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**ANALYSING IMPLEMENTATION OF THE RECOMMENDATIONS PROVIDED BY COUNTRY MEMBERS OF UN HUMAN RIGHTS COUNCIL  
UNDER THE UPR PROCEDURE FROM 2012 TO 2015**

Association of parents of children with disabilities

Your choice

Jahon

Imkoniyat

Ishtirok

NGO Coalition From equality de jure to equality de facto

Collegium of women lawyers of Sogd province

League of women lawyers of Tajikistan

NANSMIT

Independent Human Rights Protection Center

Notabene

PO Resource Center Inclusion

PO Women with disabilities Safoi Konibodom

Bureau on civic freedoms

Panorama

Right and Prosperity

Legal initiative

Equal opportunities

Consumers Union of Tajikistan

Spin Plus

Surhob

Tajik Alliance for Family Planning  
Human Rights Center

*In February 2012 the Government of the Republic of Tajikistan had provided the final decision on pending recommendations provided by the UN Human Rights Council within the UPR procedures carried out in October 2011. During one year there were intensive discussions between the civil society organizations and the Government of RT to develop the National Plan for Implementation of UPR recommendations for 2013-2015. Despite of the fact that the National Plan was endorsed after one year since the recommendations were provided, it is considered that UPR recommendations “came to force” in the beginning of March 2012. According to the Human Rights Council sessions calendar the results on implementation should be presented by Tajikistan during the second UPR cycle that shall start for the country in 2016.*

*Department on human rights guarantees under the Executive office of the President together with NHRI and with the support of UN Office of High Commissionaire on Human Rights 7 national thematic consultations were carried out in preparation to the second round of UPR and drafting of the national report.*

*7 April 2015 - Cooperation with UN bodies, activities of the Commission on Implementation of International Obligations and NHRI*

*14 April 2015 – Social and economic rights (poverty, unemployment, access to water, healthcare, HIV, Rights of People with Disabilities, Rights of Migrants and Trafficking in Humans)*

*21 April 2015 - Rights of women and children*

*28 April 2015 – Freedom from torture, rights of prisoners and abolishing of the death penalty*

*5 May 2015 - Freedom of expression/Mass Media, freedom of assembly, freedom of peaceful gatherings and freedom of conscience*

*26 May 2015 - Rights of migrants, elimination of poverty, unemployment, reform of the judiciary, penal reform*

*These were the first consultations of this sort and civil society in its turn welcomes the initiative. Furthermore, Department on human rights guarantees had initiated since one year to draft and disseminate six month reports on implementation of UPR recommendations and other obligations under the UN treaty bodies (in particular on national plans of action on migrants, torture, civic and political rights, on elimination of discrimination against women). While drafting given analysis state bodies had set up almost 30 independent and joint working groups on implementation of UPR recommendations. Unfortunately representatives of civil society were not involved in these working groups. It was noted that the recommendations to be reported against in the intermediary report were selected in accordance with the term for implementation indicated in the National Plan. Term for implementation for some of the recommendations is divided into two stage, thus the current analysis focuses on obligations and activities for the period 2013-2014.*

*While drafting National Plan of Action on UPR recommendations implementation, the recommendations provided by UN Human Rights Council member countries were subdivided into different categories. Thus the Plan contains 40 sections on different recommendations, of them 10 are implemented, 19 are implemented partially and 11 are not implemented.*

*Formal requests were sent to the following ministries and agencies to obtain the information: General Prosecution, Ministry of Justice, Ministry of Foreign Affairs, Commission on Implementation of International Obligations, Ministry of Interior, Ministry of Education and Science, Ministry of healthcare, labour and social protection of the population, Ministry of Finance, Council of Justice, Supreme Court, Custom Committee, Agency on Statistics under the President of RT, Committee on Youth, Sport and Tourism, Committee on Women and Family, National Legislative Center under the President of RT, NHRI, Agency on Drug Control.*

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№	Recommendation	Activities	Responsible	Analysis of Implementation
1	2	3	5	7
1.	To consider sending a standing invitation to all Special Procedures of UN Human Rights Council (88.1, 90.16, 90.17)	Draft official invitation letters to Special Procedures of UN Human Rights Council within the framework of treaties ratified by the Republic of Tajikistan	MFA, CIIO	<b>Not implemented.</b> In February 2012 the Government had sent a letter to the Ministry of Foreign Affairs requesting to inform the council on reservation to send standing invitations to all SP of UN HRC.
2.	Establish close cooperation with UN SR and treaty bodies to reduce delays in report submission and implementation of recommendations (88.2)	Draft cooperation strategy for joint activities with UN treaty bodies in order to ensure timely implementation of recommendations and submission of national reports of the Republic of Tajikistan	MFA, CIIO	<b>This recommendation is implemented partially.</b> The cooperation strategy is not drafted. However during the period 2010-2015 the state had prepared and submitted 9 periodic reports to treaty bodies and 4 national plans (and 1 action plan) were endorsed in order to implement the recommendations of UN treaty and charter bodies.

3.	Set up National Commission on Human Rights (88.3) and to continue seeking the aid of international community with the support of UN country group, in particular OHCHR to strengthen the policy in the field of human rights including ratification of pending human rights conventions and implementation of UPR recommendations adopted by Tajikistan (88.70, 88.8).	<p>1) To expand the authority of CIIO through amending the resolution of the government as of 4 March 2002, № 79;</p> <p>2) To develop national action plans aimed at implementation of UN human rights bodies and special procedures recommendations including the new recommendations;</p> <p>3) To develop action plan for continuous education of staff in ministries and agencies, responsible to draft national reports;</p> <p>4) To provide translation of UN recommendations and to disseminate it widely amongst representatives of state bodies including formal editions of the government and web pages of state bodies.</p>	CIIO, DCG, NHRI, MFA	<p><b>This recommendation is implemented partially</b></p> <p>1) Suggestions on amending the Resolution on CIIO were developed, to ensure expansion of authorities and objectives: providing the process of communication and implementation of resolutions and observations of international human rights bodies; ensure monitoring of implementation and formalization of involving the civil society into the processes and activities of the commission. By status as of beginning of <b>June the amendments to Regulation on CIIA are not endorsed</b>. Since 2015 Department on Human Rights Guarantees of EOP of RT initiated the six monthly report scheme on implementing the 4 national plans (on UPR, on implementing recommendations by CEDAW, HRC and CLM) and one plan of action on CAT. However the reports are available only in Russian and are not available for wide dissemination (<b>are not uploaded in the internet and are not published in formal editions</b>);</p> <p>2) At the moment 3 national plans of action to implement the recommendations of different UN human rights bodies were endorsed, however the plans were endorsed on different levels. Thus UPR action plan was signed by the President and thus is on a higher priority level for implementation, whereas Anti-Torture Plan is signed by First Deputy Prime Minister (Chairman of the Commission on Implementation of International Obligations in the field of human rights). The practice of reviewing the national plans in line with new recommendations is not available;</p> <p>3) Not implemented;</p> <p>4) Even though some UN agencies provide translation of national reports and recommendations (for instance UNICEF, report and recommendations of Committee on Rights of Children and OHCHR recommendations of ICESCR) the system of translating national reports and recommendations into Tajik is not established, moreover these reports are not published in formal editions. Till recently national reports and recommendations were accessible only on NHRI web page, however since May 2015 this web page is blocked.</p>
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4.	Ensuring compliance of the NHRI structure to Paris Principles (88.4, 88.5, 88.6, и 88.7)	1) Adopt measures to implement recommendations of Sub Commission to Improve NHRI; 2) Put national legislation in compliance with Paris Principles and SubCommittee on accreditation	CIII, DCG HR, NHRI	Partially implemented. In March 2012 Subcommittee on accreditation of International Committee on International Human Rights Institutions had awarded status B to NHRI in Tajikistan. In the meantime it has presented the recommendations to put national legislation in compliance with Paris Principles. In accordance with available information NHRI had presented suggestions on amending the Law on NHRI. However till present the legislation was not amended accordingly.
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5.	Involvement of civil society in the process of UPR recommendations implementation (88.9)	<p>1) To develop action plan aimed to cover all the activities and achievement of Tajikistan in the sphere of human rights, including setting up a series of mass media campaigns to cover implementation of the recommendations provided by UN HRC;</p> <p>2) Involvement of civil society in discussions and drafting of the national action plans to implement the recommendations of treaty bodies and UPR, as well as other UN institutes;</p> <p>3) Involve civil society in implementation of national plans;</p> <p>4) Regular meetings (consultations) to improve the mechanism for implementation and monitoring of UN treaty bodies recommendations;</p> <p>5) Continue the positive practice of ongoing consultations in the process of UPR recommendations implementation as well as drafting second UPR report</p>	CIIO, DCG HR, NHRI, MFA	<p><b>This recommendation is implemented partially.</b></p> <p>There is no information related to availability of action plan dedicated to cover the achievements and activities of the country in the field of human rights as well as results on implementation of UN HRC recommendations;</p> <p>As noted above, National Action Plan to implement UPR recommendation, Action plan to implement concluding observations of the UN Committee against Torture as well as recommendations of Special Rapporteur against torture, concluding observations of the UN Committee on the Rights of Labour Migrants; concluding observations of the UN Committee on Civil and Political Rights (ICCPR) and rights of women (CEDAW). Though civil society organization were to certain extent included to the process of developing the afore action plans their suggestions <i>were not always taken into consideration</i>. To implement UPR recommendations more than 10 working groups were set up, however the civil society is not included in such working groups (except for the working group under the Ministry of healthcare and social protection on implementation of Istanbul Protocol). Meetings and consultations with civil society are carried out when necessary, though not regularly.</p> <p>For the first time since March to May 2015 the consultations with civil society were carried out dedicated to implementation of UPR recommendations and drafting of the second UPR report. Unfortunately intermediary meetings were not carried out.</p>
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6.	<p>Enhancing the system of protection and promotion of rights of women and undertaking necessary political and legislative measures to eliminate discriminative social cultural views and practices (88.10, 88.13, 88.14, 88.15, 88.16, 88.17, 88.18, 88.19, 88.20, 88.21,88.22, 88.29, 88.30, 88.31, 88.32,88.33,88.34, и 88.35)</p>	<p>1) Adopt National Plan of Action to implement the gender policy in the Tajikistan for 2013-2015 including activities aimed at implementation of CEDAW concluding observations and UN Special Rapporteur on Domestic Violence;  2) Adopt the Law of the Republic of Tajikistan on preventing and protecting from domestic violence and to develop the mechanism for its implementation (endorse plan of action);  3) Review the practice of appointing women to executive positions and to put legislation and practices in compliance with international standards;  4) To set up mechanism for gender examination for all key laws, state and agency programmes prior to submission for approval to Majlisi Oli;  5) To enhance the awareness of rural women on habeas corpus right, access to education and land us through awareness and educational campaigns;  6) To revitalize the activities aimed at enhancing gender equality awareness within the family, state bodies, using the system of capacity building of all relevant line ministries and agencies</p>	<p>CIIO, DCGHR, NHRI, NLC, CWFA, MoE, RICS</p>	<p><b>This recommendation is implemented partially.</b> The Government of the Republic of Tajikistan had enacted a whole range of positive measures in 2012-2014 to ensure gender equality and to implement the recommendations received during the first round of UPR. To that end the Law of RT on preventing of domestic violence, State programme on preventing domestic violence for 2014-2023 and plan of action for its implementation were enacted. Optional Protocol to Convention on Elimination of all Forms of Discrimination against Women, the Land Code of RT was amended so that to ensure equal access of men and women to land, grants to support women entrepreneurs are disbursed from Presidential fund each year, there are quotas for girls and boys from rural areas in higher education facilities etc.</p> <p>Draft National Action Plan to implement recommendations of UN CEDAW was developed.</p> <p>The draft was discussed during the round table on 17 January 2014 with participation of representatives from different ministries and agencies, civil society. In line with the suggestions of the participants the draft was changed and provided for review of the Government of the country.</p> <p>Despite enacting of the Law on Preventing Domestic Violence its active implementation is obstructed by lack of ministerial instructions or normative acts. There is no target funding and fully fledged monitoring of implementation of the State Programme on Prevention of Domestic Violence for 2014-2023 all that prevents from tracking the effectiveness of measures undertaken.</p> <p>There is no mechanism of gender examination for key legal acts, state programmes to ensure proper assessment prior to submission to the Government of the Republic of Tajikistan and Majlisi Oli.</p>
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7.	Ensure further expansion of human rights education with specific emphasis on law enforcement bodies, civil servants and vulnerable groups of population (88.11, 88.58, и 88.59)	1) To adopt state educational programme in human rights for 2013-2020; 2) To set up Expert Methodology Council under the NHRI;	CIIO, DCGHR, NHRI, NLC, MoE, MLSP, RICS	<p><b>This recommendation is implemented.</b> New state programme on Education in the field of human rights in the Republic of Tajikistan for 2013-2020 is approved by the Resolution of the Government as of 3 December 2012.</p> <p>The Programme covers human rights education in the system of general education, training and retraining of teachers, judges, civil servants, staff members of law enforcement bodies and military personnel on all the levels. Interagency coordination council was set up under NHRI to track the implementation of the Programme. In the meantime the following 6 working groups were set up under the Coordination Council: 1) on civil servants capacity building; 2) on law enforcement personnel education as well as the staff of penitentiary system; 3) on military personnel; 4) on judges and staff of judiciary; 5) on secondary and higher education facilities and 6) on general education facilities. The working groups had drafted curricula on human rights education.</p>
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8.	Set up mechanism to trace down and assess implementation of afore said national plans of actions related to children interests for the period 2003-2010 (88.12) and enhance efforts on implementing the provisions and obligations under UN CRC (88.13);	1) To draft and disseminate widely National Report on Implementing the plan on protecting rights and interests of children for 2003-2010 and develop corresponding recommendations; 2) To develop action plan to implement recommendations of UN CRC and other treaty bodies related to children;	CIIO, CRC, CWFA, DCGHR, NHRI, NLC, MoJ	<b>Not implemented.</b> Monitoring of the National Plan of action to protect the interests of children for 2003-2010 implementation was not carried out. At the moment there is no National plan for implementation of recommendations of CRC and other treaty bodies concerning the rights of the children. In 2001 National Commission on the rights of the child was set up to coordinate the activities aimed at implementation of the international obligations on the rights of the children. At that time two public organizations which are not functioning at the moment were part of Secretariat of the Commission, thus civil society currently is not presented in the Commission. The functions of the Secretariat of the Commission are carried out by the Department of youth, sport and tourism under Executive Office of the President of RT, the leading specialist of the department is the executive secretary of the Commission. As a result of personnel shifts in December, 2013 the Secretary was dismissed thus the Commission does not have an Executive Secretary. The set up of the Children rights department under NHRI with the support of UNICEF in 2012 (which was later reformed into department on the rights of women and children in 2015) proves that there is overall understanding of insufficient human resources of the secretariat of the Commission on the rights of the child. In March, 2011 the department of juvenile justice was created under the Ministry of Justice. Both departments are working on the rights of the children in particular implementation of the recommendations that are related to children's rights. At the moment the government is planning to reform the Department on Constitutional Guarantees on Human Rights under the Executive Office of the President to include the department dedicated to rights of children. However as of June 2015 the process was not finalized.
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9.	<p>Putting in compliance definition of torture within national legislation with the definition of torture in article 1 of the Convention against Torture and set up independent mechanisms for investigation and persecurion for cases on torture (88.23, 88.24, 88.27, 88.48, 90.34, 90.35)</p>	<p>1) Recommendation on including the definition of torture into the CC of RT in line with article 1 of the Convention against Torture was implemented there is a separate article in the CC of RT 143’;  2) Increasing the term for criminal punishment for a cases of torture and to exclude the measures that are not providing criminal punishment for the cases of torture in line with recommendations of UN CAT and UN SR on torture;  3) Review the possibilities to set up independent models for investigation of torture in line with Istanbul protocol, recommendations of UN CAT and UN SR on torture;</p>	<p>CIIO, NHRI, GP, NLC, MoJ</p>	<p><b>The recommendation is not implemented.</b> Despite of adopting the amendments to Criminal Code in 2012 and introduction of the definition of torture in article 143 in line with the Convention against Torture, the punishment set forth instigation of torture are not comparable with gravity of the crime. Even though there are provisions in the article implying possibilities to increase the punishment up to 15 years of imprisonment in practice the only terms that are applied are 2-5 years and even in these cases the punishment is terminated prematurely or are carried out as a conditional punishment. Representatives of NGO coalition against torture note that apart from lack of severity in terms of punishing for torture there is no legislative differentiation of torture with other inhuman and degrading treatment, and it does not prescribe legal prohibition of torture instigation in any legal act of Tajikistan. Main reasons behind ineffectiveness of investigation of torture complaints by law enforcement bodies are lack of corresponding functional independence of the prosecution as well as excessive authorities in the field of criminal justice. On 25 June 2012 by the Resolution of the Plenum of the Supreme Court of RT on applying the norms of criminal procedure legislation in combating the torture was endorsed. General prosecution had developed methodology Legal Basis and organization of the activities aimed at preventing, identifying and investigating torture for its personnel. On 24 October 2012 the Instruction on Arrest was endorsed by a joint resolution of the General Prosecution, MoI, MoJ, State Security Commission, State Committee on Financial Control and Anti Corruption and Anti Drug Agency under the President of RT. As to the independent body dealing with torture cases investigation, General Prosecution had informed that at the moment it is not necessary to set up such a body since there is a minimal number of torture complaints: 16 in 2013, 11 months of 2014 - 10. At the moment there is a working group under the General prosecution that looks at the experience of other countries related to punishment and investigation of torture. However civil society is not involved in these activities and does not have information on the progress.</p>
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10.	Set forth measures to combat torture and other inhuman, cruel and degrading treatment, also to prevent such treatment and ensure immediate and credible investigations of torture cases including death cases during the arrest (88.25, 88.26, 90.34, 90.35), introducing corresponding provisions in the legislation (88.28);	<p>1) To develop plan of actions on implementation of recommendations of UN Committee against torture and other treaty bodies of the UN concerning provisions against tortures, and also the UN Special Rapporteur on freedom from torture;</p> <p>2) To study the practice and review possibilities to set up independent institute of forensic medical examination according to the Istanbul protocol, recommendations of UN Committee against torture and the UN Special rapporteur on freedom from torture;</p> <p>3) To study and consider possibilities to adopt the law of the Republic of Tajikistan "On independent forensic medical examination";</p> <p>4) Develop training program on vocational training of law enforcement officers, judges, prosecutors, lawyers, staff of penal institutions, and also other closed and semi-closed establishments on key standards of freedom from torture;</p> <p>5) Introduce the system of registering the complaints on tortures, as well as the results of applications with the indication of causes of failure and referral to court;</p> <p>6) To develop and provide mechanisms for implementation of the Law of the Republic of Tajikistan "On the state protection</p>	NHRI, GP, NLC, MoJ, CoJ, SC	<p><b>Partially implemented</b></p> <p>1) On 15 August, 2013 the Chairman of the CIIO, First Deputy Prime Minister of RT approved the Plan of Action "On combatting torture according to recommendations of Committee against Torture of the UN and the Special Rapporteur on freedom from torture and another cruel, inhuman and degrading treatment Juan Mendez. Application of torture is included in the list of actions leading to compensation of moral and physical damage to the victim. Corresponding changes and additions are made to the civil legislation.</p> <p>2) The program of judiciary reform in RT for 2015-2017 was approved by the President on 5 January, 2015 it includes: setting up independent judicial examination on the basis of corresponding services and departments of relevant institutions (except for judicial medical examination).</p> <p>In December, 2012 Minister of Health and social protection of the population of RT created the Working group which includes representatives of civil society, to develop methodical recommendations, educational and methodical materials on forensic medical examination, including registration of physical and psychological proofs of application of torture according to the Istanbul protocol.</p> <p>In 2012-2014 special forms (the act of survey) were developed for doctors who are involved in carrying out medical examination of the detained persons; specialized forms to "assess physical proofs of torture or the inhuman treatment" are adapted; changes and additions are made to internal regulation "On some procedural grounds to carry out forensic medical examination in RT". On November 1, 2014 the order of the Minister of Health and social protection of the population of RT approved medical forms and a internal regulations on activities of forensic scientists.</p> <p>The Law of the Republic of Tajikistan "On independent forensic medical examination" was not adopted.</p> <p>Training programs are not developed for vocational training of staff of</p>
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		<p>of participants of criminal trial" (especially to pay attention to questions of protection of the victims and witnesses of torture, relatives of the victims of torture and rehabilitation of victims of torture);</p> <p>7) To exclude application of the Law of the Republic of Tajikistan "On amnesty" to the persons brought to trial according to Art. 143 of CC RT prim 1.</p> <p>8) To prohibit in the legislation including in the Criminal Procedure Code of RT and bilateral agreements of the Prosecutor General's Offices of extradition of persons to the country in the presence of the serious basis to believe that s/he can be subjected to torture and to develop mechanisms to implement this right in line with the requirements of article 3 of the Convention against Torture;</p> <p>9) To include the provision in CC of RT, CPC of RT the norms setting forth moral and physical damage compensation to the victim of torture.</p>		<p>law-enforcement, judicial and penitentiary systems. Besides, the analysis of the laws "On State Protection of Participants of Criminal Trial", "On Amnesty", CC, Criminal Procedure Code, on compliance to the international standards is not carried out, and the subsequent recommendations on amending the legislation are not developed.</p> <p>With the support from international organizations training and seminars for the staff of prosecutor's office, court, law enforcement agencies were held. However these educational activities are irregular and combat against torture are not formally included in training programs of the relevant educational institutes.</p>
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11.	Speed up measures aimed at comprehensive solution of human trafficking and violence against women including social and legal guarantees as well as guarantees in the field of education, awareness raising campaigns among the population and increasing capacities of law enforcement bodies (88.36, 88.37, 88.38, 88.39, 88.40, 88.41, и 88. 42);	1) Speed up measures aimed at implementation of Comprehensive Programme aimed at combating trafficking in humans for 2011-2013. 2) To develop and adopt Comprehensive programme aimed at combating trafficking in humans for 2014-2016.	CCTH, CWFA, NHRI, GP, MoE, MLSP, MoI, MoJ, MFA	<p><b>This recommendation was implemented.</b> The comprehensive programme for 2014-2016 was adopted and legislation basis is under the process of improvement.</p> <p>In particular, on 26 July 2014 the Law of RT on Combatting the trafficking in humans and support to victims of trafficking was enacted. There is a working group within the Ministry of Interior that includes representatives of designated ministries and agencies aimed at developing the regulation on the Center to Prevent trafficking in humans.</p> <p>As per the information of the Ministry of Finance to implement the Comprehensive programme for 2013-2014 in particular to support the activities of the Centers to support victims of trafficking in Khujand and Dushanbe 12 thousand somoni were allocated to Ministry of Labour, Migration and Employment, in 2013 - 14 thousand somoni.</p> <p>As per the information of the Ministry of Finance the Government had adopted the National Programme of Social Development for Youth in 2012, which provides combat and prevention of trafficking in humans. For these purposes 20 thousand somoni were allocated in 2013, 34,5 thousand somoni in 2014 and 41,4 in 2015.</p>
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12.	To develop cooperation with neighbouring countries in the field of drug control (88.43)	<p>1) To carry out legislative analysis as well as to study international and regional practices in the field of drug control cooperation;</p> <p>2) To look at the possibilities to expand the cooperation with bordering countries in the field of drug control;</p> <p>3) To enhance the capacity of law enforcement personnel in the field of drug control.</p> <p>4) To develop and sign bilateral agreements with neighboring countries.</p>	DCA, SSA, MoI, GP, MoJ, MFA	<p><b>This recommendation is implemented partially.</b></p> <p>3) In line with the information of the Drug Control Agency more than 100 staff members of the Agency took part in the training sessions on the territory of the Republic and 20 workshops carried out in Russia, Kazakhstan and Turkey in second half of 2014. The training were dedicated to the issues of combating the drug trafficking, preventing drug addiction, analysing the data on income legalization.</p> <p>4) In order to develop and strengthen regional cooperation in the field of drug control, the MoU was signed between the Government of RT and Government of IRI on cooperation in the field of preventing drug trafficking and other precursors on 10 September 2014 which was drafted and presented by the Agency.</p>
13.	Further coordinated efforts, including changes in legislative and administrative procedures to increase efficiency and independence of court bodies (88.44);	<p>1) To monitor implementation of judiciary reform programme for 2010-2013 and to develop recommendations;</p> <p>2) To develop the programme and plan of action for judiciary reform for 2013-2016.</p>	CoJ, SC, NHRI, GP, NLC, MoJ, SEC	<p><b>Fully implemented.</b> In the end of 2013 preliminary result of Judiciary reform programme for 2010-2013 was carried out and corresponding recommendations were provided. The analysis was carried out by the Bureau on Human Rights and Rule of Law in partnership with Center on Strategic Research and Ministry of Justice. Judiciary system is still weak and ineffective. In general the objectives of the programme were to reform the legislation, however insufficient measures were adopted to settle down institutional problems (risks of corruption, lack of transparency within the judiciary system).</p> <p>By the resolution of the President as of 5 January 2015 Judiciary reform programme for 2015-2017 was adopted.</p>

14.	To adopt necessary measures and laws on judiciary reform in line with international norms of justice including juvenile justice (see p. 38) and in particular to guarantee terms for judges and magistrates (88.45) take Council of Justice out of executive authority control to form a completely independent body (90.29);	<p>1) To carry out analysis of the legislation and to develop plan of action on expanding the composition and authorities of the Council of Justice in order to fortify its position in the judiciary system through removing it from the executive authority structure and transferring it to judiciary authority;</p> <p>2) To review the procedures and criteria for selecting the candidates for the position of judges in line with the recommendations of UN SR on independence of judges and lawyers;</p> <p>3) To carry out analysis of the ongoing education and training for judge, develop recommendations in order to improve the quality of their professional training including the issues related to direct implementation of the international law in national courts</p>	SC, SEC, CoJ, MoJ, NLC	<p><b>Not implemented.</b> The issues related to expanding the composition and authorities of the Council of Justice of the Republic of Tajikistan in order to ensure its independence and strengthen its position in the judiciary system, as well as transfer of the Council of Justice from executive to judiciary authority were NOT included into the Judiciary Reform Programme for 2015-2017.</p> <p>The Plenum of the Supreme Court had adopted the Resolution #9 as of 18 November 2013 On practicing the implementation of international law ratified by the Republic of Tajikistan within the national courts .</p> <p>In accordance with the information from the Council of Justice, the results of the analysis of the work load of judges related to the review of the court proceeding, and in line with the Resolution of the President of RT #1441 as of 25 March 2013 it was decided to include 22 additional judges and 30 supporting staff members.</p> <p>In order to implement the recommendations by the Resolution of the Supreme Court Plenum as of 12 December 2002 3#6 (edited on 23 December 2006, 23 June 2010 and 23 November 2010 and 23 November 2012) review of the criminal cases against minors in the courts shall be implemented by the chairing judges and the judges dealing with family cases. Special judges were appointed in 23 courts (out of 65 available). There are no specific requirement to education or qualification for this type of judges to be appointed. Furthermore, the appointed judges are reviewing the cases of other categories apart from criminal proceedings related to minors. 582 cases against minors were reviewed in 2013 which is less than one percent of overall load of the courts (127526 as per the data provided by NHRI).</p> <p>As per the information provided by the Council of Justice at the moment curricula for life long education of judges is under analysis for further approval by the Coordination council of the Learning Center for Judges</p>
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15.	Considering reform of criminal executive system as a priority for the activities of the GoT (88.46);	1) To carry out analysis of the legislation in order to introduce changes in the part related to conditions of imprisonment in line with the international standards; 2) To develop a concept and action plan to reform penitentiary system;	MoJ, NHRI, NLC	<p><b>Implemented partially.</b> The analysis of the legislation on conditions of imprisonment regarding compliance with international standards is still not carried out. Furthermore it is necessary to carry out analysis of amnesty processes applied in the country.</p> <p>The programme on labour and industrial production in the penitentiary institutions of the Republic of Tajikistan for 2015-2020 is approved by the Resolution of the Government of Tajikistan as of 1 December 2014# 739. This programme is providing an opportunity to most inmates to carry out paid labour depending on their willingness and to earn their living, savings necessary for after the sentence was served. Effectiveness of the programme implementation depends on availability of resources. The investments necessary to carry out equal to 2 million USD. The Government at the moment is trying to find resources.</p> <p>According to the information of the Ministry of Justice in the beginning of 2015 the working group had started elaborating the concept of penitentiary reform. While drafting current report, the Concept and Plan of Action on afore reform were not adopted.</p>
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16.	Adopt further steps to build the capacity of penitentiary institutions and to improve protection of rights of imprisoned persons in particular right to food, safe drinking water, sanitation services (88.47)	<p>1) To expand the access to penitentiary facilities for international humanitarian organizations;</p> <p>2) Gradual increase of state subsidies as well as involvement of alternative funding sources for penitentiary institutions including expenses related to food, water supply and sanitation.</p> <p>3) To build the capacity of penitentiary staff through enhancing the awareness on minimal rules of treating the inmates</p>	MoJ, NHRI, NLC, MoF	<p><b>Partially implemented.</b> Due to lack of transparency and accountability within the penitentiary system the information on allocation of funds by the state for the expenses of penitentiary institutions is not available, as well as the information on the training on minimal rules for the staff.</p> <p>Main division on penitentiary had signed agreements with over 12 international organizations and NGOs. Amongst these: UN Global Fund, AIDS FUND, East-West, Caritas Luxemburg, UNICEF, Regional USAID office, DVV International, public organizations Vita, Sino, Khayoti Nav, Dina. It shall be noted that the organizations are providing services only.</p> <p>MoJ had informed that the Government of RT allocates resources including the expenses related to food, water and sanitation, with the annual growth in the amounts of allocated budget resources of 8-12%. According to Ministry of Finance within the last 5 years the allocations were growing annually and amounted in total to 175 million somoni. In 2014 46,5 million somoni were envisaged for the penitentiary system which 17,4 percent more than in 2013.</p> <p>According to the information of the Ministry of Justice, by the Decree of the Rector of Re-Training Institute for Law Enforcement Personnel, Ministry of Justice had adopted the curricula for Head Department on Penitentiary under MoJ. According to the plan 15 training sessions were carried out for 156 staff members of the Department and 5 workshops and training sessions were carried out by international organizations for 80 staff members of same Department.</p>
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17.	Create independent mechanism dealing with complaints of imprisoned people (88.49, 90.34)	To identify possibilities to ratify Optional Protocol to UN Convention against Torture and to set up National Preventive Mechanism	MoJ, MoF, NHRI, NLC	<p><b>It is partially implemented.</b> According to the information from the Ministry of Justice, it has considered possibility of ratification of the Optional protocol to the UN Convention against torture and creation of the independent preventive mechanism. The analysis of the Optional protocol indicated that its ratification will lead to a number of additional obligations for member states. Within the analysis it was defined that some articles of the Optional protocol are not in line with the Code of Execution of Criminal Penalties of RT. According to article 1 of the Optional Protocol member states are obliged to carry out regular visits to the places of imprisonment by independent international and national authorities. And article 29 of the Code of Execution of Criminal Penalties of RT defines a number of people who have the right to visit correctional facilities, both independent international and national authorities aren't included into this category. In general, the analysis indicated that ratification is only technical formalities, the key issue is related to its further implementation that requires introduction of a number of changes and additions into the operating system and the legislation. However, according to the state ratification of the Protocol is premature and there is a need to carry out the additional analysis of all aspects related to ratification of the Optional protocol to the Convention against Torture.</p> <p>The working group on visit and monitoring of the closed establishments is created by the order of the NHRI on August 6, 2013 and includes representatives of the NHRI, Parliament, Executive Office of the President of RT, Prosecutor's Office and judicial authorities, there are also representatives of the academic circles and civil society. The working group is authorized to coordinate the piloting of the mechanism of monitoring of places of imprisonment.</p> <p>From February, 2014 till January, 2015 the monitoring group visited 15 closed institutions (TIC, pre-trial detention center, corrective labor colonies, a drug clinic, SVS, residential care facility for aged and disabled people, etc.)</p> <p>Though, according to the Regulations, the monitoring group can carry out visits without prior notice and is independent to choose the facility to visit, all visits were carried out according to the prior notice, with</p>
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				<p>coordination of dates and places of visit with the relevant institutions. However since February 2015 several visit without prior notifications were possible</p> <p>There was no opportunity to conduct confidential interviews with inmates as the personnel of the closed establishments was present during the interviews and refused to leave the room. The interviews were conducted also with participation of representatives of NHRI. In the majority of closed facilities access to internal documents was not provided to monitoring group (regulations, for example), proving that internal documents are documents of office use.</p>
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18.	Ensure registration of birth and simplify access to birth registration services including by means of fee reduction (88.50)	Introduction of corresponding amendments to the Law of the Republic of Tajikistan On state registration of civil status and to review possibilities to decrease the fees for birth registration	MoJ	<p>This recommendation is partially implemented. At the moment there are no legislative norms to facilitate access to birth registration services.</p> <p>According to the information of the Ministry of Justice of RT there is no fee for birth registration it is necessary to cover the cost of state blank which in line with the Resolution of the Government of RT # 7735 as of 23 February 2010 is 20% of the indicator for calculations (about 8 somoni). The application for the registration shall be provided not later than 3 months after the birth of the child. The application on still born or on death of the just born shall be made not later than 3 days after the still birth or death. State registration of still born or dead child is carried out free of charge.</p> <p>Ministry of Justice had drafted the Law of RT On amending the Law of RT on State Registration of Civil Status at the moment the draft law is under the review of Majlisi Oli. At the moment of current report drafting the amendments were not introduced.</p> <p>On 18 March 2015 the law on State Registration of Civil Status was amended, which did not cover facilitating access to registration services and decrease in costs related to registration of birth</p>
19.	Take steps to protect and promote freedom of expression and put limitations of freedom of expression in compliance with international obligations (88.51)	To carry out legislative analysis on its compliance with the international obligations in the field of freedom of expression and providing the recommendations on amending existing legislation	MoC, MoJ, NHRI	<p><b>This recommendation is implemented.</b> On 19 March 2013 the new law on periodic and other mass media was adopted. The law was put in the compliance with international acts. The Law contains notions on state support to mass media, it also sets forth that “State ensures implementation of rights and interests of mass media. Such support is implemented through allocating financial resources and other support in the order prescribed by the legislation of the Republic of Tajikistan”.</p>

20.	Guaranteed freedom of conscience through eliminating the discrimination of people belonging to religious minorities (88.52)	<p>1) To carry out comprehensive analysis of the legislation on its compliance to international standards adhered to by the Republic of Tajikistan in the field of freedom of conscience;</p> <p>2) To carry out regular awareness campaigns amongst the population on tolerance and freedom of conscience;</p> <p>3) To learn best practices for introduction of alternative services;</p> <p>4) To develop courses on freedom of conscience and to train representatives of state bodies</p>	CRA, NHRI, NLC, Ministry of Defence	<p><b>Partially implemented</b></p> <p>1) Not implemented;</p> <p>2) The CRA had carried out awareness campaigns for the population on setting the order of customs and traditions, propagating patriotic ideas national identity respect to national dresses and national values and to prevent negative phenomena.</p> <p>3) Draft Law on Alternative Military Service was ready in 2012 however it is still not adopted.</p> <p>4) CRA together with the CSI under the President of RT had initiated short courses in CSI to enhance the capacity of civil servants related to implementation of state policy on religion, customs, traditions (in general 508 people were trained). However these courses did not contain any references to the issues of freedom of conscience in the international standards.</p>
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21.	<p>Ensure elimination of child labour abuse and access of children in vulnerable situation to education (88.53, 88.54, 88.55, 88.56, 90.48, 90.49)</p>	<p>1) To carry out comprehensive legislative analysis and recommendations of UN CRC on improving the conditions and access to education for children;  2) To introduce definitions for forced labour and to provide criminal punishment for the utilization of forced labour;  2) To carry out constant control and investigation of forced child labour including under the pretext of volunteer participation in cotton picking campaigns;  3) To carry out awareness campaigns on forced child labour and its negative impact on child development;  4) To cooperate closely with public and international organizations and state bodies in charge of prevention of forced labour;  5) To develop programs for law enforcement personnel on reacting and investigating child labour cases;  6) To carry out regular monitoring of cotton harvesting to prevent forced child labour;  7) To carry out monitoring of cotton picking in order to prevent forced child labour and undertake measures to occupy children in difficult situations and other worse types of child labour.</p>	<p>CRC, NHRI, GP, MLSP, MoE</p>	<p><b>This recommendation is implemented partially.</b> According to NHRI the working group that includes representatives of the Ministry of labour, migration and employment, General Prosecution, Ministry of Education and Ministry of Justice has completed the comprehensive analysis of the legislation and recommendations of UN CRC to identify means to improve conditions of education and access of children to education.</p> <p>Amendments were introduced to article 131 of the Criminal Code in line with the Law of RT On amending the Criminal Code and in line with the amendments the notion of forced labour is set forth as well as criminal liability for it.</p> <p>The Law of RT on Protection of Rights of Children was adopted on 15 March 2015. The Law does not prohibit forced labour however it prohibits to accept or involve the child to hard underground work or work in harmful environment.</p> <p>By the Resolution of the Government as of 30 May 2008 A task Force aimed at offence prevention among minors and youth was set up under the Ministry of Interior that protects rights and interests of minors. However the task force does not carry out regular monitoring and investigation of all forms of worst child exploitation including under pretext of willingness to participate in cotton harvesting campaign.</p>
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22.	Adopt a range of measures to ensure inclusive education and non discrimination of children with disabilities thus preventing them to study in general education system (88.55) and to develop programmes allowing girls to stay in the system of education preventing them to drop out of school (88.57)	<p>1) To carry out practical implementation of the Inclusive Education Concept for children with disabilities for 2011-2015 through developing and adopting the plan of action;</p> <p>2) Psychological and teaching commissions (PTC) to apply individual approach to each child with disability while making a decision on his/her referral to general education facility;</p> <p>3) To carry out massive awareness campaign amongst state bodies and the population in order to ensure non discrimination of children with disabilities in general education facilities;</p> <p>4) To carry out gender assessment of the legislation regulating right of children with disabilities with specific focus on girls with disabilities;</p> <p>5) To adopt definite measures to involve girls to education to ensure that they do not drop out of education prematurely</p>	MoE, MoH, MLSP, NHRI	<p><b>This recommendation is not implemented.</b> There is no information on developing and adopting the Plan of Action aimed at implementation of the Inclusive Education for children with disabilities for 2011-2015. New articles to the Law of RT on Education were adopted. Ministry of Education and Science had adopted the Regulation on the process of inclusive education for children with education as well as Regulation on organizing home based education and some other documents.</p> <p>At the moment, in line with the information provided by the Ministry of Healthcare and Social Protection of the Population there are over 150 thousand people with disabilities of them 25540 are children with disabilities (statistics does not include children without formal status of disabled) out of them according to the Ministry of Education 5244 children are attending general education schools. In total there are 938 general education schools in Tajikistan which are attended by at least one child with disabilities. As of May 2015 there are three schools in Dushanbe that have infrastructure and resources to provide inclusive education in line with international standards.</p> <p>There is no information on using individual rehabilitation program for children with disabilities while deciding the issue of child referral to general education facility.</p> <p>Gender assessment of the legislation regulating the right of children with disabilities to education with specific focus on girls with disabilities.</p>
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23.	Take further efforts to enhance poverty elimination and ensure sustainable development as well as to implement at fullest National Development Strategy for 2006-2015 and poverty reduction strategy for 2010–2013 (88.60, 88.61, 88.62, 90.50);	1) To develop and adopt the Strategy of Improving Living Standards for the People in Tajikistan for 2013-2015; 2) To involve civil society in the process of drafting poverty reduction strategy and its further implementation	MoEDT, MoF, MLSP	<p><b>This recommendation is implemented</b>, the Government of RT had adopted the National Development Strategy for 2006-2015, Poverty Reduction Strategy for 2010-2013 and Living Standards Improving Strategy for 2013-2015.</p> <p>Ministry of Labour, Migration and Social Protection had informed that in 2012 salaries of employees in social facilities, including personnel in preschool and general education facilities, residential care houses for elderly and children with disabilities by more than 60%, healthcare - by 40% , science and culture- by 30% and stipends by 50%. It was also noted that as a result of adopted social and economic measures the poverty level in the country had dropped from 81% in 1999 to 38% in 2012, i.e. almost by 45%.</p>
24.	To activate the efforts to eliminate unemployment in particular in rural areas including through specific programmes aimed at stimulating of economic growth and development (88.63)	1) To study and review the possibility to develop rural development programmes to ensure implementation of national strategies; 2) On the basis of the Living Standards Improving Strategy for 2013-2015 to adjust other sectoral strategies and programmes	MoEDT, MoF, MLSP, MS	<p><b>This recommendation is adopted</b>, there is no separate Programme (Strategy) on decreasing unemployment, however general strategies (for instance development strategy) are available and contain provisions on decreasing unemployment.</p> <p>According to the information from MoEDT all concepts, strategies, programmes and plans for economic and social development are based on the National Development Strategy for the period up to 2015 "including the Living Standards Improving Strategy for 2013-2015. Over 47 programmes for district and town development were developed and are under implementation. 9 more programmes are to be developed in 2014 and the activities are ongoing.</p>

25.	To ensure further improvement of social economic situation of women in line with the recent reforms implemented by the Government (88.64)	1) To carry out awareness activities on the measures adopted by the GoT on improving social economic situation of women amongst the population and state bodies; 2) Enhance implementation of state programme on empowering women in the society	CWFA, MoEDT, MoF, MLSP	<p><b>This recommendation is implemented.</b></p> <p>1) According to available information on CWFA is carrying out awareness raising activities (through mass media, courses etc) for the population. State bodies and the population are informed on the improvements of social economic situation of women;</p> <p>2) State programme on training experts amongst women and to support their further employment was developed for 2012-2015 to involve women to education and to enhance their competitiveness on the labour market. As a result amount of employed women had increased by 36133, 76757 women and girls are involved in vocational education.</p>
26.	To activate the efforts to improve access to clean and safe drinking water of corresponding quality and to provide the population with the sewage services (88.65)	To develop national programme and action plan on improving access of population to drinking and safe water and sanitation for 2013-2018;	MLR, MoH, SUE “Local Communal Water Supply”	<p><b>This recommendation is not implemented</b></p> <p>National programme and plan of action on improving access of the population to safe drinking water and sanitation for 2013-2018.</p> <p>Over half of the population - 51,4 % do not have access to safe and clean drinking water and using the water from various sources that are dangerous in pandemic respect (water from ponds, rivers, canals and other dangerous sources). At the moment coverage of the water supply and sanitation services is limited in particular in rural areas of Tajikistan and the situation can not be improved without settling the issue of sustainability. This fact is agreed upon by all the development partners</p>

27.	To activate the process of HIV/AIDS prevention programmes for 2011-2015 (88.66)	To reinforce the measures for implementation of National Programme on Prevention of HIV/AIDS for 2011-2015	MoH	<b>Implemented.</b> The state takes measures for timely identification and treatment of HIV/AIDS. In 2014 in line with the decree of the Ministry of Labour and Social Protection as of 20 February 2014, # 92 and with the support of SDC 7 trust centers were set up for injection drug users in Khujand, Penjikent, Kurgan Tube, Vose, Farhor, Hissar, Rushan and 1 center for commercial sex workers in Dushanbe. At the moment there are 28 trust centers for injection drug users in Tajikistan and 11 centers for commercial sex workers that are providing services to prevent of HIV infection. In 2014 4415 injection drug users and 2160 commercial sex workers were covered by the programme on preventing HIV. In total 548 (in 2012 – 100 people, 2013 – 112 people, 2014 – 132 people) pregnant women HIV positive were registered in the Republic.
28.	To revitalize the efforts in the field of healthcare, education and guarantees of the rights of women and children and to boost social economic development(88.67)	1) To develop action plan to implement the recommendations of UN SR on Rights of Everyone to Highest Attainable Standard of mental and physical health; 2) To develop action plan to implement the recommendations of UN CESC	MS, CWFA, CCR	<b>Not implemented.</b>

29.	Promote civil. Political and social rights of labour migrants through migration service (88.68);	<p>1) To develop an action plan to implement UN Committee on Migrants recommendations;</p> <p>2) To develop and approve Instructions for the MS staff on how to deal with the complaints and appeals of labour migrants and their family members both in the country and outside of it;</p> <p>3) To expand the authorities and competence of the MS staff on protecting labour migrants through amending the Regulations on MS (including the representation offices abroad));</p> <p>4) To develop and adopt memorandum (agreement) on cooperation between MS, MFA, GP and NHRI on protections the rights of labour migrants abroad;</p> <p>5) To introduce contemporary electronic technologies (software and technical solutions) in the activities of MS on registering the complaints of labour migrants including the cases of deportation, detention in closed and semi closed facilities, slavery and labor and sexual exploitation;</p> <p>6) To disseminate complaint procedures as well as authorities of MS to review the complaints and to notify on the results through printed and electronic media</p>	MS, NHRI, GP, MFA, MoF, MLSP	<p><b>Implemented partially.</b> On 22 June 2013 the Chairmen of the commission on implementation of international obligations in the field of human rights, First Deputy Minister of RT had approved National Plan of action to implement the recommendations of the UN Committee on the Rights of Labour Migrants for 2013-2017.</p> <p>At the moment the Migration Service of RT is under the supervision of the Ministry of Labour Migration and Employment of the Population of RT. New Regulation on Migration Service is approved by the Resolution of the Government of RT as of 4 June 2014 # 390. The Regulation has expanded the authority and competence of the labour migrants as well as stipulated the mechanisms to process the complaints and appeals of the labour migrant and their family members.</p> <p>NHRI informed that within recent years range of bilateral and multilateral agreements were signed including Dushanbe declaration of NHRI in Central Asia on cooperation, a Council of NHRI and Eurasian Association of Ombudsmen were established, agreements were signed with NHRI in RF, Sverdlovsk province and in 2013 with NHRI in Saint Petersburg and Samara province.</p>
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30.	<p>Improve system of collection and analysis for statistic data on labour migrants and develop national strategy on migration in a broader policy of economic development of the country (88.69)</p>	<p>1) To analyse system of data collection and assessment and to develop recommendations on how to ensure quality of statistic data collection;  2) Introduce new system of statistic data collection on all custom points in the country using contemporary technologies;  3) Carry out awareness raising campaigns on rules of data collection;  4) Carry out analysis and monitoring of implementation for the National Migration Strategy for 2011-2015 on its compliance with other strategies on economic and social development and develop measures on its harmonization with other strategic documents</p>	AS, MLSP, MEDT	<p><b>This recommendation is not implemented.</b> Acting system of migration registering must be reformed. Migration cards do not contain information on the age of underage children who usually go abroad to work. Furthermore, migration cards are not always accessible in airports, there are no information desks and there is no way to get a consultation. Often the migrants are forced to buy the cards for separate payment from the staff member of the airport or other people who also offer paid services to fill the cards in.</p> <p>In accordance with the information provided by the Ministry of Labour, migration and employment during 11 months of 2014 784590 (908346 citizens – in 2013) Tajik citizens left abroad, out of them men 645696 (760478 men – in 2013) and 138894 women (146868 women in 2013). Out of total amount of Tajik citizens leaving abroad 629658 (753689 – in 2013) are labour migrants, that is 80% of people left. Of them 530398 are men (in 2013 – 659953 men) and 99260 women (in 2013 – 93736 women).</p> <p>Labour migrants left Tajikistan mainly for Russia (620057 people), Kazakhstan (7179 people), Kyrgyzstan (1301 people), Afghanistan (388 people), Turkey (194 people), China (190 people), Arab Emirates (125 people), Iran (222 people) and Germany (2 people).</p>
31.	<p>Review the issue of Optional Protocol to CEDAW ratification (90.1, 90.8, 90.11, 90.19, 90.20, 90.21, 90.22, 90.23, 90.24, 90.25, 90.26, 90.27)</p>	<p>1) To draft Resolution on ratification of Optional Protocol to CEDAW  2) Introduce amendments and additions to acting legislation to put it into compliance with the provisions of the Optional Protocol to CEDAW</p>	MFA, MoJ, NHRI, Majlisi Oli	<p><b>Implemented.</b> On 22 July 2014 Tajikistan had ratified Optional Protocol to CEDAW</p>

32.	Ratify Second Optional Protocol to ICCPR, aimed at abolition of death penalty(90.10, 90.12)	To carry out internal procedures related to ratification of Second Optional Protocol to ICCPR	MFA MoJ NHRI NLC, Majlisi Oli	<p><b>This recommendation is not implemented.</b> As per the information provided by NHRI at the moment a working group was set up to look at social and legal aspects of death penalty.</p> <p>However the results of the working group activities are not known yet, it is not clear which decisions were taken and terms for preparing the country to ratify Second Optional Protocol to ICCPR.</p>
33.	Prohibit any type of corporal punishment in any environment, and guarantee rights of children to adequate living standards, paying specific attention to orphans to ensure their access to safe drinking water and education (90.28);	<ol style="list-style-type: none"> <li>1) Carry out monitoring of corporal punishment of children and introduce legislative prohibition of such treatment;</li> <li>2) Adopt the strategy on protecting the rights of children and prohibition of corporal punishment and to disseminate it widely through printed and electronic media;</li> <li>3) Carry out awareness raising campaigns among the population and teachers of general education facilities on prohibition of corporal punishment;</li> <li>4) Develop action plan to implement UN CESC recommendations;</li> <li>5) Review standards and norms of feeding in residential care facilities.</li> </ol>	MoS, CWCA, NHRI, MoE, MoF, MLSP	<p><b>This recommendation is implemented partially.</b> Out of five parts of given point only one was implemented.</p> <p>On 6 March 2015 UN CESC had provided its concluding observations to Tajikistan. In coordination with the department on constitutional guarantees of the Executive Office of the President of RT draft action plan was prepared to implement the recommendations for 2015-2020. The plan was developed in cooperation with civil society. At the moment of drafting current report the plan was not approved.</p>

34.	Adopt amendments to Criminal Procedure Code to indicate names of officials involved in arrest in line with the principle 12 of Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (90.30)	1) Introduce amendments to CPC of RT and Law of RT on arrest setting forth necessity to explain the rights of arrested at the moment of the arrest, indicate in corresponding documents including in the Register name, reasons and grounds of arrest, names of people carrying out the arrest and provide immediate access to lawyer and medical examination, to decrease notification period to 12 hours in cases of changing the detention location; 2) To develop Instruction on order of arrest for law enforcement bodies	MoJ, MoI, GP, NHRI	<p><b>This recommendation is implemented partially.</b> On 24 October 2012 by a joint decree of General Prosecutor and heads of all law enforcement bodies in Tajikistan Instruction on Arrest was endorsed. The instruction provides necessity to explain the rights of arrested, immediate access to lawyer, thorough registration of data (including people carrying out the arrest) access of lawyer to all register data, medical examination and notification of relatives on arrest and changing the location of detention.</p> <p>The Resolution of the Supreme Court Plenum on implementing the norms of criminal and criminal procedure code to prevent torture as of 25 June 2012 provides a whole range of measures aimed at ensuring guarantees of arrested including the right for one call, considering the moment of actual arrest as the start of detention, criminal responsibility for people violating the rights of arrested including failure to indicate the time of arrest.</p> <p>In accordance with the information provided by General Prosecution to amend CPC and Law of RT on Arrest a working group was set up under the Ministry of Justice. At the time of current report drafting the amendments to the legislation were not endorsed.</p>
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35.	To implement UN rules related to treatment of women prisoners and women who had violated the law though not arrested. The rules are known as Bangkok rules. It is necessary to seek support to corresponding UN agency to ensure improved treatment for women prisoners (90.31).	1) Carry out comprehensive analysis of the legislation and develop recommendations related to introduction of UN rules related to treatment of women prisoners; 2) Carry out awareness raising events for the staff of the closed facilities for women, women colony, TIC on UN rules related to treatment of women prisoners and punishment measures for women in conflict with the law.	CWFA, MoJ, NLC, MFA, NHRI, CoJ	<p><b>Partially implemented.</b> Ministry of Justice carries out legislation analysis on its compliance with Bangkok rules, according to the information provided by the Ministry most of the Bangkok rules are reflected in the Criminal Prosecution Code of RT. However there is a need in further analysis.</p> <p>Similarly according to the information provided by the ministry Bangkok rules include both material and procedure norms aimed at improving the conditions for women prisoners. It is necessary that these recommendations are endorsed by Tajikistan (even though these rules are part of the soft law and should not be ratified). In the meantime implementation of Bangkok principles implies certain additional expenses from the state budget, since the norms in some cases call for improving the conditions, providing them with timely medical aid, improving the quality of food, providing them with better clothing corresponding to the season, gradual improvement of expenses for sanitation and tidiness and other activities.</p> <p>According to the information of the Ministry of Justice within 2013-2014 international organizations had carried out more than 90 workshops, round tables and conference in which 300 staff members took part. Some events were dedicated to UN rules related to treatment of women prisoners, known as Bangkok Rules.</p>
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36.	To provide the possibility to appeal legal grounds of administrative arrest to same extent as to appeal the legal grounds of any other forms of arrest (90.32)	To carry out analysis of the legislation to identify whether the procedures of administrative arrest appeal are in compliance with international standards of fair trial	NLC, NHRI, MoJ, GP, CoJ, SC	<p><b>Implemented.</b> To carry out legislation analysis on its compliance to international standards the working group was set up under the National Legislative Center under the President of RT that included representatives of all the corresponding bodies in line with the assignment of the head of Executive Office of the President as of 20 September 2013, #29,10-1.</p> <p>Analysis had indicated that up till the first half of 2014 in line with the Code of RT on Administrative Violations there were no procedures for appealing the administrative arrest either in the court or in other state authorized body. In July 2013 the Procedure Code of RT on Administrative Violations was adopted. Since then the issues related to administrative arrest shall be reviewed in line with the Code on Administrative Violations. Article 59 of the Cod provides administrative arrest as a mean to ensure investigation on the administrative case. Article 61 of the Code considers administrative arrest as temporary limitation of person's freedom and considers it necessary for timely and correct approach to investigation and to review the case. On the basis of part 1 article 77 of the Code, a person who was subjected to administrative procedures (including administrative arrest) has a right to appeal the decision in the court or other state authorized body. The regulations on the appeal are fully integrated. Thus the procedure to appeal administrative arrest is in line with the international standards.</p>
37.	To ensure independent impartial and transparent investigations of human rights violations, including those raised by the Committee on Human Rights and Special Rapporteurs in order to guarantee prevention of impunity (90.36);	To look carefully at the concluding observations of HRC on individual communications and Special Rapporteurs and to develop plan of action to ensure legal and impartial investigation on the stages of pretrial and trial investigations for law enforcement and judiciary bodies.	GP, MoI, MoJ, NHRI	<b>Not implemented.</b>

38.	To set up separate judiciary system for minors with specific emphasis at rehabilitation, reintegration, stop measures related to isolation of minors and ensure 14 years as minimal age for criminal responsibility set up in the international and internal law with no exceptions (90.37)	1) To enhance measures aimed at implementing the reforms in juvenile justice for the period 2011-2015; 2) To disseminate widely information on the reforms of juvenile justice system amongst the population and state bodies.	CRC, MoJ, MoI, NHRI, COJ, SC	<p><b>This recommendation is implemented partially.</b> In the beginning of October 2009 the Government had endorsed national plan on reforming the juvenile justice system for 2010-2015 (the plan did not include protection and support of children witnesses of crimes). The plan has the following sections: improving coordination and monitoring of juvenile justice, create justice system friendly to child, create effective rehabilitation programmes as well as reintegration. The coordination of implementation was under the national Commission on Children’s Rights. The department on juvenile justice was set up in 2011 in the Ministry of Justice, that was reformed into the department on juvenile justice and children’s rights in 2012. Department coordinated the drafting of the National Plan on Justice for Minors (at the moment the plan is still not endorsed). With the support of UNICEF Council of Justice had set up 7 child friendly rooms in the district courts. 4 out of them are equipped with camcorders to record the conversations with children. Special juvenile judges were appointed to deal with cases related to minors at least in 23 courts in the Republic. There are no specific requirements in terms of education or qualification of judges. For the first time in Juvenile Colony there was a position of the psychologist, however it is still vacant. After the new Criminal Procedure Code was enacted issues related to referral of minors to specialized facilities were to be decided by the court however in practice there are cases when a child can be referred to Special school by a decision of administrative body (Commission on Minors).</p> <p>Issues related to rehabilitation and reintegration (in order to keep children away from formal justice system) were to be transferred to Centers on Additional Education (that are under the supervision of Ministry of Education) for these ends amendments were drafted to the Law on additional education and provision on the centers. At the time of current report compilation the amendments were not endorsed. Intermediary reports on monitoring of implementing the reform of juvenile justice are not available to wider public.</p>
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39.	Take all necessary measures to ensure freedom of press, in particular by cancelling criminal liability for slander, so that slander is reviewed only under civil legislation and set forth simplified and more transparent procedures for broadcasting licensing (90.38, 90.39, 90.40, 90.41, 90.42)	1) To exclude responsibility for slander and insult from CC pf RT; 2) To study the practice of moral and physical compensation in the cases of dignity protection and to suggest corresponding amendments to national legislation; 3) To decrease the term for providing important information through amending the legislation; 4) To look at the possibilities to simplify the procedures for licensing of TV and Radio broadcasting.	MoJ, MC, NHRI	<b>This recommendation is implemented partially.</b> The new law of RT on Periodic and other mass media as of 19 March 2013 the mechanism of access to information is setting forth the term of three working days. Urgent information that is not listed as state secret or other information protected by the law shall be provided immediately by state bodies.  In 2012 articles 135 (Insult) and 136 (Slander) were excluded from the Criminal Code and transferred to Civil Code which implies civil responsibility for slander and insult.
40.	Undertake measures to ensure compliance of amendments to Criminal Code adopted in 2011 with international standards on freedom of assembly, conscience (90.46);	To carry out legislative analysis and where necessary to put the legislation in the compliance with international standards of freedom of conscience	NHRI, MoJ, NLC, CR	<b>This recommendation is not implemented.</b> In line with the information of NHRI in order to implement this recommendation a working group was set up under NHRI to analyse acting legislation dealing with freedom of conscience. At the moment there is no information on the results of the activities of the working group.

#### LIST OF ACRONYMS:

CRC - Commission under the Government of Tajikistan on Rights of Children

CIIO - Commission under the Government of Tajikistan on Implementing the International Obligations on Human Rights

IACHT - Interagency commission on Combat against human trafficking

ICRMP - Interagency commission on regulating migration processes

DCG – Department on Constitutional Guarantees of Human Rights under the Executive Office of the President of RT

NLC - National Legislation Center under the President of RT

NCC – National Coordination Committee on Prevention of HIV/AIDS, TB and malaria

GP - General Prosecution  
SC - Supreme Court  
SEC - Supreme Economic Court  
NHRI - National Human Rights Institution  
CoJ - Council of Justice  
MoI - Ministry of Interior  
MFA - Ministry of Foreign Affairs  
MoEDT - Ministry of Economic Development and Trade  
MoJ - Ministry of Justice  
MoH - Ministry of Healthcare  
MLSP - Ministry of Labour and Social Protection  
MoF - Ministry of Finance  
MoC - Ministry of Culture  
MoE - Ministry of Education  
MoD – Ministry of Defense  
MLRWR - Ministry of Land Reclamation and Water Resources  
SSC - State Security Committee  
CWFA - Committee on Women and Family Affairs  
CoYT - Committee on Youth and Tourism  
CEP - Committee on Environment Protection  
CTRB - Committee on TV and Radio broadcasting  
CoR - Committee on Religion  
HRC – UN Human Rights Committee  
CPMR – UN Committee on Protection of Migrants Rights  
CAT – UN Committee against Torture  
CESCR – UN Committee on Economic Social and Cultural Rights  
CCPR - UN Committee on Civil and Political Rights  
CEDAW – Convention on Elimination of Discrimination against Women

ASFC - Agency on State Financial Control and Anti-Corruption

ADC - Agency on Drug Control

CS - Custom Service

ICS - Institute of Civil Service

TNU – Tajik National University

ICSR – Institute of Civil Servants Retraining

EOP – Executive Office of the President