 2018-2022 Program, the effectiveness of coordination and management of the forces and resources of the Unified State System for the prevention and elimination of emergency situations during the response to emergency consequences was increased. This also improved the protection of the population and the territory of the country from risks and threats of disasters. Additionally, the system for early warning of the population about the danger of potential or ongoing emergencies was expanded, and the system of emergency notification and alerting the public at gathering points and similar places was developed.

The Government of Tajikistan has passed several decrees in recent years to regulate the activities of the Committee for Emergency Situations and Civil Defense within the Unified state system, the State Commission for emergency situations, and the National Disaster Risk Reduction Platform of Tajikistan.

The Unified State System for the Prevention and Elimination of Emergency Situations. The structure and functioning order of the Unified State System for the prevention and elimination of emergency situations of the Republic of Tajikistan³³, which does not exist in other sectors, was defined and approved by the Resolution of the Government of the Republic of Tajikistan No. 833, dated December 31, 2014. The Unified System unites the administrative bodies, forces, and resources of ministries and agencies, local executive authorities, local self-government bodies, and organizations that are responsible for resolving issues related to the protection of the population and territory from emergency situations.

The Unified System operates to implement the tasks outlined in the Law of the Republic of Tajikistan “On the protection of the population and territory from natural and technogenic emergency situations.” The most important aspects of the Unified System's activities, such as structure, operational procedures, its forces and resources, training, personnel education, informational and legal support, measures for preventing and eliminating emergency situations, operational plans, procedures for handling emergencies, financial support, and the list of subsystems at the national level, are defined by the Government of the Republic of Tajikistan’s Resolution dated December 31, 2014, No. 833.

³¹ Hereafter: CoES.

³² The Government of the Republic of Tajikistan's Resolution No. 284, dated May 31, 2018. Centralized Legal Information Repository "ADLIYA" 7.0. Date of request: 20.03.2024.

³³ Hereafter: the Unified System

The preparedness for emergency situations within the framework of the Unified System is organized through coordination, ongoing, and daily operational management. Such a system allows for the issue of preparedness for emergency situations to be addressed at three levels. A key aspect of this process is the readiness of the relevant services and the establishment of specific preparedness modes, which are declared based on clear principles. Depending on the situation, three operational modes of the Unified System are distinguished:

1. **Daily operational mode** – the operation of the Unified System during stable conditions in industrial, radiation, chemical, biological, seismic, and hydrometeorological situations, with no epidemics, epizootics, or epiphytotics.

2. **Heightened preparedness mode** – the operation of the Unified System in case of deterioration in industrial, radiation, chemical, biological, seismic, and hydrometeorological situations or when there is a forecast of the likelihood of an emergency situation.

3. **Emergency mode** – the operation of the Unified System when an emergency situation occurs and during its mitigation.

Ensuring proper functioning in these modes requires the presence of constantly prepared forces. These forces consist of emergency and rescue services, structures equipped with special equipment, tools, and materials, which are tasked with emergency response and other urgent activities within the emergency region for a period no shorter than three days.

The list of permanently prepared forces at the national level is approved by the Commission, based on the proposals of the CoES in coordination with ministries, local executive bodies of state authority in regions, cities, districts, and organizations.

Methods and approaches to preparedness for emergency situations have also been established. Professional readiness within the framework of the Unified System is achieved through the training and retraining of personnel, service employees, and emergency and rescue structures at the CoES Rescue Training Center, according to the established procedures.

Experience from several countries has shown that, when preparing for emergencies, a color code system (green, yellow, orange, and red) is widely used to communicate the degree of danger related to emergency situations. These colors, in a systematic algorithm, are used to inform the public about changes in the level of danger and to prompt immediate responses. The analysis in this area indicates that the introduction of a color code system is based on state standards, such as GOST R 22.3.13-2018 in Russia (ICO 22324:2015), which establishes “Safety in Emergency Situations. A Guide to the Hazard Color Code”³⁴. The degree and content of the color code depending on the emergency situations are shown in the table (see Table 3).

In the modern context of information technology development, the timely delivery of information about hazard levels significantly increases the population's response to emergencies and helps prevent adverse consequences. The public is alerted and takes necessary actions depending on the nature of the emergency. However, no specific data regarding the color code system for emergencies has been found within the Republic. Therefore, it is necessary to establish state standards and guidelines for safety information and hazard color codes in order to mitigate the consequences of natural and technological disasters, as well as to develop and approve corresponding preparedness and response protocols.

In general, the tasks of the Unified System in emergency preparedness include:

- developing and implementing legal and economic standards for the protection of the population and territory from emergencies.
- implementing targeted and scientific-technical programs to prevent emergencies and enhance the resilience of organizations and social infrastructure in emergency situations.
- ensuring the preparedness of administrative bodies and resources designated for emergency prevention and mitigation.

³⁴The use of hazard color codes for public information during emergencies. Electronic source: https://гражданская-оборона-и-защита-от-чс.рф/publ/opovesshenie_i_ehvakuciya/ispolzovanie_cvetovykh_kodov_opasnosti_dlja_informirovaniya_naselenija_pri_chrezvychajnykh_situacijakh/11-1-0-578, Accessed on: 20.04.2024.

- collecting, analyzing, exchanging, and disseminating information related to the protection of the population and territory from emergencies.
- preparing the population to respond to emergencies.
- forecasting and evaluating the socio-economic impacts of emergencies.
- organizing material and financial reserves for emergency response.
- conducting state expertise, monitoring, and inspections in the field of protection from emergencies.
- mitigating the effects of emergencies.
- implementing social protection measures for the affected population and humanitarian actions.
- upholding the rights and duties of citizens in the field of emergency protection and recognizing the participation of those directly involved in emergency response.
- facilitating international cooperation in the field of population and territory protection from emergencies³⁵.

The Unified System consists of functional and territorial sub-systems that operate at the national, regional, district, municipal, local, and institutional levels. Coordination bodies operate on four levels and act as sub-systems within the Unified System (see Diagram 1).

Efforts to prevent natural disasters and mitigate their impacts are carried out through the Unified System and the coordinating bodies, which include emergency commissions at the national, regional, city, district, community, and organizational levels. These commissions, headed by appointed officials, include representatives from all relevant state agencies.

The role of all emergency preparedness forces in the Unified System has not been specified. It is possible that during the prevention and elimination of the consequences of emergency situations, the potential of sectors, particularly civil aviation, could be fully utilized. Analysis shows that on May 3, 2010, under Resolution No. 233, the Government of the Republic of Tajikistan approved the “Procedure for involving aviation enterprises in search and rescue operations, as well as Ensuring search and rescue flights in the Republic of Tajikistan,” which foresees the implementation of several emergency rescue operations. It should be noted that since the adoption of this procedure, a significant amount of time has passed, and no amendments or additions have been made to it in consideration of the requirements of the Constitution, airspace codes, and civil and labor codes of the Republic of Tajikistan. It is recommended that the Procedure for involving aviation enterprises in search and rescue operations and ensuring search and rescue flights in the Republic of Tajikistan be reviewed and updated.

Additionally, a review of regulatory documents related to the Unified System, including the Government Resolution No. 833 of December 31, 2014, shows that it needs to be updated to reflect legislative changes from 2014 to the present, particularly regarding the structure of government bodies. It is recommended that the list of subsystems at the national level, particularly those in ministries and agencies (41 sub-systems in total), be reviewed.

National Disaster Risk Reduction Platform of the Republic of Tajikistan³⁶. Based on the existing coordination mechanism of the activities of the country's organizations and institutions, the Government of the Republic of Tajikistan established the National Platform, which is an advisory body to the Commission.

The National Platform was established by the Government of the Republic of Tajikistan's Resolution No. 98, dated March 1, 2012, and operates based on the existing coordination mechanism of the activities of the organizations of Tajikistan and the Strategic Guide for the organization of global platforms in the field of disaster risk reduction. It can be said that the National Platform, as a new and specific phenomenon of civil society, whose activity is related to emergency situations, was established in Tajikistan, similar to other advanced countries.

³⁵ The Law of the Republic of Tajikistan “On the protection of the population and territory from natural and technogenic emergency situations” dated July 15, 2004, No. 53. Centralized Legal Information Repository “ADLIYA” 7.0. Date of request: 20.03.2024.

³⁶ Hereafter: National Platform.

The National Platform was created with the following objectives:

- formation and coordination of activities in the field of reducing the risk of natural and man-made disasters, as well as minimizing loss of life and socio-economic damage;
- conducting consultations on the integration of disaster risk reduction into development strategies, plans, and programs.

Main tasks of the National Platform:

- development of proposals and recommendations regarding the formation and coordination of activities in the field of reducing the risk of natural and man-made disasters, as well as minimizing loss of life and socio-economic damage;
- coordination, diagnostics, and consultation on the key areas of disaster risk reduction that require coordinated operations at the national level;
- ensuring progress in achieving disaster risk reduction goals, monitoring in this area;
- organizing the participation of various sectors of society in discussing activities in the field of disaster risk reduction;
- coordinating the organization and activities of thematic working groups, considering the knowledge, experience, and opinions of interested parties in disaster risk reduction;
- ensuring monitoring of the implementation of programs, projects, recommendations, and other documents in the field of disaster risk reduction by organizations;
- cooperation with regional, international organizations, donors, and other specialized organizations in disaster risk reduction;
- organizing training and utilizing international experience in disaster consequences mitigation, as well as coordinating cooperation between government ministries and departments on these issues within the obligations of Tajikistan under relevant treaties and agreements;
- development and coordination of programs and a unified methodology for assessing natural disaster risk in this field;
- use and implementation of international practices in the development of programs and assessing the impact of natural disaster risk on the environment;
- promoting disaster risk reduction at various levels³⁷.

The National Platform operates according to its work plan, which is approved during its meetings by the Chairperson – the Deputy Prime Minister of the Republic of Tajikistan, who oversees the sector. The National Platform regularly provides the Government of Tajikistan with information on important issues discussed and resolved by it.

Tajikistan, in the event of large-scale disasters that may affect the country, can rely on external assistance. For this purpose, the Rapid Emergency Assessment and Coordination Team (REACT) was established, functioning as a coordinating body between CoES and non-governmental organizations, donors, and international organizations to provide external aid. The REACT not only provides assistance but also handles preparedness for disasters, planning, and risk reduction activities.

The role of the REACT in coordinating external (foreign) aid related to disasters, as well as government assistance and efforts to ensure disaster preparedness and risk reduction, is crucial for ensuring the efficiency of foreign assistance in response to specific disasters in Tajikistan.

The assessment of preparedness for emergency situations has shown that a significant amount of work has been done in this area. In addition to the completed work in legislation and the system for preventing and responding to emergency situations, there is a need to implement threat management through the establishment of structures that continuously analyze threat assessments. To this end, it is proposed that the activities of the Commission, the Unified System, the National Platform, and the Committee for Emergency Situations be reviewed in order to ensure safety from emergency situations. This includes preparedness and immediate response to disasters, risk management for the population affected by natural and technogenic disasters, as well as the

³⁷Regulation of the National Disaster Risk Reduction Platform of the Republic of Tajikistan, Resolution of the Government of the Republic of Tajikistan dated March 1, 2012, No. 98. Centralized Legal Information Repository "ADLIYA" 7.0. Date of request: 20.03.2024.

protection of the affected population and the introduction of the modern early warning systems. A comprehensive analysis should be conducted, and the relevant structure and legal framework should be established.

To improve the legislation in relation to Section 3.1 of the Analysis, the following proposals are presented:

1. Analysis of the Commission's responsibilities: The analysis shows that the responsibilities of the State Commission of the Government of the Republic of Tajikistan on emergency situations are clearly defined in the legislation, including the organization of actions during emergencies and coordination of activities within the Unified State System for prevention and elimination of emergency situations. However, the Commission's Regulation, approved by the Government of the Republic of Tajikistan on December 30, 2015, No. 799, has not been amended since. Therefore, it is proposed that the Regulation be reviewed considering changes to the Constitution, the adoption of new labor, civil codes, and the principles of the Sendai Framework.

2. One of the urgent issues regarding the Commission's activities is the provision of prompt and accessible information, as well as the implementation of e-government mechanisms, which are currently carried out via an official website. The study showed that several commissions under the Government of the Republic of Tajikistan, such as the Human Rights Commission, have their official websites (www.khit.tj). It is proposed to create and activate a similar website for the Commission's activities.

3. In the Unified System, the roles of all emergency preparedness forces have not been clearly defined. It is possible to fully utilize the capacities of various sectors, particularly civil aviation, in preventing and mitigating the consequences of emergencies. The analysis shows that the Government of the Republic of Tajikistan's Resolution No. 233, dated May 3, 2010, regarding the procedure for involving aviation entities in search and rescue operations, as well as providing search, rescue, and flight operations in Tajikistan, was adopted, which foresaw the execution of several search and rescue operations. It should be noted that since the adoption of this procedure, a significant amount of time has passed, and no amendments have been made considering the requirements of the Constitution, as well as the aviation, civil, and labor codes of the Republic of Tajikistan. It is proposed that the procedure for involving aviation entities in search and rescue operations be reviewed and updated.

4. The Rules for training the population in civil protection from natural and technological emergencies, which were adopted in 2009, need to be revised. Over the past 15 years, many changes have occurred in the legislation, and the responsibilities of the authorities involved in preparedness have been redefined.

5. The analysis of emergency preparedness indicates that significant progress has been made in this area. However, there is a need to implement threat management by establishing structures that regularly analyze threats. Therefore, it is proposed that the Commission, the Unified System, the National Platform, and the CoES fully analyze, establish relevant structures, and create the legal framework for effective risk management and the creation of an advanced warning systems for the population regarding threats from natural and technological disasters.

3.2. Emergency preparedness and response procedures in national legislation

The procedures for disaster preparedness and emergency response in national legislation are a core part of the overall preparedness and response to emergencies, closely tied to the functioning of the Commission, the Unified System, the National Platform, and the CoES. A number of legal regulatory documents have been adopted to systematize preparedness and response to emergencies, aimed at strengthening capacity in this area.

Among the legal regulatory documents in the sector, laws and bylaws aimed at forming the system of preparedness and response to emergencies play a significant role. In particular, it is

important to note the decisions of the Government of the Republic of Tajikistan, which have been adopted to fulfill the emergency duties of the competent authorities.

Indeed, determining the level of preparedness for emergencies, including the inspection of hazardous facilities, particularly critical infrastructure, which are carried out according to bylaw regulatory documents, is made possible. For example, according to clause 57 of the Regulation on the inspection of the activities of economic entities by state supervision bodies in the field of safety of hydraulic engineering structures³⁸, preparedness for the elimination of emergency situations is implemented through the inspection of the workplace with respect to the following conditions:

- collected data on population size, residential areas, industrial enterprises, etc., which are in the area of risk during a hydrodynamic accident;
- documents on failures, emergency characteristics, and accidents of hydraulic structures, the causes of their occurrence, and signs of their onset in the early stages;
- examples of engineering-technical decisions, project developments, and recommendations for eliminating escalation and eliminating dangerous failures and accidents in facilities;
- necessary reserves of construction materials (open pits, earth embankments, sand and gravel warehouses, cement, iron materials, etc.), ground equipment, trucks, and other mechanisms for the emergency elimination of dangerous failures and accidents in hydraulic engineering facilities;
- diving equipment for conducting underwater operations;
- an emergency operational plan for the staff of the user enterprise to eliminate emergency situations;
- emergency communication tools and public notification systems in case of impending accidents.

A thorough inspection of the above situations allows for the determination of the workplace's preparedness for emergencies and prevents disastrous consequences in case of an emergency.

Most emergency preparedness and response systems are established to prevent emergencies, respond promptly to unexpected situations, and deal with emergency situations. A high-quality and timely response to emergencies, which becomes possible after contacting the relevant structures, is of practical importance. Indeed, by contacting the unified emergency short calling number, a timely response to emergencies can be carried out by the competent authority. This approach – quick communication with the relevant structures during the occurrence of emergencies – is widely recognized globally. The introduction of emergency response systems, similar to the response to criminal activities, illness, and the like, is highly important because any delay in this regard can result in catastrophic consequences. Overall, the issue of responding to the rights of citizens regarding individual or collective appeals to state authorities on population protection and disaster risk is regulated by law.

For the first time in independent Tajikistan, the emergency short calling number “111”, related to the emergency services, was introduced in 2011. Since the unified emergency short calling number «112» has been designated in the CIS member states, this system has also been implemented in our country. According to the decree of the Government of the Republic of Tajikistan “On establishing the unified short emergency contact number ‘112’”, the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan has been designated as the responsible agency for emergency call number for alerting and responding to emergency situations, which is still active today.

It should be noted that the unified emergency short calling number “112” of the CoES is the number for emergency notification and response, and is operational according to its Regulation, with local and mobile operators providing free access. The “112” emergency number is widely used, not only in post-Soviet countries but also in the European Union, for calling

³⁸ Order of the Minister of Energy and Water Resources of the Republic of Tajikistan from June 8, 2018, No. 23. Centralized Legal Information Repository 'ADLIYA' 7.0. Date of request: 20.03.2024.

emergency services. One of the primary goals of implementing short calling numbers is to provide timely information during disasters. In a number of developed countries, to ensure a high-quality response to emergencies such as household fires, forest fires, floods, rescue and safety (in rivers and lakes), mudslides, earthquakes, technological accidents, nuclear and radiation accidents, terrorism, extreme weather conditions (intense heat, severe cold, snowstorms, hurricanes, hail, hazardous materials, transportation accidents, and first aid), Family guides are developed and provided to the public.

The Family Guide outlines prevention methods, prohibitions, restrictions, and instructions for various factors to the population in a simple and understandable form, including visual representations. Additionally, the guide includes contact numbers for all emergency services related to disasters. The development of the Family Guide for disaster preparedness and response to its consequences, considering the current conditions in Tajikistan, is also necessary. It is proposed that the Family Guide be developed and distributed to the public as soon as possible. This is important, as providing information to the population, often consisting of large families, is considered crucial, encouraging active participation of all relevant sectoral sub-units.

The analysis of the legal regulatory document on the emergency response system with the short calling number “112” showed that, along with regulating the issue, it also revealed legal deficiencies regarding the response time, remote service provision, and standards for receiving other regulatory documents. Addressing and reviewing these deficiencies will allow for a more stable emergency response capacity and ensure the consistent implementation of its provisions.

In relation to Section 3.2 of the Analysis, the following proposals are suggested:

1) The analysis of the Regulation on the emergency response system with the short calling number “112” revealed legal deficiencies related to the response time, remote service provision, and standards for receiving other regulatory documents. Addressing and revising this document will help strengthen the emergency response capacity.

2) Developing the Family Guide for disaster preparedness and response, considering all mentioned situations in the current context of Tajikistan, is urgent. It is proposed that the Family Guide be developed and distributed to the population as soon as possible, as providing timely information to the population, particularly large families, is crucial and will ensure active involvement of all responsible sectoral sub-units.

IV. PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE

4.1. The Constitution of the Republic of Tajikistan, the Health Code of the Republic of Tajikistan, and Laws of the Republic of Tajikistan as the legal basis for preparedness and response to public health emergencies

The Constitution of the Republic of Tajikistan. Preparedness and response to public health emergencies is one of the vital areas of state policy and an integral part of national legislation. According to Article 38 of the Constitution, “Every person has the right to health protection. A person has the right to free medical assistance in state healthcare institutions, in accordance with the law. The state takes measures to improve the environment, develop mass sports, physical education, and tourism.” This provision of the Constitution is necessary because human rights and freedoms are of supreme value, and they are not limited even in emergency situations. Therefore, rights, preparedness and responses to public health emergencies are comprehensively addressed in the legislation, and relevant legal acts are developed to ensure this constitutional right.

At any time, especially during emergencies, public health is a priority for the state and relevant authorities. Public health is an inseparable and irreplaceable factor in the formation of legal and response measures to emergencies, and it is the source of medical law in Tajikistan and around the world. The foundations for the formation of medical law in Tajikistan have also been established, and its theoretical and legal aspects, such as its concepts, subjects, methods of study, place in the system of regulating social relations, citizens’ rights to health protection, medical services, medical confidentiality, medical expertise, and other issues, have been analyzed in national legal literature³⁹.

The Health Code of the Republic of Tajikistan. This is the first normative legal act codifying health law, adopted on May 30, 2017, under No. 1413. It establishes the authority of the Government of the Republic of Tajikistan, relevant bodies, forms of medical assistance, and procedures for its organization and delivery.

According to the first part of Article 59 of the Health Code of the Republic of Tajikistan, nine forms of medical assistance are established, among which medical assistance during emergencies is particularly important. It is also worth noting that the legislator has established provisions related to the delivery of such assistance in Parts 1 and 2 of this article, and the procedures for it have already been developed, adopted, and implemented.

Laws of the Republic of Tajikistan. According to Article 18 of the Law of the Republic of Tajikistan “On protection of the population and territory from natural and technogenic emergency situations,” citizens of Tajikistan have the right to protect their life, health, personal property, and compensation for the damage caused to their health and property in the event of an emergency. This provision indicates that in emergencies and threats to health, not only citizens of Tajikistan but also foreign nationals and stateless persons are entitled to receive first aid during natural and technogenic disasters.

An important normative legal act regulating emergencies is the “Rules for Preparing the Population in the Field of Civil Protection from Natural and Technogenic Emergency Situations.” The evaluation of this regulatory act shows that it does not include provisions for preparedness for emergency situations and responses to public health. Therefore, it is suggested that when revising these rules, provisions should be included in a separate section regarding preparedness for emergencies and response to public health.

In order to ensure preparedness and response to public health emergencies, within the framework of the Unified System, the relevant sub-systems operate, which are related to issues of public health protection in emergency situations. The Ministry of health and social protection of the population of the Republic of Tajikistan is the responsible authority for the subordinate systems

³⁹ Babojonov I.Kh., Stepenko S.G. Medical Law of the Republic of Tajikistan. Dushanbe, “Donish”, 2019. – p. 27 (in Tajik).

related to the prevention and elimination of emergencies, including “Medical and biological protection of the population in emergency situations,” “Social protection of the population in emergency situations,” and “Epidemiological surveillance and laboratory control.”

Analysis indicates that the existing provisions in the Unified System regarding preparedness for emergency situations and responses to public health are insufficient. It is considered appropriate to establish separate provisions regarding continuous preparedness and the protection of rights through the functional subsystems of the Unified System, specifically in relation to the rights, preparedness and responses to the public health emergencies.

Proposal on Section 4.1. of the Analysis:

1) The important regulatory legal document that operates in the field of emergencies is the “Rules for Preparing the Population in the Field of Civil Protection from Natural and Technogenic Emergency Situations.” An evaluation of this legal regulatory document has shown that it does not contain provisions regarding preparedness and responses to public health emergencies. Therefore, it is suggested that when reviewing these rules, specific provisions on preparedness and responses to public health emergencies be included in a separate section.

2) The analysis shows that the Unified system does not have sufficient relevant provisions regarding the protection of rights, preparedness and responses to public health emergencies. It is considered appropriate to establish separate provisions on continuous preparedness and the protection of rights through the functional subsystems of the Unified System, specifically in relation to the rights, preparedness and responses to public health emergencies.

4.2. The role of bylaws in ensuring preparedness and response to public health emergencies

The Health Code of the Republic of Tajikistan establishes the procedure for adopting relevant subordinate normative legal acts concerning health protection during emergencies and exceptional situations. For example, according to the third part of article 59 of the Health Code of the Republic of Tajikistan, the legislator has established a reference provision, based on which the “Procedure for organizing medical assistance during emergency situations”⁴⁰ was approved by the Government of the Republic of Tajikistan on February 26, 2022, under Resolution No. 62.

This Procedure, along with general provisions, includes topics such as the delivery of medical assistance, a set of resuscitation measures, organizing first aid posts, medical triage, and final provisions on liability for non-compliance with the document’s requirements. In emergency situations, according to this Procedure, measures related to prevention, providing emergency medical assistance, rescuing victims, and eliminating the impact of harmful factors are required.

Medical support and emergency medical assistance are directly provided by the forces and means of the subordinate systems within the Unified State System for Prevention and Elimination of Emergency Situations, through specialized emergency medical services (emergency aid, emergency medical teams, and other rescue teams from relevant ministries and departments).

To protect public health, specific measures for primary health assistance, including the time, number of specialists, and specialized medical teams (8 people, including a surgeon, resuscitator, trauma specialist, internal medicine doctor, obstetrician-gynecologist, two nurses, and a driver), medical supplies to assist 50 victims (7 types), victim triage, and the methods for delivering aid are proposed.

The primary factors that trigger a response during emergencies are harmful agents, disasters, and injuries to individuals in emergency situations. In cases such as these, and other emergencies in Tajikistan, measures for blood donation and its components are also regulated by the relevant legal norms.

The Procedure establishes the optimal time for delivering primary medical assistance within 30 minutes of injury or trauma, emphasizing that delivering assistance within the first 30

⁴⁰ Hereafter: the Procedure.

minutes reduces complications by up to twice as much, and in cases of respiratory failure, the time window is reduced to 5-10 minutes. It is noted that if medical assistance is not provided within one hour of injury, the fatality rate among critically injured patients can rise to 30%, increasing to 60% after 3 hours, and 90% after 6 hours.

Medical assistance is provided in the following cases of emergencies:

- electrical injuries
- hemorrhages
- wounds and lacerations
- bone fractures
- head injuries (brain trauma)
- spinal injuries (spinal cord injuries)
- burns (thermal and chemical)
- heatstroke and sunburn
- hypothermia
- drowning
- poisoning
- other accidental and emergency situations.

For each of these conditions, specific Procedures for intervention are organized, ensuring that the consequences for public health are minimized. Furthermore, the legislator does not exclude the possibility of providing medical assistance in unforeseen circumstances.

It is also important to note that, by the decree of the Government of the Republic of Tajikistan dated March 28, 2024, No. 177, the “Procedure and conditions for ensuring preferential access to medicines and medical supplies for specific groups” has been approved.

This Procedure regulates access to medicines for specific social groups (in total, 21 groups) for the entire year, with individuals in these groups receiving a specific amount of medical supplies annually.

Moreover, the preferential procedure for providing medicines and medical supplies is made possible through the submission of documents listed in Appendix 2 of this Decree. However, the analysis reveals that the law does not yet include procedures for providing medicines and medical supplies during emergencies or requirements for equipping first aid kits with the necessary medical supplies for first aid in natural and technological disasters⁴¹. Establishing standards and requirements in this area will ensure the protection of public health and the health of personnel deployed to address emergency situations.

Regarding the improvement of legislation related to Section 4.2 of the Analysis, the following is proposed:

1) The analysis of the “Procedure for organizing medical assistance during emergency situations” shows that the prescribed time for providing first aid within 30 minutes in emergency situations is somewhat outdated in the context of modern advancements in science and technology. Therefore, it should be reconsidered, and, where possible, in cases where resources allow (such as the presence of specialized first responder teams near the scene of the incident or disaster, or the possibility of providing assistance via mobile communication devices), a shorter response time should be planned.

2) Furthermore, when large-scale emergency situations occur (for example, an earthquake within a district or city), the procedure for organizing and delivering medical assistance must be revised accordingly. In such cases, public awareness campaigns through mass media should be continuously carried out to protect the health of every individual. Only with sufficient information to provide first aid, reduce associated risks, and ensure timely responses can effective assistance be achieved.

⁴¹ For example, the requirements for equipping first aid kits for vehicles and personnel in the Russian Federation were approved by the order of the Ministry of health and social development of the Russian Federation dated 08.09.2009, No. 697n, and 05.03.2011, No. 169n.

Conclusion

The results of the analysis indicate that in order to improve the legislation of the Republic of Tajikistan in the field of emergency response, it is advisable to take comprehensive measures to eliminate the existing shortcomings. Although more than 400 laws have been adopted at the national level, including 17 constitutional laws and 23 codification acts, the legislation concerning emergency situations needs review and codification.

The experience of drafting legal normative acts shows that one effective way to achieve the main objectives - preventing emergencies - could be the codification of legislation in this area. However, analysis indicates that, so far, no attempts have been made by the CIS member states or CSTO to develop an Emergency Code, and the theoretical and practical aspects of emergency law have not been adequately studied.

The development of regulatory legal documents in the field of emergency situations, as well as state programs and strategies, have enabled the creation of a national system for emergency response. However, the issue of responding to emergencies and mitigating their risks remains urgent. Despite the development of certain sectors of national legislation, it is necessary to ensure that the rights and duties of the entities responsible for emergency response, reducing the impact of emergencies on the economy, society, and health, the timely preparedness of authorized entities and society for emergency situations, and the broad involvement of civil society in emergency response are well coordinated and centralized.

In this regard, it is essential to revise and promptly adjust the adopted regulations, eliminate the duplication of tasks among competent authorities, ensure the quality and results of social and economic development with consideration of the emerging process of e-government, new information technologies, including artificial intelligence, in drafting programs, strategies, and state concepts related to emergency response, and consider the possible impact of such situations and risks arising from them.

Thus, the analysis emphasizes the necessity of developing recommendations to improve legislation and prepare a roadmap for a comprehensive revision of national legislation, which will be presented to competent authorities and relevant institutions. The roadmap may be further developed with input from the ministries and departments and gradually implemented.

RECOMMENDATIONS FOR IMPROVING THE LEGISLATION OF THE REPUBLIC OF TAJIKISTAN

Based on the provisions of sections 1.3 and 1.4 of part I of the Analysis, the following proposals are made:

1) In the Law of the Republic of Tajikistan “On the protection of the population and territory from natural and technogenic emergency situations” dated July 15, 2004, a separate chapter on “International cooperation in the field of protection of the population and territory from emergency situations of natural and technogenic character” should be added. This chapter should focus on ensuring prompt and mutually beneficial bilateral and multilateral cooperation between the Republic of Tajikistan and other countries in emergency response, covering the following issues:

- procedures for coordinating, sending requests, receiving them, or notifying about international aid during emergencies;
- establishing standards for the responsibility of authorized individuals in the implementation of international cooperation activities;
- setting a quality standard for international participants providing assistance;
- defining the legal status of foreign individuals involved in providing assistance to Tajikistan.

2) An analysis of Tajikistan’s international bilateral agreements shows that most of them were signed in the first decade of the country’s independence and need to be revised and improved. Therefore, these agreements should be reviewed in light of the newly adopted legal documents, structural changes, and the activities of newly authorized bodies. They should be renegotiated and concluded again through diplomatic channels or formalized with separate protocols.

3) Given the importance and urgency of emergency prevention and response, cooperation with other countries should be expanded. Neighboring countries such as China, Afghanistan, Uzbekistan, Turkmenistan, Kyrgyzstan, Kazakhstan, Pakistan, and India are particularly interested in this area, as emergencies such as floods, earthquakes, and accidents pose risks in the mentioned regions, and these countries will be the first to provide mutual assistance.

4) It is necessary to develop, process, and conclude separate agreements with other foreign countries in the area of emergency response, prevention, and mitigation. In the case of existing bilateral agreements, the process of providing assistance will be accelerated, and the issues related to emergency response will be resolved promptly.

5) It is advisable that future bilateral agreements of Tajikistan be signed permanently without termination with the aim of timely response and rapid elimination of the consequences of natural hazards, expanding cooperation, and ensuring the sustainability of relations.

6) It is advisable that the provisions of model laws on humanitarian assistance during emergencies and assistance in the initial recovery efforts, as well as the establishment of a unified emergency services hotline in national legislation, be analyzed conceptually.

7) Recommendations for coordinating the legislation of CSTO member states in the framework of border cooperation during natural and technogenic emergencies⁴², and for coordinating the legislation of CSTO member states regarding the training and requalification of specialists in “Emergency Safety”⁴³ have been developed, which are of practical importance in emergency response. Specifically, the recommendations for border cooperation during emergencies suggest developing a multilateral agreement project, including a model bilateral agreement, with measures to improve border procedures, customs, and other controls, and to simplify the crossing process. It is proposed to enhance national legal regulatory standards on

⁴² Decree of the CSTO Council dated November 26, 2015, No. 8-8. Centralized Legal Information Repository “ADLIYA” 7.0. Date of request: 20.03.2024.

⁴³ Decree of the CSTO Council dated November 24, 2016, No. 9-4.4. Centralized Legal Information Repository “ADLIYA” 7.0. Date of request: 20.03.2024.

“Border cooperation during natural and technogenic emergencies” and define the concept of “cross-border emergency” in the legislation.

8) Recommendations on coordinating the legislation of CSTO member states in the field of training and requalification of specialists in “Emergency Safety” remain urgent, as the training process is currently limited to the Academy of the Ministry of Internal Affairs of Tajikistan, with further training carried out in Russia, Belarus, Kazakhstan, and Azerbaijan.

9) It is advisable to conduct legal-theoretical scientific research on the regulation of international emergency situations in relation to national legislation, the legal provision of emergency situations, and similar topics in scientific institutions of Tajikistan, and to propose them for defense in candidate and doctoral dissertations.

Based on the provisions of sections 2.1 and 2.2 of part II of the Analysis, the following proposals are made:

1) The Constitutional law of the Republic of Tajikistan “On the legal regime of a state of emergency” needs amendments. This law was adopted on November 3, 1995, No. 994, and the last amendments were made in 2014. To improve the Constitutional law of the Republic of Tajikistan “On the legal regime of a state of emergency,” the following proposals are made:

- The words “legal regime of” should be removed from the title and the law should be renamed as the Constitutional law of the Republic of Tajikistan “On emergency situations.”

- Article 10 of the Constitutional law states:

“Article 10. For leading a prohibited strike in the conditions of an emergency situation, as well as for obstructing the operation of an enterprise, institution, and organization, the guilty person is criminally liable based on the applicable laws of the Republic of Tajikistan.”

To align this with relevant laws, it should be amended as follows:

“Article 10. For leading a prohibited strike in the conditions of an emergency situation, as well as for obstructing the operation of an enterprise, institution, and organization, the guilty person will be held liable according to the norm established by law.”

This is because the phrase “in accordance with the applicable laws of the Republic of Tajikistan” does not align with the structure and content of the legal system. Also, the actions of this guilty person may be considered an administrative violation or another type of legal violation.

- Article 11 of the Constitutional Law grants the Supreme Court of the Republic of Tajikistan the right to change the territorial jurisdiction of civil and criminal cases established by law in the event of a state of emergency. It is appropriate to provide for this requirement in the relevant procedural codes.

2) It is advisable to regulate the legal requisition of the property of citizens and legal entities in emergency situations. The necessity of adopting a legal document governing the conditions, procedures for conducting requisitions concerning property objects, registration, and the identification of property owners, based on international best practices, should be thoroughly studied and analyzed.

3) It is proposed to create a separate chapter in the Administrative Offenses Code of the Republic of Tajikistan about violations in the field of emergency situations.

4) In addition to the Law of the Republic of Tajikistan “On the protection of the population and territory from natural and technogenic emergency situations” separate laws have been developed and adopted regarding fires and earthquakes. Taking into account the requirements of the legal policy of the Republic of Tajikistan, which is aimed at reducing the number of regulatory legal acts regulating similar relations, it is appropriate to include the provisions of fire and seismic laws as a separate chapter in the Law of the Republic of Tajikistan “On the protection of the population and territory from natural and technogenic emergency situations”.

5) Considering the requirements of the Law of the Republic of Tajikistan “On the state language” and to make the terminology of emergency-related laws more comprehensible, it is proposed that the word “seismic” in the Law of the Republic of Tajikistan “On seismic safety” be

replaced with “earthquake,” as the term “seismic” is not easily understood by the majority of the population of Tajikistan.

6) The Law of the Republic of Tajikistan “On civil defense” also covers emergency situations. In Article 1 of this law, the concept of “civil defense” is defined as a set of nationwide defense and protection measures for protecting the population, economy, and territory of Tajikistan in the event of military operations or other emergencies. In Article 17, it is defined that the activities of civil defense troops begin upon the declaration of martial law, actual military operations, or when martial law is introduced by the President of Tajikistan in the territory of the Republic of Tajikistan or in specific regions. It is stated that during peaceful times, civil defense activities also begin in the event of natural disasters, epidemics, epizootics, epiphytotics, major accidents, and other catastrophes that threaten public health, requiring rescue operations. It is proposed that the terms “epidemics,” “epizootics,” and “epiphytotics” be replaced with a single term, such as “transmissible diseases” as these terms are not clearly defined in the legal framework. Therefore, it is proposed that in the text of Article 17 of the aforementioned Law, the words “epidemics,” “epizootics” and “epiphytotics” be replaced with the words “transmissible diseases”.

7) Based on the Regulation of the Civil defense service, approved by the decree of Government of Tajikistan on March 30, 2010, No. 191, the Public Order Protection Service is established within the Civil Defense Service, which forms the Commandant Service. In addition, according to Article 4 of the Constitutional Law of the Republic of Tajikistan “On the legal regime of a state of emergency,” government bodies and authorities may impose a curfew.

According to the requirements of the Law of the Republic of Tajikistan “On Civil Defense,” the Public Order Protection Service is a part of the Civil Defense Service and is organized under the Ministry of Internal Affairs of the Republic of Tajikistan. It is recommended that the duplication of functions in these cases be eliminated.

8) The provisions of the Criminal and Administrative offenses Codes, as well as civil and administrative procedural laws, regarding criminal and administrative liability, the procedure for the consideration of cases, and the duration of detention during the consideration of cases in the event of violations of the emergency situation order, should be harmonized with the Constitutional Law of the Republic of Tajikistan «On the legal regime of a state of emergency»: For example, under Article 136 of the Administrative offenses Code, administrative offense cases related to election and referendum laws are considered within five days from the moment the protocol of the administrative offense and other materials are received by the judge. However, such a requirement is not provided for violations during an emergency situation.

9) Disaster, accident, catastrophe, and the like are natural and man-made events that cause an unpleasant situation or situation, leading to destruction and action. In order to simplify and clarify the meaning of the words used in the legislation, it is appropriate to explain the concepts of «disaster» and «technogenic disaster».

10) There is a need to adopt a new program on emergency preparedness and radiation protection for the years 2025-2028, as the previous program has expired.

11) The concept of “epiphytotic” is not provided for in the national legislation related to emergency situations. It is proposed that this term be included in the Law of the Republic of Tajikistan “On quarantine and plant protection” (January 2, 2019, No. 1567).

12) To regulate humanitarian aid access, it is necessary to develop the corresponding legal framework, including the adoption of relevant rules or laws regarding humanitarian assistance. A comparative legal analysis of the legislation of countries such as the Russian Federation and Kazakhstan indicates that adopting such normative legal acts in the Republic of Tajikistan would fill the existing regulatory gaps in this area.

13) The documents “General procedure for determining the extent of property damage and submitting necessary documents when emergencies occur” and “Procedure for compensating damage to legal and physical persons resulting from the confiscation and destruction of animals and animal products that pose a threat to animal and human health” adopted in 2010 and 2012. It is appropriate to ensure that the provisions of these procedures comply with the requirements of

the Civil Code of the Republic of Tajikistan, eliminating gaps in the legal regulation, clarifying the rights and obligations of the authorized bodies in determining the damage amount, simplifying the payment forms, and applying modern information technology.

14) The average time for compensating property damage and submitting necessary documents in case of emergencies is about 50 days, and we believe that it needs to be reconsidered. Specifically, emergencies occurring during the winter season cause heavy burdens and catastrophic consequences for the affected population. It is proposed that a simplified procedure for reviewing applications by the Emergency Situations Commission and its coordination be established in the “General procedure for determining the extent of property damage and submitting necessary documents when emergencies occur.”

15) It is necessary to include in the «Procedure for organizing shelters and other civil defense structures» the issue of developing a List of facilities used as shelters and other civil defense structures in order to resolve the matters related to the provision of rights and response to emergency situations.

16) The Procedure for material provision of the units and structures of the mountain rescue of the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan has not been revised until today. It is proposed that its provisions be aligned with the requirements of the Labor Code of the Republic of Tajikistan, the Civil Code of the Republic of Tajikistan, and other normative legal acts.

17) The analysis of the Procedure for determining the amount of financial responsibility for damage caused by accidents of hydraulic structures also indicates that its provisions, including the concepts and payment procedures, need to be revised and brought into line with the Civil Code of the Republic of Tajikistan.

18) One of the challenges regarding disaster risk reduction is the neglect of the gender factor, as natural disasters impact men and women differently. Thus, women and men have separate needs and vulnerabilities. In addition, women are not only a vulnerable group but also a valuable human resource for reducing disaster risks. Therefore, a gender-sensitive approach should be implemented at all stages of disaster risk reduction, with two essential aspects to be taken into account in practice:

- considering the needs and demands of men and women or other socially vulnerable groups, including people with disabilities, the elderly, and others, in relation to various types of vulnerabilities and real opportunities;
- involving women and other social groups in the decision-making process and participation in all key areas.

In this regard, it is proposed that attention be given to the following issues during the improvement of legislation:

- introducing specific standards in legal documents that ensure the protection of women and vulnerable groups, including people with disabilities, the elderly, and others, in emergencies;
- considering gender factors when identifying the mechanism for providing assistance during emergency situations;
- developing programs and action plans related to the protection of the rights of women and other vulnerable groups who are most in need of assistance during emergencies;
- establishing social protection points in vulnerable areas for emergency support;
- studying international experience and adopting global standards related to the protection of gender rights.

19) In addition to the measures outlined in the National Strategy of 2019-2034 regarding climate change issues, it is also proposed that:

- legally regulating the involvement of scientific institutions and civil society, as well as artificial intelligence, in the development, implementation and adaptation of laws and policies;
- developing and implementing support programs for vulnerable populations, particularly in regions most affected by the impacts of climate change;

- promoting green economies and energy-saving programs to reduce the human impact on the climate;
- introducing educational programs to raise public awareness about the consequences of climate change.

Based on the provisions of sections 3.1 and 3.2 of part III of the Analysis, the following proposals are made:

1) The Regulation of the State Commission of the Government of the Republic of Tajikistan on emergency situations, approved by the Decree of the Government of the Republic of Tajikistan on December 30, 2015, No. 799, has not been amended since then. It is advisable to review it considering the amendments to the Constitution, the adoption of new labor and civil codes, laws, principles of the Sendai Framework, and regulatory standards.

2) One of the urgent issues related to the Commission's activities is ensuring timely access to information and the mechanisms for implementing e-government, which is being carried out through the official website. Research has shown that several commissions under the Government of the Republic of Tajikistan, including the Human Rights Commission, have their own official websites (www.khit.tj). It is proposed to create and activate a similar website for the Commission's activities.

3) In the Unified System, the roles of all emergency preparedness forces have not been clearly defined. It is possible to fully utilize the capacities of various sectors, particularly civil aviation, in preventing and mitigating the consequences of emergencies. The analysis shows that the Government of the Republic of Tajikistan's Resolution No. 233, dated May 3, 2010, regarding the procedure for involving aviation entities in search and rescue operations, as well as providing search, rescue, and flight operations in Tajikistan, was adopted, which foresaw the execution of several search and rescue operations. It should be noted that since the adoption of this procedure, a significant amount of time has passed, and no amendments have been made considering the requirements of the Constitution, as well as the aviation, civil, and labor codes of the Republic of Tajikistan. It is proposed that the procedure for involving aviation entities in search and rescue operations be reviewed and updated.

4) The Rules for preparing the population in civil protection from natural and technogenic emergencies, adopted in 2009, need to be updated due to significant changes in the legal framework over the past 15 years. Relations in this area have changed, and the functions and powers of the bodies responsible for preparation have been clarified.

5) The analysis of emergency preparedness indicates that significant progress has been made in this area. However, there is a need to implement threat management by establishing structures that regularly analyze threats. Therefore, it is proposed that the Commission, the Unified System, the National Platform, and the CoES fully analyze, establish relevant structures, and create the legal framework for effective risk management and install advanced warning systems for the population regarding threats from natural and technological disasters.

6) The analysis of the Regulation on the emergency response system with the short calling number "112" revealed legal deficiencies related to the response time, remote service provision, and standards for receiving other regulatory documents. Addressing and revising this document will help strengthen the emergency response capacity.

7) Developing the Family Guide for disaster preparedness and response, considering all mentioned situations in the current context of Tajikistan, is urgent. It is proposed that the Family Guide be developed and distributed to the population as soon as possible, as providing timely information to the population, particularly large families, is crucial and will ensure active involvement of all responsible sectorial sub-units.

Based on the provisions of sections 4.1 and 4.2 of part IV of the Analysis, the following proposals are made:

1) The important regulatory legal document that operates in the field of emergencies is the “Rules for Preparing the Population in the Field of Civil Protection from Natural and Technogenic Emergency Situations.” An evaluation of this legal regulatory document has shown that it does not contain provisions regarding preparedness and responses to public health emergencies. Therefore, it is suggested that when reviewing these rules, specific provisions on preparedness and responses to public health emergencies be included in a separate section.

2) The analysis shows that the Unified system does not have sufficient relevant provisions regarding the protection of rights, preparedness and responses to public health emergencies. It is considered appropriate to establish separate provisions on continuous preparedness and the protection of rights through the functional subsystems of the Unified System, specifically in relation to the rights, preparedness and responses to public health emergencies.

3) The analysis of the “Procedure for organizing medical assistance during emergency situations” shows that the prescribed time for providing first aid within 30 minutes in emergency situations is somewhat outdated in the context of modern advancements in science and technology. Therefore, it should be reconsidered, and, where possible, in cases where resources allow (such as the presence of specialized first responder teams near the scene of the incident or disaster, or the possibility of providing assistance via mobile communication devices), a shorter response time should be planned.

4) Furthermore, when large-scale emergency situations occur (for example, an earthquake within a district or city), the procedure for organizing and delivering medical assistance must be revised accordingly. In such cases, public awareness campaigns through mass media should be continuously carried out to protect the health of every individual. Only with sufficient information about providing first aid, reducing risks, and ensuring timely response can effective assistance be achieved.

TABLES AND DIAGRAMS

Table 1:

The list of bilateral agreements on civil defense and emergency response cooperation				
№	International Agreement	Parties / Countries	Date Signed	Duration
1	Agreement between the Government of the Republic of Tajikistan and the Government of the Russian Federation on cooperation in civil defense, prevention, and emergency response	Tajikistan and Russia	February 18, 1998	Indefinite
2	Agreement between the Committee of Emergency Situations and Civil Defense under the Government of Tajikistan and the Ministry of Emergency Situations of Belarus on cooperation in the prevention and elimination of emergencies	Tajikistan and Belarus	June 30, 2012	5 years
3	Agreement between the Government of the Republic of Tajikistan and the Government of Kyrgyzstan on cooperation in civil defense, prevention, and emergency response	Tajikistan and Kyrgyzstan	November 2, 2013	Indefinite
4	Agreement between the Government of the Republic of Tajikistan and the Government of Kazakhstan on cooperation in civil defense, prevention, and emergency response	Tajikistan and Kazakhstan	June 3, 2014	Indefinite
5	Agreement between the Government of the Republic of Tajikistan and the Government of Azerbaijan on cooperation in civil defense, prevention, and emergency response	Tajikistan and Azerbaijan	October 14, 2014	Indefinite
6	Agreement between the Government of the Republic of Tajikistan and the Government of Uzbekistan on joint measures and cooperation on timely notification in case of the threat of Sarez Lake breakage	Tajikistan and Uzbekistan	May 30, 2000	Indefinite
7	Joint Action Plan between the Committee for Emergency Situations and Civil Defense under the Government of Tajikistan and the State Emergency Service of Ukraine	Tajikistan and Ukraine	December 6, 2005	Indefinite
8	Agreement between the Republic of Tajikistan and the Swiss Confederation on cooperation in emergency situations	Tajikistan and Switzerland	November 29, 2005	Indefinite

Table 2:

Classification of emergency situations

Group I	Group II	Group III
Natural Disasters	Technogenic disasters, including accidents at factories, reservoirs, and other facilities that pose a significant risk to life, property, and the environment	Massive violations of law and order
Accidents		Usurpation of state power or violent changes to constitutional order, and acts of terrorism against territorial integrity
Spread of Infectious Diseases		

Table 3:

Colors representing hazard levels

Color	Hazard Level	Actions to be Taken
Red	Emergency hazard. Significant potential for disaster outcomes	Immediate actions must be taken.
Orange	Real hazard. A potential emergency situation exists.	Implement necessary safety measures.
Yellow	Potential hazard. Emergency situation might occur.	Prepare to take appropriate safety actions.
Green	Safe.	No actions required.

Diagram 1:

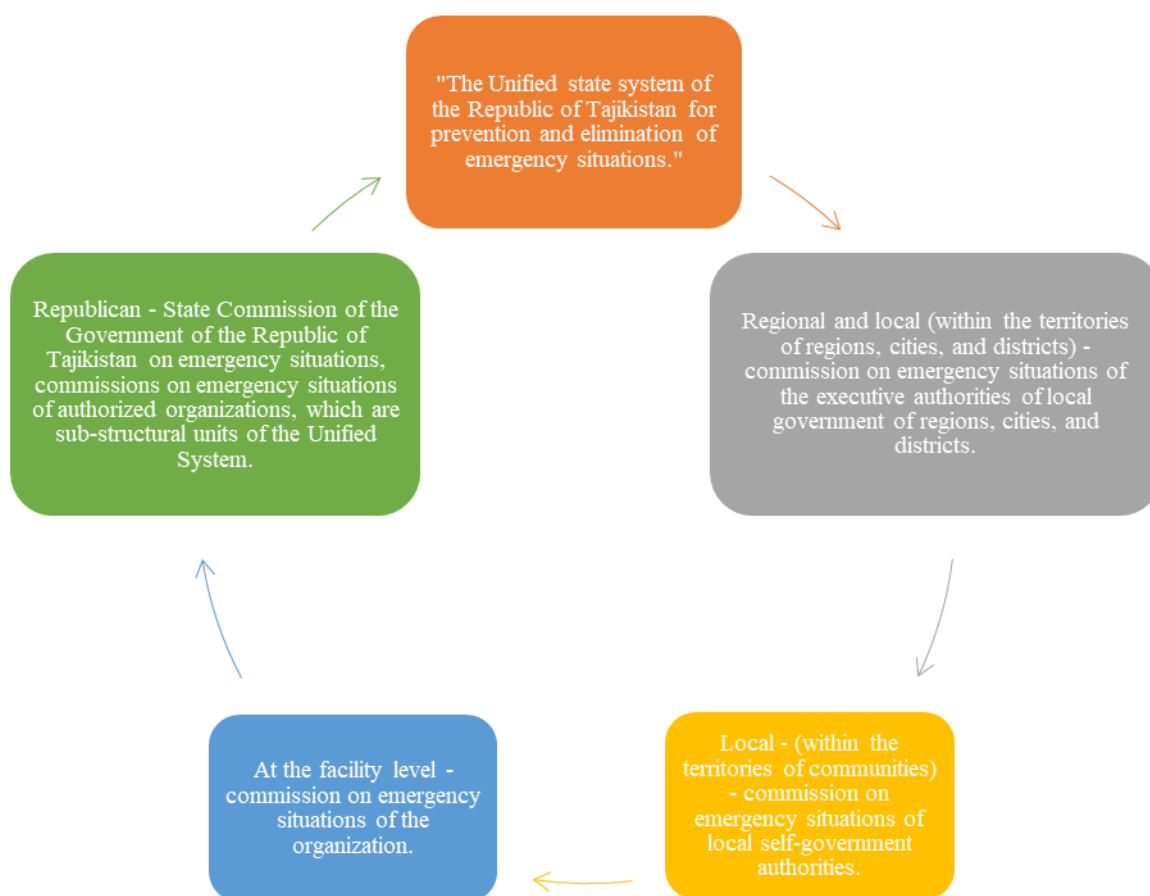
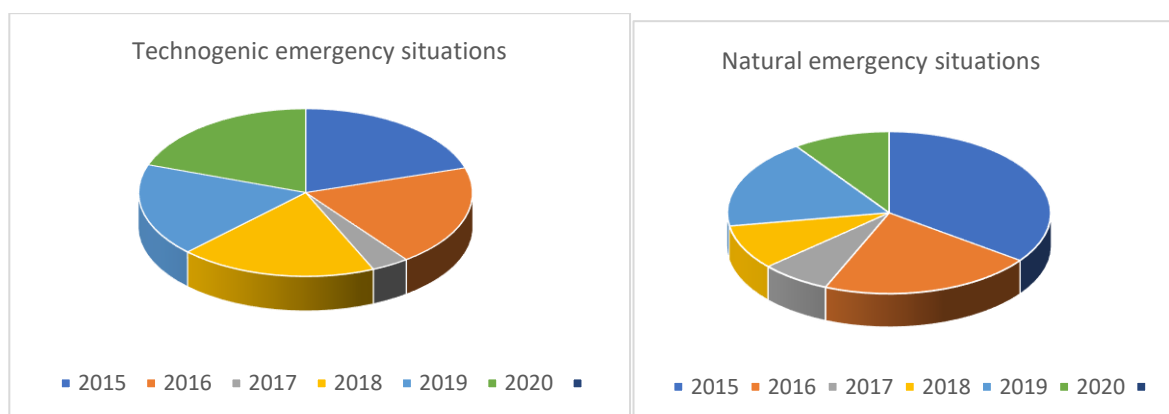
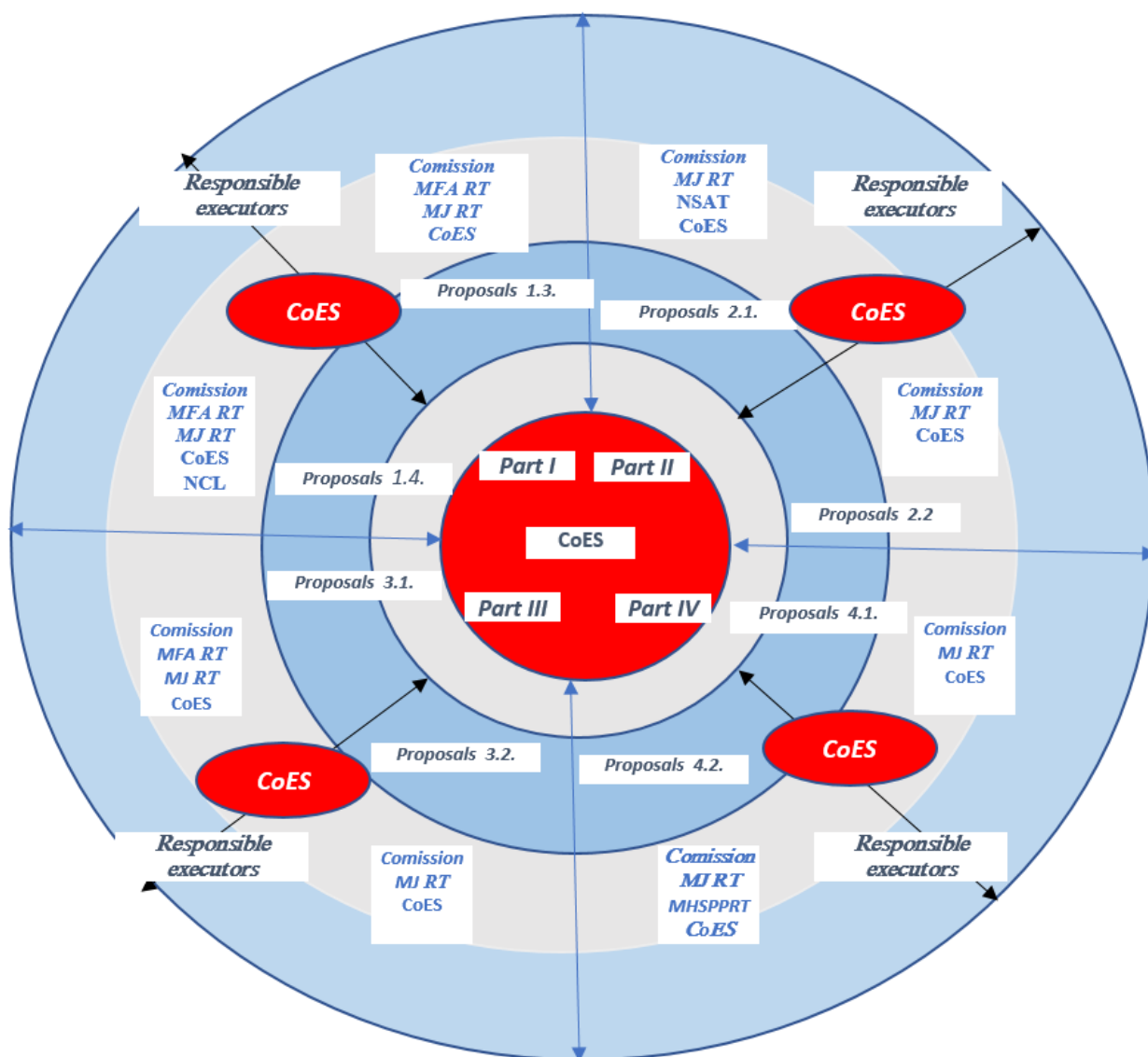


Diagram 2:



ROADMAP FOR IMPROVING LEGISLATION



LIST OF LITERATURE AND ELECTRONIC SOURCES

1. Babojonov I.Kh., Stepenko S.G. Medical law of the Republic of Tajikistan, Dushanbe, “Donish”, 2019 (in Russian).
2. First Aid. Educational Guide for Individuals Obligated or Entitled to Provide First Aid, Moscow, 2018 (in Tajik).
3. Use of hazard color codes for informing the population during emergencies. Electronic resource: [https://гражданская-оборона-и-защита-от-чс.рф/publ/opoveshhenie_i_ehvakuciya/ispolzovanie_cvetovykh_kodov_opasnosti_dlja_informirovaniya_naselenija_pri_chrezvychajnykh_situacijakh/11-1-0-578] (https://гражданская-оборона-и-защита-от-чс.рф/publ/opoveshhenie_i_ehvakuciya/ispolzovanie_cvetovykh_kodov_opasnosti_dlja_informirovaniya_naselenija_pri_chrezvychajnykh_situacijakh/11-1-0-578). Access date: 20.04.2024 (in Tajik).
4. Qushmatov A. Tajik farmers in the late 19th and early 20th centuries, Dushanbe, “Irfon”, 1996, p. 258. (in Tajik).
5. Lissauskaitė V.V. Russia's bilateral contractual cooperation in disaster risk reduction: scientific and practical overview. // SPbSU Bulletin, 14, Issue 3, pp. 88–102. (in Russian).
6. Materials of the XI International congress on comparative law «emergencies: legal regulation issues in modern society,» Moscow, December 1, 2021 (in Russian).
7. Report on the results of the implementation of the Sendai framework for disaster risk reduction 2015–2030. Electronic resource: URL: [<https://www.undrr.org/media/87268/download>] (<https://www.undrr.org/media/87268/download?startDownload>). Access date: 16.09.2024. (in Tajik).
8. Murtazoqulov J.S. Cultural-legal problems of land economy (Based on materials from the Republic of Tajikistan). Dushanbe, 2002 (in Tajik).
9. Fundamental principles of the International Red Cross and Red Crescent Movement. Ethical foundations and tools for humanitarian activities. ICRC, March 2018, pp. 14–15. Electronic resource: [https://www.icrc.org/sites/default/files/document/file_list/fundamental_principles_ruweb_.pdf] Access date: 15.03.2024 (in Tajik).
10. Tajikistan: 30 Years of state independence (statistical collection). Agency on statistics under the President of the Republic of Tajikistan, 2021, p. 329 (in Tajik).
11. Law. Security. Emergencies. Journal, No. 3 (52), 2021 (in Tajik).
12. Schmidt T.N. Legal regulation of emergencies: General theoretical study. Dissertation for the Degree of candidate of legal sciences, specialty 12.00.01 – Theory and history of law and state; history of legal and state doctrines, Barnaul, 2014 (in Russian).

Electronic Sources and Websites:

- “ADLIYA,” Centralized legal information database, CD ROM, version 7.0, 2024.
- <http://www.mmk.tj>
- <http://www.khf.tj>
- <https://iacis.ru>
- <https://www.undrr.org>
- <https://iacis.ru/>
- <https://base.spinform.ru/>
- <https://zakon.uchet.kz/>
- <https://www.icrc.org/ru/>
- <http://www.undrr.org>

ABBREVIATIONS

CSTO - Collective Security Treaty Organization

CoES - Committee on Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan

CIS - Commonwealth of independent states

ICRC - International Committee of the Red Cross

IFRC - International Federation of Red Cross and Red Crescent Societies

IOM - International Organization for Migration

IPA CIS - Interparliamentary Assembly of the Commonwealth of Independent States

MFA RT - Ministry of foreign affairs of the Republic of Tajikistan

MHSP RT - Ministry of health and social protection of the population of the Republic of Tajikistan

MJ RT - Ministry of justice of the Republic of Tajikistan

NLC - National Legislative Center under the President of the Republic of Tajikistan

NSRC - National Societies of the Red Cross and Red Crescent

RCST - Red Crescent Society of Tajikistan

SCO - Shanghai Cooperation Organization

UN - United Nations

UNGA - United Nations General Assembly

