

# Tajikistan

## Mid-term

## Implementation

## Assessment



*Promoting and strengthening  
the Universal Periodic Review*  
<http://www.upr-info.org>



## Introduction

### 1. Purpose of the follow-up programme

*The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.*

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by *UPR Info* to collect data and to calculate the index is described at the end of this document.

Geneva, 3 June 2014



## Follow-up Outcomes

### 1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/tajikistan>

We invite the reader to consult this webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

11 stakeholders' reports were submitted for the UPR. 22 NGOs were contacted. 5 UN agencies were contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

16 NGOs responded to our enquiry. None of the UN agencies responded. The State under Review did respond to our enquiry. The NHRI did not respond to our enquiry.

The following stakeholders took part in the report:

1. **State** of Tajikistan
2. **NGOs:** (1) Forum 18 News Service (F18) (2) Global Initiative to End All Corporal Punishment of Children (GIEACPC) (3) Human Rights Group "Amparo" (AMPARO) (4) Joint submission of Association of Parents of Children with Disability, Akhtari Bakht, Bureau on Human Rights and Rule of Law, Women of East, Coalition of PO From de Jure to de Facto Equality, League of Women with Disabilities 'Ishtirok', League of Women Lawyers, Mairam, NANSMIT, National Association of People with Disabilities, Independent Center on Human Rights Protection, Public Organization 'Office for Civil Freedoms', Public Fund Notabene, Public Fund Panorama, Association of People with Disabilities in Dushanbe 'Imkoniyat', Right and Prosperity, Equal Opportunities, Ranginkamon, Social Economic Center Imran, Splin Plus, Surhob, Sogd Collegium of Lawyers, Tajik Alliance of Family Planning, Khoma, Child Rights Center, Human Rights Center, Center on Psychological Health and HIV/AIDS, Chashmai Khayot, Shifo (Joint) (5) Kristina Mahnicheva (KM) (6) Reporters sans frontières (RSF)

*IRI:* 45 recommendations are not implemented, 34 recommendations are partially implemented, and 27 recommendations are fully implemented. No answer was received for 42 out of 150 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).



## 2. Index

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Hereby the issues that the MIA covers:

rec. n°	Rec. State	Issue	IRI	page
43	Algeria	Trafficking	not impl.	page 58
72	Algeria	HIV - Aids	partially impl.	page 20
34	Argentina	Women's rights	partially impl.	page 53
103	Argentina	CP rights - general, Detention conditions, International instruments, Torture and other CID treatment	partially impl.	page 33
9	Australia	NHRI	not impl.	page 65
17	Australia	International instruments, Rights of the Child, Women's rights	fully impl.	page 29
28	Australia	International instruments, Torture and other CID treatment	fully impl.	page 35
137	Australia	Freedom of opinion and expression	fully impl.	page 9
101	Austria	International instruments, Women's rights	not impl.	page 34
127	Austria	Torture and other CID treatment	not impl.	page 47
128	Austria	Detention conditions, Torture and other CID treatment	not impl.	page 47
138	Austria	Freedom of opinion and expression, Freedom of the press	fully impl.	page 10
145	Austria	Labour, Rights of the Child	not impl.	page 61
46	Bangladesh	Technical assistance, Trafficking	partially impl.	page 59
45	Belarus	Trafficking	not impl.	page 59
67	Belarus	ESC rights - general, Poverty	fully impl.	page 19
99	Belgium	Death penalty, International instruments	not impl.	page 33
122	Belgium	Justice	not impl.	page 42
1	Brazil	Special procedures	-	page 24
21	Brazil	Rights of the Child, Women's rights	partially impl.	page 53
30	Brazil	Torture and other CID treatment	fully impl.	page 37
79	Brazil	Torture and other CID treatment	fully impl.	page 46
93	Brazil	Detention conditions, Disabilities, International instruments, Torture and other CID treatment, Women's rights	not impl.	page 32
29	Canada	International instruments, Torture and other CID treatment	partially impl.	page 35
36	Canada	Rights of the Child, Women's rights	partially impl.	page 54
125	Canada	Detention conditions	not impl.	page 47
136	Canada	Freedom of opinion and expression	fully impl.	page 9
139	Canada	Freedom of religion and belief	not impl.	page 10
144	Canada	Labour, Rights of the Child	partially impl.	page 61
22	Costa Rica	Women's rights	not impl.	page 58
27	Czech Republic	International instruments, Torture and other CID treatment	fully impl.	page 35
35	Czech Republic	Rights of the Child, Women's rights	partially impl.	page 53
42	Czech Republic	Trafficking	not impl.	page 58
53	Czech Republic	Detention conditions, Extrajudicial executions	not impl.	page 35
82	Czech Republic	International instruments, Women's rights	not impl.	page 32
96	Czech Republic	Death penalty, International instruments	not impl.	page 33
123	Czech Republic	Detention conditions	not impl.	page 46
98	France	Death penalty, International instruments	not impl.	page 33

# Mid-term Implementation Assessment: Tajikistan



<b>rec. n°</b>	<b>Rec. State</b>	<b>Issue</b>	<b>IRI</b>	<b>page</b>
133	France	Freedom of opinion and expression, Freedom of the press	partially impl.	page 7
147	Germany	Freedom of religion and belief, International instruments, Rights of the Child	not impl.	page 64
7	Hungary	International instruments, NHRI	fully impl.	page 27
97	Hungary	Death penalty, International instruments	not impl.	page 33
111	Hungary	Human rights education and training	not impl.	page 21
24	Indonesia	Women's rights	fully impl.	page 53
32	Indonesia	International instruments, Torture and other CID treatment	fully impl.	page 35
39	Indonesia	International instruments, Women's rights	partially impl.	page 54
58	Italy	Freedom of religion and belief, Minorities	not impl.	page 16
20	Japan	Women's rights	partially impl.	page 57
108	Japan	Enforced disappearances, International instruments, Special procedures	not impl.	page 25
4	Latvia	Special procedures	-	page 25
41	Malaysia	Human rights education and training, Trafficking, Women's rights	not impl.	page 58
146	Malaysia	Poverty	fully impl.	page 19
50	Mexico	Justice, Rights of the Child	partially impl.	page 42
52	Morocco	Detention conditions	fully impl.	page 44
65	Morocco	Human rights education and training	fully impl.	page 18
10	Norway	NHRI	not impl.	page 65
14	Norway	Women's rights	partially impl.	page 52
134	Norway	Freedom of opinion and expression, Freedom of the press	partially impl.	page 8
142	Norway	Freedom of association and peaceful assembly, Freedom of religion and belief	fully impl.	page 12
143	Norway	Civil society	not impl.	page 13
47	Pakistan	Trafficking	partially impl.	page 59
68	Pakistan	Poverty	fully impl.	page 19
8	Poland	NHRI	not impl.	page 65
13	Poland	Civil society, UPR process	fully impl.	page 28
54	Poland	Detention conditions, Extrajudicial executions	not impl.	page 35
55	Poland	Detention conditions	partially impl.	page 45
84	Poland	Detention conditions, International instruments, Torture and other CID treatment, Women's rights	not impl.	page 32
3	Romania	Special procedures	not impl.	page 24
18	Romania	Women's rights	partially impl.	page 52
80	Romania	Rights of the Child, Torture and other CID treatment	partially impl.	page 46
66	Russian Federation	Development, Poverty	fully impl.	page 18
62	Saudi Arabia	Right to education, Rights of the Child	fully impl.	page 16
64	Saudi Arabia	Human rights education and training	partially impl.	page 14
31	Slovakia	Detention conditions, Extrajudicial executions, Torture and other CID treatment	partially impl.	page 40
140	Slovakia	Freedom of religion and belief	not impl.	page 11
121	Slovenia	Right to education, Right to water, Rights of the Child, Torture and other CID treatment	partially impl.	page 63
2	Spain	Special procedures	not impl.	page 24
11	Spain	NHRI	fully impl.	page 65
23	Spain	Women's rights	not impl.	page 53



rec. n°	Rec. State	Issue	IRI	page
37	Spain	Women's rights	partially impl.	page 54
38	Spain	Special procedures,Women's rights	partially impl.	page 54
61	Spain	Disabilities,Labour,Right to education,Rights of the Child	partially impl.	page 61
12	Sri Lanka	General	not impl.	page 66
5	Sweden	Special procedures,Treaty bodies	fully impl.	page 25
49	Sweden	Justice	fully impl.	page 41
135	Sweden	Freedom of the press	partially impl.	page 9
19	Switzerland	Women's rights	not impl.	page 52
40	Switzerland	Rights of the Child,Women's rights	partially impl.	page 54
57	Switzerland	Freedom of opinion and expression	fully impl.	page 15
74	Switzerland	CP rights - general,ESC rights - general,Labour,Migrants	partially impl.	page 21
75	Switzerland	Development,Labour,Migrants	partially impl.	page 23
95	Switzerland	Death penalty,International instruments	not impl.	page 33
15	Turkey	Human rights education and training	fully impl.	page 14
16	Turkey	National plan of action,Rights of the Child	not impl.	page 56
44	Turkey	Trafficking	not impl.	page 58
130	Turkey	Detention conditions,Justice	partially impl.	page 52
33	United Kingdom	Torture and other CID treatment	fully impl.	page 40
51	United Kingdom	Justice	partially impl.	page 43
60	United States	Labour,Trafficking	partially impl.	page 61
141	United States	Freedom of religion and belief,Minorities,Rights of the Child,Women's rights	not impl.	page 12
148	United States	Freedom of opinion and expression,Freedom of the press	not impl.	page 13
150	United States	Freedom of religion and belief,Women's rights	not impl.	page 64
25	Uruguay	Human rights education and training,International instruments,Women's rights	not impl.	page 53
26	Uruguay	Women's rights	partially impl.	page 53
56	Uruguay	Rights of the Child	not impl.	page 60
59	Uruguay	Labour,Right to education,Rights of the Child	partially impl.	page 61
81	Uruguay	Human rights education and training,Rights of the Child,Torture and other CID treatment	fully impl.	page 20
109	Uruguay	Detention conditions,Enforced disappearances,International instruments,Special procedures,Torture and other CID treatment	not impl.	page 25



### **3. Feedback on recommendations**

## **CP Rights**

Recommendation n°133: *Take all necessary measures to guarantee freedom of the press, in particular by repealing the criminalization of defamation so it is only covered by civil law, and introduce simplified and more transparent procedures for obtaining broadcasting licenses (Recommended by France)*

IRI: partially implemented

Joint submission of Association of Parents of Children with Disability, Akhtari Bakht, Bureau on Human Rights and Rule of Law, Women of East, Coalition of PO From de Jure to de Facto Equality, League of Women with Disabilities 'Ishtirok', League of Women Lawyers, Mairam, NANSMIT, National Association of People with Disabilities, Independent Center on Human Rights Protection, Public Organization 'Office for Civil Freedoms', Public Fund Notabene, Public Fund Panorama, Association of People with Disabilities in Dushanbe 'Imkoniyat', Right and Prosperity, Equal Opportunities, Ranginkamon, Social Economic Center Imran, Splin Plus, Surhob, Sogd Collegium of Lawyers, Tajik Alliance of Family Planning, Khoma, Child Rights Center, Human Rights Center, Center on Psychological Health and HIV/AIDS, Chashmai Khayot, Shifo (Joint response):

This recommendation is partially implemented.

The new Law of RT on printed and other mass media as of 19 March 2013 sets forth mechanism for access to information, where the term to provide important information is reduced to three work days.

In line with the Law of RT on amending Criminal Code of RT № 844 as of 3 July 2012 articles 135 (Insult) and article 136 (Slander) are excluded from Criminal Code of RT. At the moment cases related to protection of honour, dignity are reviewed within civil court proceedings.

#### State of Tajikistan response:

Articles 135 (Insult) and 136 (Slander) were excluded from the Criminal Code in 2012 and Civil Code was correspondingly amended to provide liability for insult and slander, thus these violations are reviewed within the system of civic courts.



**Recommendation n°134: Counter the trend of repressing free speech, including restrictions on media outlets, and take concrete steps to meet its obligations to create an environment that fosters freedom of expression(Recommended by Norway)**

IRI: partially implemented

**Forum 18 News Service (F18) response:**

Tajikistan has a record of violating freedom of religion or belief and related human rights such as the freedoms of expression and association. Among violations documented by Forum 18 are: a total ban on all participation by people under the age of 18 in all religious activity, apart from funerals; demolitions and closures of mosques, churches, and the country's only synagogue; bans on the Jehovah's Witnesses and some Islamic and Protestant movements; arbitrary jailing of Muslims and criminal charges against Jehovah's Witnesses; a ban on all religious activity without state permission; sweeping limitations on the numbers of mosques permitted and the activities allowed inside those mosques; limitations on the right to share beliefs; forcing imams in state-controlled mosques (the only sort permitted) to preach sermons ordered by the state; forcible closure of almost all the country's madrassah's (Islamic religious schools) bar one; and tight government censorship. The authority's actions imply they think that the real threat they face is people exercising their human rights outside state control.

**Joint response:**

[See response to recommendation n°133]

**Reporters sans frontières (RSF) response:**

Depuis le dernier EPU, divers services des autorités tadjiks ont pris de nombreuses mesures portant directement atteinte à la liberté d'expression et de la presse. Dans la majorité des cas, ces mesures visent directement à faire taire certains fournisseurs d'information. En février 2011, le média Asia Plus a été victime d'une plainte pour diffamation d'un service de sécurité du gouvernement, pour avoir révélé des cas de torture mettant en cause des agents de l'état. En juin 2011, le journaliste Ourinboï Ousmonov a été arrêté et accusé d'être lié à un parti islamique illégal, sur lequel il ne faisait qu'enquêter pour la rédaction de la BBC. En mars 2012, le service des Télécommunications du gouvernement a ordonné aux fournisseurs d'accès Internet de bloquer l'accès à Facebook ainsi qu'à plusieurs sites de média en ligne, vraisemblablement suite à la publication d'un article critique envers le gouvernement tadjik.

**State of Tajikistan response:**

[See response to recommendation n°133]



**Recommendation n°135: Consider changes in legislation and administrative procedures with the view to facilitate the establishment of independent media (Recommended by Sweden)**

IRI: *partially implemented*

Joint response:

[See response to recommendation n°133]

RSF response:

Au contraire de favoriser l'établissement de médias indépendants, il est à craindre que les dernières mesures législatives prises par les autorités tadjiks visent justement à limiter encore l'accès à l'information issue de médias libres. En mars 2012, le service des Télécommunications du gouvernement a ordonné aux fournisseurs d'accès Internet de bloquer l'accès à Facebook ainsi qu'à plusieurs sites de médias indépendants, vraisemblablement suite à la publication d'un article critique envers le gouvernement tadjik. A l'été 2012, le gouvernement annonçait également la prochaine création d'un groupe d'experts en informatique dont la tâche sera de surveiller les contenus accessibles sur Internet, afin de prévenir ceux jugés "diffamatoires" envers des représentants de l'Etat. De telles mesures de censure remettent en question le lectorat potentiel des médias en ligne, particulièrement les médias indépendants, souvent plus critiques, et menacent donc la viabilité de leur modèle économique, ainsi que leur survie.

State of Tajikistan response:

[See response to recommendation n°133]

**Recommendation n°136: Abolish the criminal provisions on defamation (Recommended by Canada)**

IRI: *fully implemented*

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**Recommendation n°137: Abolish criminal provisions on defamation and insult (Recommended by Australia)**

IRI: *fully implemented*

Joint response:

[See response to recommendation n°133]

RSF response:

Loin d'être aboli, le délit de diffamation demeure non seulement en vigueur, mais aussi très utilisé par les représentants des autorités tadjiks pour faire taire les critiques à leur égard. Il fait de nombreuses victimes au sein du paysage médiatique. En février 2011, le média Asia Plus a été victime



d'une plainte pour diffamation d'un service de sécurité du gouvernement, pour avoir révélé des cas de torture mettant en cause des agents de l'état. A l'été 2012, le gouvernement annonçait également la prochaine création d'un groupe d'experts en informatique dont la tâche sera de surveiller les contenus accessibles sur Internet, afin de prévenir ceux jugés "diffamatoires" envers des représentants de l'Etat.

State of Tajikistan response:

[See response to recommendation n°133]

**Recommendation n°138: Revise provisions for slander and insult in the Criminal Code so that the provisions are not used to unduly restrict journalistic activity and considerably shorten the time span given to Government institutions for imparting information to the public (Recommended by Austria)**

IRI: fully implemented

Joint response:

[See response to recommendation n°133]

RSF response:

Le délit d'insulte demeure largement utilisé par les représentants des autorités tadjiks pour faire taire les critiques à leur égard. Ils font de nombreuses victimes au sein du paysage médiatique. En février 2011, le média Asia Plus a été victime d'une plainte pour diffamation d'un service de sécurité du gouvernement, pour avoir révélé des cas de torture mettant en cause des agents de l'état. A l'été 2012, le gouvernement annonçait également la prochaine création d'un groupe d'experts en informatique dont la tâche sera de surveiller les contenus accessibles sur Internet, afin de prévenir ceux jugés "diffamatoires" envers des représentants de l'Etat. Certaines décisions prises ont entraîné des sanctions financièrement disproportionnées, mettant en péril l'existence même de certains médias, donc à terme la diversité médiatiques du pays. Par ailleurs, les mesures de censure sur internet remettent en question le lectorat potentiel des médias en ligne, particulièrement les médias indépendants, souvent plus critiques, et menacent donc la viabilité de leur modèle économique, ainsi que leur survie.

State of Tajikistan response:

[See response to recommendation n°133]

**Recommendation n°139: Bring the Law on freedom of conscience and religious organizations in compliance with international norms, promote religious tolerance and remove restrictions imposed on religious education,**



*activities of religious organizations and religious dressing* (Recommended by Canada)

IRI: *not implemented*

F18 response:

The Law on Freedom of Conscience and Religious Organisations ("the Religion Law") is misleadingly named as it facilitates and provides "legal" cover for Tajikistan's violations of freedom of religion or belief and related human rights such as the freedoms of expression and association. Among violations documented by Forum 18 are: a total ban on all participation by people under the age of 18 in all religious activity, apart from funerals; demolitions and closures of mosques, churches, and the country's only synagogue; bans on the Jehovah's Witnesses and some Islamic and Protestant movements; arbitrary jailing of Muslims and criminal charges against Jehovah's Witnesses; a ban on all religious activity without state permission; sweeping limitations on the numbers of mosques permitted and the activities allowed inside those mosques; limitations on the right to share beliefs; forcing imams in state-controlled mosques (the only sort permitted) to preach sermons ordered by the state; forcible closure of almost all the country's madrassah's (Islamic religious schools) bar one; and tight government censorship. The authority's actions imply they think that the real threat they face is people exercising their human rights outside state control. Bringing the Religion Law into line with international norms and respecting those norms in official actions would be a strong signal that the government is making a good faith effort to implement its international human rights obligations.

Recommendation n°140: *Harmonize its domestic legal framework concerning freedom of religion and belief with its international obligations* (Recommended by Slovakia)

IRI: *not implemented*

F18 response:

Tajikistan's domestic legal framework, notably its Religion and Parental Responsibility Laws, flagrantly violates its international obligations in the field of freedom of religion or belief and related human rights such as the freedoms of expression and association. Among violations documented by Forum 18 are: a total ban on all participation by people under the age of 18 in all religious activity, apart from funerals; demolitions and closures of mosques, churches, and the country's only synagogue; bans on the Jehovah's Witnesses and some Islamic and Protestant movements; arbitrary jailing of Muslims and criminal charges against Jehovah's Witnesses; a ban on all religious activity without state permission; sweeping limitations on the numbers of mosques permitted and the activities allowed inside those mosques; limitations on the right to share beliefs; forcing



imams in state-controlled mosques (the only sort permitted) to preach sermons ordered by the state; forcible closure of almost all the country's madrassah's (Islamic religious schools) bar one; and tight government censorship. The authority's actions imply they think that the real threat they face is people exercising their human rights outside state control. Harmonising the domestic legal framework in line with international human rights obligations and respecting those obligations in official actions would be a strong signal that the government is making a good faith effort to implement its international human rights obligations.

**Recommendation n°141:** *Repeal laws that negatively impact religious freedom, such as those that limit the right of women and minors to participate in religious activities, ban some minority religious groups and penalize unauthorized religious activity* (Recommended by United States)

IRI: *not implemented*

F18 response:

Tajikistan has a record of violating freedom of religion or belief and related human rights such as the freedoms of expression and association. Among violations documented by Forum 18 are: a total ban on all participation by people under the age of 18 in all religious activity, apart from funerals; demolitions and closures of mosques, churches, and the country's only synagogue; bans on the Jehovah's Witnesses and some Islamic and Protestant movements; arbitrary jailing of Muslims and criminal charges against Jehovah's Witnesses; a ban on all religious activity without state permission; sweeping limitations on the numbers of mosques permitted and the activities allowed inside those mosques; limitations on the right to share beliefs; forcing imams in state-controlled mosques (the only sort permitted) to preach sermons ordered by the state; forcible closure of almost all the country's madrassah's (Islamic religious schools) bar one; and tight government censorship. Repealing laws that negatively impact freedom of religion or belief and related rights such as the freedoms of expression and association would be a strong signal that the government is making a good faith effort to implement its international human rights obligations.

**Recommendation n°142:** *Take steps to ensure that recent amendments to the Criminal Code of 2011 are in compliance with international obligations regarding freedom of assembly and freedom of conscience* (Recommended by Norway)

IRI: *fully implemented*

F18 response:

[See response to recommendation n°141]

Joint response:

[...]

As per information provided by NHRI of RT, a working group was established under NHRI to analyze acting legislation regulating freedom of assembly and freedom of conscience.

State of Tajikistan response:

At present the working group under NHRI studies criminal legislation on violations of procedures for meetings, demonstrations, processions etc. Upon completion corresponding suggestions are to be presented.

In order to humanize criminal legislation a working group drafting new edition of Criminal Law is set up.

**Recommendation n°143: Ensure that religious and civil society organizations can operate without restrictions in accordance with its international obligations (Recommended by Norway)**

IRI: *not implemented*

F18 response:

[See response to recommendation n°134]

Human Rights Group “Amparo” (AMPARO) response:

Although Constitution and legislation of Tajikistan on public association guarantee freedom of association and assembly, in practice, such guarantee and freedom are violated and restricted by a local authorities as well as such freedom is not well guaranteed by legal provisions. Some provisions are vague and contradict to each other, which at the end grant local authorities with wide competences and space to act. In October, 2012, one of a leading human rights organization, Young Lawyers Association "Amparo", has been dissolved by a decision of the Khujand city court of Tajikistan. Decision has been made based on articles of the law of Tajikistan "On Public Association", which are opaque and contradicts to the Constitution of Tajikistan and international obligations recognized by Tajikistan.

**Recommendation n°148: Take additional steps to improve freedom of expression, including dropping remaining charges against Mr. Usmonov, and to resolve without harm to them the cases of journalists, such as Makhmadyusuf Ismoilov (Recommended by United States)**

IRI: *not implemented*

RSF response:

Ni Ourinboï Ousmonov, ni Makhmadyusuf Ismoïlov n'ont été innocentés à ce jour par les autorités tadjiks, malgré des procédures judiciaires qui



restent sujettes à caution. Pour le premier, quand bien même le délit dont il est accusé a changé par rapport au début de la procédure, il demeure jugé coupable et condamné à 3 ans de prison, après une décision en appel de la Cour suprême du Tadjikistan en novembre 2011. Pour le second, si les sanctions décidées en appel en décembre 2011 sont notablement allégées, il demeure lui aussi jugé coupable, et interdit d'exercer la profession de journaliste.

## ESC Rights

**Recommendation n°15:** *Further expand the educational activities in the field of human rights with the focus on law enforcement, civil service and vulnerable groups (Recommended by Turkey)*

IRI: *fully implemented*

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**Recommendation n°64:** *Devote increased attention to spreading a human rights culture through educational institutions and media (Recommended by Saudi Arabia)*

IRI: *partially implemented*

Joint response:

[...]

On 3 December 2012 state programme on human rights education for 2013-2020 was approved by a resolution of the GoT № 678. This programme is aimed at gradual awareness raising and improvements in awareness systems, education in the field of human rights and shift to a new level in staff training. Programme covers human rights education in state education programme, teacher, judges, civil servants, law enforcement personnel and military training and retraining. In order to coordinate overall activities on programme implementation interagency coordination council was set up which includes management of educational structures under ministry of education, other ministries, agencies and organizations. At present provisions on interagency coordination council and its work plan for 2013-2014. At present there are six working groups within the council: system of education (2 sub groups), law enforcement, military, civil servants and judges.

Expert methodological council under NHRI is being set up.



### State of Tajikistan response:

Due to completion of the key tasks set forth in the Programme on State System of Education in the field of Human Rights in the Republic of Tajikistan, that was adopted by the Resolution of the Government as of 5 June 2001 and in order to improve the system of human rights education in the country, the Government had adopted new Programme of Education in the field of Human Rights in the Republic of Tajikistan for 2013-2020 on 3 December 2012.

The Programme is aimed at gradual expansion and perfection of the awareness and educational systems in the field of human rights, transition to a qualitatively new level of personnel training in line with the requirements of national legislation and international standards.

Given Programme covers human rights education in the system of general education, retraining courses for judges, teachers, civil servants, law enforcement personnel and military servicemen on all the levels.

Interagency coordination council is set up under the NHRI to implement the Programme.

**Recommendation n°57: Take all measures in order to protect and encourage the freedom of expression and make the limitations to the freedom of expression to comply with the international obligations (Recommended by Switzerland)**

IRI: *fully implemented*

### Joint response:

This recommendation is implemented.

On 19 of March 2013 new version of the Law of RT on printed and other media is adopted.

### State of Tajikistan response:

On 19 of March 2013 the Law of the Republic of Tajikistan on Printed and other media was amended.

The law takes into consideration the opinion of journalistic community which was involved in the legal drafting process due to increased influence of the Mass Media on Society in particular independent mass media. The law is put in the compliance with international legal acts.

The law contains notions on state support of mass media which indicates that: “the State ensures implementation of the rights and legal interests of mass media. State support is implemented through funds allocation,



financial support and other types of support in the order prescribed by the legislation of the Republic of Tajikistan".

**Recommendation n°58: Guarantee freedom of religion and worship, also by fighting all forms of discrimination against people belonging to religious minorities (Recommended by Italy)**

IRI: *not implemented*

F18 response:

Tajikistan has a record of violating freedom of religion or belief and related human rights such as the freedoms of expression and association. Among violations documented by Forum 18 are: a total ban on all participation by people under the age of 18 in all religious activity, apart from funerals; demolitions and closures of mosques, churches, and the country's only synagogue; bans on the Jehovah's Witnesses and some Islamic and Protestant movements; arbitrary jailing of Muslims and criminal charges against Jehovah's Witnesses; a ban on all religious activity without state permission; sweeping limitations on the numbers of mosques permitted and the activities allowed inside those mosques; limitations on the right to share beliefs; forcing imams in state-controlled mosques (the only sort permitted) to preach sermons ordered by the state; forcible closure of almost all the country's madrassah's (Islamic religious schools) bar one; and tight government censorship.

**Recommendation n°62: Continue efforts to expand the right to education, especially in connection with the education of children (Recommended by Saudi Arabia)**

IRI: *fully implemented*

Joint response:

[...]

Activities aimed at analysing the situation with child rights implementation and develop plan of action to implement UN Committee recommendations are not implemented. Furthermore, draft law on amending additions related to definition of forced labour and criminal liability for that is not developed.

NHRI informs that at present there is a working group under NHRI office to take steps to implement UN Child Rights Committee recommendations. This group includes representatives of Ministry of Labour, Migration and Social Protection of Population, General Prosecution. Ministries of Education and Justice carry out analysis of legislation on improving access of children to education and improving conditions. Upon completion action plan will be developed to implement UN CRC recommendations on access of children to education.



Service on Prevention of Juvenile Delinquency is set up within MoF system by a resolution of the Government as of 30 May 2008, it protects rights and interests of minors.

At the moment draft law on Protection of Rights of Children is under review of the Parliament.

**State of Tajikistan response:**

Department for prevention of offenses amongst minor and youth was established under the Ministry of Interior by a resolution of the Government as of 30 May 2008. This department protects legal rights and interests of minors.

This departments works with parents or legal representatives of minors that are not implementing their obligations on upbringing, educating and well being of minors and have negative influence on minors or are treating them badly.

If cases of non attendance of educational facilities by minors are revealed, this department and its local subdivisions are carrying out preventive activities. Minors are recorded and measures to ensure enrolment of children in educational facilities are taken.

There is also a record of parents and individual preventive activities are carried out with them.

As to corporal punishment of children as prohibited method of upbringing in line with the article 57 of Family Code a child has a right to protection of his legal rights and interests. In line with article 69 of the Code one of the grounds to withdraw custody rights is cruel treatment of children and physical or psychological violence. When violating rights and interests of children, inadequate care on education and upbringing or abuse of parental rights a child has a right to independently apply to custody body and when reaching 14 years of age the child can refer to court.

As to violence in educational facilities it shall be noted that in line with the Law on education the discipline is preserved on the basis of respect of honour and dignity of students and teachers. It is prohibited to use physical violence and psychological pressure.

Prohibition of child labour is reflected in article 25 of the Law of RT on education which in particular states that it is prohibited to distract from main



functions personnel dealing with teaching, students to field and other type of work that is not related to educational process.

The Law on protection of rights of children is drafted and is being reviewed by the Parliament.

**Recommendation n°65:** *Consolidate efforts of the systematic integration of human rights education and training in the school system with specific and updated programs for the State personal and the security agents (Recommended by Morocco)*

IRI: *fully implemented*

**F18 response:**

Tajikistan's state personnel and security agents have a record of violating freedom of religion or belief and related human rights such as the freedoms of expression and association. Among violations documented by Forum 18 are: a total ban on all participation by people under the age of 18 in all religious activity, apart from funerals; demolitions and closures of mosques, churches, and the country's only synagogue; bans on the Jehovah's Witnesses and some Islamic and Protestant movements; arbitrary jailing of Muslims and criminal charges against Jehovah's Witnesses; a ban on all religious activity without state permission; sweeping limitations on the numbers of mosques permitted and the activities allowed inside those mosques; limitations on the right to share beliefs; forcing imams in state-controlled mosques (the only sort permitted) to preach sermons ordered by the state; forcible closure of almost all the country's madrassah's (Islamic religious schools) bar one; and tight government censorship. The authority's actions imply they think that the real threat they face is people exercising their human rights outside state control.

**Joint response:**

[See response to recommendation n°15]

**State of Tajikistan response:**

[See response to recommendation n°15]

**Recommendation n°66:** *Continue its efforts to fight poverty and ensure sustainable development, and to implement at the maximum extent the national development strategy for 2006-2015 and the national poverty reduction strategy for 2010-2012 (Recommended by Russian Federation)*

IRI: *fully implemented*

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**Recommendation n°67: Continue the implementation of measures aimed at fighting poverty as well as enhancing the general well-being of its citizens by ensuring their economic and social rights (Recommended by Belarus)**

**IRI: fully implemented**

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**Recommendation n°68: Strengthen its ongoing measures to eradicate poverty (Recommended by Pakistan)**

**IRI: fully implemented**

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**Recommendation n°146: Redouble its efforts in the area of poverty eradication and income disparity, including by allocating adequate human and financial resources and providing support and material assistance to the marginalized and disadvantage groups in the country (Recommended by Malaysia)**

**IRI: fully implemented**

#### State of Tajikistan response:

National development strategy for the period 2006-2015 was approved, poverty reduction strategy for the period 2010-2013 and wellbeing strategy of the population for 2013-2015.

Within recent seven years cash income of the population had increased in 4,2 times, number of deposits in 4,5 times and actual average income per worker had increased in 5,5 times. Total volume of budget revenues and expenditures had increased from 1,7 billion somoni in 2007 to 12,2 billion somoni (1 USD =4,76 somoni) in 2013 which seven times more in comparison with 2006.

Alongside increase in state budget funding allocated to social sphere had increased and in 2013 it was 6,4 billion somoni, or half of the state budget. Funding of the educational sphere was increased in 6,7 times, healthcare in 8,6 times, social protection of the population in 6,8 times, culture, sport and services to population in 7,1 times.

If total volume of the social expenses in 2000 was 106 million somoni, in 2013 it increased by 60. Similarly starting from 2006 to 2012 average salaries for the budget employees, stipends, financial support and benefits had increased by 6 times.

In 2012 salaries of social facilities had been increased, including the salaries of pre-school and general educational facilities, orphanages for disabled children and elderly employees by 40%, science, culture - by 30% and stipends by 50%.



Apart from that from 2006 to 2013 pensions were increased by 4,5 times its volume had reached from 212 million somoni to 1,6 billion somoni, i.e was increased in 7,5 times and this policy will be pursued in the future.

As a result of measures undertaken, poverty level in the country had decreased from 81% in 1999 to 38 % in 2012 i.e. almost 45% reduction. Poverty reduction is a result of economic development and macroeconomic and social sustainability.

#### Joint response:

This recommendation is implemented.

The Government of RT had approved National Development Strategy for 2006-2015, Poverty reduction strategy for 2010 – 2013 and Welfare of the population strategy for 2013 – 2015.

As per MLMSP of RT salaries of social facilities were increased in 2012, including salaries of preschool and general educational facilities staff, staff of residential care facilities for elderly and disabled children by more than 60%, staff of healthcare sphere by 40%, science - by 30% and culture and stipends by 50%. As a result of adopted social and economic steps poverty level in the country had decreased from 81% in 1999 to 38% in 2012, i.e. by almost 45%.

**Recommendation n°72: Intensify the programs on combatting HIV/AIDS (Recommended by Algeria)**

IRI: *partially implemented*

#### Kristina Mahnicheva (KM) response:

The national program exists. In 2013 the revised law on HIV was developed and it was supposed to be adopted by Parliament in 2014. Actually the main issue is that key populations - sex workers, people using drugs, LGBT are subject of bad practices of HIV testing - from mandatory HIV testing while arrested in police raids (sex workers) till HIV testing conducted not following recommended standards. As results newly HIV positive people are not ready to recognize their HIV positive status and do not want to maintain any contacts with public health facilities.

**Recommendation n°81: Adopt legislation to explicitly prohibit all forms of corporal punishment everywhere, launch awareness-raising campaigns on the negative impact of corporal punishment in children, and provide training to teachers, parents, community leaders and penitentiary institutions officers (Recommended by Uruguay)**

IRI: *partially implemented*



### Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

In accepting the recommendations to prohibit corporal punishment of children, the Government indicated that this has already been achieved. In 2012, the Government informed the UN Committee Against torture that it was taking legislative measures to exclude the use of corporal punishment in the family and schools. Since then, Tajikistan has enacted the Law on Prevention of Violence in the Family 2013. The Global Initiative is currently seeking to ascertain if the new law is being interpreted as prohibiting all corporal punishment.

**Recommendation n°111: Ensure a higher level of awareness of the population in order to overcome stigmatization (Recommended by Hungary)**

**IRI: not implemented**

### F18 response:

Tajikistan promotes discrimination against some groups of its citizens. This may be seen in the country's violations of freedom of religion or belief and related human rights such as the freedoms of expression and association. Among violations documented by Forum 18 are: a total ban on all participation by people under the age of 18 in all religious activity, apart from funerals; demolitions and closures of mosques, churches, and the country's only synagogue; bans on the Jehovah's Witnesses and some Islamic and Protestant movements; arbitrary jailing of Muslims and criminal charges against Jehovah's Witnesses; a ban on all religious activity without state permission; sweeping limitations on the numbers of mosques permitted and the activities allowed inside those mosques; limitations on the right to share beliefs; forcing imams in state-controlled mosques (the only sort permitted) to preach sermons ordered by the state; forcible closure of almost all the country's madrassah's (Islamic religious schools) bar one; and tight government censorship. The authority's actions imply they think that the real threat they face is people exercising their human rights outside state control.

## Minorities

**Recommendation n°74: Promote, through its migration service, the civil, political and social rights of migrant workers (Recommended by Switzerland)**

**IRI: fully implemented**

**Joint response:**

On 22 of June 2013 Chairman of the Committee to ensure implementation of international obligations in the sphere of human rights, First Deputy Prime Minister of RT has approved National Plan of Action on implementing UN Committee on protection of the rights of migrant workers and members of their families recommendations for the period 2013-2015.

Other activities planned are still not implemented. At the moment Migration Service of RT is being reorganized and is to become structural division of Ministry of Labour, Migration and Social Protection. It is still unknown whether the regulations on Migration Service is remaining intact and which is aimed at supporting employment of the citizens. However the main criticism of Migration service is lack of special provisions aimed at protection of rights of labour migrants as well as mechanisms to deal with complaints and appeals from labour migrants and their families

NHRI of RT informed that during recent years series of bilateral and multilateral agreements were signed, including Dushanbe Declaration of NHRI of Central Asia on cooperation, which established a council of NHRI of Central Asia, as well as Agreement on setting up Eurasian Association of Ombudsman together with Ombudsman of Kyrgyz Republic. Memorandums on cooperation with NHRI of RF and NHRI of Sverdlovsk province of RT were signed in 2011, and in 2013 with NHRI of Saint Petersburg and NHRI of Samara province of RF.

**State of Tajikistan response:**

In order to coordinate the actions on promoting civil, political and social rights of labour migrants National Plan of Action on implementation of the UN Committee on protection of the rights of labour migrants and their families for 2013-2017.

To put in order the issues of labour migration, protection of rights and interests of labour migrants and their families Ministry of Labour, Migration and Social Protection together with other involved ministries and agencies of the country had developed the Law of RT on Labour Migration in new edition.

Migration service, its provincial and city divisions had formed working groups with involvement of representatives of local executive authorities. During the meetings of the working groups issues of labour migration including vocational training, knowledge of the language of the hosting country, employment, traditions and customs on the territory of Russian



Federation, procedures related to work permits and patent as well as new developments in the legislation of host countries were discussed.

To conduct these meetings Migration service had developed more than 10 types of brochures and posters. Brochures and posters were multiplied and disseminated during the meetings with labour migrants in settlements, airports and railway stations all over the country. 23631 people took part in these meetings in 2013 out of them 8964 women.

NHRI undertakes certain steps on protection of labour migrants. To that end NHRI cooperates closely with his counterparts from other countries. To do so several bilateral and multilateral agreements were signed, including Dushanbe Declaration of NHRI in Central Asia on cooperation, which sets forth establishment of NHRI Council of Central Asia and Regions of Russian Federation.

Memorandum on cooperation with NHRI of Russian Federation and NHRI of Sverdlovsk province were signed in 2011, and in 2013 with NHRI of Saint Petersburg and NHRI of Samara and Orenburg provinces of Russian Federation.

Key objective of these agreements is developing cooperation in the field of human rights, protection of the rights of citizens of the Republic of Tajikistan on foreign territory, timely information sharing on violations and support of NHRI in reparation of rights through practical steps to enhance effectiveness of legal protection on interstate and regional levels, organization of conferences, workshops and trainings. A working group under NHRI of Tajikistan was set up to promote protection of rights of labour migrants and their families.

**Recommendation n°75: Improve the system of gathering and analysis of statistics regarding migrants' workers and develop a national strategy for migration in the wider framework of the economic development policies of the country (Recommended by Switzerland)**

IRI: partially implemented

Joint response:

Planned activities aimed at implementation of this recommendation are not implemented.

Acting system of migration registration of RT citizens needs to be reformed. Migration cards do not contain data on age of minors that are going abroad to find jobs. Furthermore, migration cards are not always available in airports, there are no information stands and no consultations available.



Often migrants are to buy migration card for certain payment from the staff of the airport or third parties that are also providing paid services to fill in the card.

As per the information of Ministry of Labour, Migration and Social Protection of RT in line with the data of Migration Services by 15 December 2013 939,492 citizens went abroad, of them 786,384 men and 153,108 women. Out of total number 779,396 people went to look for employment, out of them 682,135 men and 97,261 women.

#### State of Tajikistan response:

By a Resolution of the Government as of 4 October 2011 National Strategy of Labour Migration of Citizens of the Republic of Tajikistan for the period 2011-2015 was approved. Key objective of the strategy is to reduce shortcomings in the field of regulating labour migration and preparing the citizens to work abroad.

In order to implement the Resolution of the Government as of 1 August 2008 on record keeping of migrants and their return, Migration service had initiated roster aimed to keep record of citizens leaving the country and coming back.

## International Instruments

Recommendation n°1: Consider issuing a standing invitation to Special Procedures (Recommended by Brazil)

IRI: -

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Recommendation n°2: Extend a standing invitation to all Special Procedures (Recommended by Spain)

IRI: *not implemented*

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Recommendation n°3: Issue a standing invitation to all special procedures of the United Nations Human Rights Council (Recommended by Romania)

IRI: *not implemented*

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**Recommendation n°4: Consider extending a standing invitation to all Special Procedures of the Human Rights Council (Recommended by Latvia)**

IRI: -

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**Recommendation n°108: Become a party to the major international human rights instruments to which it has not yet acceded, such as the International Convention for the Protection of All Persons from Enforced Disappearance, as well as issue a standing invitation to special procedures mandate holders (Recommended by Japan)**

IRI: *not implemented*

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**Recommendation n°109: Ratify OP-CAT and CED and extend a standing invitation to all HRC Special Procedures (Recommended by Uruguay)**

IRI: *not implemented*

#### F18 response:

Implementing the existing recommendations of Special Procedures would be a logical counterpart to issuing a Standing Invitation. It would be positive if there were implementation in full of the recommendations (A/HRC/7/10/Add.2) and also the Follow-up Communication (A/HRC/7/10/Add.1) made by the UN Special Rapporteur on Freedom of Religion or Belief after the SR's 2007 country visit. Similarly positive would be implementing in full the 2008 Communication (A/HRC/11/6/Add.2) of the Special Rapporteur on Violence against Women, its causes and consequences.

**Recommendation n°5: Cooperate more closely with United Nations special procedures and treaty bodies in order to shorten the delay in presenting reports and implementing their recommendations (Recommended by Sweden)**

IRI: *fully implemented*

#### F18 response:

[See response to recommendation n°1]

#### Joint response:

This recommendation is partially implemented. At present there is no (not drafted) Strategy on cooperation and joint activities with UN treaty bodies, SR on timely implementation of recommendations and submission of national reports.

During the consultations with the working group of the GoT it was said that there is a need to develop clear mechanism of UPR, UN treaty bodies, UN SR recommendations implementation and monitoring, however it is still not



clear how such a mechanism will be established. Nonetheless currently GoT had provided all initial and second periodic reports for the last several years. Since 2008, serious delays with one initial and four periodic reports submission. Initial report on implementation of International Convention on the Rights of Migrant Workers and members of their families was submitted in 2010 (Concluding Observations of relevant Committee were received in 2012). In 2010 periodic report on UN Convention against Torture was submitted (Concluding Observation from CAT provided in 2012.). In 2011 periodic reports on implementing ICCPR (CO received in 2012), CEDAW (CO received in 2013) and CFRD (CO received in 2012). Also in 2011 national periodic report on implementing ICESCR was submitted in time.

At the moment GoT had adopted National plan of implementing recommendations received under UPR; Concluding Observations of UN CAT and SR on Torture; and Concluding Observations of UN Committee on rights of migrant workers.

#### **State of Tajikistan response:**

For the period from 2010 to 2013 Tajikistan had provided 8 periodic reports to UN treaty bodies, out of the 7 are reviewed:

- National Report of the Republic of Tajikistan on implementation of the Convention on Children Rights;
- National Report of the Republic of Tajikistan in implementation of the International Covenant on Civil and Political Rights;
- National Report of the Republic of Tajikistan on implementaiton of Convention on Elimination of Discrimination against Women;
- National report of the Republic of Tajikistan on implementation of International Covenant on Economic, Social and Cultural Rights;
- National Report of the Republic of Tajikistan on implementaiton of the Convention Against Torture and other forms of cruel, inhuman and degrading treatment and punishment;
- National Report of the Republic of Tajikistan on implementation of International Convention on Elimination of All Forms of Racial Discrimination;
- Report of the Republic of Tajikistan on implementation of the Convention on the Protection of Rights of Migrant Workers and their Families.

In order to introduce unified mechanism for recommendations implementation national plan of actions were developed with participation of civil society. Corresponding UN mechanisms are regularly informed on status and implementation of these plans.



Tajikistan constructively cooperates with special procedures of UN Human Rights Council, providing it with all requested information.

**Recommendation n°7: Begin the accreditation process, as the Paris Principles play an important role in the promotion and protection of international human rights standards at the national level (Recommended by Hungary)**

IRI: *fully implemented*

Joint response:

[...]

In the beginning of 2012 NHRI office in RT submitted application and other documents to subcommittee on accreditation of International NHRI Committee to identify compliance level with Paris Principles. On 28 of March 2012 application of NHRI was reviewed by subcommittee and as a result NHRI of RT had received status B. As noted on the web page it was the first application from NHRI in Central Asia. During the review of the application livecast was organized between Dushanbe and Geneva and answers to questions raised by members of subcommittee were provided.

NHRI had developed and adopted plan of actions to implement subcommittee recommendations. However since this recommendation was adopted during UPR provisions of the Law on NHRI are not compliant with Paris Principles and recommendations of the Sub Committee on accreditation.

State of Tajikistan response:

In order to adopt measures aimed at implementation of Subcommittee of International Coordination Committee under High Commissionaire on Human Rights and to improve the national institute on human rights, a working group was set up on 25 of June 2013 by a decree of Ombudsman comprising responsible officials from NHRI office. At the moment in line with certain approved working plan the group studies legislation of other countries regulating the activities of national human rights institutes in particular related to authorities, selection and appointment, pluralism of the personnel, interaction with international system of human rights, funding, as well as immunities for the Ombudsman.

In line with the timeframe set, envisaged amendments are to be provided in the second half of 2014 to the Law of RT on National Human Rights Institution.



Recommendation n°13: *Engage civil society in the UPR follow-up process* (Recommended by Poland)

IRI: *fully implemented*

F18 response:

A genuine engagement of civil society in the UPR follow-up process would require the government to stop violating human rights such as freedom of religion or belief and related human rights such as the freedoms of expression and association. Among violations documented by Forum 18 are: a total ban on all participation by people under the age of 18 in all religious activity, apart from funerals; demolitions and closures of mosques, churches, and the country's only synagogue; bans on the Jehovah's Witnesses and some Islamic and Protestant movements; arbitrary jailing of Muslims and criminal charges against Jehovah's Witnesses; a ban on all religious activity without state permission; sweeping limitations on the numbers of mosques permitted and the activities allowed inside those mosques; limitations on the right to share beliefs; forcing imams in state-controlled mosques (the only sort permitted) to preach sermons ordered by the state; forcible closure of almost all the country's madrassah's (Islamic religious schools) bar one; and tight government censorship. The authority's actions imply they think that the real threat they face is people exercising their human rights outside state control.

Joint response:

This recommendation is partially implemented.

As noted above, National plan of action on UPR recommendations implementation, CO of UNCAT and SR recommendations, CO of UN Committee on rights of migrant workers were adopted. At the moment national plans for CO CCPR and CEDAW are being drafted.

Despite the fact that civil society organizations are considerable involved in national plan of action developing, in most cases recommendations of NGOs are not considered. During the consultations it became clear that representatives of civil society are not officially involved in the working groups that were set up by several state bodies to implement UPR recommendations.

Meetings or consultations with representatives of civil society are conducted when necessary, though not regularly as noted in the action plan. There is understanding of necessity to set up joint mechanism of monitoring and implementation of recommendations among representatives of state bodies, however it never stepped further than discussions, no decisions are made so far.



### State of Tajikistan response:

The issue of setting up coordination center with participation of civil society under the Executive Office of the President of RT to carry out monitoring of implementation of UN Human Rights Council implementation, as well as recommendations provided by UN treaty bodies.

Within the framework of UPR implementation General Prosecution together with OSCE office in Dushanbe and NGO Human Rights Center had developed methodological guideline on effective identification, prevention and investigation of torture. Corresponding workshops and training are conducted for prosecution and investigation bodies to explain the requirements set in the guidelines.

Working group comprising representatives of health care bodies, prosecution and NGO is functioning under the Ministry of Healthcare and Social Protection looking at the issues of Istanbul Protocol implementation and registration of torture and cruel treatment.

**Recommendation n°17: Strengthen efforts to fulfil its obligations under CEDAW and CRC (Recommended by Australia)**

IRI: *fully implemented*

### F18 response:

Polygamy, the subordination of women and barring Muslim women from mosques are among the freedom of religion or belief and related human rights issues faced by women in Tajikistan. It would be positive if there were implementation in full of the recommendations (A/HRC/7/10/Add.2) and also the Follow-up Communication (A/HRC/7/10/Add.1) made by the UN Special Rapporteur on Freedom of Religion or Belief after the SR's 2007 country visit. Similarly positive would be implementing in full the 2008 Communication (A/HRC/11/6/Add.2) of the Special Rapporteur on Violence against Women, its causes and consequences.

### Joint response:

[...]

Since this recommendation was approved national plan of action to implement gender policy and CO of CEDAW till 2015 is not adopted. On 17 of January 2014 round table dedicated to drafting 4 and 5 national report on CEDAW as well as national plan of action for implementation of recommendations of UN Committee on Rights of Women. Draft national plan was presented by the head of gender policy of the Committee on Women and Family of RT. While analyzing the recommendations draft national plan was not discussed and it is not known when it is going to be adopted.



On 19 of March 2013 new law of RT on prevention of domestic violence was adopted. Due to this Code of Administrative Offenses was added with articles 93-1 (violation of the requirement of the legislation of the Republic of Tajikistan on prevention of domestic violence) and 93-2 (violation of the requirement of protection order). «Violation of the requirement of the legislation of the Republic of Tajikistan on domestic violence» implies «committing act of physical, psychological or economic character or a threat to commit these if such actions violate rights and freedoms of the member of the family with lack of crime evidence». Fine is imposed for violation of this article in the amount of from 2 to 5 calculation indicators (from 80 to 200 somoni, approximately 16-40 USD). Violation of protection order implies fines to physical person in the amount of from 5 to 10 calculation indicators (200 to 400 somoni, or 40-80 USd) or administrative arrest for the period of 5-15 days.

Despite of the fact that more than one year had passed since the law was adopted the state has not approved and had not provided statistics on protection order by interior bodies, registered complaints with interior bodies in case of domestic violence and subsequent administrative liability.

Committee on Women and Family of RT informs that to implement the law on prevention of domestic violence, the committee in coordination with relevant ministries and agencies and representatives of civil society had drafted State programme on prevention of domestic violence for 2014-2023 which is being reviewed by the GoT. To increase the level of legal awareness of citizens and to provide legal and psychological support to women, information and consultative centers were set up under departments and divisions of local executive authorities, 105 centers. During 2013 14,736 citizens out of them 11,128 women and 3,608 men had addressed these centers. Committee informed that 70% of the complaints were settled positively and more than 92% of women were provided with free legal consultations.

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[...]

At the moment the report is not prepared on situation with children rights protection for 2003-2010, plan of action to implement UN CRC recommendation is not drafted.

NHRI office informed that in July 2012 a department on state protection of children was set up in NHRI. Work plan of the department envisages



dissemination of UNCRC recommendations on children rights. NHRI also informed that together with the Commission on Rights of Children under the GoT regular meetings are conducted with personnel from education system, interior, social protection, youth affairs in the districts to disseminate the UN CRC recommendations. However, exact number of participants and meetings is not known

**State of Tajikistan response:**

Committee on Women and Family Affairs drafts National Action Plan to implement recommendations of the UN Committee on Discrimination against Women.

This draft plan was discussed during a round table on 17 of January 2014 with participation of ministries and agencies, civil society. In line with the suggestions of the participants the draft was finalized and provided to the Government of the country for review.

In 2014 it is planned to develop and adopt Plan of Action for 2015-2020 on implementation of National Strategy of Enhancing the Role of Women in the Republic of Tajikistan for 2011 2020.

In order to implement recommendation on prevention of domestic violence a Law of RT on Prevention of Domestic Violence was adopted on 19 March 2013.

Committee on Women and Family Affairs in coordination with relevant ministries and agencies and representatives of civil society had developed draft National Programme on Prevention of Domestic Violence for 2014-2023.

To increase level of legal awareness of citizens and to provide legal and psychological support to women, 105 district information centers were set up under local executive authority bodies. In 2013 number of applications in these centers was 14736 citizens, out of them 11128 women and 3608 men. On 70% of cases positive decisions were taken. More than 92% of women received pro bono legal aid.

In 2013 corresponding ministries and agencies had conducted explanatory sessions in all the districts of the country on the issues of rights and freedoms of women, prevention of domestic violence.

Course on prevention of violence against women was introduced in the curricula of Training Center for Judges under Council of Justice.



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With the support of UNICEF in Tajikistan in March 2011 Ministry of Justice had launched Sector on Juvenile Justice.

In 2013 Ministry of Justice had approved Action Plan on Juvenile Justice had approved Action Plan on Juvenile Justice for 2014. One of the priorities of this plan is further improvement of legislation, putting it in compliance with international norms in particular Convention on Children Rights.

From 1 to 3 of August 2013 forth Forum on Protection of Children in Central Asia was conducted, co-hosted by the Government and UNICEF which serves as a high level platform in the field of promotion of inclusiveness and enhancing the system of family support which is of benefit to children with disabilities and without disabilities, to their families and society.

To implement recommendations of the UN Committee on Children Rights department on state protection of children rights was set up under NHRI.

Events with the participation of Commission on Children Rights, representatives of educational system, healthcare, interior, social protection, departments on women and youth are carried out on the regular basis in districts and cities of the republic.

**Recommendation n°82: Ratify the Optional Protocol to CEDAW (Recommended by Czech Republic)**

**IRI: not implemented**

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**Recommendation n°84: Consider ratifying the Optional Protocol to the CEDAW as well as the Optional Protocol to the CAT (Recommended by Poland)**

**IRI: not implemented**

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**Recommendation n°93: Consider acceding to the OP-CEDAW, OP-CAT and the CRPD (Recommended by Brazil)**

**IRI: not implemented**

#### F18 response:

An essential counterpart to this would be implementing CEDAW. Polygamy, the subordination of women and barring Muslim women from mosques are among the freedom of religion or belief and related human rights issues faced by women in Tajikistan. It would be positive if there were implementation in full of the recommendations (A/HRC/7/10/Add.2) and also the Follow-up Communication (A/HRC/7/10/Add.1) made by the UN



Special Rapporteur on Freedom of Religion or Belief after the SR's 2007 country visit. Similarly positive would be implementing in full the 2008 Communication (A/HRC/11/6/Add.2) of the Special Rapporteur on Violence against Women, its causes and consequences.

Joint response:

This recommendation is still not implemented.

Committee on Women and Family of RT informed that at the moment draft resolution of Majlisi namoyandagon, Majlisi Oli of RT on ratification of Optional Protocol to CEDAW is developed and sent to all ministries and agencies for review.

State of Tajikistan response:

The issue of joining Optional Protocol to the Convention on Elimination of Discrimination against Women is at the stage of ratification.

**Recommendation n°95: Ratify the Second Optional Protocol to ICCPR, aiming at the abolition of death penalty (Recommended by Switzerland)**

IRI: *not implemented*

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**Recommendation n°96: Ratify the Second Optional Protocol to ICCPR, aiming at the abolition of death penalty (Recommended by Czech Republic)**

IRI: *not implemented*

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**Recommendation n°97: Ratify the Second Optional Protocol to the ICCPR (Recommended by Hungary)**

IRI: *not implemented*

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**Recommendation n°98: Ratify the Second Optional Protocol to ICCPR as soon as possible (Recommended by France)**

IRI: *not implemented*

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**Recommendation n°99: Ratify the Second Optional Protocol to ICCPR as soon as possible (Recommended by Belgium)**

IRI: *not implemented*

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**Recommendation n°103: Consider the possibility of ratifying OP-CAT and OP-ICCPR (Recommended by Argentina)**

IRI: *partially implemented*

Joint response:

[...]

As informed by NHRI at present there is a working group to review legal and social aspects of death penalty abolition in the legislation of RT is set



up. However the results of the activities as well as concrete timeframe to deal with preparation of ratification of the working group are still not known.

#### State of Tajikistan response:

A working group was set up in the Republic of Tajikistan in 2010 aimed to analyze social legal aspects of death penalty prohibition. Members of the working group had carried out series of meetings and round tables as well as conferences for representatives of law enforcement and court bodies.

In order to obtain reliable data on the attitude of the population to death penalty and to increase awareness on adopted changes and to identify trends in changing the attitude of the population to the issues Public Organization Nota Bene had carried out social survey from June to August 2013.

Public organization League of Women Lawyers within the framework of projects Activation of civil society on the issues related to death penalty, Involvement of state bodies, parliament, population and civil society to the issue of death penalty prohibition carries out awareness campaigns.

The survey of social opinion to abolition of death penalty is being conducted by the Center on Strategic Research under the President of the Republic of Tajikistan.

Within the framework of the project Study of historic application of death penalty during the period 1917-2004, implemented with the support of Suisse Development Cooperation Office the issues of death penalty abolition are under review.

**Recommendation n°101: Ratify without reservations the Optional Protocol to the CEDAW (Recommended by Austria)**

**IRI: not implemented**

#### Joint response:

This recommendation is still not implemented.

Committee on Women and Family of RT informed that at the moment draft resolution of Majlisi namoyandagon, Majlisi Oli of RT on ratification of Optional Protocol to CEDAW is developed and sent to all ministries and agencies for review.

#### State of Tajikistan response:

The issue of joining Optional Protocol to the Convention on Elimination of Discrimination against Women is at the stage of ratification.



## Justice

**Recommendation n°27:** *Bring the definition of torture in domestic law into line with the definition in article 1 of CAT* (Recommended by Czech Republic)

**IRI: fully implemented**

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**Recommendation n°28:** *Incorporate a definition of torture into its domestic law, in line with article 1 of CAT* (Recommended by Australia)

**IRI: fully implemented**

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**Recommendation n°29:** *Establish a legal definition of torture in line with article 1 of CAT, and independent mechanisms to investigate and prosecute related cases* (Recommended by Canada)

**IRI: partially implemented**

+

**Recommendation n°32:** *Continue its efforts in harmonizing its Criminal Code, particularly those articles related to torture, in line with the relevant international human rights instruments* (Recommended by Indonesia)

**IRI: fully implemented**

+

**Recommendation n°53:** *Ensure prompt, impartial and full investigations into all complaints and all instances of deaths in custody* (Recommended by Czech Republic)

**IRI: not implemented**

+

**Recommendation n°54:** *Ensure impartial investigations into all instances of death in custody* (Recommended by Poland)

**IRI: not implemented**

Joint response:

[...]

The activities are not implemented because even though national plan against torture was developed on the basis of UN CAT and UN SR on torture recommendations.

Representatives of NGO Coalition against torture inform that apart from incompliance of the crime content and provided punishment for torture criminal legislation does not differentiate torture from other inhuman and cruel treatment, there is no legal prohibition of torture in other relevant laws of the country. Key reasons behind inefficiency of investigations of torture complaints against law enforcement personnel is on one hand lack of



appropriate functional independence of prosecution bodies, and on the other hand excessive authorities in the system of criminal justice.

On 16 of April 2012 Criminal Code of RT was added with article 143-1, which provides criminal punishment for torture. In line with this article, «Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person, information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions». This article consists of definition of torture and qualified motives which qualify for a) fine, b) dismissal from the position or activity and c) 2 (part 1 from 2 to 5) to 15 years of imprisonment. At the same time, part 1 of article 143'1 provides grounds for skipping imprisonment for the crime limiting punishment to fine and dismissal for up to 5 years and also provides minimal imprisonment term of 2 years. Part 2 of the article provides punishment in the form of imprisonment from 5 to 8 years for torture used a) repeatedly, b) group of people on prior arrangement; c) against obviously pregnant woman or minor or person with disability; d) causing medium harm to health. If torture led to death due to neglect, deprivation of liberty from 10 to 15 years in envisaged.

On 25 of June 2012 Resolution of Supreme Court Plenum № 1 On applying norms of criminal and criminal procedure legislation in combat against torture was adopted.

General prosecution of RT had developed scientific methodological brochure: Legal issues and organization of prosecution bodies activities on preventing, identifying and investigating torture. This brochure was developed for personnel of prosecution.

On 24 of October 2012 Instruction on arrest was approved by a joint order of General Prosecutor, Minister of Interior, Minister of Justice, Committee on State Security, Director of Anti-Corruption Agency and director of Drug counteraction agency.

At the moment working group under General Prosecution is set up to study best practices of other countries on the issues related to investigation and persecution of torture.



### State of Tajikistan response:

In April 2012 Criminal Code of the Republic of Tajikistan had been introduced with the article 143, which is fully in compliance with the Article 1 of the Convention against Torture in terms of definition of torture.

Corresponding measures are being taken to increase the severity of the punishment for instigation of torture and exclusion of the punishment not related to imprisonment, possibilities to set up independent investigation mechanisms on cases of torture. In order to enhance the severity of criminal persecution a working group under the General Prosecution and Ministry of Justice is set up which also includes NHRI representatives.

**Recommendation n°30: Strengthen measures to combat and prevent torture and other cruel and degrading treatments (Recommended by Brazil)**

**IRI: fully implemented**

### Joint response:

On 15 August 2013 Chariman of the CITO, first deputy minister of RT had approved Plan of Action on prevention of torture and implementing UN CAT and UN SR on torture recommendations. Application of torture is included in the list of grounds to compensate moral and material damage to victim, corresponding amendments are introduced in civil legislation.

Activities to study best practices of criminal medical examination and drafting plan of action and drafting the law on independent criminal medical examination are not implemented.

Training programmes for vocational training of law enforcement, court and penitentiary systems are not developed. Furthermore analysis of laws on state defense to participants of criminal proceeding, on amnesty, CC, CPC, CC for their compliance with international standards is not carried out, recommendations on amending legal acts are not developed.

General Prosecution informs that during recent two years in cooperation with Executive Office of the President of RT, NHRI and with participation of representatives of UN OHCHR more than 60 workshops on prevention of torture were carried out throughout the country.

### RSF response:

En décembre 2010, le média Asia Plus a révélé dans un article des cas de torture mettant en cause des agents de l'état. L'article en question, au lieu de susciter une enquête à l'interne, a donné lieu à une plainte pour diffamation de la part du service de sécurité accusé. Plus tard, en 2011, le



journaliste Ourinboï Ousmonov a vraisemblablement été victime d'actes de torture et de mauvais traitements durant sa détention préventive. Aucune enquête ou sanction à l'égard des personnes mises en cause n'est connue à ce jour. De tels cas d'impunité, alors même que les affaires ont été rendues publiques, constituent des signes très négatifs des autorités à l'encontre de ceux qui continuent à recourir à la torture au Tadjikistan.

**State of Tajikistan response:**

In order to implement the recommendations of the Committee against Torture and Special Rapporteur on Torture Action Plan on prevention of torture was developed and approved alongside the recommendations of the Committee against Torture and UN SR on Torture, Inhuman and Degrading Treatment and Punishment Juan Mendez. A working group on implementation of the Action Plan is set up under the Supreme Court with participation of all relevant ministries and agencies.

To increase professional knowledge of the law enforcement, prosecution personnel and judges workshops and trainings are conducted on prevention of torture. During the last two years Executive Office of the President together with Prosecution, NHRI and with support of UN OHCHR in the country had conducted 60 workshops in all the districts of the country.

In order to enhance legal guarantees of rights of convicted the Law of RT on Order and Conditions of Imprisonment for suspect, accused is adopted on 28 June 2011.

In line with the given law, right from the arrest a person has a right to see the lawyer in private without any limitations in terms of duration of such meetings. The ground for the meeting is the order or a license for carrying out legal activities. Permission of investigator for such a meeting is not required (article 18).

After the introduction of article 1431 in Criminal Code, Ministry of Interior had developed Plan of Action on prevention of torture by police personnel, instruction on investigation of cases related to violation of service discipline, legal and other violations.

Education and awareness of law enforcement personnel and soldiers is implemented through existing systems of vocational and legal training of law enforcement and military personnel and through the workshops and courses, information sharing meetings with specialists in the field of human rights.



Personnel of the Ministry of Interior undergo examination which includes obligatory testing of legislation on prevention of torture. Ministry of Interior had installed video cameras in the departments of interior to monitor and control activities of the law enforcement personnel at arrest.

Hot line is set up which is functioning on 24/7 basis.

On 14 of March 2014 upon the initiative of the Ministry of Interior a scientific practical conference on State protection of the participants of criminal process as one of the key aspects of ensuring human rights was conducted.

In order to enhance effectiveness of prevention of torture Plenum of the Supreme Court of the Republic of Tajikistan was adopted on 25 of June 2012 on application of the norms of criminal and criminal procedure legislation on prevention of torture.

In order to collect and aggregate the data on torture during investigation and trial Supreme Court had introduced a specific complaint card.

In all the courts, prosecution office and system of interior a separate complaint form on torture in introduced.

A working group aimed at conducting monitoring of detention centers with participation of Coalition against Torture was set up upon the initiative of NHRI in order to prevent torture in detention facilities as well as to improve the conditions, ensure system of regular visits, developing and provision of recommendations on ratification of Optional Protocol to Convention against Torture. At present the working group is functioning in compliance with the adopted provisions and plan of work.

Executive office of the President in cooperation with General Prosecution , NHRI and National University and NGOs conduct on a regular basis trainings on international standards against torture in penitentiary institutions.

#### AMPARO response:

Notwithstanding that Tajikistan takes some measures to amend and improve legislation to fight against torture and inhuman treatment, in the practice, torture and inhuman treatment are committed by law enforcement bodies in systematic way. Inhuman treatment in armed forces of Tajikistan remains unrecognized by the Government. There are no effective mechanisms and willingness of military prosecutor offices and the government to fight against inhuman treatment in armed forces. Defense



institutions and military units are closed as well as military prosecutor offices and military courts. Lack of access to military units and aforementioned institutions complicates a process of bringing a complaint against perpetrators, to monitor and observe how investigation takes place. Besides, military prosecutor office does not provide any information about a number of inhuman treatments as such information is considered as a state secret. Needed to add, even when military prosecutor offices file cases on hazing, only soldiers are subject of criminal sentences, officers and other responsible officials remain unpunished.

In cases of death of soldiers, military prosecutor offices and military units do not provide clear information about reasons of such death. If such information is provided, aforementioned bodies state that a reason of death has been improper use of weapon. Inhuman treatment in armed forces is not qualified as torture and inhuman treatment stipulated in article 143 of the Criminal Code. Such crime is prosecuted under article 373 of the Criminal Code as violation of military regulation between armed forces personnel.

**Recommendation n°31:** *Adopt and implement efficient measures to prevent torture and other forms of ill-treatment, and ensure prompt and credible investigations into all allegations of torture including deaths in custody* (Recommended by Slovakia)

IRI: *partially implemented*

Joint response:

[See response to recommendation n°30]

RSF response:

[See response to recommendation n°30]

State of Tajikistan response:

[See response to recommendation n°30]

**Recommendation n°33:** *Take concrete actions to eradicate the use of torture, including through strengthening relevant provisions in national legislation* (Recommended by United Kingdom)

IRI: *fully implemented*

Joint response:

[See response to recommendation n°30]

State of Tajikistan response:

[See response to recommendation n°30]



**Recommendation n°49: Undertake further and concerted efforts, including changes in legislation and administrative procedures, to strengthen the effectiveness and independence of the judiciary (Recommended by Sweden)**

**IRI: fully implemented**

**F18 response:**

The rule of law and respect for fundamental human rights including the right to a fair trial is largely absent from Tajikistan. This facilitates the country's violations of freedom of religion or belief and related human rights such as the freedoms of expression and association. Among violations documented by Forum 18 are: a total ban on all participation by people under the age of 18 in all religious activity, apart from funerals; demolitions and closures of mosques, churches, and the country's only synagogue; bans on the Jehovah's Witnesses and some Islamic and Protestant movements; arbitrary jailing of Muslims and criminal charges against Jehovah's Witnesses; a ban on all religious activity without state permission; sweeping limitations on the numbers of mosques permitted and the activities allowed inside those mosques; limitations on the right to share beliefs; forcing imams in state-controlled mosques (the only sort permitted) to preach sermons ordered by the state; forcible closure of almost all the country's madrassah's (Islamic religious schools) bar one; and tight government censorship.

**Joint response:**

This recommendation is partially implemented.

Preliminary analysis of Judiciary Reform Programme for 2010-2013 was carried out in the end of June 2013, corresponding recommendations were developed. Analysis was carried out by Bureau on Human Rights and Rule of Law in cooperation with Center on Strategic Research under the President of RT and MoJ. Judiciary system remains weak and ineffective. In general, objectives and targets of the programme were aimed at reforming the legislation, however measures to settle down institutional problems (risks of corruption, lack of transparency and accountability of judiciary).

Council of Justice indicated that there is a working group that is drafting the next phase of judiciary reform. However, clear information on its composition and format are not available.

**State of Tajikistan response:**

On the basis of Judiciary Reform for 2011-2013 several legal acts were developed and adopted which stipulate set up of court collegiums on family and administrative cases, a competition for intern-judges and salaries for



judges are increased. At present new judiciary reform programme is being developed for 2015-2017.

**Recommendation n°50: Establish the necessary measures and legislation to reform the judicial system in conformity with international standards on justice, including a juvenile justice system, and, in particular, guarantee the tenure of judges and magistrates (Recommended by Mexico)**

IRI: *partially implemented*

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**Recommendation n°122: Place the Council of Justice as a full independent body outside of the control of the executive (Recommended by Belgium)**

IRI: *not implemented*

#### Joint response:

Envisaged activities are not implemented except for adopting the Resolution of Supreme Court Plenum № 9 as of 18 November 2013. On applying international treaties ratified by the Republic of Tajikistan in national courts.

Council of Justice informs that the results of studying the work load of judges on court cases, 22 additional judges and 30 staff members were approved to increase the number of justice in court system by a Decree of the President of RT № 1441 as of 25 March 2013.

Council of Justice informs that with the support of European Bank of Reconstruction and Development had equipped court room for simulation trials and a library. UNICEF continue activities on renovation and rehabilitation of 7 courts, equipping it with modern equipment and preparing separate court rooms to review cases on minors. To implement resolution of Supreme Court Plenum as of 12 December 2002 №6 (with amendments and changes as of 22 December 2006, 23 June 2010 and 23 November 2012) criminal cases of minors in city and district courts are reviewed by family court chairman.

#### State of Tajikistan response:

In order to enhance awareness and independence of judiciary a working group to develop new Judiciary Reform Programme for 2015-2017 was set up. This programme is a third phase of judiciary reform which envisages implementation of actions aimed at improving legislation and activities of court.

It shall be emphasized the Council of Justice in accordance with the Constitution is not included in the Executive authority branch of Tajikistan.



At present the suggestions on ensuring complete independence of Council of Justice are being developed.

**Recommendation n°51: That substantive reform of the penal system is pursued as a priority by the Government** (Recommended by United Kingdom)

IRI: *partially implemented*

Joint response:

Activities to implement this recommendation are not yet carried out. Thus, analysis of legislation is still not conducted, concept on criminal executive system is not developed. Criminal executive system of RT is not transparent and closed to carry out immediate and independent visits and assessment of conditions and complaints on torture.

State of Tajikistan response:

With the support of the Government and local government bodies and in cooperation with civil society and international organization penitentiary system is undergoing gradual reforms aimed at humanization and protection of rights of convicted.

Best practices from penitentiary systems of European countries is being introduced in Tajikistan.

Main department of criminal persecution of the Ministry of Justice carries out activities on putting detention centers in compliance with international standards and international minimum standards on AIDS, TB and malaria prevention, support in improving legislative basis in the area in order to ensure further reforms of penitentiary systems and to educate the personnel of the systems are carried out.

Together with international organizations such as OSCE, International Center on Prison Research are working on educating the staff of the penitentiary system on international human rights norms and standards.

Agreements on cooperation are signed with Main Department of criminal persecution under Ministry of Justice and 12 international organizations. Trainings for the personnel are being conducted on prohibition of torture and inhuman treatment in prisons.

To ensure social rehabilitation of released there are 4 social bureaus on the territory of detention centers that have experience in this kind of activities.

Within implementation of the programme on decreasing drug addiction and with the support of CADAP international organization a rehabilitation center



for drug addicts was constructed. With the support of international organization CARITAS-Luxembourg medical units for TB patients are renovated in all the centers, treatment on DOTS, DOTS+ is ensure that allowed to settle the problem with early identification of the disease. The activities and prevention work allowed to decrease mortality rate amongst imprisoned.

In line with article 21 of the Code on Execution of Criminal Liability a right to freedom of belief is ensured in every detention center. There are mosques and churches for prisoners.

In May 2012 and February 2014 Tajikistan was visited by UN SR on Torture - Juan Mendez. To implement recommendations that were provided by the SR in 2012 the Government had adopted and is implementing National Plan of Action.

**Recommendation n°52: Take further measures to increase the capacity of penitentiary institutions and better promote the prisoners' rights, among others, the right to food and the right to safe water and sanitation (Recommended by Morocco)**

IRI: *fully implemented*

Joint response:

Activities to implement this recommendation are still not finalized. Due to lack of transparency and reporting of the activities of penitentiary system information on state funds allocation to penitentiary institutions is still not accessible as well as that on number of staff that had undergone training on minimal rules.

MoJ informs that at the moment agreements with more than 12 international organizations and NGOs are signed. It is also known that 4 social offices on social rehabilitation of released people were set up on the territory of detention facilities. MoJ informs that GoT annually allocates budget resources to sustain the inmates including expenses on food, water and sanitation, moreover budget allocations are subjected to annual increase from 8 to 12%. MoJ also informed that by a decision of rector of Retraining institute under MoJ law enforcement personnel, personnel of justice bodies and services can undergo training per approved curriculum. In line with the curriculum 30 staff members of Main Division were trained on international standards on treating imprisoned people in 2013.

MoF informs that during last 5 years funding of criminal executive system increases annually and was in general 175 million somoni. In 2014 funding



for criminal executive system is 46,5 million somoni in state budget which is 17,4 % higher than in 2013.

#### State of Tajikistan response:

At present Main Department on Criminal Persecution under the Ministry of Justice cooperates with the following international and local NGOs: CADP, UNICEF, OSI, Deutch Humanitarian Organization AIDS fund East-West, UNODC, Global Fund on TB and Malaria UNDP, Penal Reform International, European Office of International Association of Prison Services, CARITAS-Luxembroug, CARHAP, NGO Inspiration, NGO Marvorid, NGO Spin-plus, Analytical Consultative Center on Human Rights. Representatives of these organizations had visited prisons on numerous occasions.

Retraining institute of law enforcement personnel, justice bodies and legal institutions and organizations provides regular capacity building trainings for the staff of penitentiary system.

**Recommendation n°55: Establish an independent complaints mechanism for persons held in custody (Recommended by Poland)**

IRI: partially implemented

#### Joint response:

At the moment this recommendation is under implementation.

By a decree of NHRI, working group on visiting and monitoring detention centers was set up in 6 August 2013. Working group includes representatives of NHRI office, Executive office of the President, Parliament, court bodies as well as representatives of civil society, members of Coalition against torture. On 31 of December 2013 NHRI had approved two working plans for working and monitoring groups. In February 2014 working group comprising of NHRI representatives and NGO Coalition had conducted first monitoring of Temporarily Isolator under Mol of RT.

#### State of Tajikistan response:

At present the issues of ratification of Optional Protocol to Convention against Torture is under review. To this end a working group comprising representatives of corresponding state bodies, NGOs including Coalition against Torture was set up. Action plan of the working group was approved which is implemented with the support of OHCHR in Tajikistan, Suisse Development Cooperation office etc.



**Recommendation n°79: Consider enacting legal prohibition to the use of corporal punishment (Recommended by Brazil)**

IRI: *fully implemented*

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**Recommendation n°80: Enact legislation to achieve the prohibition of corporal punishment of children in all settings, including in the home and in schools as a matter of priority (Recommended by Romania)**

IRI: *partially implemented*

GIEACPC response:

In accepting the recommendations to prohibit corporal punishment of children, the Government indicated that this has already been achieved. In 2012, the Government informed the UN Committee Against torture that it was taking legislative measures to exclude the use of corporal punishment in the family and schools. Since then, Tajikistan has enacted the Law on Prevention of Violence in the Family 2013. The Global Initiative is currently seeking to ascertain if the new law is being interpreted as prohibiting all corporal punishment.

**Recommendation n°123: Amend the Criminal Procedural Code to the effect that detention records have to record the identity of the officers involved in detaining a person, in line with Principle 12 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Recommended by Czech Republic)**

IRI: *not implemented*

Joint response:

[...]

On 24 October, 2012 by a joint decision of General Prosecutor of RT and heads of all law enforcement bodies Instruction on arrest was approved. Instruction obliges explanation of rights of arrested at the place of arrest, immediate access to lawyer, proper registration of data on arrest (including names and positions of officers involved) accessibility of rosters to lawyer and arrested person, medical examination, as well as notification to relatives on arrest and transfer to other detention center.

General Prosecution had informed that to implement activities aimed at amending CPC and Law of RT on procedures and conditions of arrested, accused and suspects a working group was set up under the Ministry of Justice of RT.

State of Tajikistan response:

Within implementation of Plan of Action of Prevention of Torture and implementation of UN SR on Torture recommendations Juan Mendez, on



24 of October 2012 by a joint decree of General Prosecutor and heads of law enforcement bodies had issued the Instruction on arrest.

Instruction envisages explanation of rights to arrested on the spot, immediate access to lawyer, thorough registration of information on arrest, including names and positions of everyone participating in the arrest, access of lawyer to these data and arrested, medical examination as well as notification of relatives of arrested on the fact of arrest and further transfer.

At the same time in order to implement National Plan of Action which envisages amending Criminal Procedure Code, Law on conditions and order of imprisonment for suspected, accused, convicted a working group was set up under the Ministry of Justice.

The resolution of Supreme Court Plenum on application of norms of criminal and criminal procedure code on prevention of torture as of 25 June 2012 sets forth several actions to enhance guarantees of the rights of arrested, including the right to a phone call, considering the moment of arrest as the starting point, criminal liability for violating the rights of arrested including failure to indicate the time of arrest.

**Recommendation n°125: Ensure that administrative detention is subject to the same right to challenge the lawfulness of detention as other forms of detention (Recommended by Canada)**

IRI: *not implemented*

**State of Tajikistan response:**

In order to implement this recommendation a working group was set up under National Legislative Center to study necessity of amending and adding the legislation in order to appeal the legal grounds for administrative arrest in the same scale as existing opportunities of other types of arrest.

**Recommendation n°127: Ensure that cases of torture will be systematically investigated and perpetrators held accountable (Recommended by Austria)**

IRI: *not implemented*

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**Recommendation n°128: Establish regular medical examinations of persons deprived of their liberty, set up an independent complaint mechanism for torture allegations (Recommended by Austria)**

IRI: *not implemented*

**Joint response:**

[...] The activities are not implemented because even though national plan against torture was developed on the basis of UN CAT and UN SR on torture recommendations.

Representatives of NGO Coalition against torture inform that apart from incompliance of the crime content and provided punishment for torture criminal legislation does not differentiate torture from other inhuman and cruel treatment, there is no legal prohibition of torture in other relevant laws of the country. Key reasons behind inefficiency of investigations of torture complaints against law enforcement personnel is on one hand lack of appropriate functional independence of prosecution bodies, and on the other hand excessive authorities in the system of criminal justice.

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Executive office of the President in cooperation with General Prosecution , NHRI and National University and NGOs conduct on a regular basis



trainings on international standards against torture in penitentiary institutions.

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At present the issues of ratification of Optional Protocol to Convention against Torture is under review. To this end a working group comprising representatives of corresponding state bodies, NGOs including Coalition against Torture was set up. Action plan of the working group was approved which is implemented with the support of OHCHR in Tajikistan, Suisse Development Cooperation office etc.

**Recommendation n°130:** *Ensure detainees have prompt access to a lawyer, doctor and family members from the time that they are taken into custody, and consider the establishment of an independent health service to conduct examinations of detainees upon arrest and release* (Recommended by Turkey)

IRI: partially implemented

Joint response:

[See responses to recommendations n°27 and n°30]

State of Tajikistan response:

[See responses to recommendations n°27 and n°30]

## Women & Children

**Recommendation n°14:** *Strengthen the protection and promotion of women's rights through appropriate legislative and policy measures and by addressing discriminatory social and cultural attitudes and practices* (Recommended by Norway)

IRI: partially implemented

+

**Recommendation n°18:** *Continue its work for the clarification of all operational aspects of specific laws regarding gender equality and improve the implementation of these measures* (Recommended by Romania)

IRI: partially implemented

+

**Recommendation n°19:** *Take into account gender equality in all areas, in view of providing equal access to decision-making positions within the*

government as well as to education, justice and land (Recommended by Switzerland)

IRI: *not implemented*

+

Recommendation n°21: *Further legislative and policy measures aimed at ensuring gender equality and combating violence against women and girls* (Recommended by Brazil)

IRI: *partially implemented*

+

Recommendation n°23: *Adopt political measures to increase the representation of women in decision-making and high-level posts in the public administration* (Recommended by Spain)

IRI: *not implemented*

+

Recommendation n°24: *Continue its efforts to raise the level of gender awareness not only among public servants at all levels of the government, but also among community at large* (Recommended by Indonesia)

IRI: *fully implemented*

+

Recommendation n°25: *Carry out national programs to disseminate and create awareness among women in the country, related to all the aspects regulated by CEDAW* (Recommended by Uruguay)

IRI: *not implemented*

+

Recommendation n°26: *Implement comprehensive measures, in particular in rural areas, to initiate a change with regard to the widely accepted subordination of women and its stereotypes in the country* (Recommended by Uruguay)

IRI: *partially implemented*

+

Recommendation n°34: *Evaluate the possibility of increasing its efforts to prevent, criminalize and eliminate all forms of violence against women, including measures aimed at the promotion of their rights and the elimination of patriarchal and discriminatory stereotypes* (Recommended by Argentina)

IRI: *partially implemented*

+

Recommendation n°35: *Treat violence against women as a criminal offence, and enact the existing draft Bill on Social and Legal Protection against Domestic Violence* (Recommended by Czech Republic)

IRI: *partially implemented*

+

Recommendation n°36: *Enact the draft bill on Social and Legal Protection against Domestic Violence and develop a national plan to prevent and eradicate violence against women* (Recommended by Canada)

IRI: partially implemented

+

Recommendation n°37: *Adopt legislative measures to criminalize and prosecute gender violence at public instances, as well as establish shelters for women victims of violence and train staff involved into investigations of those cases* (Recommended by Spain)

IRI: partially implemented

+

Recommendation n°38: *Implement the recommendations made by the Special Rapporteur on violence against women in 2008* (Recommended by Spain)

IRI: partially implemented

+

Recommendation n°39: *Enact the legislation as it will help to protect the women of Tajikistan from domestic violence, in line with CEDAW and ICCPR, to which Tajikistan is a signatory* (Recommended by Indonesia)

IRI: partially implemented

+

Recommendation n°40: *Adopt and implement efficiently a law against domestic violence* (Recommended by Switzerland)

IRI: partially implemented

#### F18 response:

Polygamy, the subordination of women and barring Muslim women from mosques are among the freedom of religion or belief and related human rights issues faced by women in Tajikistan. It would be positive if there were implementation in full of the recommendations (A/HRC/7/10/Add.2) and also the Follow-up Communication (A/HRC/7/10/Add.1) made by the UN Special Rapporteur on Freedom of Religion or Belief after the SR's 2007 country visit. Similarly positive would be implementing in full the 2008 Communication (A/HRC/11/6/Add.2) of the Special Rapporteur on Violence against Women, its causes and consequences.

#### Joint response:

[...]

Since this recommendation was approved national plan of action to implement gender policy and CO of CEDAW till 2015 is not adopted. On 17 of January 2014 round table dedicated to drafting 4 and 5 national report on CEDAW as well as national plan of action for implementation of recommendations of UN Committee on Rights of Women. Draft national plan was presented by the head of gender policy of the Committee on



Women and Family of RT. While analyzing the recommendations draft national plan was not discussed and it is not known when it is going to be adopted.

On 19 of March 2013 new law of RT on prevention of domestic violence was adopted. Due to this Code of Administrative Offenses was added with articles 93-1 (violation of the requirement of the legislation of the Republic of Tajikistan on prevention of domestic violence) and 93-2 (violation of the requirement of protection order). «Violation of the requirement of the legislation of the Republic of Tajikistan on domestic violence» implies «committing act of physical, psychological or economic character or a threat to commit these if such actions violate rights and freedoms of the member of the family with lack of crime evidence». Fine is imposed for violation of this article in the amount of from 2 to 5 calculation indicators (from 80 to 200 somoni, approximately 16-40 USD). Violation of protection order implies fines to physical person in the amount of from 5 to 10 calculation indicators (200 to 400 somoni, or 40-80 USd) or administrative arrest for the period of 5-15 days.

Despite of the fact that more than one year had passed since the law was adopted the state has not approved and had not provided statistics on protection order by interior bodies, registered complaints with interior bodies in case of domestic violence and subsequent administrative liability.

Committee on Women and Family of RT informs that to implement the law on prevention of domestic violence, the committee in coordination with relevant ministries and agencies and representatives of civil society had drafted State programme on prevention of domestic violence for 2014-2023 which is being reviewed by the GoT. To increase the level of legal awareness of citizens and to provide legal and psychological support to women, information and consultative centers were set up under departments and divisions of local executive authorities, 105 centers. During 2013 14,736 citizens out of them 11,128 women and 3,608 men had addressed these centers. Committee informed that 70% of the complaints were settled positively and more than 92% of women were provided with free legal consultations.

#### **State of Tajikistan response:**

Committee on Women and Family Affairs drafts National Action Plan to implement recommendations of the UN Committee on Discrimination against Women.



This draft plan was discussed during a round table on 17 of January 2014 with participation of ministries and agencies, civil society. In line with the suggestions of the participants the draft was finalized and provided to the Government of the country for review.

In 2014 it is planned to develop and adopt Plan of Action for 2015-2020 on implementation of National Strategy of Enhancing the Role of Women in the Republic of Tajikistan for 2011-2020.

In order to implement recommendation on prevention of domestic violence a Law of RT on Prevention of Domestic Violence was adopted on 19 March 2013.

Committee on Women and Family Affairs in coordination with relevant ministries and agencies and representatives of civil society had developed draft National Programme on Prevention of Domestic Violence for 2014-2023.

To increase level of legal awareness of citizens and to provide legal and psychological support to women, 105 district information centers were set up under local executive authority bodies. In 2013, number of applications in these centers was 14,736 citizens, out of them 11,128 women and 3,608 men. On 70% of cases positive decisions were taken. More than 92% of women received pro bono legal aid.

In 2013, corresponding ministries and agencies had conducted explanatory sessions in all the districts of the country on the issues of rights and freedoms of women, prevention of domestic violence.

Course on prevention of violence against women was introduced in the curricula of Training Center for Judges under Council of Justice.

**Recommendation n°16: Establish a mechanism to follow up and evaluate the implementation of the mentioned national plan of action for children for the period 2003-2010 (Recommended by Turkey)**

**IRI: not implemented**

**F18 response:**

Tajikistan has acted against respect for the human rights of the child and of young people. For example, the Parental Responsibility Law is hostile to freedom of religion or belief and related rights such as the freedoms of expression and association. This Law bans jewellery and tattoos, limits the names parents can choose for their children, bans "the encouragement of children to receive education in illegal schools and education institutions as



well as from individual persons who do not have permission for such activity", requires parents "not to allow the education of adolescent children abroad without the permission of appropriate state agencies" and bans the participation of children and young people below the age of 18 in religious events apart from funerals.

Joint response:

This recommendation is not implemented

At the moment the report is not prepared on situation with children rights protection for 2003-2010, plan of action to implement UN CRC recommendation is not drafted.

NHRI office informed that in July 2012 a department on state protection of children was set up in NHRI. Work plan of the department envisages dissemination of UNCRC recommendations on children rights. NHRI also informed that together with the Commission on Rights of Children under the GoT regular meetings are conducted with personnel from education system, interior, social protection, youth affairs in the districts to disseminated the UN CRC recommendations. However exact number of participants and meetings is not known.

**Recommendation n°20: Continue strengthening the measures it is taking to promote gender equality and the empowerment of women (Recommended by Japan)**

IRI: *partially implemented*

KM response:

The overall policy exists. The law on gender equality was adopted in 2005. In the same time this law does not mention invisible groups of women whose voices are hard to raise (i.e. sex workers and LBT). Moreover the overall context is very discriminatory. Sex workers issues are some kind mentioned in HIV area.

F18 response:

[See response to recommendation n°14]

Joint response:

[See response to recommendation n°14]

State of Tajikistan response:

[See response to recommendation n°14]



**Recommendation n°22:** *Implement policies to ensure women's equality with regard to working positions and the home and seek to protect women from all forms of violence (Recommended by Costa Rica)*

**IRI: not implemented**

**KM response:**

Violence against sex workers is not recognized. The Alternative report on situation with sex workers to CEDAW in October 2013 was submitted and good recommendations were obtained. It is unclear how these recommendations will be addressed

**F18 response:**

[See response to recommendation n°14]

**Joint response:**

[See response to recommendation n°14]

**State of Tajikistan response:**

[See response to recommendation n°14]

**Recommendation n°41:** *Intensify measures in comprehensively addressing the problem of human trafficking and violence against women, including by, among others, implementing social, educational and legal safeguards, public awareness campaigns to sensitize the community and to continue building law enforcement capabilities and capacities (Recommended by Malaysia)*

**IRI: not implemented**

+

**Recommendation n°42:** *Enforce the Trafficking in Persons Act and intensify international and bilateral cooperation in order to further curb trafficking (Recommended by Czech Republic)*

**IRI: not implemented**

+

**Recommendation n°43:** *Continue the efforts in view of the realization of the 2011-2013 programme on combatting human trafficking (Recommended by Algeria)*

**IRI: not implemented**

+

**Recommendation n°44:** *Effectively combat human trafficking and swiftly investigate the whereabouts of kidnapped persons in particular (Recommended by Turkey)*

**IRI: not implemented**

+



**Recommendation n°45:** Continue to increase efforts to prevent and fight trafficking in persons, including by adopting measures necessary for the prosecution and punishment of perpetrators of trafficking in persons, and to ensure the provision of the access to shelter and rehabilitation to victims (Recommended by Belarus)

**IRI: not implemented**

+

**Recommendation n°46:** Continue to fight against human trafficking with the cooperation of international organizations (Recommended by Bangladesh)

**IRI: partially implemented**

+

**Recommendation n°47:** Continue its ongoing efforts to improve the legal and regulatory framework to prevent, detect and suppress activities connected with trafficking in persons (Recommended by Pakistan)

**IRI: partially implemented**

#### Joint response:

[...]

The results of Comprehensive Programme to Combat Human Trafficking for 2011-2013 remain unclear, as well uncertainty on economic and administrative measures taken during Programme implementation. Furthermore, Programme for 2014-2016 is still not developed.

Ministry of Finance informs that to implement Comprehensive Programme for 2011-2013 namely to support activities of Support Centers for Victims of Trafficking in Dushanbe and Khujand MLSP was allocated with 12 thousand somoni in 2013.

#### State of Tajikistan response:

New draft Law on Combat against Human Trafficking in particular women and children was developed. Interagency commission on combat against trafficking in humans with the support of IOM in Tajikistan and OSCE office in Tajikistan had developed the referral mechanisms for victims of trafficking.

Within the framework of Memorandum on Cooperation that was signed by the Government of RT and IOM Mission in Tajikistan victims of human trafficking are provided with assistance and employment opportunities. Children victims of trafficking are provided with further education as well as support to continue education in general, special and higher educational facilities.

Optional course on prevention of domestic violence was introduced in the Academy of Ministry of Interior since November 2010.



In order to implement the Programme on Prevention of Violence against Women on 17 of March 2010 by an Order of Minister of interior positions of inspectors on prevention of domestic violence were introduced, and with the support of OSCE office in Tajikistan five specialized centers were set up for these inspectors. It is planned to increase the number of such centers in future.

Mostly women are carrying out the functions of such inspectors that had undergone special training.

In order to implement international obligations the Parliament of the Republic had adopted the Law on Prevention of Domestic Violence in 2013. Key objective of the law is protection of rights of family members. The law sets forth possibilities to provide legal, medical and psychological assistance to victims of violence. In order to ensure effective implementation of the law there are 18 crisis centers and 3 branches of such centers. Within delivery departments of different hospitals in several cities and districts of the republic there are consultation rooms to provide medical help to women and children victims of domestic violence.

Since 2010 with the initiative of the Government, NGOs and with financial support of OSCE office in Tajikistan there are regular workshops for law enforcement personnel.

Ministry of Interior together with OSCE office in Tajikistan had implemented joint project on Gender Sensitive Activities of law enforcement personnel and proper investigation and court persecution of domestic violence and protection of victims.

Since October 2011 in line with the order of the Minister of Interior domestic violence is separated into a category and is included in the separate column in statistic reports.

**Recommendation n°56: Ensure that all births are registered and facilitate access to birth registration services including by reducing its cost (Recommended by Uruguay)**

*IRI: not implemented*

Joint response:

[...]

At the moment legislative measures to simplify access to child birth legislation are not developed.



Ministry of Justice informs that state fee is not collected for child registration it is necessary to pay price of state blank [form] which in line with the resolution of the Government of RT № 7735 as of 23 February 2010 is 20% of calculation indicators (approximately 8 somoni). Application to register birth shall be provided not later than three months since child was born. Application on dead child birth and child that died during the first week of life shall be made not later than three days after dead child was born or death of the child during the first week of life. State registration of dead born child and child died during the first week of life is carried out free of charge.

**State of Tajikistan response:**

The order of newly born registration is regulated currently by the Law of the Republic of Tajikistan on State registration of civic status.

There is no state fee for the registration of a child, it is necessary to pay for the blank [form] which in line with the resolution of the Government of the Republic of Tajikistan as of 23 February 2010 is 20% of calculation indicator (8 somoni - 1,7 USD).

**Recommendation n°59: Ensure that abusive child labour practices are eliminated and promote access to education of these children in a vulnerable situation (Recommended by Uruguay)**

IRI: partially implemented

+

**Recommendation n°60: Continue efforts to monitor the cotton harvest in order to prevent forced labour and to take law enforcement efforts against trafficking (Recommended by United States)**

IRI: partially implemented

+

**Recommendation n°61: Incorporate in the domestic law the explicit prohibition of child labour, adopt an array of measures to guarantee inclusive education and the nondiscrimination of children with disabilities in the regular education system (Recommended by Spain)**

IRI: partially implemented

+

**Recommendation n°144: Enact legislation to prohibit, prevent and sanction child labour in all service sectors (Recommended by Canada)**

IRI: partially implemented

+

**Recommendation n°145: Eliminate child labour through sanctioning violations of the minimum age standards and strengthening the labour inspectorate (Recommended by Austria)**

IRI: not implemented

**Joint response:**

This recommendation is not implemented.

Activities aimed at analysing the situation with child rights implementation and develop plan of action to implement UN Committee recommendations are not implemented. Furthermore, draft law on amending additions related to definition of forced labour and criminal liability for that is not developed.

NHRI informs that at present there is a working group under NHRI office to take steps to implement UN Child Rights Committee recommendations. This group includes representatives of Ministry of Labour, Migration and Social Protection of Population, General Prosecution. Ministries of Education and Justice carry out analysis of legislation on improving access of children to education and improving conditions. Upon completion action plan will be developed to implement UN CRC recommendations on access of children to education.

Service on Prevention of Juvenile Delinquency is set up within MoF system by a resolution of the Government as of 30 May 2008, it protects rights and interests of minors.

At the moment draft law on Protection of Rights of Children is under review of the Parliament.

**State of Tajikistan response:**

Department for prevention of offenses amongst minor and youth was established under the Ministry of Interior by a resolution of the Government as of 30 May 2008. This department protects legal rights and interests of minors.

This departments works with parents or legal representatives of minors that are not implementing their obligations on upbringing, educating and well being of minors and have negative influence on minors or are treating them badly.

If cases of non attendance of educational facilities by minors are revealed, this department and its local subdivisions are carrying out preventive activities. Minors are recorded and measure to ensure enrollment of child in educational facilities are taken.

There is also a record of parents and individual preventive activities are carried out with them.



As to corporal punishment of children as prohibited method of upbringing in line with the article 57 of Family Code a child has a right to protection of his legal rights and interests. In line with article 69 of the Code one of the grounds to withdraw custody rights is cruel treatment of children and physical or psychological violence. When violating rights and interests of children, inadequate care on education and upbringing or abuse of parental rights a child has a right to independently apply to custody body and when reaching 14 years of age the child can refer to court.

As to violence in educational facilities it shall be noted that in line with the Law on education the discipline is preserved on the basis of respect of honour and dignity of students and teachers. It is prohibited to use physical violence and psychological pressure.

Prohibition of child labour is reflected in article 25 of the Law of RT on education which in particular states that it is prohibited to distract from main functions personnel dealing with teaching, students to field and other type of work that is not related to educational process.

The Law on protection of rights of children is drafted and is being reviewed by the Parliament.

**Recommendation n°121: Prohibit corporal punishment of children in all settings and guarantee children's rights to adequate standard of living with special attention to orphans, providing them with access to safe drinking water and education (Recommended by Slovenia)**

IRI: partially implemented

#### GIEACPC response:

In accepting the recommendations to prohibit corporal punishment of children, the Government indicated that this has already been achieved. In 2012, the Government informed the UN Committee Against torture that it was taking legislative measures to exclude the use of corporal punishment in the family and schools. Since then, Tajikistan has enacted the Law on Prevention of Violence in the Family 2013. The Global Initiative is currently seeking to ascertain if the new law is being interpreted as prohibiting all corporal punishment.

#### Joint response:

This recommendation is not implemented.

#### State of Tajikistan response:

In line with article 51 of the Law of Tajikistan on education teachers and other employees of educational sector are obliged to protect students from



physical and psychological violence and to take steps aimed at prevention of alcohol, drug and psychotropic elements usage, tobacco and strong medicines.

In line with the Programme Education in the field of Human Rights for 2013-2020 human rights courses are carried out in all educational facilities. Key topics of the curricula are developed on the basis of international and national legal acts.

**Recommendation n°147: Revise its Law on the Responsibility of Parents for the Upbringing and Education of Children of 2 August 2011, which contains provisions highly endangering the freedom of religion and the aims of the CRC (Recommended by Germany)**

**IRI: not implemented**

**F18 response:**

The Parental Responsibility Law is hostile to freedom of religion or belief and related rights such as the rights of the child and the freedoms of expression and association. This Law bans jewellery and tattoos, limits the names parents can choose for their children, bans "the encouragement of children to receive education in illegal schools and education institutions as well as from individual persons who do not have permission for such activity", requires parents "not to allow the education of adolescent children abroad without the permission of appropriate state agencies" and bans the participation of children and young people below the age of 18 in religious events apart from funerals. Revising this and other laws in line with international human rights standards and respecting those standards in official actions would be a strong signal that the government is making a good faith effort to implement its international human rights obligations.

**Recommendation n°150: Rescind the 2006 Council of Ulemo fatwa against women attending mosques (Recommended by United States)**

**IRI: not implemented**

**F18 response:**

Polygamy, the subordination of women and barring Muslim women from mosques are among the freedom of religion or belief and related human rights issues faced by women in Tajikistan. It would be positive if there were implementation in full of the recommendations (A/HRC/7/10/Add.2) and also the Follow-up Communication (A/HRC/7/10/Add.1) made by the UN Special Rapporteur on Freedom of Religion or Belief after the SR's 2007 country visit. Similarly positive would be implementing in full the 2008 Communication (A/HRC/11/6/Add.2) of the Special Rapporteur on Violence against Women, its causes and consequences.



## Other

**Recommendation n°8: Ensure that the structures and functions of the Human Rights Ombudsman Institution are in accordance with the Paris Principles (Recommended by Poland)**

IRI: *not implemented*

+

**Recommendation n°9: Ensure that its NHRI accords in full with the Paris Principles (Recommended by Australia)**

IRI: *not implemented*

+

**Recommendation n°10: Strengthen and improve the capacity and independence of the Ombudsman (Recommended by Norway)**

IRI: *not implemented*

+

**Recommendation n°11: Take actions aimed at raising the level of the Ombudsman's Office to that of a National Human Rights Institution in line with the Paris Principles, in order to guarantee its autonomy when discharging its functions (Recommended by Spain)**

IRI: *fully implemented*

Joint response:

[...]

In the beginning of 2012, NHRI office in RT submitted application and other documents to subcommittee on accreditation of International NHRI Committee to identify compliance level with Paris Principles. On 28 of March 2012 application of NHRI was reviewed by subcommittee and as a result NHRI of RT had received status B. As noted on the web page it was the first application from NHRI in Central Asia. During the review of the application livecast was organized between Dushanbe and Geneva and answers to questions raised by members of subcommittee were provided.

NHRI had developed and adopted plan of actions to implement subcommittee recommendations. However since this recommendation was adopted during UPR provisions of the Law on NHRI are not compliant with Paris Principles and recommendations of the Sub Committee on accreditation.

State of Tajikistan response:

In order to adopt measures aimed at implementation of Subcommittee of International Coordination Committee under High Commissionaire on



Human Rights and to improve the national institute on human rights, a working group was set up on 25 of June 2013 by a decree of Ombudsman comprising responsible officials from NHRI office. At the moment in line with certain approved working plan the group studies legislation of other countries regulating the activities of national human rights institutes in particular related to authorities, selection and appointment, pluralism of the personnel, interaction with international system of human rights, funding, as well as immunities for the Ombudsman.

In line with the timeframe set, envisaged amendments are to be provided in the second half of 2014 to the Law of RT on National Human Rights Institution.

**Recommendation n°12: Continue with its commendable efforts to promote and protect human rights and freedoms (Recommended by Sri Lanka)**

**IRI: not implemented**

**F18 response:**

Tajikistan has a record of violating freedom of religion or belief and related human rights such as the freedoms of expression and association. Among violations documented by Forum 18 are: a total ban on all participation by people under the age of 18 in all religious activity, apart from funerals; demolitions and closures of mosques, churches, and the country's only synagogue; bans on the Jehovah's Witnesses and some Islamic and Protestant movements; arbitrary jailing of Muslims and criminal charges against Jehovah's Witnesses; a ban on all religious activity without state permission; sweeping limitations on the numbers of mosques permitted and the activities allowed inside those mosques; limitations on the right to share beliefs; forcing imams in state-controlled mosques (the only sort permitted) to preach sermons ordered by the state; forcible closure of almost all the country's madrassah's (Islamic religious schools) bar one; and tight government censorship. The authority's actions imply they think that the real threat they face is people exercising their human rights outside state control.

**AMPARO response:**

Young people are recruited and called up to armed forces twice a year. About 15 thousand young people are recruited to the armed forces annually. Conscription in Tajikistan is conducted by police and military commissariats through detention of young people, though military commissariats are not competent to conduct detention of conscripts. After detention, conscripts are immediately taken to the conscription commission for reviewing and medical examination and sending your person to military units as soon as it possible. Such detention prevents young people to



connect their families and inform them about their illegal detention. Forcibly conscription and arbitrary detention lead to several human rights violations such as lack of access to advocate, inability of bringing complaint to the court to appeal illegal detention and conscription, right to health, security of residence.

In 2014, President of Tajikistan ordered to conduct conscription without using illegal methods. Regardless of presidential order, forcibly conscription is taken place throughout the country. There are a number of cases, when young people have been injured while avoiding to be detained by police and military commissariats. Although legislation stipulates how detention of conscripts has to be conducted, conscripts are detained with breach of legal requirements of detention. Young people are detained and immediately are brought to recruitment offices in order to send conscript to military units, though under the law conscripts have to be taken to police office and detention has to be protocolled. In 2013, 23 secondary school students have been forcibly conscripted by military commissariats of Shaartuz region and sent to military units.

Draft committee review and medical examination are conducted with remarkable speed. Though conscripts have a right to go home after review and examination, conscripts are immediately sent to collective point.



## Methodology

### A. First contact

Although the methodology has to consider the specificities of each country, we apply the same procedure for data collection about all States:

1. We contact the Permanent Mission to the UN either in Geneva or New York;
2. We contact all NGOs that took part in the process. Whenever NGOs were part of coalitions, each NGO is contacted individually;
3. The National Institution for Human Rights is contacted, whenever one exists.
4. UN Agencies, which sent information for the UPR, are also contacted.

We post our requests to the States and send e-mails to NHRIs, NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation are not contacted and those stakeholders' submissions are not taken into account.

However, since the UPR is meant to be a process that aims to share best practices among States and stakeholders, we take into account positive feedbacks from the latter.

### B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet, which we provide, that includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or “not implemented”, *UPR Info* usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

*UPR Info* retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

### C. Implementation Recommendation Index (IRI)

*UPR Info* developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation is given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

### ***Disclaimer***

*The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.*



## Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
6	Put in place a National Human Rights Commission	Algeria	Accepted	5	NHRI
48	Continue its ongoing cooperation with neighbouring countries to combat the illicit drug trade	Pakistan	Accepted	2	Public security
63	Develop programs allowing girls to stay in the educational system and avoid early drop-outs and the same should be provided for children with disabilities	Costa Rica	Accepted	4	Disabilities,Right to education,Rights of the Child,Women's rights
69	Step up efforts to address the unemployment in particular in the rural regions including through special targeted programs to stimulate economic growth and development	Malaysia	Accepted	4	Development
70	Continue to improve women's socio-economic condition in line with the recent reforms undertaken by the government	Bangladesh	Accepted	2	Women's rights
71	Accelerate efforts to improve access to adequate, clean and safe drinking water as well as providing sewage services for the population	Malaysia	Accepted	4	Right to water
73	Increase its efforts in the area of health, education, guarantee the interest and protect rights of women and children, and promote overall social and economic development	China	Accepted	4	Development,Right to education,Right to health,Rights of the Child,Women's rights
76	Continue to seek assistance from the international community, with the support of the UN Country Team and particularly the OHCHR, in strengthening its human rights policies, including ratification of the remaining key human rights conventions and implementation of the UPR recommendations that Tajikistan will accept	Thailand	Accepted	5	International instruments,Technical assistance,UPR process
77	Harmonize domestic legislation in order that statements obtained under torture are not used as evidence in legal proceedings	Mexico	Accepted	5	Torture and other CID treatment
78	Envisage an explicit reference to the ban of child's labour in the national law	Morocco	Accepted	3	Labour,Rights of the Child
83	Ratify the Optional Protocol to the CAT	Czech Republic	Rejected	5	Detention conditions,International instruments,Torture and other CID treatment



85	Ratify the Optional Protocol to the CAT and establish an independent national preventive mechanism	France	Rejected	5	Detention conditions, International instruments, Torture and other CID treatment
86	Sign and ratify the Optional Protocol to the CAT	Estonia	Rejected	5	Detention conditions, International instruments, Torture and other CID treatment
87	Consider ratifying the Optional Protocol to the CAT in the near future	United Kingdom	Accepted	3	Detention conditions, International instruments, Torture and other CID treatment
88	Ratify the Optional Protocol to the CAT and put in place a national preventative mechanism within the framework of the criteria and guarantees undertaken by this instrument	Switzerland	Rejected	5	Detention conditions, International instruments, Torture and other CID treatment
89	Ratify OP-CAT, enact and implement laws and administrative measures to combat torture and make a declaration recognizing CAT's competence to receive communications	Costa Rica	Rejected	5	Detention conditions, International instruments, Torture and other CID treatment
90	Ratify the Convention on the Rights of Persons with Disabilities	Algeria	Rejected	5	Disabilities, International instruments
91	Ratify the Convention on the Rights of the Persons with Disabilities in order to further promote and protect the rights of persons with disabilities	Thailand	Rejected	5	Disabilities, International instruments
92	Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol	Hungary	Rejected	5	Disabilities, International instruments
94	Sign and ratify CRPD and CED	Spain	Rejected	5	Disabilities, Enforced disappearances, International instruments
100	Ratify without reservations the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto	Austria	Rejected	5	Disabilities, International instruments
102	Consider the possibility of ratifying CRPD and its Optional Protocol, CED, OP-CESCR	Argentina	Rejected	3	Disabilities, Enforced disappearances, ESC rights - general, International instruments
104	Ratify the 1954 and 1961 Statelessness Conventions	Germany	Rejected	5	International instruments
105	Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness	Slovakia	Rejected	5	International instruments

## Mid-term Implementation Assessment: Tajikistan



106	Positively consider adhering to the Convention related to the Status of Stateless Persons of 1954 and other instruments related to Stateless Persons	Mexico	Rejected	3	International instruments
107	Ratify remaining core human rights instruments	Slovenia	Rejected	5	International instruments
110	Adopt a new set of criteria for defining disability in accordance with international standards	Hungary	Rejected	5	Disabilities
112	Put in place mechanisms aimed at definitely abolishing the death penalty, as a consequence of the moratorium in force since 2004	Spain	Accepted	5	Death penalty
113	Consider the abolition of the death penalty	Italy	Accepted	3	Death penalty
114	Complete its consideration of the abolition of the death penalty and move to abolition	United Kingdom	Accepted	5	Death penalty
115	Take all necessary measures to abolish the death penalty, including by ratifying the Second Optional Protocol to ICCPR	Australia	Accepted	5	Death penalty, International instruments
116	Take further steps in order to fully abolish the death penalty and modify the Criminal Code so no crime can be punished by the capital punishment	Hungary	Accepted	4	Death penalty
117	Proceed to all necessary legal and constitutional amendments in order to totally abolish the death penalty	Switzerland	Accepted	5	Death penalty
118	Fully abolish the death penalty	Estonia	Accepted	5	Death penalty
119	Abolish the death penalty and consider ratifying the Second Optional Protocol to ICCPR	Romania	Accepted	5	Death penalty, International instruments
120	Continue its efforts aimed at abolishing the use of the death penalty and continue with the application of the moratorium declared in 2004	Argentina	Accepted	2	Death penalty
124	Implement the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, otherwise known as the "Bangkok Rules" and seek appropriate assistance in its implementation from relevant UN agencies in order to further improve treatment of female offenders	Thailand	Accepted	5	Detention conditions, Technical assistance, Women's rights
126	Open prisons and detention centres, including temporary and pre-trial facilities, to national and international monitoring including from the ICRC	Canada	Rejected	5	Detention conditions
129	Grant the ICRC full access to closed institutions	Austria	Rejected	5	Detention conditions
131	Conduct independent, impartial and transparent investigations into all human rights allegations, such as those raised by the Human Rights Committee and Special Rapporteur mandate holders, with a view towards ensuring against impunity	Thailand	Accepted	5	Impunity, Special procedures, Treaty bodies



	Introduce a separate system of juvenile justice, with particular emphasis on rehabilitation and reintegration activities, stop the application of isolation measures on juveniles and ensure that the minimum age of fourteen for criminal liability in domestic and international law is respected without exceptions	Austria	Accepted	5	Justice, Rights of the Child
132	Remove the ban on wearing the hijab in schools and universities, and the prohibition on teachers under the age of 50 wearing beards	United States	Rejected	5	Freedom of religion and belief

A= Action Category (see on [our website](#))

SMR = State making recommendation

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