

ADVANCE QUESTIONS TO TAJIKISTAN – second batch

BELGIUM

- When does the Government of Tajikistan foresee the ratification of the core UN human rights conventions and Protocols it has not yet ratified, such as the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty, the Optional Protocol to the Convention against Torture, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearances?
- Is Tajikistan considering accepting the individual complaints procedure under the human rights conventions to which it is already a State party?
- Is Tajikistan considering fully aligning its national legislation with the Rome Statute of the International Criminal Court (ICC), including incorporating provisions to cooperate promptly and fully with the International Criminal Court and investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts, and accede to the Agreement on Privileges and Immunities of the Court (APIC)?
- Is the Government of Tajikistan considering ratifying ILO Convention n°189 on Domestic Workers?
- Is the Government of Tajikistan considering addressing a standing invitation to the Special Procedures of the Human Rights Council?

GERMANY

- Could Tajikistan please elaborate on when it plans to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Second Optional Protocol to the International Covenant on Civil and Political Rights?
- Although there has been some progress regarding the access of observers to prisons and detention facilities, in view of ongoing reports of ill-treatment of detainees, Germany would like to ask if Tajikistan has any further plans regarding the access to prisons and detention facilities by national and international observers, especially the ICRC?

LIECHTENSTEIN

- Liechtenstein recognizes Tajikistan's commitment to international criminal justice, as evidenced by its ratification of the Rome Statute of the International Criminal.
- What steps has Tajikistan taken to ratify the Kampala Amendments to the Rome Statute?
- The work of human rights defenders in Tajikistan is severely compromised by, inter alia, intimidations by official authorities, unjustified inspections and restricted access to information online. Women and LGBTI people are at particular risk for discrimination, threats and violence.
- What steps is Tajikistan planning to take to ensure an open, conducive and most of all safe space for civil society?

MEXICO

- What public policy efforts have been made to include civil society and Non-governmental organizations to participate in the discussion of public life issues, including human rights issues?
- What actions have been taken to criminalize violence against women and girls, especially domestic violence?
- What measures have been implemented to ensure inclusive primary and secondary education for all children with disabilities across the country?

NORWAY

- Will Tajik authorities allow journalists, diplomats and NGO representatives access to the court cases against 13 high level members of the Islamic Renaissance Party of Tajikistan, currently ongoing in Dushanbe? If not, then on what grounds?
- Norway was pleased to see Tajikistan accept our recommendation to ensure that the amendments to the criminal code of 2011 were in compliance with international obligations regarding freedom of assembly and freedom of conscience during the last UPR cycle. Which steps have been taken in this regard?
- Norway was also pleased that Tajikistan accepted our recommendation to strengthen and promote women's rights through appropriate legislative and policy measures and by addressing discriminatory social and cultural attitudes and practices. What has been done since then in order to meet this recommendation?

SLOVENIA

- How does the Government of Tajikistan plan to reform the judicial system in order to ensure independence of the judiciary?
- Does the Government have any plans to establish more effective human rights monitoring mechanisms and national human rights institutions, in particular an ombudsman office?

SPAIN

- In addition to the specific national action plans focused on some particular aspects of human rights, is Tajikistan ready to adopt a broad national action plan on human rights as recommended by United Nations? If so, how would civil society participate in its elaboration and monitoring?
- What measures has Tajikistan adopted to prevent and combat corruption?
- What steps is Tajikistan taking in order to reform the juvenile justice system?
- What ways could Tajikistan explore to encourage more victims of gender-based violence to report?
- Is the government of Tajikistan aware of the concerns expressed by the Committee on the Elimination of Discrimination against Women about the high incidence of child marriages and de facto polygamous marriages because of the religious ceremony nikoh, allowing a marriage regardless of the spouses' age? What measures does Tajikistan intend to take in order to deal with this issue?

- Have the authorities of Tajikistan considered putting an end to the practice of arbitrary blocking of access to websites and mobile phone services and ensuring that residents have unhindered access to information in order to respect freedom of information and tolerate all forms of legitimate speech?

SWEDEN

- What specific measures have been taken by the Government of Tajikistan and/or the Committee of Women and Family Affairs to ensure an effective implementation of the new law on Prevention of Violence in the Family?
- What steps have been taken to ensure that the law clearly prohibits corporal punishment in all settings, including in the domestic sphere and in care settings?
- What concrete measures have been taken by the Government of Tajikistan since the adoption of the Action Plan on Torture in August 2013?
- Since the last UPR in 2011, what steps have been taken by the Government of Tajikistan in order to facilitate the establishment of independent media?

SWITZERLAND

- Tajikistan has already taken numerous steps towards abolishing the death penalty (legal analysis, historical study, opinion poll, etc.). What new measures has Tajikistan taken recently in order to achieve abolition?
- During the first UPR cycle, Tajikistan accepted the recommendation to ratify the Second Optional Protocol to the ICCPR. What does Tajikistan think about the idea of ratifying the Protocol and abolishing the death penalty at least in peace times, as have done Mongolia and other countries?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- In light of a number of current trials of political activists and their legal representatives, what action is being taken by the Government of Tajikistan to ensure that all trials are conducted fairly, in accordance with international standards?
- What steps will the Government of Tajikistan take to amend the law on public association to ensure compatibility with international standards and allow for consultation and the participation of civil society?
- We would be grateful for an update on what progress has been made in the improvement of conditions in prisons and detention centres and whether the ICRC be allowed to visit them to assess progress?
- Will the Government of Tajikistan ratify the OPCAT Protocol and ensure that all allegations of torture or inhumane treatment in detention centres are investigated fully, transparently and impartially?
- What steps will the Government of Tajikistan take to protect freedom of speech and eliminate censorship of the media, and will they un-block political and social media websites and repeal Articles 137 and 330 of the Criminal Code criminalising insults and defamation of Government representatives?

UNITED STATES OF AMERICA

- We are concerned by government actions that suppress freedom of religion and freedom of expression under the pretext of combatting violent extremism and terrorism. How will Tajikistan ensure that actions taken to counter “violent extremism” and “terrorism” are not overly broad and are undertaken in a manner that protects peaceful independent voices from prosecutorial overreach?
- We are concerned that international and domestic NGOs and human rights organizations are not allowed access to prisons in order to monitor conditions and investigate allegations of torture. What does Tajikistan plan to do to take steps to grant NGOs and human rights organizations access to prisons? Will Tajikistan create an independent body under the Ombudsman’s office to investigate allegations of torture by law enforcement authorities?
- We commend Tajikistan for having enacted a law against domestic violence in 2012. However, we note with concern that women continue to face domestic violence at alarming rates, and that implementing mechanisms for this legislation have faltered. What actions does Tajikistan plan to take to improve this situation? Will Tajikistan establish an interministerial body focused on advancing the rights of women?
- We are concerned that authorities continue to support the 2004 Council of Ulema fatwa against women attending mosques, as well as laws and regulations that unduly restrict the right of minors to participate in public religious activities, ban some minority religious groups, and penalize unauthorized religious activity. How will Tajikistan effectuate its obligations to protect religious freedom for all citizens? How will Tajikistan publicly establish that the 2004 Council of Ulema fatwa against women attending mosques is neither binding nor supported by government policy? Will it repeal laws and regulations that negatively impact the exercise of religious freedom?
- We urge Tajikistan to hold the May 22, 2016 referendum on amendments to its Constitution with space for open discussion and debate. In advance of the referendum, what steps will Tajikistan take to ensure that citizens enjoy space for public discussion and debate on the amendments, and that the referendum presents citizens with genuine and unobstructed choice?
- We are concerned that the February 2016 enactment of legislation establishing the creation of a single Internet and telecommunications nexus under government control may leave independent media more vulnerable to government interference. What steps will Tajikistan take to ensure that this law is not implemented to curtail the rights of a free and independent media? Will Tajikistan investigate and respond to allegations of harassment of journalists and independent media?
- We remain concerned about the severe restrictions imposed in 2015 on space for peaceful political opposition, including as demonstrated by the banning of the Islamic Revival Party of Tajikistan. What steps will Tajikistan take to protect and promote space for peaceful political opposition as part of a healthy, secure, and pluralistic democracy? Will Tajikistan establish an independent election commission with representatives from opposition groups and civil society?