



# International Covenant on Civil and Political Rights

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## Human Rights Committee 126th session

### Summary record of the 3611th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 2 July 2019, at 3 p.m.

*Chair:* Mr. Fathalla

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Third periodic report of Tajikistan (CCPR/C/TJK/3; CCPR/C/TJK/Q/3 and CCPR/C/TJK/Q/3/Add.1)*

1. *At the invitation of the Chair, the delegation of Tajikistan took places at the Committee table.*

2. **Mr. Rahmon** (Tajikistan), introducing his country's third periodic report (CCPR/C/TJK/3), said that the Government had established a high-level inter-agency commission to coordinate the work of all public authorities on the implementation of international human rights obligations. It had also committed to adopting a national human rights strategy for the period up to 2025. In 2013, the Supreme Court had adopted a decision to remind the lower courts that international legal instruments ratified by Tajikistan were directly applicable and must be considered in their judgments.

3. The Human Rights Commissioner had been given the right to consider individual petitions on access to information and to visit places of detention. The funding allocated to the Commissioner from the national budget had been significantly increased in 2018. A judicial reform programme had already been implemented and a new programme had been adopted in April 2019. In 2015, the Bar and Advocacy Act had been adopted and a special accreditation commission consisting of legal professionals had been established. The Act guaranteed the independence of lawyers and stipulated that they had the right to meet with their clients from the moment of arrest and without restriction. The Act had since been amended to provide that persons convicted of a crime or dismissed from law enforcement agencies for professional misconduct or corruption could not be accredited lawyers.

4. A new bill on combating extremism had been submitted to parliament; an antiterrorism bill was being drafted and a national strategy to combat extremism and terrorism was in the process of implementation. The Constitution guaranteed equality before the law for all. Specific anti-discrimination provisions were also contained in various instruments of civil and criminal law.

5. Measures to increase women's participation in all branches of government, especially in leadership positions, were ongoing. More than 20 per cent of the members of both houses of parliament were women, as were the heads of several ministries, government committees and local authorities and almost 25 per cent of civil servants. Polygamy was a criminal offence in Tajikistan and the practice was not widespread.

6. Systemic measures had been put in place to prevent torture and ill-treatment, including a national action plan to implement the most recent recommendations of the United Nations Committee against Torture. The Code of Criminal Procedure had been amended to introduce procedural safeguards such as the immediate explanation to arrested persons of their rights, the mandatory identification of all persons concerned in the custody records, the right of access to a lawyer before any interrogation and the obligation to inform relatives of a person's arrest. Further amendments had been made to improve procedural mechanisms for excluding evidence obtained under torture. Penalties for torture had been increased and torture had been excluded from the list of crimes that could be amnestied. From 2013 to the first quarter of 2019, a total of 135 complaints of torture had been filed, which had led to the initiation of 11 criminal cases. Proceedings had been completed in six cases involving nine persons, who had all received custodial sentences. From 2012 to 2018, decisions had been handed down in eight court cases regarding moral damages for torture and ill-treatment. Compensation had been awarded in three of those cases, including a payment in 2016 to a plaintiff who had given a forced confession. The law enforcement officer involved had received a prison sentence of 7 years.

7. The extradition of persons named on international wanted notices was carried out in compliance with the relevant treaties. It was only permitted to classify a criminal case as "secret" in exceptional circumstances related to national security. That applied to the trial in the case of the attempted coup by the leader of the Islamic Renaissance Party Muhiddin

Kabiri and former Deputy Minister of Defence, Abdukhalim Nazarzoda. Alternatives to pretrial detention were available in national legislation, including release on recognizance, bail and house arrest.

8. The corporal punishment of children was prohibited in both family and school settings. The Education Act explicitly provided that school pupils were protected from any violations of their rights by staff members and prohibited the use of physical and psychological violence. The Family Code provided that parents could be deprived of their parental rights if they abused their children. A national programme on domestic violence prevention was in the process of implementation. Criminal law included 13 different offences related to domestic violence. Special statistical reporting on the subject had been introduced and the position of domestic violence prevention inspector had been created. Guidelines for such inspectors and for neighbourhood police officers on implementation of the relevant legislation had been put in place and such inspectors had issued thousands of protection orders. Between 2016 and 2018, 224 criminal cases related to domestic violence had gone to court.

9. Freedom of religion was guaranteed by the Constitution. All citizens had the right to establish religious associations if they registered them with the appropriate government body and more than 4,000 were currently registered. Obstruction of the lawful activities of a religious organization was a criminal offence. There were no barriers to the establishment of Christian or other non-Islamic religious organizations, of which there were currently 74, including churches and synagogues. There were no recorded instances of persecution of religious minorities. The country did not have any law preventing women from visiting mosques or wearing the hijab, nor were men prohibited from having long beards or forcibly shaved. The only legal restrictions on religion involved prohibiting the participation by children in religious activities without the consent of their parents or during the hours reserved for compulsory secular education; such restrictions were fully compatible with the Universal Declaration of Human Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The restrictions on receiving religious education abroad were intended to prevent the recruitment of young persons to terrorist organizations.

10. Voluntary associations and non-governmental organizations (NGOs) operated freely in the country. The Government worked closely with civil society institutions on the implementation of human rights policy. NGOs were involved in the drafting process for strategic documents and in monitoring and educational actions. The purpose of the amendments made to the Voluntary Associations Act to require the registration of grants from foreign sources was to comply with the anti-money-laundering recommendations of the Financial Action Task Force. Such registration could take the form of an email to the Ministry of Justice. NGOs could only be closed down by court order, which had occurred only 11 times in 2018, each time following systematic violations of the law.

11. The authorities did not place any restrictions on the media, except on the publications of organizations declared terrorist or extremist by a court. In recent years, there had only been two convictions of media workers. The prosecutions had been for extortion, fraud and forgery and not for journalistic activities. Access restrictions on specific websites and mobile communication services were legal only in the context of antiterrorist operations, in line with international practice. The Islamic Renaissance Party had been declared a terrorist organization following the attempted coup of September 2015, which had resulted in 52 deaths. Only party members who had committed a crime had been prosecuted. The former lawyers Buzurgmekhr Yorov, Nuriddin Makhkamov and Shukhrat Kudratov had been prosecuted for economic crimes and their prosecution was not related to their work as lawyers. In the previous four years, no lawyers had been prosecuted.

12. **Ms. Pazartzis** said that she would appreciate specific examples of the application of provisions of the Covenant by national courts, even where the provisions had been incorporated into national law. She would also like to know whether and how civil society was involved in the preparation of periodic reports and the implementation of the Committee's concluding observations. She wondered whether the concluding observations were translated into national languages and disseminated to the public through an official website.

13. She wished to know whether a national domestic mechanism existed for implementation of the Committee's Views on individual communications, given that the Committee had sometimes suspended the follow-up dialogue on cases with a finding of unsatisfactory implementation. In some cases, the State party had not provided any follow-up information, including those of *Dunaev, Toshev and Boboiev v. Tajikistan*. She would be grateful for any information on those cases and the implementation of the Views in the more recent case of *Saidov v. Tajikistan*, especially given the comments by the President of the Supreme Court that such Views were advisory and could be ignored by the authorities of Tajikistan.

14. Legislative amendments had been introduced to bring the Office of the Commissioner for Human Rights closer in line with the Paris Principles by, inter alia, broadening the mandate of the Commissioner and endowing the Office with more civil servants and support staff. However, she would be interested to hear the delegation's response to concerns that the Commissioner was still appointed by the President, with the consent of parliament, and that the selection process, by which civil servants were recruited to the Office, was neither transparent, nor participatory. It would also be useful to hear examples of how that legislation had been implemented in practice, for instance: whether the Commissioner had conducted reviews of petitions by citizens concerning their right of access to information, or visited places of detention. If that had been the case, she would be interested to hear whether any of the Commissioner's findings had been made public.

15. In its previous concluding observations, the Committee had welcomed the continued moratorium on the death penalty and recommended expedited efforts to abolish it and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. A working group had been set up in 2010 to study the social and legal issues surrounding the abolition of capital punishment. She wondered, therefore, whether the delegation could provide any insight into the social and legal reasons that hindered the ratification by Tajikistan of the Second Optional Protocol.

16. With respect to the killing and wounding of civilians during the security operation in Khorugh in July 2012, the Committee would like to know: when and under what charges the active participants in the event had been brought to justice; what penalties had been imposed on them and whether the victims or their families had been awarded compensation, considering that only a small amount of compensation had reportedly been awarded. A similar incident had allegedly taken place in Khorugh in November 2018. The Committee would, therefore, appreciate information on how the authorities were handling such incidents.

17. **Ms. Kran** said that the constructive dialogue provided an opportunity for the delegation to clarify the situation in Tajikistan, so that the Committee might provide useful guidance on how the Government could fully implement the Covenant. With respect to the introduction of anti-corruption measures, Decree 465 aimed to identify risks contributing to institutional corruption and to develop recommendations to counter them. She would be interested to discover: who was responsible for performing the risk analyses and for developing recommendations; how that person's independence was guaranteed; whether the Decree provided for the analysis of Government offices and how the recommendations could eliminate bribe-seeking by public officials. She also wondered what concrete steps were being taken, and to what timelines, in order to follow recommendations issued by the Organization for Economic Cooperation and Development (OECD) under the 2018–2019 Istanbul Anti-Corruption Action Plan, in addition to the recommendations issued under Decree 465. It would be useful to discover what progress the Government had made on the national anti-corruption strategy for 2013–2020, the challenges faced and indicators used to measure progress. She would be interested to hear: when the task forces set up to combat high-level corruption would become operational; how they would be guaranteed independence from the Government; whether corruption offences were tried in open courts; how it could be ensured that the results of investigations into public officials' actions were made public and what protections from reprisals were afforded to whistle-blowers.

18. She would also like to know what the working group, set up to "fine-tune" the Criminal Code, including with respect to corruption offences, had improved to ensure that

the definition of corruption met international standards; whether it had made relevant revisions to criminal law; whether amendments were under consideration and what their proposed timelines were; whether terms such as “requests”, “demands”, “promises” and “proposals” of illegal benefits, non-material bribes or benefits would be integrated into legislation, to harmonize the Criminal Code with the United Nations Convention against Corruption. Would civil society be involved in that revision process?

19. Legislation did not appear to prohibit discrimination on a number of grounds, including disability, age or sexual orientation. She wondered, therefore whether the anti-discrimination bill would prohibit direct, indirect and multiple forms of discrimination on all grounds, what progress had been made and when the bill would be implemented. With respect to discrimination by State actors, she wished to discover: the nature of the offences; the number of charges brought and convictions obtained in the past three years; the remedies provided and how the bill would allow access to remedies for victims of discrimination in judicial and administrative proceedings; whether specific reference would be made to the type of remedies and whether the bill would guarantee victims the provision of independent legal representation. She wondered whether legislation also prevented and prohibited discrimination in the private sphere, such as the denial of legal services. If such legislation did not exist, were there plans to adopt any? In view of the high rate of sexually transmitted infections, she wondered how the Government would combat reported discrimination against people living with HIV, particularly transgender persons and gay men, who faced difficulty accessing health care, and whether it planned to develop sexual health education programmes and anti-discrimination training for health-care providers.

20. As it had been reported that lesbian, gay, bisexual and transgender individuals faced discrimination and violence, she wished to know: whether the Government would repeal articles of the Criminal Code imposing liability for “sodomy and lesbianism”; how many charges and convictions for offences under those provisions there had been in the past three years and what sentences had been imposed; and what steps the Government was taking to combat homophobic rhetoric by public officials. In that connection, she wondered whether training sessions for representatives of State bodies and civil society organizations would cover the prohibition of discrimination based on sexual orientation and gender identity and whether law enforcement officials would also receive such training. How would the Government go about measuring the training’s effectiveness? In addition, she would like the delegation to comment on reports that a register of individuals suspected of being gay, lesbian, bisexual, or transgender, had led to repeated instances of the arbitrary arrest, detention and extortion of such persons. Would the register be abolished? More generally, she wondered what positive steps had been taken to protect gay, lesbian, bisexual, or transgender persons, so that they could exercise their right to freedom from discrimination.

21. **Ms. Sancin** said that measures that prescribed derogations from States parties’ obligations had to satisfy stringent conditions. The authorities had reportedly authorized the blocking of mobile communication services and Internet access without court order, under the amended State of Emergency Act, whose legal status was unclear. The Government had not, therefore, adhered to the previously-adopted State of Emergency Act, under which measures blocking mobile communication and Internet access could only be taken following a declaration of a state of emergency. Were derogations from non-derogable provisions of the Covenant during states of emergency explicitly prohibited?

22. After the previous State party report, there had been concerns about the number of violent deaths of persons deprived of liberty, the lack of investigation of such cases and rare compensation for victims; unsatisfactory action on tuberculosis as an alleged main cause of death in custody and poor conditions in prison facilities. The Committee regretted that, in the replies to the list of issues, the exact causes of 163 such deaths had not been given. Had those who had died of “illness” succumbed to ill-treatment, tuberculosis or AIDS, for instance? She also wondered whether the data provided included deaths in military camps and other detention facilities. She would be grateful if the delegation could comment on reports of arbitrary arrests and detention of conscripts and a failure to bring perpetrators to justice after deaths in custody in military camps, and that family members had received inadequate amounts of compensation. Precise and additional information would be appreciated on investigations into the deaths in custody of 19 individuals reportedly

severely beaten in military camps and on the prosecution of those responsible. The Committee would particularly appreciate receiving precise information on the outcomes of investigations into the causes of illness, which, according to the State's findings, had caused the deaths of Mr. Kurbon Manonov and Mr. Nozim Odinaevich Tashripov. Further updated information would also be welcome with respect to the prosecution of Mr. Idiev, in relation to the death of Mr. Tolibjon Dustov. The Committee would also like to hear whether steps had been taken to provide full reparation for violations in the case concerning Mr. Ismonboy Dzhuraboevich Boboev. Why had it taken so long to begin investigations into the two conflicting medical reports? The Committee would also like to know how overcrowding in detention and prison facilities was being addressed and how material conditions and access to appropriate medical care were being improved. Allegedly prisoners sentenced to life in prison face a special prison regime, including prolonged solitary confinement, excessive use of restraint and physical abuse. In view of reports of secret punishment cells in Dushanbe detention facilities, where prisoners were reportedly subjected to physical abuse and humiliating and degrading treatment, the Committee would be interested to hear the delegation's comments on two deadly prison incidences – in Khujand in November 2018 and in Vahdat on 19 May – and what measures were being taken to promptly carry out an independent, impartial and effective investigation, and to ensure that inmates' relatives were promptly told of their loved ones' fates and that they could bury them according to their traditions. She also wished to know whether the authorities were considering allowing access to the International Committee of the Red Cross (ICRC) and whether they were considering civil society's concerns that the Office of the Commissioner for Human Rights was experiencing obstacles to freely accessing places of detention and deprivation of liberty.

23. **Mr. Ben Achour** said that, while States were entitled to defend themselves against terrorism and extremism, he would appreciate hearing what the delegation had to say with respect to concerns that the definitions of terrorism and extremism were not precise enough; that legislation in those areas afforded the Government too much power; that the sentences passed under it were excessive and that it could hinder due process, leading to arbitrariness. He would be interested to hear the delegation's comments on reports that the legislation was being used to repress the freedom of expression of political dissents and religious groups.

24. He invited the delegation to comment on reports that torture or ill-treatment of persons deprived of their liberty, particularly for the purposes of extracting confessions, remained widespread; that members of religious movements, human rights defenders and political opponents were at particular risk of such treatment; and that the courts routinely failed to exclude information gathered through torture, despite such evidence being inadmissible by law. He would also welcome information on: any independent mechanisms that had been set up to investigate allegations of torture or ill-treatment; the low rate of criminal investigations, prosecutions and convictions for torture and ill-treatment; and any measures intended to end the practice of terminating investigations on the grounds of reconciliation with the victim.

25. **Mr. Furuya** said that he would welcome information on the competencies of the inspectors responsible for combating family violence. In particular, he wished to know whether those inspectors could issue protection orders, launch *ex officio* investigations or remove a victim of domestic violence to a safe house and, if so, how many such measures had been taken in 2017 and 2018. According to paragraph 105 of the State party's replies to the list of issues (CCPR/C/TJK/Q/3/Add.1), of the 1,296 domestic violence complaints received in 2017, just 65 had resulted in criminal proceedings. He would be interested to know what reasons underlay such a low prosecution rate.

26. Although the legal minimum age of marriage was set at 18 years, it could be lowered to 17 years by order of a judge. He wondered how many such decisions there had been since 2010 and for what reasons a court might authorize marriages for 17-year-old minors. Polygamy was prohibited in Tajikistan; reports suggested that, in practice, many women had been married as second or third wives in a religious rite known as *nikoh*. Besides the criminalization of polygamy, what practical measures had been taken to protect the rights of women in such marriages?

27. With reference to the concerns raised by the Committee against Torture in its 2018 concluding observations to the State party (CAT/C/TJK/CO/3, para. 17), he wished to know what specific measures had been taken to implement in practice the amended Code of Criminal Procedure and the Act on Procedures and Conditions for the Custody of Suspects, Accused Persons and Defendants in order to guarantee fundamental legal safeguards, including the right of access to a lawyer from the outset of deprivation of liberty. In particular, he would welcome information on any guidelines or other measures aimed at police officers, investigators, prosecutors and other law-enforcement personnel involved in arrests and detentions. In that connection, information received by the Committee indicated that, although the Code of Criminal Procedure provided that persons should be detained for no more than two months during a preliminary investigation and for no more than six months during a criminal trial, in practice they could be detained continuously for up to 30 months. He would be interested to know under what circumstances detention could be extended, whether judges had discretionary power in that regard or were bound by an exhaustive list of the grounds for detention extension and whether judicial decisions ordering pretrial detention were based solely on the gravity of the alleged offence or were determined on the basis of the individual circumstances of the case. Information on the progress made in establishing an independent mechanism for the inspection of all places of deprivation of liberty and for granting access to detention facilities to relevant international humanitarian organizations, such as the International Committee of the Red Cross, should also be provided.

28. According to information received, the State party had allegedly imposed arbitrary travel bans on family members of opposition activists abroad in retaliation for their relatives' criticism of the Government. For example, the 4-year-old grandson of an activist had been prevented from leaving the country to receive potentially life-saving treatment for cancer, while the 10-year-old daughter of another activist had been removed from a flight on her way to reunite with her mother in Europe. He invited the delegation to explain how such restrictions on the freedom of movement were compatible with the State party's obligations under article 12 of the Covenant and what measures were being taken to ensure that the relevant authorities guaranteed students the right to travel abroad.

*The meeting was suspended at 4.35 p.m. and resumed at 4.55 p.m.*

29. **Mr. Rahmon** (Tajikistan), giving an account of the prison riots that had occurred in Khujand, in November 2018, and Vahdat, in May 2019, said that, in both cases, groups of convicted members of extremist or terrorist organizations, including members of Islamic State in Iraq and the Levant (ISIL), had initiated the riots, killing a number of prison guards and fellow prisoners while attempting to escape. Although efforts had been made to negotiate and end the riots without further injuries or loss of life, the convicts had refused to cooperate and had continued their violent attacks. As a result, operations to restore order had resulted in the deaths of many of those leading the riots.

30. The Office of the Procurator General ran specialized centres for training judges and lawyers on the provisions of the Covenant. Between 2016 and 2019, the Office had held more than 100 workshops on the subject of civil and political rights of citizens alone. A moratorium on the death penalty had been in place since 2004, as a result of which the Criminal Code had been amended in 2005 to provide for the imposition of life imprisonment as an alternative to the death penalty for the most serious offences. A multi-stakeholder working group had also been set up in 2010 to study the social and legal aspects of abolishing the death penalty.

31. The Government had taken steps to prevent and combat the use of torture and other cruel, inhuman or degrading treatment or punishment. For example, a national action plan to implement the recommendations of the Committee against Torture had been adopted. The Code of Criminal Procedure had been amended to clarify the rights of detainees and outline the detention procedure, which included explaining their rights to detainees, indicating in the record of arrest and the custody register the identity of all those involved in the detention and providing the detainee with a medical examination. Moreover, under the Code of Criminal Procedure, information obtained through torture or cruel treatment was inadmissible in court. Efforts to investigate, prosecute and punish perpetrators of torture had been strengthened and amnesty laws had been amended so that they could not

be applied in cases of torture. A mechanism comprising focal points from the Office of the Procurator General, the Office of the Commissioner for Human Rights and the Ministry of Internal Affairs, among others, was in place to investigate complaints of torture. Given that relatively low numbers of complaints of torture had been received since 2013, as demonstrated in paragraph 130 of his country's replies to the list of issues, the Government had no immediate plans to create an independent mechanism.

32. In accordance with the Periodical Press and Other Media Act of 2013, access to the Internet and social networks could be restricted or blocked in certain scenarios, such as for the purposes of maintaining public order and national security, protecting the rights and freedoms of other citizens and preserving the honour and reputation of individuals. Restrictions could also be applied to websites that contained material of a violent or sexual nature, incited religious hatred or called for the overthrow of the constitutional order. The circumstances under which mobile or electronic communications and access to the Internet could be blocked without a court order were outlined in paragraphs 30–33 of the replies to the list of issues.

33. The Government was making every effort to honour its commitments with regard to combating corruption and bribery and had taken a number of concrete measures in that regard. For example, tougher penalties for the commission of offences linked to the offering or taking of bribes had been introduced. It would, however, take time to bring about changes in entrenched social and cultural attitudes with regard to such practices.

34. Accused persons were usually held in detention for no more than two months while their alleged offence was investigated. In a small proportion of cases, such as when there were multiple or repeat offenders, detention might be extended for up to six months. Lastly, no register of lesbian, gay, bisexual or transgender persons existed in Tajikistan, nor was there any such thing as a travel ban on relatives of political opponents.

35. **Ms. Hasanzoda** (Tajikistan) said that particular attention was paid in Tajikistan to the role of women in society and to ensuring a gender balance. Gender equality was enshrined in the Constitution and provided for in various pieces of legislation, including the Act on State Guarantees of Equal Rights and Opportunities for Men and Women. Under the 2011–2020 National Strategy to Promote the Role of Women, a plan of action for the period 2015–2020 had been adopted and contained measures aimed at, among other things, increasing the capacity of the Committee for Women and the Family to conduct gender analysis, undertaking research and monitoring programmes on issues affecting women, and providing training and capacity-building for potential women leaders and increasing women's literacy and employment rates. In 2017, a State programme for the education, selection and placement of talented women and girls in leadership positions covering the period 2017–2022 had been introduced as part of government efforts to reduce gender inequality and ensure compliance with its international obligations, including with respect to the Convention on the Elimination of All Forms of Discrimination against Women and the Sustainable Development Goals. The latest figures on women's representation in political and public life were given in paragraphs 72–93 of her country's replies to the list of issues. For example, of the country's 392 judges, 63 were women.

36. Summarizing the information contained in paragraphs 94 to 113 of her country's replies to the list of issues, she said that training courses on topics relating to gender equality had been organized for civil servants and women leaders and that a special council had been set up to award grants to outstanding female students. Various measures had been taken to support women victims of domestic violence and a new course of study on preventing violence in the family had been developed by the Academy of the Ministry of Internal Affairs. In 2017, with the support of the United States Agency for International Development, the Statistics Agency had conducted a demographic and health survey, which had included a question on domestic violence; the findings of that survey were available on the website of the Agency.

37. A number of other measures had been taken to support the female staff of internal affairs agencies, to promote a gender-sensitive approach to the investigation and prosecution of domestic violence cases and to ensure the provision of free legal assistance to vulnerable groups. Women victims of family violence received assistance from State



institutions and voluntary organizations, including crisis centres for the rehabilitation of women victims. In addition, 110 information and counselling centres had been set up to counter family violence.

38. **Ms. Nodiri** (Tajikistan) said that the prison system's budget had doubled between 2013 and 2017. The Government had established standards for the provision of food, clothing and other services to detainees, in accordance with their age, gender and state of health, among other factors. All detainees were entitled to receive written information on their rights and obligations. Such information was also displayed on noticeboards in all prisons. In order to reduce overcrowding, plans had been drawn up for the construction of a new high security prison; those plans were awaiting approval by the relevant State bodies. A number of prisons had been renovated in recent years. Dushanbe prison, for example, had been expanded to include two greenhouses, a new quarantine unit and accommodation for an additional 300 prisoners. A women's prison had been renovated to provide facilities for mothers with children.

39. In order to improve the prison system, the Government was developing partnerships with other countries in order to exchange information and experiences. It was also taking steps to comply with international standards for the treatment of detainees, increase the use of non-custodial sentences, provide training for prison staff and improve living conditions for detainees. It was implementing a range of projects under cooperation agreements with various international organizations. With the support of the United Nations Development Programme, for example, it had launched three programmes in three prisons, for a total cost of US\$ 120,000. An ambitious draft strategy for reforming the prison system had been developed in collaboration with the Organization for Security and Cooperation in Europe and was awaiting final approval by the Government.

40. All prisons had medical facilities and access to a central hospital for the provision of timely medical assistance to inmates and prison staff. Measures had been taken to prevent the spread of infectious diseases in prisons. For example, facilities for the treatment of tuberculosis had been built in all prisons, with the support of Caritas Luxembourg, and some prisons had been equipped with tuberculosis screening devices. A total of 290 prison officers and over 4,000 inmates had attended workshops and seminars on topics such as HIV prevention and infection control. Across the prison system, there were currently 315 HIV-positive inmates, compared with 216 in 2018. A total of 89 inmates were being treated for tuberculosis, compared with 100 in 2018.

41. The Global Fund to Fight AIDS, Tuberculosis and Malaria was conducting an awareness campaign on HIV prevention. Treatment was being provided to persons living with HIV/AIDS and condoms had been distributed in all prisons. In order to improve the provision of medical assistance to detainees, a protocol for prison medical staff and a standardized medical form had been developed, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The Government intended to establish a national mechanism for the prevention of torture in due course. For the time being, preventive visits to places of detention were carried out by a monitoring group that had been established by the Ombudsman. Tajikistan had received visits from several special procedure mandate holders, who had given a positive assessment of the country's places of detention.

42. The International Committee of the Red Cross (ICRC) had visited prisons in Tajikistan in 2004 and 2005. Since then, the Government had repeatedly invited ICRC to conduct further visits and an agreement on access to prisons for ICRC had been drafted in 2011. A meeting between the Minister of Justice and representatives of ICRC had taken place in 2015. Since then, however, ICRC had not provided a finalized draft agreement that took into account the proposals made by Tajikistan.

43. The minimum legal age for marriage had been raised from 17 to 18 years old, in line with the recommendations of the Committee on the Rights of the Child. However, it remained possible to seek approval from a judge for the registration of a marriage involving a 17-year-old person. In such cases, approval would not be granted unless a doctor had determined that the person was physically and psychologically mature enough to enter into

marriage. The number of marriages of that kind had fallen from 2,011 in 2014 to 708 in 2018. Lastly, legislative amendments establishing free birth registration had recently been approved by the lower chamber of the parliament.

44. **Mr. Sattorzoda** (Tajikistan) said that Tajikistan had ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in 2014 and had acceded to the Convention on the Prevention and Punishment of the Crime of Genocide in 2015. It had signed the Convention on the Rights of Persons with Disabilities in 2018. A government commission was responsible for ensuring compliance with international human rights obligations. The commission worked closely with human rights focal points in various ministries and government agencies. The periodic reports of Tajikistan were drafted by a working group, in cooperation with civil society organizations. Judges had been reminded that the international human rights conventions to which Tajikistan was a party must be applied by the national courts. Since the provisions of those conventions had largely been incorporated into national legislation, it was difficult to provide examples of cases in which the Covenant had been directly applied by the courts.

*The meeting rose at 6 p.m.*