



**International Covenant on  
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**Human Rights Committee**

**Third periodic report submitted by Tajikistan  
under article 40 of the Covenant, due in 2017\***

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## **Introduction**

1. The present report is the third periodic report of the Republic of Tajikistan to the Human Rights Committee on the implementation of the International Covenant on Civil and Political Rights.
2. The report has been drawn up in accordance with the general guidelines regarding the form and contents of periodic reports and covers the period from 2013 to 2017.
3. The periodic report includes replies to the concluding observations of the Committee on the second periodic report of Tajikistan (CCPR/C/TJK/CO/2), which were adopted by the Committee at its 3002nd meeting, on 23 July 2013.
4. The report was prepared on the basis of an analysis of progress in realizing the National Plan for 2014–2016 to implement the recommendations made by the Committee in relation to the second periodic report of Tajikistan on the implementation of the Covenant, which was approved by the Government Commission on International Human Rights Obligations on 23 July 2014. Updates on the realization of the Plan are prepared every six months and sent to State bodies and civil society representatives.
5. In accordance with rule 71 (5) of the Committee's rules of procedure, relevant interim information was provided on 30 March 2015 on the implementation of the recommendations made by the Committee in paragraphs 16, 18 and 23 of the concluding observations.
6. The report was prepared by a working group of the Government Commission on International Human Rights Obligations.
7. During the preparation of the report, the working group consulted widely with representatives of State bodies and civil society institutions. The draft report was presented on 15 June 2017, with the participation of representatives of the executive and judicial branches, law enforcement agencies, the Office of the Commissioner for Human Rights, academic circles, and international and civil society organizations. The recommendations of stakeholders were taken into account in the preparation of the final version of the State party report.

## **II. Replies to the concluding observations of the Committee and information on the progress made in implementing the rights provided in the Covenant**

### **Regarding paragraph 4 of the concluding observations**

8. Tajikistan endorses the strict observance of international treaties and confirms its adherence to the principle of scrupulous compliance with international obligations.
9. Study of the provisions of international treaties is routinely included in the curricula for the training, further training and advanced training of judges, trainee judges and judicial staff at the Supreme Court's Judicial Training Centre. In addition, the necessary measures are taken to provide judges with material on the sources of international law and other training materials, guidance and academic literature.
10. A programme of human rights education was drafted covering the period 2013–2020 and was approved by decision of the Government on 3 December 2012. The programme covers human rights education in the education system and training and refresher courses for teachers, judges, civil servants, law enforcement officers and military personnel at all levels. Its main objectives are to promote a culture of human rights, respect for human and civil rights and freedoms, the engagement of State bodies in protecting human and civil rights and freedoms, the inclusion of human rights in the education system and a broader scope for the introduction of human rights values and standards, taking into account the steps already implemented in secondary, vocational and higher education.

11. The programme will be carried out in three phases: the first in the period 2013–2014; the second in 2015–2018; and the third in 2019–2020. During the implementation of the first phase, an interdepartmental coordinating council was formed comprising representatives from educational establishments of ministries and departments, higher education establishments and other institutions. Six working groups for the main areas of the programme’s implementation were set up within the council and are now operational. The working groups have developed 17 targeted programmes and submitted them to the Ministry of Education and Science for approval. These programmes are being carried out in certain educational establishments of ministries and departments, including the Presidential Institute for Public Administration, the Advanced Training Institute for staff of the procuratorial authorities, the Academy of the Ministry of Internal Affairs, the Supreme Court’s Judicial Training Centre and the Advanced Training Institute of the Ministry of Justice.

12. To ensure the correct and uniform application of international legal instruments by courts and criminal prosecution bodies, on 18 November 2013, the plenum of the Supreme Court adopted a decision on the application by the courts of the international legal instruments recognized by Tajikistan, in which it provided the following clarifications, among others:

In accordance with article 10 of the Constitution, the international legal instruments recognized by Tajikistan form an integral part of the country’s legal system. Where national statutes conflict with these international legal instruments, the norms contained in the latter shall apply.

“International legal instruments” means official documents adopted and recognized by the international community of States as a whole to be legally binding. They include, *inter alia*, documents of the United Nations and its specialized agencies.

13. The decision also draws attention to the fact that the international legal instruments recognized by Tajikistan are of direct and immediate effect and should be applied by the courts in deciding civil, family and criminal matters and cases involving administrative offences, in particular:

- In considering civil matters if an international treaty of Tajikistan has established rules that differ from those stipulated in the substantive laws of Tajikistan governing the subject of the case at hand
- In considering civil, family and criminal matters and cases involving administrative offences if an international treaty of Tajikistan has established rules on the conduct of the proceedings that differ from those established in the laws of Tajikistan on civil, criminal and administrative procedure
- In considering civil, family and criminal matters and cases involving administrative offences if there is an international treaty of Tajikistan governing the subject of the case at hand, including insofar as it relates to foreign nationals (for example, in considering the cases listed in article 391 of the Code of Civil Procedure, petitions for the enforcement of decisions of courts of foreign States and appeals against the extradition of persons who have been accused of committing offences or who have been convicted by a court of a foreign State)
- In considering cases involving administrative offences if an international treaty of Tajikistan has established rules that differ from those stipulated in the legislation on administrative offences

14. It is recommended that judges bear in mind when administering justice that, pursuant to article 14 (2) of the Covenant, everyone charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. In the determination of any criminal charge against him or her, everyone is entitled, in full equality, to the minimum guarantees specified in paragraph 3 of that article. In the determination of issues relating to a person’s arrest or detention, his or her rights as set out in article 9 of the Covenant must be taken into account.

15. To uphold the principles proclaimed in international legal instruments, the implementation of their norms and provisions is guaranteed in national legislation, in particular the Constitution and related laws. The courts, when handing down their decisions, regularly refer to the relevant provisions of international treaties, including the Covenant. The Constitutional Court regularly applies the provisions of the Covenant.

#### **Regarding paragraph 5 of the concluding observations**

16. On 28 March 2012, the Office of the Commissioner for Human Rights was awarded “B” status by the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. A working group was set up under the Commissioner to implement the Subcommittee’s recommendations. The Commissioner’s activities are constantly being expanded. To support the Commissioner’s work and the implementation of his mandate, an office comprising 25 civil servants and 15 support staff has been set up. Since 2012, local offices and public advice bureaux have been established in nine regions, employing 16 staff.

17. The Act amending the Commissioner for Human Rights Act was adopted to ensure that national legislation is in line with the Paris Principles. The amendments concern the expansion of the Commissioner’s mandate and coordinating role.

18. At the initiative of the Head of State, the institution of Commissioner for Children’s Rights has been introduced.

19. The National Plan of Action for 2017–2020 to implement the recommendations made by the States members of the Human Rights Council during the second cycle of the universal periodic review provides for the development and approval of an action plan for implementing the recommendations of the Subcommittee on Accreditation and the further refinement of the Commissioner for Human Rights Act.

#### **Regarding paragraph 6 of the concluding observations**

20. The Act on State Guarantees of Equal Rights and Opportunities for Men and Women was adopted in 2005. This Act represented an innovation in that it introduced such concepts as gender, gender policy, gender equality and equal opportunities into Tajik legislation. In addition, article 1 of the Act defines discrimination as any distinction, exclusion or restriction based on sex and intended to weaken or nullify the recognition of the equal rights of men and women in the political, economic, social or cultural spheres or in any other sphere. Article 3 of the Act prohibits discrimination in the realization of the rights of men and women and states that breaches of the principle underlying gender equality (the pursuit of State policies or commission of other acts that place men and women in a situation of inequality based on sex) are considered to constitute discrimination. The Act provides for guarantees of equality with regard to participation in representative bodies, access to the civil service, education and the right to work as well as a mechanism for the submission of annual monitoring reports on its realization.

21. A State programme for the education, selection and placement of capable women and girls in leadership positions for the period 2007–2016 was implemented with a view to the instruction and advancement of female leaders.

22. The Regulations on the competitive recruitment procedure for filling vacant administrative posts in the civil service were amended by presidential decree in 2017. In accordance with the amendments, in State bodies and self-governing authorities of settlements and villages, women, on first being appointed to the civil service on the basis of interviews conducted with candidates, have three points added to their scores.

23. The Government has adopted a State programme for the education, selection and placement of gifted women and girls in leadership positions for the period 2017–2022, which is aimed at the fulfilment of the country’s international obligations to overcome gender inequality, in keeping with the principles and purposes of the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action and the Sustainable Development Goals, and the achievement of other gender-based goals and tasks.

24. The promotion of gender equality and the enhancement of the role and status of women in society are also provided for in the National Development Strategy for the period up to 2030, the Programme for the Medium-Term Development of Tajikistan for the period 2016–2020 and other strategic documents.

25. The country's ministries and departments are carrying out the following activities, based on the main aims of these documents: formulating long-term State policy to secure rights and opportunities for capable women and girls with regard to education, selection and placement in leadership positions; ensuring equal rights for women and men when it comes to promotion and appointment to leadership positions; ensuring an enabling environment for education; encouraging girls to study in grades 10 and 11; and making accommodation available and providing scholarships for female students in higher education.

26. Currently, women comprise 21.1 per cent of members of the Majlis-i Milli and 20.6 per cent of members of the Majlis-i Namoyandagon, respectively the upper and lower houses of the Majlis-i Oli, the legislature of Tajikistan. One is the Deputy Chair of the Majlis-i Namoyandagon, while two are committee chairs. The Minister of Labour, Migration and Employment is a woman, as are the President of the Supreme Economic Court, the chairs of the Committee for Women and the Family and the Government Committee on Language and Terminology and the head of the Statistics Agency reporting to the President of Tajikistan. Seven towns and districts are headed by women. In other government structures, ministries and local agencies of the State, as a rule, one of the deputy heads is a woman. Altogether, 90 women are employed in the Constitutional Court and the judicial bodies and 745 in leadership positions in the internal affairs agencies. At the beginning of 2017, 4,200 of 19,000 civil servants, or 22 per cent, were women.

27. In the years since independence, Tajikistan has made great strides towards eliminating gender stereotypes and achieving genuine equality between men and women in all spheres. Large-scale public education campaigns are being conducted pursuant to the National Plan of Action to implement the recommendations made by the Committee on the Elimination of Discrimination against Women in relation to the combined fourth and fifth periodic reports of Tajikistan and the action plan for implementing the State Programme to Prevent Family Violence for the period 2011–2023, in which separate chapters and a number of measures are devoted to overcoming stereotypes and patriarchal attitudes towards women.

28. Education and awareness-raising campaigns are being carried out in the regions on the responsibilities of men in the family, the equal rights of men and women and the responsibility of parents for raising their children, with the involvement of voluntary organizations, representatives of community (*makhalla*) councils, publicly active women and members of the clergy.

29. In cooperation with the "Prevention of Domestic Violence" (PDV) project financed by the Swiss Agency for Development and Cooperation, seminars and training sessions have been held with representatives of law enforcement agencies, courts, local self-governing authorities and other agencies in Sughd and Khatlon provinces, in the city of Dushanbe and in the centrally administered districts on enhancing the coordination of activities to overcome gender stereotypes and implementing State policy to prevent family violence. Advocacy for the elimination of gender stereotypes and barriers to girls' education and the prevention of violence against women and girls is being carried out in neighbourhoods and schools in Dushanbe together with the voluntary organization Bovari ba fardo. Sessions are being organized for male students in the country's higher education establishments to promote an attitude of zero tolerance towards violence against women and children.

30. A number of measures are being taken targeting various segments of society and widespread use is being made of the media with the aim of eradicating stereotypes concerning the roles and duties of women and men in the family and society and raising awareness of the need to secure equal rights and opportunities for men and women and eliminate gender stereotypes. In order to increase understanding of the importance of equal rights and opportunities for men and women, the Committee for Women and the Family has

produced more than 200 programmes, which have been broadcast on various national and local television channels. In cooperation with the PDV project, the United Nations Population Fund (UNFPA), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), Oxfam, HELVETAS Swiss Intercooperation and the Taekwondo Association, public service spots have been produced and broadcast on the following issues: equal rights of men and women in society; respect for women in the family; observance of the rights of women and children in the family; prevention of family violence through the discussion of family values; gender equality; the primordial importance of education for boys and girls; zero tolerance towards family violence; efforts to combat early marriage; and compulsory State registration of marriages. Pamphlets, brochures and other handouts on these questions have been prepared and issued.

31. In 2015, the Government adopted the Family Development Policy Framework, which sets the following public policy goals: promoting the family as a key social institution and the foundation of society; defending the interests of family members and improving the protection afforded families in the light of today's challenges; enhancing the family's role as a social institution and a place for raising children; providing the economic and social support necessary for strengthening the family; improving family education and development; and ensuring the full realization of the constitutional principle of the equal rights of men and women in family relationships.

#### **Regarding paragraph 7 of the concluding observations**

32. In 2014, Tajikistan ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and thereby recognized the competence of the Committee to consider communications.

33. The Family Violence Prevention Act was adopted in 2013. The Act governs efforts to prevent family violence and defines the roles of those responsible for such efforts in identifying, preventing and eliminating the causes and conditions that foster family violence.

34. National legislation criminalizes certain forms of family violence. The Criminal Code establishes penalties for murder (art. 104), causing death (art. 109), inflicting serious or moderate harm to health (arts. 110 and 111), battery (art. 116), cruel treatment (art. 117), coercion of a woman to abort (art. 124), rape (art. 138), violent acts of a sexual nature (art. 139), coercion to engage in acts of a sexual nature (art. 140), sexual intercourse or other acts of a sexual nature with a person under the age of 16 years (art. 141), depraved acts (art. 142) and sexual intercourse, other acts of a sexual nature or depraved acts involving emotional abuse or exploitation of religious beliefs (art. 142.1). In addition, a parent who entices his or her child to commit a criminal offence or an anti-social act or to engage in trafficking in persons or in minors may also be prosecuted.

35. The Ministry of Internal Affairs has undertaken a project entitled "A gender-sensitive approach by law enforcement agencies to investigations and judicial investigations of domestic violence and to victim protection". As part of this project, 12 posts of inspector responsible for combating family violence have been created and the establishment of such posts in other agencies of the Ministry in the country's towns and districts is planned.

36. An advisory group reporting to the legislature has prepared three training modules for procurator's office and court staff who deal with civil actions. The modules were discussed at a round table in which law enforcement officers took part. Courses at the Judicial Training Centre have covered, in addition to other laws and regulations, aspects of the application of the Family Violence Prevention Act and norms of international legal instruments recognized by Tajikistan, in particular the Convention on the Elimination of All Forms of Discrimination against Women.

37. At the Ministry of Internal Affairs Academy, a new training course on family violence has been introduced. It consists of 20 academic hours and 120 hours of optional classes and addresses the elimination of negative gender stereotypes and the prevention of family violence. National and international experts have held four workshops on the subject of specialized training for internal affairs officers on domestic violence and a gender-

sensitive approach. Approximately 100 officers attended and participated in the training, and received certificates to that effect.

38. The inspectors responsible for combating family violence examined 203 reports in 2015, 482 in 2016 and 200 in the first six months of 2017. In addition, the inspectors and neighbourhood officers issued 35 protection orders in 2015, 134 in 2016 and 42 in the first six months of 2017.

39. There are State institutions and voluntary organizations providing practical assistance to women who are victims of violence or trafficking in persons: the Government Committee for Women and the Family; a support centre for girls who are victims of violence, cruel treatment or trafficking; the Ministry of Internal Affairs inspectors for combating family violence; and the 110 information and advice centres operated by local executive agencies of the State. State agencies and voluntary organizations run 33 crisis centres and 3 shelters. The UNFPA country office, in cooperation with the Ministry of Health and Social Protection is promoting the issues of gender equality and women's empowerment in the area of health service delivery. In this connection, a service to provide intersectoral, integrated gender-sensitive services to victims of violence has been set up. Eight units for victims of violence have been established within institutions of the health-care system and are now running, with financing from the State.

#### **Regarding paragraph 8 of the concluding observations**

40. The process of humanizing the country's criminal legislation is continuing, with many acts being decriminalized and more lenient penalties introduced. There is a moratorium on the death penalty. The number of offences punishable by death has been reduced to five: aggravated homicide (Criminal Code, art. 104 (2)); aggravated rape (art. 138 (3)); aggravated terrorism (art. 179 (3)); genocide (art. 398); and biocide (art. 399). The Act of 15 July 2004 suspending the death penalty in Tajikistan established a moratorium on its imposition. In 2005, article 58.1 was inserted in the Criminal Code, reading as follows: "Life imprisonment shall be imposed only as an alternative to the death penalty for the commission of especially serious offences." A death sentence may, as a form of clemency, be commuted to a sentence of life imprisonment or deprivation of liberty for a period of 25 years.

41. Since 2010, a working group has been studying the social and legal issues relating to the abolition of capital punishment. The working group includes ministers and their deputies from various ministries and departments, as well as representatives of the Supreme Court, the Office of the Procurator General, the Office of the Commissioner for Human Rights and academics. It has drafted a plan of action encompassing the study of global practice and legislation in countries that have abolished the death penalty, analysis of the crime situation before and after the introduction of the moratorium on the death penalty, the conduct of sociological research among various segments of society and the examination of the possibility of ratifying the Second Optional Protocol to the Covenant aiming at the abolition of the death penalty. During the second cycle of the universal periodic review (May 2016), the country again expressed its readiness to implement the recommendation concerning accession to the Second Optional Protocol to the Covenant.

#### **Regarding paragraph 9 of the concluding observations**

42. Various acts have been passed to refine the legislation governing conditions of detention for convicts and efforts to improve their situation and, thereafter, to bring standards for the detention of convicts into line with international standards. These include the Penalties Enforcement Code and the Penal Correction System Act.

43. The Commissioner for Human Rights Act was amended in 2012 and 2016, significantly expanding the Commissioner's powers and granting him the right to have unimpeded access to places where convicted prisoners are held and to consult their case files.

44. The procuratorial authorities conduct timely investigations into all deaths in penal institutions to establish their causes.

**Regarding paragraph 10 of the concluding observations**

45. The Office of the Procurator General has conducted a full and comprehensive criminal investigation into the disorder that occurred in Khorugh in July 2012. It has been established that, as a result of the disorder, which was organized by armed criminal groups, 18 law enforcement officers were killed and 45 injured, while State property was destroyed and looted along with private property belonging to residents of Khorugh. During the ensuing operation, 330 firearms, including sub-machine guns, machine guns and grenade-launchers, and large quantities of anti-tank and anti-personnel mines, artillery shells and so forth were seized from illegal armed groups. Organizers of and active participants in the disorder have been brought to justice.

**Regarding paragraphs 11 to 13 of the concluding observations**

46. In Tajikistan, the principle of non-refoulement of refugees is enshrined in law as a safeguard for compliance with the norms of the Convention relating to the Status of Refugees. The Office of the United Nations High Commissioner for Refugees (UNHCR) has assisted with the return of some refugees to their home countries; others have been sent to other countries, including Canada. Measures are being taken to provide long-term protection for those remaining in Tajikistan.

47. Under articles 3 and 14 of the Refugees Act, work with asylum seekers and refugees must be based on the principle of non-discrimination. Asylum seekers, persons applying for recognition of refugee status, persons who are recognized refugees and persons who have lost or forfeited their refugee status may not be returned or expelled against their will to the territory of a State where their lives or freedom would be in jeopardy owing to persecution on the grounds of race, religious beliefs, citizenship, membership of a specific social group or political opinions. The State bodies with responsibility in this area have no data on asylum seekers who have crossed the border illegally.

48. With a view to maintaining security and public order, on 26 July 2000 the Government adopted a decision on the establishment of a list of communities in which the temporary residence of asylum seekers and refugees was not permitted. Refugees and asylum seekers must comply with the list when settling in the Republic. At present, local authorities are making every effort to ensure that refugees settle in districts and areas where there is sufficient infrastructure. In order to improve work with asylum seekers and refugees and compliance with the international legal instruments recognized by Tajikistan, the Government by a decision of 2 August 2004 removed 7 districts from the list of 31 communities specified in Decision No. 325, thus allowing asylum seekers and refugees to reside there.

49. The Act of 26 July 2014 amending the Refugees Act was adopted in order to bring the legislation of Tajikistan into line with generally recognized human rights standards; it harmonized a number of provisions with the international standards laid down in the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.

50. Within the Commonwealth of Independent States (CIS), extraditions of internationally wanted persons are carried out in conformity with the Conventions on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (Minsk and Chisinau Conventions). Cooperation with other foreign States, in particular China, Iran, Pakistan and the United Arab Emirates, in the extradition of internationally wanted persons takes place on the basis of bilateral agreements. Where there is no bilateral agreement or international legal instrument, requests to extradite such persons are transmitted or received on the basis of the principle of reciprocity enshrined in national legislation.

51. When an internationally wanted person is extradited, formal assurances are sought from the requesting State that the extradited individual will be provided with all possible means for his or her defence, including the assistance of counsel, that he or she will not be subjected to torture or cruel, inhuman or degrading treatment or punishment and that the ultimate sanction — the death penalty — will not be applied. Extradition for criminal prosecution is carried out for acts that are criminal offences under the legislation of both States and are punishable by at least 1 year's deprivation of liberty.



52. In accordance with article 477 of the Code of Criminal Procedure, an individual extradited by a foreign State to Tajikistan may not be prosecuted, punished or extradited to a third State for another offence unrelated to the extradition without the consent of the State that extradited him or her. Under the Code, extradition is not permitted if an individual has been granted political asylum in Tajikistan, if the act that forms the basis for the extradition request is not deemed an offence in Tajikistan or if a final judgment has already been handed down in connection with the same offence or proceedings in the case have been terminated.

53. The relevant authorities have not identified any cases in which Tajik nationals have been abducted or returned unlawfully to Tajikistan from neighbouring countries.

54. In order to prevent Tajik nationals from taking part in armed conflicts in other countries, article 401.1 was added to the Criminal Code of 26 July 2014; the article provides for criminal penalties for unlawfully enticing Tajik nationals or stateless persons to participate or for taking part in armed groupings, armed conflicts or military operations in the territory of foreign States. The article contains a note stating that, if an individual voluntarily renounces his or her unlawful participation in an armed grouping, armed conflict or military operation in the territory of a foreign State prior to the cessation of the grouping's activities or the end of the armed conflict or military operation, that individual may be exempted from criminal liability provided that he or she has not committed any other offences.

#### **Regarding paragraph 14 of the concluding observations**

55. A number of legislative and institutional reforms have been undertaken in the country in order to strengthen efforts to combat torture. A plan of action to prevent torture, based on the recommendations of the Committee against Torture and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Juan Mendez, was adopted on 15 August 2013. It includes a range of measures for the implementation of recommendations by relevant State bodies and specific time frames for carrying out individual measures. Article 479 of the Code of Criminal Procedure was amended on 27 November 2014 to prohibit the extradition of a person if there is information to suggest that he or she may be tortured in the requesting State. During the period 2013–2016, legislative amendments were introduced to strengthen fundamental safeguards for the rights of detainees and persons held in custody. The Commissioner for Human Rights Act was amended to expand the Commissioner's powers to visit places of restriction or deprivation of liberty. In addition, the post of Commissioner for Children's Rights was established; the Commissioner serves as deputy to the Commissioner for Human Rights and is also mandated to visit places of restriction or deprivation of liberty. In 2014, a joint working group for monitoring places of deprivation of liberty was set up under the Office of the Commissioner for Human Rights. It also includes representatives of civil society institutions. The group conducts unscheduled visits to all places of restriction or deprivation of liberty, including psychiatric institutions and special institutions for children, with a view to preventing torture. A working group has been set up to improve internal regulations, guidelines and procedures with regard to forensic medical and forensic psychiatric examinations and medical documentation in accordance with the principles of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and, as a result of the group's work, national legal instruments on the medical documentation of torture have been drafted and adopted, and capacity-building has been conducted for medical workers along with training on the standards of the Istanbul Protocol.

56. In 2016, an act amending the Code of Criminal Procedure was adopted. The act introduced the concept of "de facto detention", whereby the period of detention is calculated from the moment that a person is taken into custody. It also set out the detention procedure, which includes explaining the detainee's rights to him or her at the place where he or she is taken into custody, indicating in the record of arrest and the custody register the identity of all those who took part in the detention, providing the detainee with immediate access to a lawyer and conducting a medical examination. The act significantly improves access to a lawyer. The detainee has the right of access to counsel from the moment of de

facto detention and to have private meetings with a lawyer without restriction on their number and length before he or she is initially questioned. The detainee and the lawyer have the right to consult entries in the detention records and request that they be amended. The previous 12-hour period established under the law for notification of an arrest to a detainee's family members has been abolished. A detainee's family members are now notified immediately of his or her detention, whereabouts and any change in the place of detention. The act establishes the concept of "inadmissible evidence", a list of information that is not admissible (including information obtained through the use of torture or cruel treatment), the procedure for excluding such information from the evidence in a case, and the requirement for criminal prosecution bodies and the courts to verify reports of the use of torture regardless of whether the suspect, accused person or defendant or his or her defence counsel has submitted a complaint or statement. The Code of Criminal Procedure, which prohibits torture and inhuman treatment, stipulates that any evidence obtained by such means is inadmissible.

57. Several medical forms and internal rules for assessing the physical condition of detainees have been adopted or approved, in particular for cases involving the use of torture:

- A detainee medical examination record
- A record of expert findings (form No. 170/u)
- A forensic-medical report (form No. 171/u)
- A collection of legal and regulatory instruments relating to forensic-medical assessments and a procedure (standard) for the organization and conduct of such assessments in State forensic-medical institutions. In addition, new medical documentation has been prepared for the prison system, including a medical examination record and a procedure for the provision of medical care to remand and convicted prisoners, which are intended to ensure that instances of torture and other forms of inhuman or cruel treatment is properly documented.

58. Training is conducted regularly for employees of the procuratorial authorities and the courts to enhance their skills in preventing torture. For example, in the period 2014–2016, seminars were held across the country for procurators, deputy procurators and investigators on methods and principles with regard to torture prevention.

#### **Regarding paragraph 15 of the concluding observations**

59. Tajik legislation expressly prohibits corporal punishment in schools and elsewhere. Under the Family Code, parents, when exercising their parental rights, may not harm their children's physical or mental health. One or both parents may be deprived of parental authority if they abuse their parental rights by ill-treating their children, including by subjecting them to physical or mental violence or infringing their sexual inviolability. Article 8 of the Act on Parental Responsibility for the Upbringing of Children states that parents have a duty to prevent the involvement of their children in hazardous or arduous work that is harmful to their health or in other work that would prevent their normal physical and psychological development.

60. In accordance with the Education Act, parents or persons in loco parentis are responsible for the upbringing of their children and are obliged to ensure their early physical, moral and intellectual development and, subsequently, their readiness for school. Article 25 of the Act provides that education and instruction must be conducted in schools on the basis of mutual respect among pupils, teachers and other staff. Using physical violence or psychological coercion on pupils is prohibited.

61. The Criminal Code establishes liability for all corporal punishment in articles 110 (Intentional infliction of serious harm to health), 111 (Intentional infliction of moderate harm to health), 112 (Intentional infliction of minor harm to health), 113 (Intentional infliction of harm to health while in a state of extreme emotional disturbance), 114 (Intentional infliction of serious harm to health by exceeding the limits of justifiable defence), 115 (Intentional infliction of serious or moderate harm to health by taking measures that exceed those necessary to apprehend the perpetrator of an offence), 116 (Battery), 117 (Cruel treatment), 118 (Infliction of serious harm to health through

negligence), 119 (Infliction of moderate harm to health through negligence), 120 (Making threats to kill or inflict serious harm to health), 141 (Sexual intercourse or other acts of a sexual nature with a person under the age of 16 years) and 142 (Depraved acts), among others.

#### **Regarding paragraph 16 of the concluding observations**

62. See paragraphs 55 to 58 of this report.

#### **Regarding paragraph 17 of the concluding observations**

63. In accordance with article 19 of the Constitution, no one may be detained or held in custody without lawful grounds. A person is entitled to the services of a lawyer from the moment that he or she is detained. The question of whether to initiate criminal proceedings must be decided by the criminal prosecution body within 12 hours of the detention. If a decision is taken not to initiate proceedings, or if no decision is taken within that time, the detainee must be released. A person may not be held on the grounds specified in article 92 (1) of the Code of Criminal Procedure for more than 72 hours from the moment of detention. On the expiry of that period, the detainee must be released unless subject to another preventive measure as provided for in the Code.

64. Under article 94 of the Code, when a person is detained on suspicion of having committed an offence, an officer of the criminal prosecution body or other competent person at the location of the de facto detention must notify the person orally of the offence he or she is suspected of having committed; explain that the person has the right to make a telephone call or send a message to a lawyer or close relative and to have the assistance of defence counsel; and inform the person that he or she has the right to remain silent and that any statement he or she does make may be used in evidence against him or her in criminal proceedings.

65. Once the detainee has been handed over to the criminal prosecution body, a record of arrest on suspicion of having committed an offence must be drawn up within three hours by an officer of the agency conducting the initial inquiry, a detective or an investigator.

66. After being admitted to a temporary holding facility, the suspect undergoes an examination by a medical officer to ascertain his or her general state of health and check whether he or she has any bodily injuries. The suspect or his or her defence counsel has the right to request that the medical examination be conducted by an independent doctor or forensic expert. The findings of the medical examination are attached to the record of arrest.

67. The agency conducting the initial inquiry, detective or investigator is obliged to notify the competent procurator of the suspect's detention in writing within 12 hours of the moment that he or she is taken into custody.

#### **Regarding paragraph 18 of the concluding observations**

68. The Council of Justice was abolished pursuant to Presidential Decree No. 698 of 9 June 2016, in conformity with amendments made to the Constitution on 22 May 2016, and the Constitutional Act on the Courts was in turn amended to reflect the modified Constitution. Further to the latter amendments, the powers of the Council of Justice with regard to the provision of organizational and logistical support for the courts, the selection and training of candidates for posts of judge and advanced training for judges and court employees were conferred on the Supreme Court and the Supreme Economic Court.

69. Questions relating to advanced training for judges and court employees and the training of would-be judges are dealt with by the Supreme Court's Judicial Training Centre.

70. The Judicial Qualification Board was formed pursuant to article 111 of the Constitutional Act on the Courts in order to make the process for selecting judges more democratic, strengthen guarantees for the independence of the judiciary and ensure the nomination of the most deserving candidates. The Board reaches conclusions on candidates nominated for initial appointments as judges and posts of provincial court president and on the recall and dismissal of judges and considers disciplinary cases involving judges, among

other matters. The Board's decisions and conclusions may be appealed before the Supreme Court.

71. Under article 84 of the Constitution, the term of office for a judge is 10 years. In accordance with article 15 (2) of the Constitutional Act on the Courts, when a judge is selected for or appointed to a post in another court during his or her term of office, the 10-year period is counted from the date of selection or appointment to the new post.

72. The Government is focused on further strengthening the judiciary, enhancing the judicial system, increasing the role of the courts in protecting human and civil rights and freedoms, and ensuring lawfulness and fairness. The Judicial Reform Programme for the period 2015–2017 was approved by presidential decree on 5 January 2015 in order to strengthen the independence of the judiciary and the protection of human rights and freedoms.

73. The powers of the procurator in civil proceedings were significantly curtailed in the Code of Civil Procedure adopted in 2008. Thus, in accordance with article 47 of the Code, the procurator has the right to apply to a court to protect the rights, freedoms and lawful interests of individuals or groups of people or the interests of the State. An application to protect the rights, freedoms and lawful interests of an individual may be submitted only in cases where the person concerned, owing to his or her state of health, age or lack of dispositive capacity or for other valid reasons, is unable to apply to the court himself or herself. The procurator who has submitted the application enjoys all the procedural rights and bears all the procedural obligations of plaintiffs, with the exception of the right to reach an amicable settlement and the obligation to pay court costs. If a procurator withdraws an application to protect the lawful interests of another person, the consideration of the case on the merits is continued unless that person drops his or her claim. If the plaintiff drops his or her claim, the court terminates the proceedings in the case. The procurator takes part in proceedings and gives opinions in cases involving eviction, reinstatement at work or compensation for harm to life or health and in other cases as provided for in the Code and in other laws, in fulfilment of the mandate entrusted to him or her. Non-appearance at a court hearing of a procurator who has been notified of the time and place for the consideration of a case does not constitute an obstacle to the proceedings. As stated in article 325 of the Code, a cassational appeal against a decision of a court at first instance may be lodged only by the procurator who took part in the case.

74. In accordance with article 277 of the Code of Criminal Procedure, prosecutors, defendants, defence counsel and victims, as well as civil plaintiffs, civil respondents and their representatives, have the same rights to file challenges and petitions, present evidence and take part in its examination, participate in oral arguments, make written submissions to the court and take part in the consideration of other issues that arise when a case is heard in court. Under article 279 of the Code, the prosecutor must be present during judicial proceedings in a case, with the exception of criminal cases brought by a private individual and in which the prosecution is being conducted by the victim. The procurator, as the State prosecutor, conducts the public prosecution in criminal cases instituted on the basis of private or semi-public prosecutions. The State prosecutor takes part in the examination of evidence, sets out his or her views on the merits of the charges and on other issues arising during the trial, and makes proposals to the court concerning the application of criminal law and the imposition of criminal penalties. The State prosecutor has the right to reduce the charges or to withdraw some or all of the charges. Where the victim has also declined to press charges, the withdrawal of charges by the State prosecutor constitutes grounds for a decision by the court to terminate proceedings in a case. As stated in article 357 of the Code, the right to lodge a cassational appeal against a judgment is vested in the procurator who acted as State prosecutor at trial. The Procurator General and the procurators of Kūhistoni Badakhshon Autonomous Province and the city of Dushanbe, along with provincial, municipal and district procurators, procurators of equivalent rank and their deputies, within the limits of their competence, have the right to appeal against a judgment irrespective of whether they took part in the criminal trial.

75. Tajikistan has assumed a number of international human rights obligations that require it to grant legal assistance to citizens at all stages of criminal proceedings. A system of free legal assistance fully or partially funded from the State budget is currently being

developed for low-income and vulnerable sections of the population. State bodies provide legal information to citizens on request, and there are State-funded public advice centres in the offices of the Commissioner for Human Rights in the regions. There are also 33 national crisis centres, and the Migration Service of the Ministry of Labour, Migration and Employment has local advice centres providing free legal assistance. In addition, voluntary organizations are running various projects to provide free legal assistance to poorer sections of the population with funding from international donors.

76. A framework for the provision of free legal assistance has been approved pursuant to a government decision of 2 July 2015. The purpose of the framework is to lay the foundations for the development and subsequent refinement of a State system of accessible, qualified free legal assistance. In order for the framework to be implemented, a system for managing the provision of free legal assistance must be developed and approved and various models of such assistance must be piloted. Furthermore, in accordance with article 50 of the Code of Criminal Procedure, detectives, investigators, procurators and courts or judges must ensure the participation of defence counsel at the request of suspects, accused persons and defendants or their representatives. If it is not possible for the selected or designated defence counsel to participate within five days, the detective, investigator or procurator is entitled to propose that the detainee, suspect or accused person engage alternative counsel; if he or she refuses to do so, steps may be taken to designate a defence counsel. In such cases, that is, when a lawyer is designated to take part in a pretrial investigation or trial and has not concluded an agreement with the client, defence counsel is paid for by the State.

77. The Bar and Advocacy Act of 18 March 2015 establishes a legal framework for the practice of law, the rights and responsibilities of lawyers and the organization of the bar, and is aimed at strengthening the independence of lawyers.

#### **Regarding paragraph 19 of the concluding observations**

78. In accordance with article 84 (2) of the Constitution and article 3 of the Constitutional Act on the Courts, judicial power is exercised by the Constitutional Court, the Supreme Court, the Supreme Economic Court, the Military Court, the court of Kūhistoni Badakhshon Autonomous Province, the courts of the provinces, the city of Dushanbe and the towns and districts, the Kūhistoni Badakhshon economic court, and the economic courts of the provinces and the city of Dushanbe. Proceeding from the principle of uniformity of the judicial system, the military courts are guided in their work by constitutional principles and by the rules on court proceedings established for all ordinary courts. The rules on the jurisdiction of military courts over criminal cases are established in the legislation on criminal procedure.

79. Under article 254 of the Code of Criminal Procedure, military courts have jurisdiction over criminal cases, inter alia: when an individual or group of persons is accused of committing one or more offences if even one of the offences falls within the jurisdiction of the military courts, in which case all the offences must be tried by a military court; and when a group of persons is accused of committing one or more offences if even one of the accused is subject to the jurisdiction of the military courts, in which case all the accused must be tried by a military court. When charges concern the same set of circumstances and are so closely interrelated that it would be virtually impossible to consider them separately, proceeding otherwise would undermine the comprehensiveness and objectivity of the investigation of the facts.

80. Given the constitutional provision on equality before the law and the courts and the fact that criminal cases in both the military and ordinary courts are considered on the basis of the same legislation, no instances have been identified of infringements of the rights of civilians in cases heard by the military courts.

#### **Regarding paragraph 20 of the concluding observations**

81. In conformity with article 4 of the Freedom of Conscience and Religious Associations Act, freedom of conscience and religion, including the right to practise any religion individually or with others or not to profess any faith, freely to choose, disseminate

and change any religious or other beliefs and to act in conformity with them, are guaranteed in Tajikistan, irrespective of ethnicity, race or language. The Act covers all aspects of freedom of conscience and religion, from the determination of a person's attitude towards religion to the founding of a religious association. The freedom to determine one's attitude towards religion stems from article 1 of the Constitution, in which Tajikistan is declared a secular State.

82. The country continually holds discussions with United Nations bodies and other international and regional organizations concerning the conformity of its draft laws with international legal standards on human rights and freedoms. A fairly detailed mechanism has been elaborated to ensure the application of these norms by the Constitutional Court and other courts. Democratic Tajikistan recognizes that the requirements of any law do not constitute dogma and that they must be subject to change, in keeping with the evolving situation and developments in society. In the event of a conflict between national laws and international legal instruments, the latter are applied.

83. The procedure for the registration of religious associations is clearly defined in the Freedom of Conscience and Religious Associations Act (arts. 13 and 14). The concept of "unregistered religious groups" does not exist in Tajik legislation. The Act provides for any group freely to register, and, prior to registration of a group, its members' freedom of religion and conscience is safeguarded by the relevant constitutional norms. No one has the right to interfere with their freedom of conscience, and they may freely exercise their right both to freedom of religion and to express their attitudes towards religion. However, certain groups and people are routinely conducting collective religious rites on land that they have seized without permission. Their actions violate other laws and regulations of the Republic and limit the rights and freedoms of others. Under article 14 (2) of the Act, when an application to register a religious association is refused without good reason, citizens have the right to appeal to a court. Registration of a religious association does not form the legal basis for recognition of a religion, and it has not been, nor will it be, the main precondition for the conduct of religious worship in the Republic. The right to determine for oneself one's attitude towards religion, to practise any religion or not to profess any faith is guaranteed in the Constitution.

84. While there are no restrictions on peaceful religious activities in the country, there are certain places that are designated for the conduct of collective religious rites. Article 20 (3) of the Freedom of Conscience and Religious Associations Act grants citizens the right to conduct religious services, rites and rituals in houses of prayer and on land adjacent to them, in holy places and in cemeteries, irrespective of the religion concerned, as well as in residential buildings and private houses. These norms thus allow citizens individually or collectively, depending on their faith, to conduct religious services or rites in places designated for that purpose. In addition to the premises of the 4,000 religious associations and several thousand cemeteries and holy places, the Act permits services to be conducted in people's homes.

85. The organization of religious educational institutions for children is subject to minimum standards, as stipulated in article 29 of the Convention on the Rights of the Child. Children's right to education in Tajikistan is governed by law. All types of instruction must meet these minimum standards. Article 4 (14) of the Freedom of Conscience and Religious Associations Act provides for the right of parents or persons in loco parentis to instruct and raise their children in accordance with their own attitude towards religion while taking into account the right of the child to freedom of conscience. Minors may not be involved in the activities of religious associations or given religious instruction without the written consent of their parents or persons in loco parentis.

86. Under article 8 of the Act, a person may receive religious education abroad, including in higher religious education establishments, only once he or she has undergone religious instruction in Tajikistan and with the written permission of the State authorities responsible for religious affairs and education. Pursuant to this article, a government decision was adopted on 30 December 2011 approving the Procedure for the religious education of Tajik citizens abroad. As stated in that document, citizens may travel abroad for religious education following the conclusion of an official agreement or the receipt of notification that the higher education establishment concerned meets international standards.

Articles 23 and 24 of the Act prohibit the conduct of outreach and educational activities by religious associations in schools and private houses and the initiation by a religious association of international relations without the permission of the relevant State authority. In order to ensure compliance with these norms and prevent violations, the Code of Administrative Procedure provides for fines for breaches of the Procedure for receiving religious education abroad, the conduct of outreach and educational activities by religious associations in unauthorized places and failure by a religious association to observe the procedure for initiating international relations.

87. The Act on the Responsibility of Parents for the Upbringing and Education of Children was adopted democratically. The draft of the law was discussed nationally, with the participation of representatives from every State body, ministry and department, from enterprises, institutions and other organizations, and from towns, districts, settlements and villages, along with academics, experts, religious scholars, public figures and members of the general public. More than 2 million people took part in the discussions. Over 12,000 proposals for improvements to the bill were received, and the relevant commission took 11,000 of the proposals fully or partially into account.

88. Significant progress has been made since independence in the area of freedom of religion. While under Soviet rule there were just 7 mosques and, at the end of the Soviet period, only 34 religious associations (with 17 mosques, 15 churches and Christian houses of prayer, and 2 synagogues), today there are around 4,000 religious associations, 69 of which are Muslim associations. The majority of the population of Tajikistan is Muslim, but members of other religions and faiths enjoy equal rights and freedoms. In recent years, more than 300 religious associations have been registered, and registration of such associations is continuing. The fact that there is one religious association per 1,800 to 1,900 people, while the figure for developed States is one per 3,000 to 3,500, demonstrates that citizens' right to freedom of conscience and religion is being duly realized. The Islamic Institute, a higher religious education establishment, was opened in October 1990 in Dushanbe, admitting 142 young people with secular secondary education. The Imam Azam-Abukhanifa Numon ibni Sobit Tajik Islamic Institute, a State facility, was established in 2007. Today, more than 1,500 students are attending this higher education establishment. To date, more than 8,000 persons have received religious education within the country and abroad.

89. In recent years, special training courses have been organized for *imam khatib* and religious leaders, with the help of offices of United Nations bodies and other international organizations. In addition, refresher and advanced training have been organized for *imam khatib* of central mosques and imams of local mosques. In 2016 alone, 1,016 seminars and round tables and 10,979 individual and group sessions were held, 270 programmes were broadcast on local and national radio and television, 240 articles were published in the media and responses were provided to 52,063 communications from citizens with the aim of improving people's religious knowledge and explaining the content of the relevant international human rights standards.

#### **Regarding paragraph 21 of the concluding observations**

90. In accordance with article 43 of the Constitution, protecting the motherland, defending the interests of the State and strengthening its independence, security and defensive capabilities are a citizen's sacred duty. Under article 1 of the Universal Military Obligations and Military Service Act, male citizens aged under 16 or over 60, female citizens aged under 18 or over 50 and citizens who are unfit for military service on medical grounds are exempted from fulfilling their military obligations. Male citizens aged from 18 to 27 years who are registered with the military authorities or are required to be registered and are not entitled to a deferral or exemption are subject to call-up for military service in the armed forces or other troops or military units, in the ranks or as sergeants. The following persons are exempted from call-up: (a) those who have been declared unfit or partially unfit for military service on medical grounds; (b) those who are performing or have performed military or alternative service; (c) those who have performed military service in another State; and (d) those who hold a master's degree or a doctorate. Persons who have an unexpunged or outstanding conviction for an especially serious or serious

offence may not be called up for military service. The following persons are entitled to exemption from call-up: (a) persons whose natural father, mother, brother or sister was killed or died during military service, either as a conscript or as a volunteer, with the position of sergeant, non-commissioned officer or officer, or while undergoing military training; and (b) persons who are the only natural or adopted son in the family. The country's legislation does not provide for a right to conscientious objection to compulsory military service on the grounds of religious or other beliefs.

91. An inter-agency working group has been formed to review and analyse the Universal Military Obligations and Military Service Act, giving consideration to a procedure for alternative military service. Appropriate draft amendments have been prepared and are being considered by the Government.

#### **Regarding paragraph 22 of the concluding observations**

92. Under the Constitution, every citizen has the right to make use of information media, to take part freely in the cultural life of society and in artistic, scientific and technical creation and to make use of achievements in those areas, and the right to education. The Periodical Press and Other Media Act, adopted in 2013, gives all media outlets broad scope to carry out their activities in the country. As stated in the Act, the periodical press and other media are free. Everyone has the right freely to obtain, receive and disseminate information, to express his or her beliefs and to disseminate them in the periodical press and other media. Any violation of the freedom of the periodical press and other media by an individual or by officials of State bodies or voluntary associations, including interference in the professional activities of the editorial staff of a media outlet and unlawful suspension and/or termination of such activities, is punishable by law. Censorship and harassment on account of criticism are prohibited.

93. Pursuant to the Act, the procedures for licensing media outlets have been simplified; licences for television and radio broadcasters are issued on a competitive basis, which testifies to the transparency in this area.

94. Currently, 372 newspapers are registered in the country, including 104 State and 263 private publications. In addition, 113 independent and 129 community magazines founded by voluntary and non-governmental organizations and private individuals have been registered and are published. There are 272 private and 37 State printing houses. Eleven independent news agencies are registered. There are 11 State and 20 private television channels, as well as 7 State and 9 private radio stations.

95. Only such restrictions may be placed on the media as are provided for by law for the purposes of maintaining public order and State security, protecting the rights and freedoms of other citizens and preserving the honour, dignity and business reputation of individuals. The Act prohibits the dissemination of material containing State secrets or other information protected by law, calls for the violent overthrow or alteration of the constitutional order or for the commission of criminal acts, incitement to racial, ethnic, regional, religious or linguistic hatred, propaganda for war or for terrorist or extremist activity, calls to undermine the integrity or independence of the State, as well as the promotion and advertising of material of a pornographic nature. The media are responsible for the objectivity and accuracy of the information they disseminate. These restrictions also apply to websites that contain material of a violent or sexual nature, incite religious hatred or call for the overthrow of the constitutional order.

#### **Regarding paragraph 23 of the concluding observations**

96. At present, more than 2,400 voluntary associations are registered and active in the country, which attests to the openness of civil society. Such associations provide assistance to State entities in safeguarding human rights and improving the status of women and children and persons with disabilities.

97. In 2015, amendments were made to the Voluntary Associations Act in order to implement the recommendations of the Human Rights Council on ensuring the transparency of the financial activities of voluntary associations and compliance with the United Nations Convention against Corruption, and the recommendations of the Financial



Action Task Force (FATF) and the Organization for Economic Cooperation and Development (OECD), and to give effect to the Act on Combating the Legalization (Laundering) of Income Obtained by Criminal Means and the Financing of Terrorism. These amendments stipulate that voluntary contributions and donations, grants and property received by voluntary associations from foreign States and organizations must be recorded in a special register maintained by the registration body. Voluntary associations may carry out programmes with funding from such entities after notifying the registration body thereof. An entry is made in the register for information purposes only, and the funds in question do not need to be reported to the registration body under a separate procedure. The amendments were discussed at a round table in which representatives of the Swiss Agency for Development and Cooperation, the World Bank, the Organization for Security and Cooperation in Europe (OSCE), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Open Society Foundations, the United Nations Development Programme (UNDP), the United States Agency for International Development (USAID), HELVETAS, the Delegation of the European Union, the Embassy of the United Kingdom in Tajikistan and civil society took part.

98. At present, work is under way on a bill to amend the Voluntary Associations Act in order to simplify these procedures.

#### **Regarding paragraph 24 of the concluding observations**

99. Under article 8 of the Constitution, public life is founded on political and ideological pluralism. Voluntary associations and political parties are established and operate in conformity with the Constitution and the law. No ideology of a single party, voluntary association, religious organization, movement or group may be recognized as the State ideology. Article 28 of the Constitution defines the right of citizens to associate in political parties. Every citizen is entitled, directly or through representatives, to take part in political life and the governing of the State. Furthermore, citizens have equal rights to enter the civil service and, on attaining the age of 18 years, to participate in referendums and to vote and be elected, unless they have been declared by a court to lack dispositive capacity or are being held in a place of deprivation of liberty pursuant to a court judgment.

100. The Political Parties Act prohibits the establishment and operation of political parties that, through their goals or activities, pursue extremist or terrorist ends, the violent alteration of the constitutional order, the formation of armed groups, or the promotion of racial, ethnic, social, regional or religious enmity. Political parties and their members are not entitled to make use in their activities of religious organizations. It is prohibited to create or operate political parties in State security or internal affairs agencies, procuratorial authorities, customs services, tax police offices, justice agencies or courts, in the armed forces or other armed formations, in State bodies, or in general, secondary or higher vocational education establishments.

101. If a political party breaches the norms contained in the Constitution, laws and other legal and regulatory instruments or receives economic aid or political assistance from a foreign country, it may be prohibited from operating by decision of the Supreme Court on the grounds provided in law.

#### **Regarding paragraph 25 of the concluding observations**

102. In accordance with the country's legislation, citizens of Tajikistan have equal rights to enter the civil service, irrespective of ethnicity, race, sex, language, religion, political beliefs, social status or wealth.

103. The Civil Service Agency, which reports to the President, prepares a quarterly statistical report on the number and grading of members of the civil service (report No. 1-GS). As at 1 April 2017, the total number of civil servants was 18,969. The breakdown of civil servants by ethnicity was as follows: 17,485 Tajiks (92.1%); 33 Russians (0.1%); 1,258 Uzbeks (6.6%); 162 Kyrgyz (0.8%); and 31 persons of other ethnicities (0.1%). The 5,610 civil servants occupying decision-making positions included: 5,242 Tajiks (93.4%); 9 Russians (0.1%); 302 Uzbeks (5.3%); 49 Kyrgyz (0.8%); and 8 persons of other ethnicities (0.1%). Central agencies and bodies reporting to them employed 11,619 civil servants:

10,950 Tajiks (94.2%); 28 Russians (0.2%); 564 Uzbeks (4.8%); 56 Kyrgyz (0.4%); and 21 persons of other ethnicities (0.1%). The 3,023 civil servants in decision-making positions in such bodies included: 2,901 Tajiks (95.9%); 7 Russians (0.2%); 102 Uzbeks (3.3%); 9 Kyrgyz (0.3%); and 4 persons of other ethnicities (0.1%). There were 3,709 civil servants working in local executive agencies of the State: 3,457 Tajiks (93.2%); 5 Russians (0.1%); 197 Uzbeks (5.3%); 46 Kyrgyz (1.2%); and 4 persons of other ethnicities (0.1%). The 1,410 civil servants occupying decision-making positions in such agencies included: 1,319 Tajiks (93.5%); 2 Russians (0.1%); 68 Uzbeks (4.8%); 20 Kyrgyz (1.4%); and 1 person of another ethnicity (0.07%). Self-governing authorities of settlements and villages employed 3,641 civil servants: 3,078 Tajiks (84.5%); 497 Uzbeks (13.6%); 60 Kyrgyz (1.6%); and 6 persons of other ethnicities (0.1%). The 1,177 civil servants in decision-making positions in those authorities included: 1,022 Tajiks (86.8%); 132 Uzbeks (11.2%); 20 Kyrgyz (1.6%); and 3 persons of other ethnicities (0.2%).

#### **Regarding paragraph 26 of the concluding observations**

104. The website of the Government Commission on International Human Rights Obligations, <http://khit.tj>, was officially launched in February 2016 with the support of the OHCHR regional office for Central Asia to disseminate information on the international human rights commitments assumed by Tajikistan. It provides access to the international human rights instruments recognized by Tajikistan, national reports and recommendations of United Nations bodies, along with the results of the Government's efforts to implement them. The website is available in three languages: Tajik, Russian and English. Information on the international human rights commitments can also be found on the websites of the Commissioner for Human Rights and the Ministry of Foreign Affairs.

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