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Consideration of reports submitted by

States parties under article 40 of the Covenant

List of issues in relation to the third periodic report of Tajikistan

Addendum

Replies of Tajikistan to the list of issues*

[Date received: 29 March 2019]

* The present document is being issued without formal editing.



Replies to the issues raised by the Human Rights Committee in relation to the third periodic report of the Republic of Tajikistan under the International Covenant on Civil and Political Rights

I. Constitutional and legal framework within which the Covenant is implemented (art. 2)

Paragraphs 1 and 2

1. The Government Commission on International Human Rights Obligations was established pursuant to a government decision of 4 March 2002. A new government decision was adopted on 1 April 2017, setting out in detail and expanding the aims and tasks of the Commission and the powers of its president and secretary. Thus, the Commission was assigned the task of coordinating the activities of State agencies with respect to the review and implementation of decisions and Views of relevant United Nations bodies and cooperating with focal points in ministries and departments for the implementation of recommendations made by United Nations bodies. In accordance with its statute, the Commission is a standing, advisory interdepartmental body established to coordinate the activities of ministries and departments in fulfilling international human rights obligations.

2. The Commission's secretariat is the Department for Human Rights Guarantees in the Office of the President. The secretariat carries out administrative tasks, prepares the materials for meetings of the Commission, organizes cooperation with relevant agencies of foreign States, international organizations and representatives of civil society working in the field of human rights protection, and requests necessary materials relating to its area of work from focal points in ministries, departments and local authorities for the implementation of recommendations made by United Nations bodies and other issues with respect to human rights protection.

3. In 2016, the number of secretariat staff was significantly increased; it currently stands at 10.

4. On the basis of a government decision of 26 January 2016 on socioeconomic development outcomes in 2015 and goals for 2016, all ministries and departments were sent a standard job description for their human rights focal points pursuant to instructions from the president of the Commission dated 20 September 2016; compliance with the job description is mandatory.

5. In 2016, human rights focal points (one or two individuals or a section or office) were appointed in virtually all ministries and departments; they cooperate closely with the secretariat of the Commission and carry out data collection and data processing in the field of human rights.

6. To prepare periodic reports, a working group is being established from among the staff of the secretariat and the persons responsible in ministries and departments for the collection and initial processing of information used for reporting purposes. During the preparation of reports, the secretariat actively cooperates with the Office of the United Nations High Commissioner for Human Rights (OHCHR) regional office for Central Asia and civil society institutions. As part of the process, national consultations are held to discuss the draft reports, with the participation of representatives of State agencies, international organizations and civil society institutions. Civil society institutions can also provide the secretariat with written comments on the texts of national reports.

7. The Commission has a website, <http://khit.tj/rus>, available in Russian and Tajik, so that information on national reports, concluding observations, national plans of action to implement the recommendations made by United Nations bodies and on the implementation process itself is widely disseminated.

8. To ensure the correct and uniform application of the international legal instruments recognized by Tajikistan, 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 the attention of judges and prosecutors was drawn to the fact that such instruments are of direct and immediate effect and must be applied by the courts in determining civil, family and criminal matters and cases involving administrative offences.
9. 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.
10. It is recommended that, 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 should be taken into account.
11. Given that, in general, the norms of international instruments have been incorporated into national legislation, it is not possible to give specific examples of the direct application of the Covenant by national courts.
12. Efforts are under way in the judicial system to improve the arrangements for advanced training and certification of judges.
13. In addition, advanced training courses are being held monthly to foster the professional development of municipal and district judges and, to enhance their theoretical knowledge, judges undergo training in the Supreme Court's criminal, civil, family and administrative divisions dealing with cassational and supervisory appeals.
14. In cooperation with OHCHR, the text of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) has been translated into Tajik and supplied to relevant agencies so that study of the Protocol can be introduced into the training programmes for judges, law enforcement officers and legal experts in the Office of the Procurator General.
15. The structure and activities of the Office of the Commissioner for Human Rights are being continuously improved in order to achieve compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).
16. In 2014, new provisions were added to the Commissioner for Human Rights Act expanding the Commissioner's powers: in particular, the Commissioner was granted the right to review and assess petitions by citizens concerning their right of access to information.
17. The Act was also amended in 2016 to provide for the Commissioner to promote the ratification of international human rights treaties. The Commissioner was also given the right to visit temporary holding facilities, remand prisons, holding centres for foreign migrants or asylum seekers, institutions providing social, medical or mental-health care and other places of restriction of liberty.
18. The Office of the Commissioner for Human Rights has nine local offices and public advice bureaux in the regions. Three public advice bureaux, located in provincial centres, have been transformed into local offices; they are funded from the State budget and their staff have become public employees. The remaining six public advice bureaux are financed through grants from international organizations.
19. The Commissioner cooperates constructively with international organizations.
20. Cooperation takes the form of work on draft laws and regulations, implementation of joint programmes and strategic plans and establishment of working groups on human rights issues.
21. In that connection, mutually beneficial cooperation has been established with international organizations and entities such as the United Nations Development Programme (UNDP), the OHCHR regional office for Central Asia, the International

Organization for Migration (IOM), the United Nations Children’s Fund (UNICEF), the Organization for Security and Cooperation in Europe (OSCE) office in Dushanbe, the European Union and HELVETAS Swiss Intercooperation.

22. The staff of the Office of the Commissioner for Human Rights are public employees, and the staff selection process is governed by the Civil Service Act. In accordance with article 18 of the Act, vacant civil service posts are filled through competitive examinations.

23. In 2018, 1,601,135 somoni were allocated from the State budget for the Office of the Commissioner, an increase of 264,722 somoni compared with 2017. Of that amount, 1,514,795 somoni were allocated from the national budget to support the Commissioner’s central office (1,250,556 in 2017) and 86,540 somoni from local budgets to support the Commissioner’s offices in Gorno-Badakhshan Autonomous Province and in Khatlon and Sughd provinces.

24. In addition, grants amounting to 98,649 somoni were provided by HELVETAS Swiss Intercooperation to support the activities of the public advice bureaux in the town of Tursunzade and in Rasht district; UNDP donated 121,820 somoni for the work of the public advice bureaux in the towns of Kūlob and Rogun and in Kabadian district; the United Nations Peacebuilding Fund made grants worth 111,264 somoni for the public advice bureau in the town of Isfara and to support an additional post in the Commissioner’s office in Sughd province; and 44,774 somoni were provided by UNICEF to fund monitoring of children’s institutions.

25. In total, the Office of the Commissioner for Human Rights received 376,507 somoni in grant funding in 2018, representing 24 per cent of its overall expenditure.

II. Anti-corruption measures (arts. 2 and 25)

Paragraph 3

26. In order to effectively combat corruption and the impact thereof, a procedure and methodology for analysing the risk of corruption were approved, pursuant to Government Decision No. 465 of 28 October 2016, for the purpose of identifying, on the basis of such analysis, institutional factors that foster, or may foster, corruption in organizations and developing recommendations to tackle the effects of those factors.

27. A plan of action to implement the recommendations addressed to Tajikistan by the Organization for Economic Cooperation and Development (OECD) in the context of the 2018–2019 Istanbul Action Plan adopted by the Anti-Corruption Network for Eastern Europe and Central Asia was approved, pursuant to a decision of the National Anti-Corruption Council of 20 December 2017, and is now being operationalized.

28. To ensure the effective investigation and prosecution of complex, high-level corruption cases, as required under the Code of Criminal Procedure, and to guarantee that initial inquiries and pretrial investigations are as full, thorough and objective as possible, irrespective of the investigative authority, task forces are being set up consisting of investigators from the procuratorial authorities and the internal affairs, national security and drug control agencies.

29. A working group has been established to fine-tune the Criminal Code; the group will also consider issues related to corruption offences.

III. States of emergency (art. 4)

Paragraph 4

30. Mobile communications and access to the Internet may be blocked without a court order during a state of emergency, notably as a counter-terrorism measure, on the basis of article 33 of the Electronic Communications Act and articles 4, 9, 14, 17–19 and 21–22 of the Counter-Terrorism Act of 16 November 1999.

31. Electronic communications services and the use of related equipment may be temporarily suspended in an area where counter-terrorism operations are being conducted, and throughout the country's territory or in specific regions, on application by the main entity directly fighting terrorism, the State Committee on National Security.

32. State agencies are taking certain steps to identify and block websites that disseminate extremist material, pursuant to a presidential decree of 12 November 2016 on the 2016–2020 National Strategy for Combating Extremism and Terrorism and the Electronic Communications Act.

33. See also the reply to the issues raised in paragraph 5.

IV. Counter-terrorism and anti-extremism measures (arts. 4, 9, 14, 17–19 and 21–22)

Paragraph 5

34. Amendments to the Criminal Code have been prepared, along with revised versions of the Counter-Terrorism Act and the Anti-Extremism Act, on the basis of monitoring and analysis of national legislation on combating terrorism and other violent manifestations of extremism.

35. The 2016–2020 National Strategy for Combating Extremism and Terrorism, as a policy document, defines the goals, objectives and main directions of State policy on countering extremism and terrorism.

36. The goals of the Strategy are as follows: to analyse factors and trends in the areas of extremism and radicalization leading to terrorism in Tajikistan; to define the main directions of State policy on countering extremism and terrorism in order to protect the foundations of the constitutional order, public security and citizens' rights and freedoms from extremist and terrorist threats; to refine the legal and institutional framework for countering extremism and terrorism and practice in that regard; to promote the formation of tolerant attitudes and behaviours and religious and interfaith harmony in society; to consolidate the efforts of State agencies, local self-governance bodies in settlements and villages, civil society institutions and international organizations to curb the spread of extremist and terrorist ideas and activities; to increase the effectiveness of interaction among the competent authorities in preventing and combating manifestations of extremism, terrorism, drug trafficking and laundering of proceeds of crime used to finance extremism and terrorism; and to improve regional and international cooperation in preventing and combating extremism and terrorism.

37. On the initiative of the Government, an international high-level conference co-organized with the United Nations, OSCE and the European Union was held in Dushanbe on 3 and 4 May 2018, on the theme "Countering terrorism and preventing violent extremism". The event was attended by more than 400 participants from 48 countries and 31 international and regional organizations and from scientific research centres.

38. The aim of the international conference was to enhance synergies in identifying and preventing transborder terrorist activity, to expand the legal framework for the further strengthening of cooperation among countries in countering terrorism, to discuss current issues and obstacles to the implementation of counter-terrorism measures, and to promote cooperation in combating cybercrime.

39. The conference was intended to serve as an important platform for comprehensive dialogue and interaction among all stakeholders for the purpose of exchanging experience and developing specific measures for further concerted and coordinated efforts to tackle contemporary challenges and threats to security.

40. The twenty-eighth meeting of the Coordinating Council of Procurators General of the States Members of the Commonwealth of Independent States (CIS) was held in Dushanbe on 20 September 2018. This forum was attended by delegations from the procurator general's offices of CIS member States, led by the Procurators General of Armenia, Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan and the

Deputy Procurator General of Azerbaijan, along with the director of the relevant department of the CIS Executive Committee and the Executive Secretary of the Coordinating Council.

41. The participants discussed the experience of the procurator general's offices in countering terrorism and extremism, combating corruption and using information technology to enhance procuratorial oversight, and the practice of the procuratorial authorities in protecting the rights of citizens, especially those who are outside their own country, in the territory of the CIS member States.

42. The heads of the CIS procurator general's offices took appropriate decisions based on the outcome of their discussions of the items on the agenda.

43. On 20 September 2018, the sixteenth meeting of procurators general of the Shanghai Cooperation Organization (SCO) took place in Dushanbe.

44. The meeting was attended by the Procurator General of the Supreme People's Procuratorate of China, the Additional Solicitor General of India, Pinky Anand, the Procurators General of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan, the Deputy Attorney General of Pakistan and representatives of the secretariat and the SCO Regional Anti-Terrorism Structure.

45. Also taking part were the Procurators General of the SCO observer States Afghanistan, Belarus, Islamic Republic of Iran and Mongolia, the procurators general of dialogue partners Armenia and Sri Lanka and the Deputy Procurator General of dialogue partner Azerbaijan, while the Attorney General of Saudi Arabia, Saud Bin Abdullah Al-Mua'jab, attended as an honoured guest.

46. The participants discussed issues related to the mounting threat posed to human rights by terrorism and extremism and other destructive modern phenomena.

47. On the basis of the outcome of the meeting, the participants signed a protocol containing their decision to consolidate the efforts of procurators general of the SCO member States to combat extremism, terrorism and separatism, the illicit drugs trade, trafficking in persons and the laundering of proceeds of crime used to finance extremism and terrorism.

48. It was also decided to promote the exchange of information on persons involved in committing terrorist or extremist offences and on practice with regard to the declaration of certain parties, movements and organizations to be terrorist or extremist and to exchange relevant decisions of national courts or other competent authorities of the SCO member States.

49. It should be noted that combating the financing of terrorism is an integral part of the fight against terrorism in general. Particular attention is therefore paid to this issue in Tajikistan.

50. Tajikistan is a founder and active member of the Eurasian Group on Combating Money-Laundering and Financing of Terrorism (EAG), which was formed in 2006 as an international, regional organization along the lines of the Financial Action Task Force (FATF).

51. In 2009, the Financial Monitoring Department was established within the National Bank of Tajikistan. The Department, which serves as the national financial intelligence unit, is in close contact with the law enforcement agencies and with financial intelligence units of foreign States and verifies monetary flows, including from or to countries that are vulnerable in terms of terrorist activity.

52. The 2018–2025 National Policy Framework for Combating Money-Laundering, Financing of Terrorism and Financing of the Spread of Weapons of Mass Destruction was approved pursuant to a presidential decree of 5 March 2018 in order to intensify cross-sector efforts to this end. The Framework defines the principles of State policy in this area, the strategic goals and the main directions for the further development of the national system.

53. Advanced training seminars were held in Dushanbe from 12 to 14 February 2018 for staff of the Financial Monitoring Department and the supervisory bodies and law enforcement agencies of Tajikistan, with the participation of leading experts from the International Training and Resource Centre of the Federal Financial Monitoring Service of the Russian Federation
54. Since September 2017, the national system for combating money-laundering, financing of terrorism and financing of the spread of weapons of mass destruction has been undergoing a second round of mutual evaluation conducted by EAG experts.
55. In this connection, a team of evaluators visited Dushanbe from 5 to 15 March 2018. During the visit, the experts met with representatives of the departments responsible for combating money-laundering, financing of terrorism and financing of the spread of weapons of mass destruction and with private sector entities. Subsequently, the draft mutual evaluation reports were considered remotely, in accordance with the established procedure.
56. The twenty-ninth EAG plenary meeting took place in Minsk from 12 to 16 November 2018, along with a meeting of the working groups.
57. The cooperation of Tajikistan with CIS member States in the context of the 2016–2020 Programme to Combat Cybercrime is helping to increase information security in all CIS member States, including Tajikistan.
58. In implementation of the Programme, in 2018 the Government Communications Service blocked 105 websites containing terrorist and extremist propaganda.
59. The Office of the Procurator General has studied and approved the draft United Nations convention on cooperation in combating cybercrime and the draft interstate programme of joint measures to combat crime for 2019–2023.
60. To enhance and harmonize national legislation, the relevant State agencies have prepared new bills to amend the Electronic Communications Act and the government decision on procedures and requirements for connecting to electronic communications network and related services, the texts of which are currently undergoing coordination by the agencies concerned.
61. See also the reply to the issues raised in paragraph 4.

V. Non-discrimination (arts. 2 and 26)

Paragraphs 6 and 7

62. In accordance with articles 2, 17 and 30 of the Constitution, all ethnic groups and peoples living in the country have the right freely to use their mother tongue. All persons are equal before the law and the courts. The State guarantees the rights and freedoms of everyone, irrespective of ethnicity, race, sex, language, religion, political beliefs, education, social status or wealth.
63. Propaganda and agitation that incite social, racial, ethnic, religious or linguistic enmity and hatred are prohibited.
64. Under article 143 of the Criminal Code, the deliberate direct or indirect violation or restriction of rights and freedoms or the establishment of direct or indirect privileges for citizens on the basis of race, sex, ethnicity, language, social origin, personal, property or official status, place of residence, attitude to religion, beliefs or affiliation to political parties or voluntary associations, where this results in harm to the rights and lawful interests of citizens [sic.]; such acts, if committed by threatening or using of force or abusing of an official position are punishable by deprivation of liberty for a period of from 2 to 5 years, with or without forfeiture of the right to occupy certain positions or engage in certain activities for a period of up to 3 years.
65. There are no provisions in Tajik legislation that restrict the rights and lawful interests of persons on the basis of their sexual orientation. The offence specified in article

125 of the 1961 Criminal Code was decriminalized with the adoption of the new Code in 1998.

66. The Criminal Code currently in force provides for criminal liability for homosexual, lesbian or other acts of a sexual nature only if they are committed by threatening or using force against the victim or his or her family members, taking advantage of the victim's helpless state, coercing the victim through blackmail, threatening to destroy, damage or confiscate property or exploiting the victim's occupational, financial or other dependence, or if they are committed against a person known by the perpetrator not to have reached the age of 16 years.

67. In 2018, a government working group was set up to prepare a bill on the prohibition of discrimination. The working group includes representatives of the Government, ministries and departments and the Commissioner for Human Rights. In carrying out its activities, the working group cooperates closely with international organizations such as the OHCHR regional office for Central Asia, the OSCE Programme Office in Dushanbe, the Open Society Institute and civil society institutions. To date, a survey has been undertaken of practice in other countries with respect to the preparation of anti-discrimination laws, and work is under way on a comprehensive analysis of the legislation of Tajikistan on the prohibition of discrimination. It is planned to conduct a series of training sessions on issues of equality and non-discrimination for representatives of State agencies and civil society institutions. Issues related to the enhancement of anti-discrimination policy are also addressed in the draft national strategy on human rights for the period up to 2030.

VI. Equality between men and women and gender-based violence (arts. 2–3, 7 and 26)

Paragraph 8

68. Particular attention is paid in Tajikistan to the role of women in society and to gender balance. The Constitution guarantees equality of human and civil rights and freedoms irrespective of sex. The principle of equality of rights for men and women and equality of opportunities in the exercise of those rights, enshrined in the Constitution, is elaborated on in the Act on State Guarantees of Equal Rights and Opportunities for Men and Women, the National Development Strategy for the period up to 2030 and other laws, regulations and policy documents.

69. The 2011–2020 National Strategy to Promote the Role of Women provides for representation of women and men in executive and representative bodies at all levels of government as a matter of priority, the option of introducing quotas for women as a temporary measure to increase their participation in executive and representative bodies, cooperation with international organizations on issues relating to equal opportunities for men and women, the promotion of the role of women in society, possible studies of the experience of developed countries with regard to the political advancement of women, measures to ensure gender equality in employment and the use of light quotas when competitive examinations are conducted to fill civil service posts at all levels.

70. To implement the Strategy, a plan of action for the period 2015–2020 was approved pursuant to a government decision of 29 August 2015. The plan envisages the enhancement of the capacity of the Committee for Women and the Family in the field of gender analysis, the undertaking of research and the monitoring of programmes on issues affecting women, the strengthening of the capacity of ministerial and departmental staff responsible for implementing gender policy, the holding of training courses and seminars to build skills in the development of strategies and State programmes and the conduct of gender analysis of social processes, the organization of skills-upgrading courses for women active in State agencies and civil society, the enhancement of the capacity and expertise of women leaders, the raising of women's literacy and employment rates on the basis of gender equality principles, and the reduction of unemployment.

71. A State programme for the education, selection and placement of capable women and girls in leadership positions covering the period 2017–2022 was approved on 1 April

2017. The focus of the programme is on fulfilling the international obligations of Tajikistan with regard to overcoming gender inequality, in accordance 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 realizing other goals and aims relating to gender.

72. According to information from the Supreme Court, at present 63 of the country's 392 judges are women, of whom 6 are court presidents and 6 deputy presidents.

73. Of the 30 members of the Majlis-i Milli, the legislature's upper house, 6 or 20 per cent are women; 3 or 23 per cent occupy leadership positions.

74. In the Majlis-i Namoyandagon, the lower house, 13 of 63 deputies or 21 per cent are women, of whom 18 or 31 per cent are in leadership roles.

75. The Civil Service Agency conducts monitoring and produces a statistical report each quarter on the number of civil servants, including women.

76. According to the statistical report on the number and grading of members of the civil service (report No. 1-GS), as at 1 October 2018, the total number of civil service posts was 21,069, of which 2,056 were vacant and 19,013 encumbered. The number of women civil servants was 4,462 or 23.4 per cent of the total (compared with 4,362 or 22.6 per cent as at 1 October 2017).

77. Decision-making positions were occupied by 5,685 civil servants or 29.9 per cent of the total (compared with 5,809 or 30.2 per cent as at 1 October 2017). Of those civil servants, women accounted for 1,071 or 18.8 per cent (compared with 1,098 or 18.9 per cent as at 1 October 2017).

78. The number of civil servants working in central agencies and bodies reporting to them was 11,875, of whom 2,907 or 24.4 per cent were women; of the 3,047 civil servants occupying decision-making positions in those agencies and bodies, 526 were women or 17.2 per cent.

79. Local executive agencies of the State employed 3,741 civil servants, of whom 980 or 26.1 per cent were women; of the 1,474 civil servants in decision-making positions, 307 were women or 20.8 per cent.

80. Local self-governance bodies in settlements and villages employed 3,397 civil servants, of whom 575 or 16.9 per cent were women; of the 1,164 civil servants in decision-making positions, 238 were women or 20.4 per cent.

81. As at 1 October 2018, judicial bodies (the administrations of the Constitutional Court, Supreme Court and Supreme Economic Court) employed 852 civil servants, of whom 192 or 22.5 per cent were women.

82. Forty civil servants or 4.7 per cent of the total occupied decision-making positions in those administrations, of whom 11 or 27.5 per cent were women.

83. As at 1 October 2018, the total number of civil service posts in the administrations of the legislative bodies (that is, the upper and lower houses of the Majlis-i Oli, the legislature of Tajikistan) was 149, of which 26 were vacant and 123 encumbered. The number of women civil servants was 57 or 46.3 per cent of the total.

84. Decision-making positions in those administrations were occupied by 66 civil servants or 53.6 per cent of the total, of whom 17 or 25.7 per cent were women.

85. Monitoring of competitive examinations showed that, in 2018, women accounted for 645 or 23.1 per cent of the 2,791 candidates who passed the examinations and were appointed to civil service posts.

86. The Presidential Decree of 10 March 2016 regulating the procedure for holding competitive examinations to fill vacant administrative posts in the civil service provides for advantages for women and, on appointment to their first civil service post, women's examination scores are increased by three points.

87. In 2018, 74 women were admitted to employment in the civil service under this arrangement.
88. Monitoring of performance reviews showed that, in 2018, 10 women were recommended for promotion by the performance review committees of State agencies.
89. In 2018, 10 women were appointed to decision-making positions in the civil service from the roster.
90. In government structures, ministries and local executive agencies of the State, as a rule, one of the deputy heads is a woman.
91. Women comprise 72 per cent of employees in the Ministry of Health and Social Protection, 50 per cent in the Ministry of Justice, 31.8 per cent in the Ministry of Economic Development and Trade, 33.9 per cent in the Ministry of Culture, 34.9 per cent in the Ministry of Finance and 44.3 per cent in the Ministry of Defence.
92. Currently, 18,044 specialists with higher medical education and 49,434 with secondary medical education work in the health sector; of those specialists, 19,323 are men and 48,155 or 71.4 per cent are women.
93. In the education system, 4,353 women occupy decision-making positions. Of that number, 1 is employed in the central administration of the Ministry of Education and Science and 7 work in establishments reporting to the Ministry, 3 are rectors, 34 are directors or deputy directors of secondary vocational training institutes, 14 are heads of district or municipal education departments, 3,691 are directors or deputy directors of general education establishments and 603 are preschool head teachers. A special database has been created with a view to promoting young, gifted specialists to decision-making positions in the Ministry; of the 82 persons included in the database 27 or 33 per cent are women. Twelve women are directors of State initial vocational training institutes, which is 19 per cent of the total.
94. In 2018, the Civil Service Agency and the Institute of Public Administration under the President ran 37 skills-upgrading courses, which were attended by 1,693 civil servants, including 505 women. The courses include sessions on the themes “Gender policy in Tajikistan: status and outlook”, “The role of women in sociopolitical life: bases in historical sources”, “Legal foundations of family relations”, “Comparative analyses of the place of women in society (the State and religion)”, “The role of women in public administration” and “Women and politics: women’s participation in elections”, among others.
95. The Institute of Public Administration, with assistance from the Committee for Women and the Family, also conducted courses for women leaders on the themes “Human resources management”, “Women leaders in public administration” and “Legal foundations of gender equality in Tajikistan”.
96. In addition, the female students’ council set up under the Committee for Women and the Family runs a “Young Women Leaders” course, taught by experienced and authoritative educators. Every year, the Committee awards grants to 11 outstanding female students in the country’s higher education establishments. The number of recipient of such grants now stands at 20.
97. The Sarvar Training Centre, a State institution, has been in operation under the Ministry of Education and Science since 2001. The Institute seeks to provide training to young women who have entered higher education establishments under the presidential quota and to talented young women in general in order to prepare them to be women leaders. Training at the Centre is provided free of charge. All students also receive a grant, and students from remote regions are given accommodation in the Centre’s hostel. Each year, the Centre receives 1,124,013 somoni from the State budget. Over the past five years, 378 young women from all regions of the country have studied at the Centre, including 233 who successfully completed leadership courses. A new curriculum was introduced in 2016. As well as studying such subjects as the psychology of leadership, leadership techniques and methods, management, foundations of State law, record-keeping in the official language and information technology, all the young women are engaged in intensive study

of foreign languages. After finishing their training at the Centre, graduates receive a certificate of completion of leadership studies.

98. With a view to implementing the legislation on family violence prevention effectively, assisting and supporting women victims of violence, preventing and suppressing domestic violence in the family, and protecting the rights, freedoms and constitutional guarantees afforded women in the sphere of family and domestic relations, 33 crisis centres and 3 branches of such centres have been set up and are in operation. There are clinics in maternity departments in municipal and district hospitals where women victims of domestic violence may seek advice and obtain medical care; they are most frequently attended by women and minor children.

99. In 2010, in the context of the OSCE Action Plan for the Promotion of Gender Equality, the Academy of the Ministry of Internal Affairs introduced a new course of study entitled "Violence in the family" and consisting of 20 academic hours; in February 2016, a further 16 academic hours were added. The Academy has now introduced a separate topic, "Preventing violence in the family", comprising 36 academic hours, on completion of which students sit an examination.

100. An association for female staff of the internal affairs agencies was set up in the Ministry in 2007 and remains operational. The main goals of this association include increasing the participation of female staff in efforts to create an environment conducive to carrying out the agencies' operations and tasks and enhancing the role and authority of female staff in their teams.

101. The Ministry of Internal Affairs has undertaken a joint project with the OSCE Programme Office in Dushanbe entitled "A gender-sensitive approach by law enforcement agencies to the investigation and prosecution of domestic violence and to victim protection". As part of this project, posts of inspector responsible for combating family violence have been created.

102. Since March 2010, 14 such posts have been created and women have been appointed to them. Also as part of the project, 14 domestic violence prevention offices have been opened.

103. On 28 September 2011, the responsibilities of the inspectors were approved and dedicated statistical reporting was introduced for offences of this type. On 25 November 2013, methodological recommendations were approved to help community support officers and inspectors responsible for combating family violence to observe and apply the Family Violence Prevention Act. On 20 April 2016, instructions on the activities of internal affairs officers in preventing, eliminating and responding to cases of family violence were adopted.

104. All community support officers are in close contact with the inspectors responsible for combating family violence.

105. In the course of 2017, a total of 1,296 complaints were received, of which 1,036 were considered by community support officers and 260 by inspectors responsible for combating family violence; 996 of the complaints brought concerned men and 296 women. As a result of the inquiries conducted, 65 criminal cases were brought under various articles of the Criminal Code, no proceedings were initiated in 1,003 cases, 131 cases are pending and 76 were referred for further investigation. Some 181 reports were drawn up concerning offences under article 93.1 of the Code of Administrative Offences (Failure to observe the requirements of the legislation of Tajikistan on preventing family violence) and article 93.2 of the Code (Failure to comply with a restraining order), and 52 reports were drawn up concerning offences under other articles of the Code.

106. In 2017 and the first nine months of 2018, the Republic's courts considered 41 criminal cases related to the use of violence in the family brought against 44 persons, 31 of whom were men and 13 women.

107. The Framework for the provision of free legal assistance was adopted pursuant to a government decision of 2 July 2015. The Framework provides for a pilot of the new system of free legal assistance in designated areas and covers issues associated with financing the provision of legal advice. Under the Framework, all citizens who have applied to State legal

offices have the right to receive free primary legal assistance (oral consultations). In accordance with paragraph 25 of the Framework, persons who have the right to secondary legal assistance (representation by counsel before the courts and other State bodies) include persons who have been victims of family violence or torture, their close relatives and other members of their families.

108. In order to give effect to the Framework, a State institution, the Legal Assistance Centre, was established to pilot models for providing free legal assistance to vulnerable segments of the population.

109. In the period 2016–2017, 16 State legal assistance offices were established in 12 towns and districts.

110. Since their opening, 3,985 persons have approached these offices for free legal assistance, including 1,626 men, 2,020 women and 340 persons with disabilities.

111. To prevent family violence, in 2018 the Institute of Public Administration ran sessions on the themes “Legal foundations of family planning in Tajikistan”, “Legal foundations of family relations” and other gender issues as part of its retraining and skills-upgrading courses and its internships. Pursuant to the plans approved in this area, in 2019 training on the Act on Parental Responsibility for the Education and Upbringing of Children, the Family Development Policy Framework and the State Programme to Prevent Family Violence for 2014–2023 and on the themes “Preventing family violence”, “Improving family education” and “Preventing extremism among women and children” will be offered at the Institute.

112. A specialized body, State institutions and voluntary organizations are operating in Tajikistan to provide practical assistance to women victims of family violence: the Committee for Women and the Family; the Bovari Ba Fardo (Faith in the Future) Crisis Centre and the girls’ support centre, which help women and girls who are victims of violence, respectively; internal affairs inspectors responsible for combating family violence; information and counselling centres working under local executive agencies of the State (110); and crisis centres for the rehabilitation of women who have been subjected to violence (18).

113. To improve citizens’ legal awareness and prevent abusive acts, including family violence, 110 information and counselling centres have been set up, with the support of social partners, in the women and family affairs departments and sections of local executive agencies of the State in provinces, towns and districts; at these centres, practical assistance is provided by lawyers and psychologists. The centres are financed from the budgets of those agencies. In 2014, 10,638 persons applied to the centres for assistance; there were 6,833 such applications in 2015, 22,364 in 2016 and 6,464 in the first six months of 2017. More than 70 per cent of applications for assistance were successfully addressed. More than 92 per cent of the women had free legal consultations with experts.

114. In 2012, with support from the United States Agency for International Development (USAID), medical and demographic research was conducted for the first time in the country with the aim of studying women’s rights and empowerment in Tajikistan and cases of domestic violence against women of reproductive age. The results of the research were submitted in 2013.

115. In 2018, 144 individuals were convicted of domestic violence, 215 of offences against sexual freedom or sexual inviolability, 6 of trafficking in persons and 39 of establishing or keeping brothels, procuring or living off earnings from prostitution.

116. The age of marriage in the Republic is set at 18 years, for both men and women. In exceptional circumstances, the age of marriage may be reduced to 17 years by decision of a judge. Polygamy is formally prohibited under Tajik legislation.

117. Under article 170 of the Criminal Code, bigyny or polygyny, i.e. cohabiting with two or more women in a single household, is punishable by a fine of between 1,000 and 2,000 nominal units, punitive deduction of earnings for up to 2 years, restriction of liberty for up to 5 years or short-term rigorous imprisonment for between 3 and 6 months.

118. Over the period 2014–2017 and the first nine months of 2018, the country's courts considered 440 criminal cases involving bigyny or polygyny, in which convictions were handed down against 440 men, representing about 0.012 per cent of the total adult male population.

119. In 2018, 101 persons were convicted by the courts under article 170 of the Criminal Code.

VII. Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6–7, 9–10 and 14)

Paragraphs 9–11

120. The Suspension of the Death Penalty Act was adopted on 15 July 2004.

121. On 1 March 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 term of 25 years.

122. Life imprisonment may not be imposed on women, individuals who were under 18 at the time of the commission of the offence in question and men who have reached the age of 63 by the time the court passes sentence.

123. Prior to the introduction of the moratorium, it was established in article 59 of the Criminal Code that the death penalty, carried out by firing squad, was an exceptional measure imposed only for the following offences: murder (art. 104 (2)), rape (art. 138 (3)), terrorism (art. 179 (3)), genocide (art. 398) and biocide (art. 399).

124. Pursuant to a presidential order of 9 April 2010, a working group was set up to study the social and legal aspects of abolishing the death penalty. The group includes ministers and deputy ministers 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.

125. The military operation in Khorugh was aimed at eliminating gangs active in the territory of Gorno-Badakhshan Autonomous Province who had committed a number of serious and especially serious offences, including the intentional homicide of the head of the department of the State Committee on National Security for the Autonomous Province, Major General A.S. Nazarov. These events were not of a political nature, and the crimes committed by the leaders and members of the gangs, O.A. Aembekov, K.R. Muratov, S. Karamkhudoev and D. Ashurov, were not political offences.

126. By judgment of the Criminal Division of the Supreme Court on 28 February 2013, Mr. Aembekov and Mr. Muratov were found guilty of complicity in the murder of Major General Nazarov and sentenced to deprivation of liberty for terms of 17 years and 16 years, respectively.

127. On 7 May 2013, the Court reduced the sentence of Mr. Muratov to 15 years and 6 months' deprivation of liberty.

128. By judgment of the Criminal Division of the Supreme Court of 10 May 2013, Mr. Ashurov and Mr. Karamkhudoev were found guilty of committing serious and especially serious offences, including criminal conspiracy, participation in mass unrest and unlawful bearing of firearms and ammunition. Mr. Karamkhudoev was sentenced to 14 years' deprivation of liberty, and Mr. Ashurov to 12 years' deprivation of liberty.

129. The Office of Procurator General maintains a consolidated register of complaints of torture.

130. According to the statistics, there were 16 complaints of torture in 2013, 13 in 2014, 21 in 2015, 10 in 2016, 23 in 2017 and 54 in 2018. These complaints were carefully

verified, and the procuratorial authorities instituted criminal proceedings in respect of 10 that were substantiated.

131. To date, four criminal cases against five persons have been brought to court following the completion of the investigations; the perpetrators were sentenced to deprivation of liberty.

132. In the case involving K. Khodzhinazarov, by judgment of the military court at Khujand garrison, L. Yuldoshev, a criminal investigation officer in the Ministry of Internal Affairs department for Sughd province was found guilty of offences under articles 143.1 (3) (b) (Torture), 358 (1) (Unlawful detention or remand in custody) and 247 (3) (a) (Fraud) of the Criminal Code and sentenced to 13 years' deprivation of liberty, to be served in a strict-regime correctional colony and forfeiture of the right to occupy positions in the Ministry for up to 2 years, while Mukhammad Naimov, an employee in the office of the State Committee on National Security for Asht district, was found guilty of offences under article 143.1 (3) (b) (Torture) and sentenced to 12 years' imprisonment and forfeiture of the right to occupy positions in the Ministry for up to 3 years. Another employee of the Ministry of Internal Affairs department for Sughd province, S.S., who left the country following the institution of criminal proceedings and was placed on the wanted persons list, has now been arrested. He has been charged with offences under articles 143.1 (3) (b) (Torture), 358 (1) (Unlawful detention or remand in custody) and 247 (3) (a) (Fraud) of the Criminal Code. The pretrial investigation is still in progress.

133. In 2018, as a result of investigations conducted by the competent State agencies into complaints of torture or cruel treatment, five employees of the Ministry of Internal Affairs were dismissed. A preliminary investigation has been opened in the case of two operational staff from Internal Affairs Office No. 2 in Firdavsi district, Dushanbe, who are accused of abuse of authority and unlawful detention.

134. Tajikistan is developing a legal framework for the effective and timely investigation of cases of torture and the prosecution of the perpetrators.

135. To ensure consistency with requirements in respect of the application of international norms and standards and liability for the use of torture, on 16 April 2012 a separate article on torture, article 143.1, was inserted in the Criminal Code; the article complies fully with the provisions of article 1 of the Convention against Torture.

136. The issue of the enhancement of Tajik legislation on freedom from torture, including through the establishment of harsher penalties for the use of torture, is included in the 2018–2022 plan of action to implement the recommendations made by the Committee against Torture, which was adopted on 24 January 2019.

137. State agencies, in cooperation with civil society institutions, conduct training on issues relating to freedom from torture on an ongoing basis. For example, in April 2018 the Continuing Professional Development Centre for staff of the Office of the Procurator General, jointly with the Centre for Human Rights, ran three 14-day training courses on the theme "Methods for verifying and investigating cases of torture and other cruel treatment: principles for the effective investigation and documentation of torture in accordance with the standards contained in the Istanbul Protocol", in which 86 investigators employed by the procuratorial authorities took part.

138. In 2017, the Central Penal Correction Department of the Ministry of Justice and the Ministry of Health and Social Protection, together with the Centre for Human Rights, organized three 3-day training courses on issues relating to the medical documentation of torture in conformity with the Istanbul Protocol; the 68 participants were personnel from medical establishments and operational staff of the prison system.

139. From 11 to 14 December 2017, the Coalition against Torture, in partnership with the Ministry of Health and Social Protection and the international organization Physicians for Human Rights, conducted a 14-day training course for 38 persons, namely, psychiatrists, doctors employed in private clinics, lawyers, forensic experts from the Ministry of Defence, psychologists and social workers.

140. In 2017–2018, the Department for Human Rights Guarantees in the Office of the President and the Commissioner for Human Rights, in conjunction with the Bureau for Human Rights and the Rule of Law, ran information sessions in the regions on the standards contained in the Optional Protocol to the Convention against Torture and on the country's practice in advancing ratification of that instrument; the more than 550 attendees were representatives of State agencies, civil society institutions and non-governmental organizations.

141. In 2016–2017, the Commissioner for Human Rights, together with the Coalition against Torture, conducted information sessions for law enforcement personnel on the rights of detainees and on freedom from torture. Altogether, 31 information sessions were conducted throughout the country with the participation of 1,056 persons representing agencies of the Ministry of Internal Affairs.

142. A joint working group consisting of staff of the procuratorial authorities and forensic experts prepared draft procedural documents and guidance on the conduct of forensic examinations in cases of torture in line with the Istanbul Protocol.

143. From 9 to 12 June 2014, judges, staff of the procuratorial authorities, other law enforcement personnel and forensic experts took part in a national seminar devoted to explaining the mechanisms for carrying out independent investigations of cases of torture, as set out in the Protocol.

VIII. Liberty and security of person and treatment of persons deprived of their liberty (arts. 6–7 and 9–10)

Paragraphs 12 and 13

144. The number of inmates who have died of various causes at the country's penal institutions is 174 (62 in 2015, 60 in 2016 and 52 in 2017).

145. In each case, the local procuratorial authorities promptly carry out procedural measures to determine the cause of death.

146. Analysis has shown that 163 deaths were the result of illness and 4 suicide.

147. Concerning the death of Ismonboy Dzhuraboevich Boboev, he was arrested on 19 February 2010 in Isfara on suspicion of being part of the Islamic Movement of Turkestan, a criminal association. On the same day, at about 6 p.m., Mr. Boboev died in unexplained circumstances in the office of the director of the district office for combating organized crime.

148. To establish the cause of death, the procurator's office ordered a post mortem examination to be carried out by experts from the Centre for Forensic Medicine of Sughd province. The report of the post mortem examination, conducted on 2 March 2010, concluded that Mr. Boboev had died of mechanical asphyxiation after swallowing his tongue and that this was not connected to the application of electrical current. There was light bruising on his wrists and knees.

149. On 5 March 2010, the procurator's office in Khujand, taking into account the fact that Mr. Boboev's death had occurred on the premises of the district office for combating organized crime, instituted criminal proceedings under article 104 (1) (Murder) of the Criminal Code and referred the case to the procurator's office for Sughd province for investigation.

150. As Mr. Boboev's relatives did not agree with the findings of the aforementioned post mortem examination, on 3 April 2010 a second post mortem examination was ordered to be carried out by a board of experts from the National Centre for Forensic Medicine of the Ministry of Health. According to the findings of the second post mortem examination, conducted on 6 April 2010, the specific cause of death could not be determined. However, the experts, having studied the evidence submitted and the findings of the post mortem examination of 2 March 2010, did not rule out the possibility that Mr. Boboev had died of an electrical injury.

151. Given the significant disparities between the findings of the two examinations, it must be established whether the case constitutes murder or accidental death. In this connection, the question of whether to order a comprehensive report, with input not only from highly qualified medical staff, but also from specialists from other disciplines, is being determined; investigators are gathering the information necessary to that end. The required investigative acts have been carried out, including questioning of relatives, family members, friends and acquaintances of Mr. Boboev and of all employees of the district office for combating organized crime and the Ministry of Internal Affairs department for combating organized crime for Sughd province.

152. The deputy director of the district office, Mr. Akbarov, and one of the officers, F. Shokirov, who were questioned in the case, testified that they were not aware of the cause of Mr. Boboev's death and that they had had nothing to do with it. Other employees made similar statements.

153. Thus far, the pretrial investigation has not established or demonstrated that Mr. Boboev died as a result of unlawful acts by law enforcement officers and being subjected to torture.

154. The officers who brought Mr. Boboev to the district office for combating organized crime, Mr. Akbarov and Mr. Shokirov, have been dismissed.

155. Following the issuance of the Views of the Committee on Human Rights on the Boboev case (communication No. 2173/2012 *Boboev v. Tajikistan*), in February 2018 the Office of the Procurator General rescinded its decision to suspend the investigation into the criminal case and referred it to the relevant department of the Ministry of Internal Affairs for further inquiries. In October 2018, acting under article 230 of the Code of Criminal Procedure, the Ministry of Internal Affairs suspended the criminal case, all investigative acts having been carried out.

156. With regard to the deaths of Kurbon Manonov and Nozim Odinaevich Tashripov, Mr. Manonov was convicted on 21 August 2015 by the Khatlon provincial court of offences under articles 170 (Bigyny or polygyny), 307 (1) (Public calls for the violent overthrow of the constitutional order) and 347 (2) (Failure to report or concealment of a crime) of the Criminal Code and sentenced to 10 years' deprivation of liberty, to be served at a strict-regime correctional colony; Mr. Tashripov was convicted on 22 October 2015 by the Military Division of the Supreme Court of offences under article 187 (2) (Organization of a criminal association (organized crime)) of the Code and sentenced to 10 years' deprivation of liberty, to be served at a strict-regime correctional colony.

157. On 13 August 2016 and 31 July 2015, respectively, Mr. Manonov and Mr. Tashripov, who were serving their sentences at correctional colony No. 3/4, were transferred to the infirmary at correctional colony No. 3/13 of the Central Penal Correction Department of the Ministry of Justice, where they later died.

158. The procuratorial authorities promptly carried out procedural measures to determine the cause of death in each case.

159. Verification of the causes of death established that Mr. Manonov had died of ischaemic heart disease, extensive atherosclerosis, hypertension grade 3, risk 4, concomitant with occlusion of the aorta and cerebral vessels, duodenal ulcer with bleeding, and complications of stage 3 cardiac insufficiency; Mr. Tashripov had died of ischaemic heart disease, extensive atherosclerosis, concomitant acute stage chronic pyelonephritis, atherosclerosis of the coronary and cerebral vessels, complications of stage 3 cardiac insufficiency and acute respiratory failure.

160. Concerning the case of T. Dustov, who died while being detained, the Khatlon provincial court considered criminal charges brought under article 316 (3) of the Criminal Code against an employee of the Internal Affairs Office for Dusti district, the deputy director of the Ministry of Internal Affairs drug control office. The defendant did not appear in court for the announcement of the verdict. It was established that he had submitted a medical certificate to the court but had subsequently left the territory of Tajikistan. The court therefore ordered that the preventive measure imposed, namely, recognizance not to leave the area, be replaced with remand in custody and required the Ministry of Internal

Affairs department for Khatlon province to enforce the court order to place the defendant, M. Idiev, on the wanted persons list.

IX. Freedom of movement (art. 12)

Paragraph 14

161. On 28 February 2018, the Ministry of Education and Science approved an order setting out rules for travel abroad on official business or for study by education and science workers, teachers and faculty members at the country's educational establishments. These rules established a complicated approval procedure for workers in the fields of education and science, teachers at higher education establishments, students and pupils wishing to go abroad on official business, for study or to take part in other activities. On 24 September 2018, the Office of the Procurator General lodged a protest against this order, following which its application was suspended.

162. A new procedure for sending students abroad for study was approved pursuant to a Ministry of Education and Science order of 18 September 2018. This procedure, which applies only to persons travelling abroad to undertake studies, establishes a simplified process for foreign travel whereby a short list of documents must be submitted to the competent State agency in the fields of education and science. For persons travelling independently to study in foreign countries, the procedure stipulates only that they must submit notification of the forthcoming travel in due form.

163. On 15 January 2019, the Minister of Education and Science separately approved rules governing travel abroad on official business by staff of the central administration of the Ministry of Education and Science and other bodies under the Ministry's jurisdiction. These rules envisage a specific approval procedure for such travel and establish a list of documents to be submitted, including a written authorization from the Ministry of Foreign Affairs. They apply only to staff of the central administration of the Ministry of Education and Science and other bodies under the Ministry's jurisdiction.

164. In 2018, the Ministry registered more than 900 trips by teachers, professors and other workers in the fields of education and science. All applications for travel abroad are considered promptly, resolved positively and forwarded to the relevant addressee. In the 2018/19 academic year, 5,220 Tajik nationals were sent to study abroad under intergovernmental and interdepartmental agreements.

X. Treatment of aliens, including refugees and asylum seekers (arts. 7, 9, 12–13 and 24)

Paragraph 15

165. Tajikistan is working intensively to protect human rights, taking specific measures at the national level and actively cooperating with other States and regional and international organizations, including the Office of the United Nations High Commissioner for Refugees, IOM and the International Committee of Red Cross and Red Crescent Societies.

166. Tajikistan affords due attention to all the issues raised in the Durban Declaration and Programme of Action and fully complies with the recommendations contained therein, both in its legislation and in social relations in the social, economic, political, cultural, ethnic and religious spheres.

167. The Refugee Status Commission has been reconfigured in order to tackle the issue more effectively; the new membership, approved on 14 May 2007, includes, in addition to staff of the Ministry of Labour, Migration and Employment, representatives of other relevant ministries and departments, as agreed among the parties.

168. In addition, in order to prevent illegal immigration, a presidential decree on strengthening efforts to combat illegal immigration into Tajikistan was issued on 2 April 2001.

169. A new version of the Refugees Act was adopted in May 2002 to regulate issues relating to refugees and ensure the clear division of powers among the country's ministries and departments.

170. The Act lays down the principles and procedure for recognizing asylum seekers as refugees in Tajikistan, establishes economic, social and legal guarantees for the protection of refugees' human rights and lawful interests, and determines the legal status of refugees.

171. If registration of an asylum seeker's application for refugee status is denied under the Act, the migration authorities should give or send to the person concerned, not later than five working days from the date of the decision, a notification stating the reasons for denial and the procedure for appealing against the decision, and explaining the legal status of the applicant and his or her family members in Tajikistan. The migration authorities inform the internal affairs and security agencies of the final decision to refuse registration of an application for refugee status in Tajikistan. Concurrently, they request the appropriate authority to grant the person an exit visa that is valid for the period required to appeal against the decision.

172. A person who has submitted an application for refugee status to the migration authorities and received a notification of refusal to register the application, and who has not exercised the right to appeal against the decision, in accordance with the Act, is obliged to leave Tajikistan. The individual concerned must leave the territory with his or her family members not later than one month after the date of receipt of the notification of refusal, unless he or she has other legal grounds for remaining in the country.

173. In order to maintain national security, defend the constitutional order and protect public morals and health and the rights and freedoms of its citizens, Tajikistan, like other States, may draw up a list of settlements in which the security of refugees staying there is guaranteed.

XI. Right to a fair trial and independence of the judiciary (art. 14)

Paragraphs 16 and 17

174. Under articles 84, 87 and 91 of the Constitution, judicial power is independent and is exercised by judges on behalf of the State. In the performance of their duties, judges are independent and subject only to the Constitution and the law. Interference in the work of the judiciary is prohibited. Judges have the right of immunity. A judge may not be remanded in custody or prosecuted without the consent of the body that selected or appointed him or her. A judge may not be detained unless arrested in flagrante delicto.

175. Interference in the work of the courts is prohibited and the independence of the judiciary is guaranteed in articles 7 and 8 of the Constitutional Act on the Courts.

176. Under article 84 of the Constitution, the term of office for a judge is 10 years.

177. 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.

178. In line with the amendments made to the Constitution on 22 May 2016, the Council of Justice was abolished pursuant to a presidential decree of 9 June 2016.

179. The Constitutional Act on the Courts was modified in the light of the constitutional amendments; pursuant to the modifications, the Council's powers with regard to the organization of and the provision of financial and technical support for the courts, the selection and training of candidates for posts of judge and capacity-building for judges and court staff were given to the Supreme Court and the Supreme Economic Court.

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

181. 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 court president and on the recall and removal of judges and considers disciplinary cases involving judges, among other matters.

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

183. Candidates are selected for posts of judge on the basis of a competitive process.

184. The Consolidated Examination Board for candidates for posts of judge and judicial trainee was established and its composition and statute approved pursuant to a presidential decree of 5 April 2017.

185. In accordance with the Board's Statute, a commission was set up, further to a joint order of the Presidents of the Supreme Court and the Supreme Economic Court, to receive candidacies for judicial traineeships.

186. Notices announcing forthcoming competitive examinations for posts of judicial trainee are published in the national media and on the websites of the Supreme Court and the Supreme Economic Court.

187. The activities of the commission receiving candidacies for judicial traineeships are open and accessible to representatives of civil society and the media.

188. After the appropriate checks have been carried out, not later than five days before the examinations, the Presidents of the Supreme Court and the Supreme Economic Court approve the list of candidates having the right to sit the examinations, and the list is posted on the websites of the Supreme Court and the Supreme Economic Court.

189. The date of the examinations is also posted on the Courts' websites.

190. Pursuant to an order of the President of the Supreme Court of 18 May 2018, 60 candidates who had passed the examinations were appointed to posts of judicial trainee.

191. Judicial traineeships consist of two parts. Trainees follow advanced courses at the Supreme Court's Judicial Training Centre, which has developed a special programme to enhance their knowledge of all branches of law.

192. The programme encompasses testing not only of candidates' theoretical knowledge, but also of their ability to apply that knowledge in practice, as well as an examination of their familiarity with the fundamentals of general psychology and judicial ethics and their skill in drawing up procedural documents.

193. The trainees then sit an examination, the results of which are valid for three years.

194. Having completed a year's study, trainees are included on a roster of candidates for posts of judge.

195. Under article 113 of the Constitutional Act on the Courts, the Judicial Qualification Board, on the recommendation of the Presidents of the Supreme Court and the Supreme Economic Court and taking into account the results of the examination, either approves candidates nominated for initial appointments as judges or rejects their candidacies.

196. Article 18 of the Act contains a comprehensive list of the grounds for removal of judges.

197. As part of efforts to implement the recommendations made by OECD, the 2013–2020 Strategy to Combat Corruption in Tajikistan and point 8 of the action plan for the Strategy's implementation provide for the further strengthening and development of judicial bodies through the fine-tuning of the laws and regulations governing the internal procedures and work processes of the courts and court staff, the appointment and placement of judges, the criteria for the allocation of criminal cases and the practical oversight mechanisms for preventing corruption and breaches of the law in judicial bodies; the enhancement of the procedure for appointing and removing judges; and the improvement of the public accessibility of information, not only on laws and amendments thereto, but also

on judicial processes, judicial decisions, vacant posts, hiring rules, and procedures for the selection and criteria for the appointment of judges.

198. The Supreme Court, on 11 January 2018, approved a supplementary interdepartmental action plan for 2018–2020 to implement the Strategy to Combat Corruption in Tajikistan, which envisages the gradual implementation of the OECD recommendations.

199. The professional training programme for judges and court staff run by the Supreme Court's Judicial Training Centre includes, along with other topics, sessions on the specificities of hearing corruption cases (under articles 319, 320 and 321 of the Criminal Code) and on the 2013–2020 Strategy to Combat Corruption in Tajikistan, as well as study of the judges' code of ethics.

200. Provision has been made for the study and analysis of sentencing practice in corruption cases, which will take place every six months on the basis of statistical reporting by the courts, and for the compilation of judicial practice in cases of this kind. Since one feature of corruption offences is the fact that the perpetrators are public officials, analysis is being carried out of the cohort of persons convicted of such offences, the areas of government in which they worked and the proportionality of the sentences imposed given the nature of the offence, the level of the threat posed to society, the circumstances in which the offence was committed and the character of the perpetrator.

201. The study of corruption in the judicial system and of the effectiveness of anti-corruption measures and the development and implementation of appropriate recommendations are key elements in strengthening statehood overall.

202. Penalties are provided in criminal law for judges who do not fulfil their obligations with respect to the lawful and impartial administration of justice: seven types of offence have been established, including criminal prosecution of a party known to be innocent (Criminal Code, art. 348) and deliberate handing down of an unlawful sentence, decision or other judicial ruling (art. 349).

203. Enhancing the culture of lawfulness and ethics among judges is another way of preventing corruption in the judicial system.

204. In any activities they engage in, judges must strive to set high standards of conduct and avoid situations that compromise their position.

205. The ethical dimensions of judges' behaviour are particularly apparent in their dealings with parties to proceedings, colleagues and members of the public.

206. They must act in accordance with their status even in their non-professional relationships.

207. Other important means of preventing abuse in the judicial system are the harmonization of judicial practice and the revision of the legislation currently in force with a view to reducing opportunities for corruption.

208. The powers of the procurator in civil proceedings were significantly curtailed in the Code of Civil Procedure adopted in 2008.

209. 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.

210. 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.

211. The Procurator General may lodge a protest under the supervisory procedure against any judicial ruling that has acquired legal force, with the exception of decisions of the Presidium of the Supreme Court.

212. Regarding the procurator's powers in criminal proceedings, 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 concerning issues referred to in the first to sixth indents of article 335 (1) of the Code and take part in the consideration of other issues that arise when a case is heard in court.

213. 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 in which the prosecution is being conducted by the victim.

214. The procurator, as the State prosecutor, conducts the prosecution for the State in criminal cases brought on the basis of private or semi-public prosecutions.

215. The recommendations addressed to Tajikistan by OECD in the context of the 2018–2019 Istanbul Action Plan adopted by the Anti-Corruption Network for Eastern Europe and Central Asia state that the powers of the procuratorial authorities with respect to general oversight should be curtailed (recommendation 9).

216. A plan of action to implement those recommendations was approved pursuant to Decision No. 2K/86-31 of the National Anti-Corruption Council of 20 December 2017; point 9 of the plan provides for consideration of that issue. Work to implement point 9 is under way, with a deadline of 2018–2019.

217. Under article 92 of the Constitution, legal assistance is guaranteed at all stages of an investigation and trial.

218. In accordance with article 6 (2) of the Bar and Advocacy Act, in order to facilitate the work of lawyers and ensure that legal assistance is accessible to the population, State agencies, while upholding the independence of the legal profession, fund the work of lawyers providing free legal assistance to individuals in the cases provided for in Tajik legislation.

219. In fulfilment of the relevant constitutional provisions and the requirements of the aforementioned Act, the Framework for the Provision of Free Legal Assistance was approved pursuant to a government decision of 2 July 2015.

220. 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.

221. State agencies provide legal information to citizens on request, and there are State-funded public advice bureaux in the regional offices of the Commissioner for Human Rights. There are also 33 national crisis centres in offices of the Committee for Women and the Family, and the Migration Service of the Ministry of Labour, Migration and Employment has local advice centres providing free legal assistance.

222. In addition, voluntary organizations are running various projects to provide free legal assistance to poorer sections of the population with funding from international donors. All of these efforts notwithstanding, the population's needs for quality, qualified legal assistance are not being fully met.

223. 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.

224. 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.

225. The draft judicial reform programme for the period 2019–2021 provides for the preparation and adoption of a law on the provision of free legal assistance, in which the relevant principles will be defined and regulations established on social relations in this sphere.

226. Regarding the reports of harassment, intimidation and pressure on lawyers (including B. Yorov, N. Makhkamov and S. Kudratov) representing defendants in cases

related to national security, it should be noted that these individuals were convicted of committing acts that are offences under the Criminal Code.

227. B. Yorov was convicted under articles 189 (2) (d), 247 (4) (b), 307 (2) (d), 307.1 (2) and 340 (2) (a)–(c) of the Criminal Code, N. Makhkamov under articles 189 (2) (d), 247 (4) (b), 307 (2) (d) and 307.1 (2) of the Code and S. Kudratov under articles 247 (4) (b), 36 (4), 32 (3) and 320 (2).

228. The constitutional right not to be subjected to torture or cruel or inhuman treatment is guaranteed on pain of criminal prosecution (Criminal Code, art. 143.1).

229. If a complaint is made during a court hearing concerning the use of torture or other cruel or degrading treatment, the judge must take the measures provided for by law for the complaint's immediate consideration.

230. If, in order to fully investigate a complaint of the use of torture, it is necessary to take measures that are not within the judge's purview (conduct of an initial inquiry or pretrial investigation and so forth), the judge must order the procurator to conduct the appropriate inquiries and set a deadline for the submission to the court of the evidence gathered. That evidence is made public during a court hearing and added to the case file, along with the procedural decisions taken in respect of the complaint.

231. Furthermore, if, during the consideration of a criminal case in court, it is established that evidence has been obtained through the use of torture, cruel treatment, violence, threats, deception or other unlawful acts, such evidence is declared inadmissible.

232. In that connection, a new article has been inserted in the Code of Criminal Procedure, article 88.1 (Inadmissible evidence).

233. The criminal case against members of the Islamic Renaissance Party of Tajikistan was sent to the Supreme Court for trial on 20 January 2016 and was classified as "secret".

234. In accordance with article 273 (2) of the Code of Criminal Procedure, closed court hearings may be permitted on the basis of a reasoned decision by a court or ruling by a judge in cases where the perpetrator is under 16 years of age; where offences against liberty or sexual or other offences are involved, with the aim of preventing the disclosure of information about intimate aspects of the lives of the parties to the proceedings or of information that is humiliating; and where required to ensure the safety of the parties to the proceedings, the witnesses and their family members or close relatives.

235. In a judicial ruling of 2 February 2016 on the scheduling of the trial, it was determined that the case should be considered in closed court hearings so as to ensure the confidentiality of legally protected State or other secrets and the safety of the parties to the proceedings, the witnesses and their family members or close relatives.

236. In accordance with paragraph 10 of the Decision of the Plenum of the Supreme Court of 29 September 2014 on transparency and openness of court hearings and the right of access to information on the work of the courts, where a court has decided or a judge has ruled, on scheduling a case, that it should be considered in closed court hearings, persons who are not parties to the proceedings and members of the media are not permitted in the courtroom during the hearings.

237. The presence in the courtroom as observers of persons other than the parties to the proceedings was therefore not possible.

238. At the same time, all the rules on court proceedings were complied with during the closed hearings, in accordance with article 273 (3) of the Code of Criminal Procedure.

239. 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 Gorno-Badakhshan Autonomous Province, the courts of the provinces, the city of Dushanbe and the towns and districts, the Gorno-Badakhshan economic court, and the economic courts of the provinces and the city of Dushanbe.

240. 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.

241. The rules on the jurisdiction of military courts over criminal cases are established in the legislation on criminal procedure.

242. 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.

XII. Right to privacy and family life (art. 17)

Paragraph 18

243. In accordance with article 5 of the Operations and Searches Act, when operations and searches are carried out, the agency conducting those activities must ensure that the rights to privacy and to confidentiality of personal and family information, the sanctity of the home and the secrecy of correspondence, telephone conversations, telegraph and other communications are upheld. A person who considers that the actions of agencies carrying out operations and searches have violated his or her rights and freedoms may file a complaint with a higher-level body conducting operations and searches, a procurator or a court or judge.

244. In the event that an agency or official carrying out operations or searches violates the rights and lawful interests of natural or legal persons, measures must be taken by the higher-level body or official conducting operations and searches, the procurator or the court or judge to restore those rights and lawful interests and/or provide compensation for the harm caused.

245. It is true that, pursuant to the amendments to the Operations and Searches Act adopted in July 2017 and under Presidential Decree No. 765 of November 2016, whereby a single communications switching centre was established allowing for complete State control over all communications, the Republic's law enforcement agencies have been given the right to legally monitor the online behaviour of certain individuals by accessing data on their online activities and texting. These legal and regulatory provisions do indeed raise issues regarding the infringement, to a certain degree, of citizens' rights and freedoms, including the right to privacy. In practice, however, carrying out measures to uncover offences or protect the rights and freedoms of one citizen necessarily involves restricting or impinging on the rights and freedoms of another. It is on this basis that lawmakers have recourse to measures that, in certain cases, may restrict human and civil rights and freedoms.

246. It is well known that, faced with serious and especially serious offences such as terrorism, extremism, separatism and trafficking in persons, which are extremely difficult to investigate and uncover on account of their particular characteristics, lawmakers are compelled to approve such measures as interception of communications and retrieval of computer data. However, such measures are not applied in respect of all citizens, only those who are suspected or accused of specific criminal acts, as well as persons who are of operational interest for the law enforcement agencies.

XIII. Freedom of conscience and religious belief (arts. 2, 18 and 26)

Paragraphs 19 and 20

247. 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 the free expression of their attitude towards religion. Registration of a religious association confers additional rights and powers on groups of persons to perform religious rites, collectively and regularly, on a specific plot of land, for which they acquire title and a land use certificate. Under article 14 (2) of the Act, if 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.

248. Regarding religious rites and rituals, while there are no restrictions on peaceful religious activities in the country, there are certain places that are designated for the performance of collective religious rites. Article 20 (3) of the 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, depending on the religion concerned, as well as in residential buildings and private houses. These provisions thus allow citizens individually or collectively, depending on their faith, to conduct religious services or rites in places designated for that purpose. Lawmakers have defined places generally recognized for the conduct of collective religious services, where citizens may freely satisfy their religious and spiritual needs. 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 millions of private homes. It follows therefrom that there are no restrictions in the Republic on peaceful religious activities, including on the performance of religious rites and rituals.

249. Article 4 (14) of the Act, which concerns freedom of conscience and religion, states that parents or persons in loco parentis have the right to instruct and raise their children in accordance with their own attitude towards religion while taking into account the right of children to freedom of conscience. Favourable conditions have been created in Tajikistan for safeguarding freedom of conscience and religion and upholding the lawful rights and interests of citizens with religious beliefs and religious associations.

250. Concerning the prohibition on the participation of persons under the age of 18 in the activities of certain types of religious association, it should be noted that there were many reasons and issues underpinning the adoption of the Act on Parental Responsibility for the Education and Upbringing of Children. A key factor was the protection of the right of children to education and to normal physical and intellectual development. In accordance with the Act, parents are obliged to control the behaviour of their minor children, including their participation in the activities of religious associations. Under article 4 (15) of the Freedom of Conscience and Religious Associations Act, 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. In other words, a child may receive religious education in a religious association only with the written consent of his or her parents; children receiving such education may take part in other religious activities and in communal prayers.

251. The Government and people of Tajikistan are not indifferent to the fate of their compatriots who study abroad unlawfully in dubious training centres (these may be religious or military and missionary in nature). The Government therefore takes appropriate measures and carries out awareness-raising efforts in this regard among the population. A government decision was drafted and adopted approving a procedure for the religious education of Tajik citizens abroad. The decision was adopted on the basis of reasonable and objective criteria deriving from the realities of life in our society and the prevailing religious climate; it does not in any way infringe the right of citizens to receive religious education or study religion. The Government, in line with these provisions, is prepared to send Tajik citizens abroad for religious education, but only following the conclusion of an official agreement or the receipt of notification that the higher education establishment concerned meets international standards. The rationale for this is that thousands of our minor children have been sent abroad under false pretences, supposedly to receive religious education.

252. In order to prevent such cases, since 2010 the Government has returned more than 3,000 Tajik citizens from informal religious educational establishments in foreign States and provided them with training and employment.

253. Analysis of criminal cases involving terrorism and extremism has shown that individuals who commit this type of offence have, as a rule, first received religious education abroad, in countries such as Pakistan, Afghanistan, Iran and other Islamic countries, before going on to receive military training at centres run by terrorist organizations, for example Al-Qaida, the Taliban, Islamic State and Al Ikhwan al Muslimun.

254. It should be noted that the Supreme Court, on 30 March 2006, declared Al Ikhwan al Muslimun to be a terrorist, extremist organization, and its activities were banned in Tajikistan.

255. Article 307.3 of the Criminal Code establishes criminal liability for organizing the activities of a political party, voluntary or religious association or any other organization whose dissolution or the prohibition of whose activities has been ordered by a court, in a ruling that has acquired legal force, on the grounds that it is carrying out extremist activities.

256. A study of criminal cases brought against imams has shown that they joined the terrorist, extremist organization Al Ikhwan al Muslimun precisely because they had received informal religious education abroad, particularly in Arab countries.

257. Article 22 (3) of the Freedom of Conscience and Religious Associations Act provides that religious literature and other religious items and materials may be produced, exported, imported, sold and distributed only after they have undergone an official expert religious assessment. These requirements are based on international legal standards for opposing religious extremism and terrorism and religious hatred, preventing discrimination and protecting religious tolerance and dialogue among cultures. Under article 4 (8) of the Act, it is prohibited to incite any kind of hatred, enmity or conflict on religious grounds or offend citizens' religious or atheistic sensibilities. Religious literature is also assessed in the light of these goals, so as to prevent incitement to religious or interfaith hatred.

258. Under Tajik law, citizens are free to wear what they wish, and, to date, no one has been held liable for wearing religious dress. In the streets, at bus stops, in stations, at airports, in parks, supermarkets and shops and other public places in the Republic, a host of people may be encountered wearing different types of clothing. All of the foregoing demonstrates that everyone is free to choose what type of clothing they wear in the Republic.

259. The activities of the Jehovah's Witnesses have routinely violated the laws currently force in Tajikistan. Members of that religious community have distributed, in public places, homes and in the streets, literature and brochures that amounted to a call for fanaticism and extremism.

260. All of these circumstances led to the activities of the Jehovah's Witnesses in the territory of Tajikistan being terminated, pursuant to article 16 (2) of the Religion and Religious Organizations Act of 1990, and the registration of the religious community, the then statute of which was on file with the Committee for Religious Affairs, being revoked. At that time, the Ministry of Culture was the competent State authority for religious affairs.

261. In 2010, members of the Jehovah's Witnesses applied to the courts to declare the Ministry of Culture's refusal to re-register the religious community to be invalid and to require the competent State authority for religious affairs to do so. The court rejected the application by the Jehovah's Witnesses.

262. 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.

263. Article 1 of the Universal Military Obligations and Military Service Act of 29 November 2000 provides for the right to perform alternative service in place of military service. The procedure for performing alternative service is defined in the Act.

264. In order to give effect to this right, an inter-agency working group, after studying international experience with regard to recognition of the right to conscientious objection to compulsory military service and conducting research into the administrative and legal issues that the exercise of this right in Tajikistan would entail, prepared and transmitted to the Government a bill on alternative service.

265. The legislation currently in force in Tajikistan does not provide for the right to conscientious objection to compulsory military service.

XIV. Freedom of expression and peaceful assembly (arts. 19 and 21)

Paragraphs 21–23

266. There has not been a single instance in which journalists or human rights defenders have been intimidated or harassed for reporting torture or performing other professional duties.

267. To ensure freedom of speech and to prevent the harassment of journalists and human rights defenders reporting torture, the articles prescribing liability for libel and insult were removed from the Criminal Code on 3 July 2012.

268. There has not been one case in which the authorities have prohibited the activities of a newspaper, magazine or other media outlet, other than the publication and distribution of newspapers of organizations that the courts have declared to be extremist or terrorist.

269. Over the past few years, there have been two cases in which media employees have been convicted by the courts of committing specific criminal offences.

270. These cases involved M.A. Ismoilov, a correspondent for the publications *Nigokh* and *ImruzNews*, who was found guilty by judgment of the Matchin district court in Sughd province on 29 October 2013 of offences under articles 250 (2) (a) (Extortion) and 247 (2) (c) and (d) (Fraud) of the Criminal Code and sentenced to 11 years' deprivation of liberty, and A.P. Gulmurodzov, an Uzbek citizen and employee of the Investigative Journalism Centre of Tajikistan, who was found guilty by judgment of the Ismoili Somoni district court in Dushanbe on 18 August 2015 of offences under article 340 (2) (a) (Forgery of documents) of the Criminal Code and sentenced to 2 years' deprivation of liberty.

271. The offences committed by Mr. Ismoilov and Mr. Gulmurodzov were not connected with the performance of their professional duties.

272. The activities of media outlets may be terminated on the following grounds:

- By a decision of the founder
- As a result of a reorganization (the merger, incorporation, break-up or revamping of media outlets)
- By decision of a court

273. In the event that a media outlet fails to comply with Tajik legislation, the Procurator General or the procurators reporting to him or her send the founder or editor written instructions for eliminating the offences and set a deadline for so doing.

274. If the offences that triggered the issuance of the written instructions or written notice are not eliminated within the deadline set, the Procurator General, the procurators reporting to him or her or the competent State media registration authority have the right to apply to the courts to suspend the activities of the media outlet under the procedure established by law.

275. Restrictions on the organization and holding of public events and citizens' participation therein are established in the Meetings, Rallies, Demonstrations and Processions Act of 31 December 2014 and other laws and regulations of Tajikistan. It is prohibited to restrict citizens' participation in public events other than in the cases envisaged in the Act.

XV. Freedom of association and participation in public affairs (arts. 22, 25 and 27)

Paragraphs 24–27

276. In the period 2015–2018, Tajikistan, in cooperation with voluntary associations, drafted and submitted a number of national reports on the implementation of the international instruments recognized by the country.

277. Following the consideration of these reports, a large number of recommendations were made, including on ensuring transparency in the activities of voluntary associations and on analysis of and amendments to Tajik legislation.

278. In addition, Tajikistan has been a member of FATF since 2004. The Act on Combating the Legalization (Laundering) of Income Obtained by Criminal Means and the Financing of Terrorism was adopted in 2011 in order to meet the obligations undertaken by the country within the FATF framework.

279. Many FATF recommendations establish an obligation for member States to ensure the financial transparency of State and non-State institutions, so as to prevent money-laundering. These recommendations provide, inter alia, that member States should adopt the legislation necessary to combat money-laundering and the financing of terrorism.

280. It was precisely in order to ensure the transparency of the financial activities of voluntary associations and to fulfil the obligations entered into by Tajikistan and implement the recommendations addressed to it that the bill amending the Voluntary Associations Act was prepared.

281. On 4 December 2014, the Ministry of Justice, together with the International Centre for Not-for-Profit Law, organized a round table to discuss the bill. Civil society organizations, representatives of international organizations accredited in Tajikistan and of the Swiss Cooperation Office, the World Bank, OSCE, OHCHR, the Soros Foundation (Open Society Institute), UNDP, USAID, HELVETAS Swiss Intercooperation, the Delegation of the European Union to Tajikistan and the Embassy of Great Britain took part in the event.

282. A constructive discussion of the bill took place during the round table. All the arguments and comments made concerning the bill were heard, and, on the basis of the outcome of the round table, certain amendments were proposed, including to the Act currently in force.

283. The record-keeping procedure was explained to participants in the round table, and comments were made regarding the amendments.

284. Certain proposals by voluntary associations were taken into account during the finalization of the bill.

285. Furthermore, the amendments made to the Voluntary Associations Act were explained on multiple occasions by the Ministry of Justice and representatives of the Ministry at bilateral meetings with representatives of UNDP, OSCE, the Embassy of the United States of America in Tajikistan and the Aga Khan Foundation, and during meetings with the acting Regional Representative of OHCHR in Central Asia, Elizabeth da Costa, and with the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, held, respectively, on 28 July 2015 in Dushanbe and on 7 March 2016.

286. Currently, 2,576 voluntary associations are active in the country. In 2018, checks were carried out of the activities undertaken by 64 voluntary associations under their statutes and, in 2017, of the activities of just 72 such associations.

287. Under article 25 of the Voluntary Associations Act, voluntary associations are also required to provide to the registration authority, by 1 April each year, information on their ongoing activities.

288. In 2018, of all registered voluntary associations, 1,818 reported on their activities and, in 2017, only 1,775; this constitutes a violation of the Act by those voluntary associations that did not submit such information to the registration authority. However, even though the law provides for restrictions on the activities of voluntary associations that fail to report on their activities, the registration authority has not sought to restrict or terminate the activities of voluntary associations on that basis. This is evidenced by the fact that, in 2018, only 11 voluntary associations were dissolved by decision of a court (the figure was 10 in 2017). Prior to their dissolution, those associations had committed systematic violations of the law and had failed to promptly address shortcomings in their activities.

289. Under article 8 of the Constitution, voluntary associations and political parties must be established and operate in accordance with the Constitution and the law. The establishment and operation of voluntary associations and political parties that promote racial, ethnic, social or religious enmity or call for the violent overthrow of the constitutional order or the formation of armed groups are prohibited. The activities of political parties of foreign States are prohibited in Tajikistan, as are the establishment of parties of an ethnic or religious nature and the financing of political parties by foreign States, organizations, legal persons or individuals.

290. In addition, lawmakers have established certain restrictions in specific cases. 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.

291. Political parties and their members may not make use in their activities of religious organizations.

292. At present, there are seven political parties in the country: the Agrarian Party, the Communist Party, the Democratic Party, the Economic Reform Party, the People's Democratic Party, the Social Democratic Party and the Socialist Party.

293. The former Islamic Renaissance Party was initially registered with the Ministry of Justice on 4 December 1991. Pursuant to a decision of the Presidium of the Supreme Court of 21 June 1993, the Party's activities in the territory of Tajikistan were terminated on account of its anti-constitutional actions. Following the signing of the General Agreement on the Establishment of Peace and National Accord in Tajikistan in 1997, the Party's activities were permitted in the country's territory further to a decision of the Presidium of the Supreme Court of 12 August 1999.

294. The Party was registered with the Ministry of Justice on 28 September 1999 as a national political party carrying out its activities in conformity with article 28 of the 1994 Constitution.

295. As a political party, it was also obliged to observe the Constitution and laws of Tajikistan. However, in the conduct of its activities, the Party violated the legislation then in force, resulting in the issuance of a warning, as required under article 20 of the Political Parties Act.

296. The Party committed breaches of the laws, including, previously, the Freedom of Conscience and Religious Associations Act.

297. The Ministry of Justice issued a number of warnings to the Party, calling on it to cease its unlawful activities, and the Party was duly notified of the requirements of Tajik legislation regarding the performance of religious rites.

298. It should be noted that the warnings were issued to the political party, which had breached the Republic's laws, not to its members.

299. In addition, under article 4 of the Political Parties Act, political parties and their members may not make use in their activities of religious organizations. A similar restriction is contained in the Freedom of Conscience and Religious Associations Act.

300. Under article 3 of the Political Parties Act, only national political parties may be established in Tajikistan. Consistent with this requirement, there are other provisions of the Act and of the legislation on elections that oblige political parties to have primary organizations in the majority of provinces, towns and districts. The Islamic Renaissance Party was required to comply with the Republic's Constitution and laws by having structures at local level.

301. Relations between the registration authority and political parties are governed by the Political Parties Act. The issuance of warnings to political parties that violate legislation is one of the preventive measures provided for in the Act.

302. A political party that has received a warning to cease its unlawful activities, as provided for in article 20 of the Act, has 10 days within which to take appropriate action in compliance with the warning. Otherwise, the State body that issued the warning may apply to the Supreme Court to suspend the party's activities.

303. In 2015, the Ministry of Justice sent a warning to the Islamic Renaissance Party, calling on it to put an end to its unlawful activities, that is, actions running counter to the law and to the Party's statute.

304. Subsequently, on the basis of an application by the Procurator General, the Supreme Court, by a decision of 29 September 2015, declared the Party to be an extremist, terrorist organization on account of its involvement in the armed insurgency led by the former Deputy Minister of Defence, Abdukhalim Nazarzoda.

305. The Office of the Procurator General established that members of the aforementioned Party, together with Mr. Nazarzoda, a former United Tajik Opposition fighter, had conspired in setting up more than 20 criminal groups with between 15 and 30 members each with a view to violently seizing and retaining power and violently altering the constitutional order of Tajikistan.

306. According to a plan found in the offices of Party members, there was to be an armed attack on government buildings, law enforcement agency premises and national television channels.

307. A search of offices at the Party's headquarters revealed more than 30 leaflets containing public calls for extremist and terrorist activity in the territory of Tajikistan.

308. In the wake of the suppression of the unlawful actions of its members, the Party's activities in Tajikistan were terminated and it was dissolved. The publication of the newspaper *Nadzhot* also ceased, while the import into and dissemination in the territory of Tajikistan of the organization's audio and video recordings, literature and leaflets were prohibited and its website was shut down.

309. The formal application to prohibit the activities of the Islamic Renaissance Party was posted several times on the official website of the Office of the Procurator General and discussed at press conferences given by senior figures from the Supreme Court and the Office of the Procurator General.

310. The Civil Service Act defines the institutional and legal framework for the civil service and the legal status of and social guarantees for civil servants in Tajikistan. Under article 2 of the Act, citizens of Tajikistan have equal rights to enter the civil service, irrespective of ethnicity, race, sex, language, religion, political beliefs, social status or wealth.

311. In accordance with the Constitution, Tajik is the official language of Tajikistan.

312. The Constitutional Act on Elections to the Majlis-i Oli, the parliament of Tajikistan, is in line with the Constitution and the Covenant.

313. In accordance with the Act, citizens who have attained the age of 18 years before election day have the right to vote, irrespective of ethnicity, race, sex, language, religion, political position, social status, education or wealth. Citizens may be appointed or elected to the Majlis-i Milli and the Majlis-i Namoyandagon provided that they meet the requirements set out in the Constitution and the Act. Citizens who have been declared by a court to lack

dispositive capacity or who are being held in places of deprivation of liberty pursuant to a court judgment may not participate in elections.

314. To be elected to the Majlis-i Namoyandagon, a person must be at least 30 years old, have only Tajik citizenship, have received a university-level education and speak the official language. To be elected or appointed to the Majlis-i Milli, a person must be at least 30 years old, have only Tajik citizenship, have received a university-level education and speak the official language (arts. 4, 28 and 29).

315. Under article 321 of the Act, candidates for election to the Majlis-i Namoyandagon from single-member constituencies must, prior to registration but after the relevant district electoral commission has confirmed that they meet the requirements of the Constitution and the Act, pay a deposit in the amount of 100 nominal units into a temporary special account at the Amonatbank State savings bank. A nominal unit is equal to 55 somoni.

316. Electoral commissions act independently of the State authorities. Decisions and other acts adopted by electoral commissions within their sphere of competence are binding on all State agencies, local self-governance bodies in settlements and villages, political parties, voluntary associations, organizations and their officials, candidates, voters and subordinate electoral commissions.

317. It is prohibited to establish or operate alternative structures, bodies or organizations to replace the electoral authorities, carry out their functions in full or in part, hinder their lawful activities, unlawfully interfere in their activities or usurp their status or competence.

318. The Central Commission for Elections and Referendums heads the Republic's system of electoral commissions; it has legal personality and is a standing body. The Central Commission's membership serves for a five-year term of office, with the term ending on the election of new members of the Commission (arts. 10 and 11).

319. The decisions of the electoral commissions may be appealed to a higher electoral commission or a court within 10 days of adoption by organs of political parties whose candidates are running for election, candidates themselves or their representatives, observers and voters. The decisions of the Central Commission may be appealed to the Supreme Court within 10 days of adoption. Appeals must be considered within three days of receipt or, if there are fewer than six days remaining before the date of an election, immediately on receipt (art. 20). Appeals are considered by the higher electoral commissions in conformity with the Instructions on the procedure for the consideration by electoral commissions of appeals concerning elections to the Majlis-i Oli and to local councils of people's deputies in Gorno-Badakhshan Autonomous Province and in provinces, in the city of Dushanbe, in districts and in subdistricts, which were adopted pursuant to Decision No. 6 of the Central Commission for Elections and Referendums of 12 May 2014. Judicial bodies consider appeals against decisions of electoral commissions in conformity with the country's procedural legislation, within the time frames stipulated in article 20 of the Constitutional Act on Elections to the Majlis-i Oli.

320. The minor irregularities identified during the 2015 elections did not affect the results of the people's expression of their will; this is confirmed by the findings of various international observer missions. The Central Commission is developing new mechanisms to prevent violations during future elections, based on the experience of the earlier poll.

321. The Republic's legislation does not provide for the maintenance of a permanent register of voters at the central or local levels. The experience of other States in that regard and mechanisms for organizing a consolidated electronic register of voters are being studied.

322. Polling stations abroad are set up within the missions of Tajikistan to foreign States, in accordance with electoral law.

323. For example, during the run-up to the parliamentary elections that took place in March 2015, the Central Commission, at the proposal of the Ministry of Foreign Affairs, set up 35 polling stations in 27 foreign countries.

324. In Tajikistan, citizens have the right to take part in elections, but they are not obliged to do so. Polling stations abroad were set up in response to representations made by citizens at missions of Tajikistan in foreign States.

325. All participants in the electoral process are equal, as stipulated in the Constitution and in electoral law. During the period preceding elections, the State ensures that all participants in the electoral process are free to conduct campaigning. Citizens, candidates and political parties have the right to promote participation in the elections, to freely discuss every aspect of the candidates' manifestos, their political, professional and personal qualities and the manifestos of the political parties, and to campaign for or against any candidate at meetings and in the media, employing the forms and methods provided for in law.

326. Favourable conditions have been created in the country for the implementation of that provision. In that regard, there is a large number of television channels, radio stations and non-State websites in the Republic through which political parties and candidates may freely express their views on the socioeconomic and political situation in the country.

327. During previous election campaigns, the Central Commission for Elections and Referendums afforded all candidates and their representatives equal conditions for campaigning and publicity. All candidates, their representatives and political parties were given free airtime on the main television channels, an opportunity that was used effectively by the participants in the electoral process. In addition, posters in a common format, containing the candidates' manifestos, photographs and biographies, were printed and disseminated in large numbers.

328. The provisions of the law on parliamentary elections and the 2014 amendments thereto are fully in line with the Covenant. The legislation does not in any way restrict the right to stand for election owing to unreasonable eligibility requirements related to residency, education, language and so forth. It does not establish any requirement for candidates to pay a high financial deposit that might constitute a barrier to candidacy.

329. Under the legislation currently in force in Tajikistan, the Central Commission for Elections and Referendums is entirely independent of the Government.

330. The participation of ethnic minorities in political life, in particular in the electoral process, is enshrined in the legislation on elections.

331. To guarantee the exercise of the right to vote, article 41 of the Constitutional Act on Elections to the Majlis-i Oli provides that ballot papers for elections to the Majlis-i Namoyandagon and the Majlis-i Milli must be printed in the official language and the language of the majority population in the constituency concerned.

332. Furthermore, measures are taken to promote the involvement and active participation of ethnic minorities in the electoral process. For example, members of other ethnic groups (including Uzbeks, Kyrgyz, Russians and Tatars) are included in district and area electoral commissions. The deputies of the Majlis-i Namoyandagon and members of the Majlis-i Milli currently include members of ethnic minorities; thus, the 33 members of the latter body include 1 Uzbek and 1 Kyrgyz, while there are 2 Uzbeks and 1 Kyrgyz among the 63 deputies sitting in the lower house of the parliament.

333. The assertion that the language test for prospective candidates could hamper the nomination of members of ethnic minorities does not reflect the reality.

334. In accordance with article 2 of the Constitution and article 3 of the State Language of the Republic of Tajikistan Act, the official language of Tajikistan is Tajik. Moreover, article 3 of the Act states that every citizen of the Republic must know the official language.

335. Under articles 28 and 29 of the Constitutional Act on Elections to the Majlis-i Oli, candidates for election to the Majlis-i Milli and the Majlis-i Namoyandagon must be proficient in the official language.