



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**

**Consideration of reports submitted by States  
parties under article 19 of the Convention**

**Third periodic reports of States parties due in 2012**

**Tajikistan\* \*\***

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\* The second periodic report of Tajikistan is contained in document CAT/C/TJK/2; it was considered by the Committee at its 1108th and 1111th meetings (see CAT/C/SR.1108 and 1111), held on 7 and 8 November 2012. For its consideration, see the Committee's concluding observations (CAT/C/TJK/CO/2).

\*\* The present document is being issued without formal editing.



## **Third periodic report of Tajikistan on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

### **I. Introduction**

1. This report is the third periodic report of Tajikistan to the Committee against Torture on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
2. The report has been prepared in accordance with the general guidelines regarding the form and contents of periodic reports and covers the period 2013-2016.
3. The periodic report includes replies to the concluding observations of the Committee on the second periodic report of Tajikistan (CAT/C/TJK/CO/2), which were adopted by the Committee at its forty-ninth session, on 21 January 2013. Interim information on follow-up to the Committee's concluding observations was sent to the Committee on 9 January 2014 (CAT/C/TJK/CO/2/Add.1).
4. The report was prepared following an analysis of the implementation of the plan of action to prevent torture, based on the recommendations of the Committee and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Juan Méndez, which was approved by the President of the Government Commission on International Human Rights Obligations on 15 August 2013.
5. Updates on the implementation of the plan of action are sent to State bodies and civil society representatives every six months.
6. The report was prepared by a working group of the Government Commission on International Human Rights Obligations. The working group consulted widely with State bodies and civil society institutions during the preparation of the report. Recommendations from relevant State bodies and civil society institutions were taken into account during the preparation of the final version of the report. The working group thanks the civil society organizations that helped to prepare the report.
7. The draft report was presented in November 2016 with the support of the regional office for Central Asia of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the participation of representatives from the executive and judiciary, law enforcement agencies, the Office of the Commissioner for Human Rights, academia, international organizations and civil society organizations.

### **II. Specific information on the implementation of the Convention against Torture, including information concerning the Committee's previous recommendations**

#### **Constitutional, legislative and institutional framework governing the implementation of the Convention**

8. The plan of action to prevent torture, based on the recommendations of the Committee and the Special Rapporteur on torture, was adopted on 15 August 2013. It includes a range of measures for the implementation of recommendations by relevant State bodies and specific time frames for the implementation of individual measures.
9. The Council of Justice was dissolved in accordance with the constitutional amendments adopted by the national referendum held on 22 May 2016 and in implementation of recommendations received during the universal periodic review process and from the United Nations treaty bodies on the independence of the judiciary. Its powers have been transferred to the Supreme Court.

10. The Judicial Reform Programme for the period 2015-2017 was approved by presidential decree on 5 January 2016 in order to strengthen the independence of the judiciary and the protection of human rights and freedoms.
11. Article 479 of the Code of Criminal Procedure, as amended on 27 November 2014, prohibits the extradition of a person if there is evidence to suggest that he or she might be tortured.
12. During the period 2013-2016, legislative amendments were introduced to strengthen fundamental safeguards for the rights of detainees and persons held in custody (see the relevant paragraphs of this report for more detail on the amendments adopted).
13. The Bar and Advocacy Act of 18 March 2015 establishes a legal framework for the practice of law, the rights and responsibilities of lawyers and the organization of the bar, and its objective is to strengthen the independence of lawyers.
14. On 18 March 2015, the Children's Rights Act was adopted, establishing a legal framework for the protection of children's rights and a State guarantee for their realization. The Act sets out measures to protect the rights and interests of children during detention and arrest.
15. The State programme of human rights education for the period 2013-2020, adopted by government decision, is based on the second phase of the United Nations Decade for Human Rights Education and provides for human rights education in the higher education system and for civil servants, military personnel and law enforcement agencies.
16. The Commissioner for Human Rights Act was amended to expand the powers of the Commissioner for Human Rights to visit places of restriction and deprivation of liberty. The post of Commissioner for Children's Rights was also set up to serve as the deputy to the Commissioner for Human Rights.
17. In 2014, a joint working group for monitoring places of deprivation of liberty was set up under the Office of the Commissioner for Human Rights. It also includes representatives from civil society institutions. The group conducts unscheduled visits to all places of restriction and deprivation of liberty, including psychiatric institutions and special institutions for children, with a view to preventing torture.
18. A working group has been set up to improve internal regulations, guidelines and procedures on medical and psychiatric examinations and medical documentation in accordance with the principles of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), and, as a result, domestic legal instruments on the medical documentation of torture have been drafted and adopted, and medical workers have received further training on the standards of the Istanbul Protocol.
19. In 2016, pursuant to a government decision, human rights focal points were appointed in all ministries, departments and local authorities, and their duties include collecting and processing information for the purposes of preparing reports for United Nations entities, responding to individual communications and monitoring the implementation of the recommendations of United Nations entities, including the Committee and the Special Rapporteur on torture.
20. In 2015, structural changes were made to the Human Rights Safeguards Section of the Executive Office of the President. It serves as the secretariat of the Government Commission on International Human Rights Obligations. The Department of Human Rights Safeguards of the Executive Office of the President was set up in its place, and its powers have been significantly expanded.
21. The website of the Government Commission on International Human Rights Obligations (<http://khit.tj>) was officially launched in February 2016 with the support of the regional office for Central Asia of OHCHR in order to disseminate information on the international human rights commitments of Tajikistan. It provides access to the international human rights instruments recognized by Tajikistan, national reports, the recommendations of United Nations entities and the results of the Government's efforts to implement them. The website is available in three languages: Tajik, Russian and English.

The development of the website involved extensive consultations with State bodies and civil society institutions. Information on the international human rights commitments of Tajikistan can also be found on the websites of the Commissioner for Human Rights and the Ministry of Foreign Affairs.

### **Definition of torture, penalties for torture and amnesty**

#### **Paragraphs 6 and 7 of the Committee's concluding observations**

22. Great emphasis is placed on the prevention of torture and ill-treatment in Tajikistan. Article 18 (3) of the Constitution stipulates that "no one is to be subjected to torture or cruel or inhuman treatment".

23. On 16 April 2012, a new article 143<sup>1</sup> (Torture) was introduced to the Criminal Code to bring its provisions into line with the Convention against Torture.

24. A bill amending article 143<sup>1</sup> of the Criminal Code has been drawn up to strengthen accountability and the non-applicability of acts of amnesty to persons who have committed offences of torture. It extends the term of imprisonment to 8 years under article 143<sup>1</sup> (1) and 10 years under 143<sup>1</sup> (2). The bill has been submitted to the working group tasked with drafting the new version of the Criminal Code.

25. The Amnesty Act of 24 August 2016 stipulates that persons guilty of offences of torture may not be granted amnesty.

### **Fundamental legal safeguards**

#### **Paragraph 8 of the Committee's concluding observations**

26. The Act amending the Criminal Code was adopted in 2016 within the framework of efforts to strengthen procedural guarantees of personal rights and in implementation of recommendations from the Committee and Special Rapporteur on torture. The Act introduced the concept of "de facto detention", which begins the moment that a person is taken into custody, and established the periods of detention that may be fixed accordingly. It also set out the detention procedure, which includes reading the detainee his or her rights at the place where he or she is taken into custody, indicating the identity of all those who took part in the detention in the police report and arrest log, providing the detainee with immediate access to a lawyer and conducting a medical examination.

27. The Act significantly improves access to a lawyer. The detainee has the right of access to counsel from the moment of de facto detention and to have private meetings with a lawyer without restriction on their number and length before he or she is initially questioned. The detainee and the lawyer have the right to consult entries in the detention records and request that they be amended.

28. The previous 12-hour period of notification of arrest to a detainee's family members established under the law has been abolished. A detainee's family members are now notified immediately of his or her detention, whereabouts and any change in the place of his or her detention.

29. The Act establishes the concept of "inadmissible evidence", a list of facts that are not admissible (including those obtained through the use of torture or cruel treatment), the procedure for excluding them from the evidence in a case and the requirement for criminal prosecution bodies and the court to verify information on the use of torture regardless of whether the suspect, the accused person or the defendant or counsel has submitted a complaint or statement. The Code of Criminal Procedure, which prohibits torture and inhuman treatment, stipulates that any evidence obtained by such means is inadmissible.

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

- Record of the medical examination of detainees
- Expert opinion. Form No. 170/u

- Forensic report. Form No. 171/u
- A collection of legal and regulatory instruments relating to medical reports and a procedure (standard) for the organization and production of forensic reports in State forensic institutions

31. New medical documentation has also been prepared for the prison system, including a record of medical examinations and a procedure for the provision of medical assistance to remand and convicted prisoners, which are intended to ensure that the incidence of torture and other forms of inhuman or cruel treatment is properly documented.

### **Allegations of torture and ill-treatment**

#### **Paragraphs 9 and 22 of the Committee's concluding observations**

32. The procuratorial authorities are responsible for examining complaints and reports of torture. Investigators from the procuratorial authorities conduct the preliminary investigations of criminal cases involving torture. Furthermore, the internal inspection units of the law enforcement agencies are involved in bringing to light and conducting initial investigations into allegations of torture and other violations of citizens' rights.

33. At least once every 10 days, the procuratorial authorities conduct inspections of holding facilities for persons arrested on suspicion of committing an offence, facilities for detained military personnel and remand centres and in response to information regarding the detention of citizens outside these institutions, including the offices of the law enforcement officials.

34. State bodies keep accurate and comprehensive statistics on all cases of torture or ill-treatment, and they show that the number of complaints of torture is insignificant and remains on a downward trend, which reflects a gradual reduction in the number of such cases. The Statistics Agency receives statistics on registered offences and the work of the law enforcement system from the following ministries and departments: the Ministry of Internal Affairs (since October 2010 via a common system through which all entities can report offences); the Ministry of Justice (in 2016, powers for collecting judicial statistics were transferred to the Supreme Court); the Narcotics Control Agency; and the Office of the Procurator General. Data are provided on the number of criminal and administrative offences, economic crime, illegal drug trafficking, convictions and places of deprivation of liberty. The statistics are presented as tables and are published by the Statistics Agency.

35. Since the introduction of article 143<sup>1</sup> to the Criminal Code, the appropriate authorities have received 80 complaints of torture (versus 22 in 2012, 16 in 2013, 13 in 2014, 21 in 2015 and 8 in the first nine months of 2016). These complaints were all thoroughly reviewed and, for those that could be substantiated, nine criminal cases were initiated, six of which were referred to the courts (in four of those cases, four persons were sentenced to various terms of imprisonment, and the remaining two cases were reclassified). Pretrial investigations were suspended in two cases, and one criminal case was dropped.

36. An analysis showed that, in 2015, on the basis of statements and allegations from citizens, the procuratorial authorities initiated and investigated 25 criminal cases against 39 persons for offences involving trafficking in persons (versus 15 cases against 34 persons in 2012, 30 cases against 51 persons in 2013, 27 cases against 41 persons in 2014, and 12 criminal cases against 18 persons in the first six months of 2016). Of these, 49 cases against 94 persons were referred to the courts, and those found guilty were sentenced to various terms of imprisonment.

37. In 2015, 36 instances of rape were recorded (versus 56 in 2012, 53 in 2013, 58 in 2014, and 28 in the first nine months of 2016). Criminal cases were brought and investigations into all these allegations were conducted. During this period, the courts heard 4 criminal cases against 5 persons under article 130<sup>1</sup> of the Criminal Code (Trafficking in persons), 24 criminal cases against 59 persons under article 167 (Trafficking in minors), 102 criminal cases under article 138 (Rape) and 8 criminal cases against 8 persons under article 117 (Torture).

## Deaths in custody

### Paragraphs 10 and 22 of the Committee's concluding observations

38. The Commissioner for Human Rights Act was amended in 2012 and 2016, significantly expanding the powers of the Office of the Commissioner for Human Rights and granting it the right to unimpeded access to places in which prisoners are held and to consult their case files.

39. In the first 10 months of 2016, the deaths of 60 convicts from various causes were registered in penal institutions (versus 57 in 2015). The procuratorial authorities conduct timely investigations into all deaths in penal institutions to establish their causes. It has been established that 18 of these deaths were due to tuberculosis.

40. Concerning the death of Khamzali Faizali Ikromzoda, on 16 October 2011, Mr. Ikromzoda was transferred to correctional colony No. 3/1 of the Central Penal Enforcement Department to continue serving his sentence. At approximately 5 p.m. on 20 September 2012, his body was found hanging by the sleeve of his prisoner uniform in cell No. 4 of the disciplinary unit.

41. On 28 September 2012, a criminal case was brought against the assistant duty officer of correctional colony No. 3/1, M.S. Ismoilov, for offences under article 322 (2) of the Criminal Code and against others under article 316 (3) of the Criminal Code.

42. On 4 April 2013, the criminal case against Ismoilov was referred to Ismoili Somoni district court, Dushanbe, and he was sentenced to 5 years and 6 months' imprisonment.

43. Concerning the death of Khurshed Bobokalonov, at approximately 1.30 a.m. on 28 June 2009, Mr. Bobokalonov died at the duty station of the internal affairs office of the Ismoili Somoni district of Dushanbe. A criminal case was brought under article 108 of the Criminal Code. The investigation established that, at approximately 10 p.m. on 27 June 2009, at a protected site at 40 Rudaki Avenue, opposite the building of the Centre for Strategic Research attached to the Office of the President, on the central avenue, Mr. Bobokalonov had not responded to repeated requests from police officers to leave the protected area (road) and had begun to insult them. They had subsequently detained him and, in order to identify him and have him undergo drug testing, had taken him in a specially equipped police vehicle to the Ismoili Somoni district duty station, where he had suddenly died.

44. During the preliminary investigation, forensic histologic, chemical and physical medical examination reports and a medical board report were ordered, and it was concluded that the cause of Mr. Bobokalonov's death had been a fatal heart rhythm disturbance associated with latent (hidden) ischaemic heart disease (silent myocardial ischaemia).

45. The criminal case involving Mr. Bobokalonov's death was thus dropped on the grounds of lack of evidence that a crime had been committed.

46. Concerning the death of Isonboy Dzhuraboevich Boboev, at around 3 p.m. on 9 February 2010, officers from the Sughd province branch of the Department for Combating Organized Crime of the Ministry of Internal Affairs took Mr. Boboev, a resident of Isfara, to the station of the regional office for combating organized crime on suspicion of participation in a criminal organization, the Islamic Movement of Tajikistan. At around 6.30 p.m. later that day, Mr. Boboev died in the director's office.

47. The report of the medical examination conducted on 2 March 2010 concluded that Mr. Boboev had died of mechanical asphyxiation after swallowing his tongue. The examination also revealed light bruising on his wrists and knees.

48. On 5 March 2010, a criminal case was initiated under article 104 (1) (Murder) of the Criminal Code.

49. Another medical board report was ordered, and it concluded that the cause of Mr. Boboev's death had been an electrical injury, which had resulted in acute heart failure.

50. It should be noted that there are significant discrepancies between the conclusions of the forensic reports of 2 March 2010 and 6 April 2010 with regard to the mechanism by

which the injuries found on Mr. Boboev's body were inflicted and the exact cause of his death, which is the main obstacle to a definitive and legal decision in the case. In this connection, consideration is also being given to the possibility of ordering a comprehensive medical report with input from highly qualified medical personnel and specialists from other disciplines. The investigation continues.

51. Concerning the death of Dilshodbek Gulmirzoevich Murodov, convicted under article 201 (3) (c) of the Criminal Code, Mr. Murodov was serving a sentence in correctional colony No. 3/1. At around 5.55 p.m. on 8 August 2009, Mr. Murodov, who had sustained a physical injury, was taken to the intensive care unit at the secure hospital of correctional colony No. 3/13, where, without regaining consciousness, he died.

52. A criminal case was initiated under article 110 (3) (c) of the Criminal Code.

53. On 22 December 2011, the case was dropped on the grounds of failure to establish a person who could be charged with an offence.

54. With regard to the circumstances and place of death of Alovuddin Muzaffarovich Davlatov, the leader of an international terrorist organization who was guilty of an attack on a convoy of government troops on 19 September 2010, killing 25 and injuring 15 service personnel, it was established that, on 4 January 2010, when surrounded by units of the security forces in the village of Runov, Rasht district, the group refused to surrender and offered fierce resistance. During the operation, Mr. Davlatov himself and seven members of his group were killed at the scene, and one member surrendered to the authorities.

55. Concerning the death of Safarali Sharipovich Sangov, Mr. Sangov was detained on 1 March 2011 and taken to Avicenna district internal affairs office No. 1, Dushanbe, on suspicion of illegal drug trafficking.

56. When bringing Mr. Sangov in for questioning, investigative officers of Avicenna district internal affairs office No. 1 failed to observe the requisite safety precautions under the relevant regulations. Taking advantage of this, Mr. Sangov plunged backwards as he was being taken up to the first floor, thereby sustaining a head injury.

57. Later, while in the office of A.A. Yakubov, another officer, he hit his head hard against the wall twice. On account of the injuries that he had sustained, Mr. Sangov was immediately taken to the national hospital, where he died on 5 March 2011. The investigation could not establish that Sangov had been subjected to torture. For this reason, two internal affairs officers of Avicenna district internal affairs office No. 1, Mr. Yakubov and Mr. K.S. Khasanov, were charged with dereliction of duty under article 322 (2) of the Criminal Code.

58. Concerning the death of Bahromiddin Shodiev, at 6 p.m. on 19 October 2011, he was taken to Shah Mansur district duty office, Dushanbe, on suspicion of theft. He was questioned between 6.10 p.m. and 7.20 p.m. At 7.30 p.m., the investigator, A.V. Dodov, allowed him to approach the window, and Mr. Shodiev seized the opportunity to jump out of it. He suffered serious, life-threatening injuries from the fall and was taken to the national hospital. He died from these injuries in hospital on 30 October 2011.

59. The investigation could not establish that Mr. Shodiev had been subjected to torture. Nevertheless, for violating procedure in the detention of Mr. Shodiev, three employees of Shah Mansur district internal affairs office were fired from the internal affairs agencies, and the deputy chief of the internal affairs agencies, Police Lieutenant Colonel I. Karimov, was dismissed from his post. On 4 November 2011, the district procurator brought criminal proceedings against the investigator, Mr. Dodov, under article 322 (2) of the Criminal Code for dereliction of duty. Following an investigation, the case was referred to court, and Mr. Dodov was convicted.

### **Investigations and impunity**

#### **Paragraph 11 of the Committee's concluding observations**

60. The Criminal Code stipulates that an offender may be released from criminal liability on the basis of repentance, conciliation with the victim, change of circumstances or

expiration of the statute of limitation for criminal prosecution. The statutes of limitation are 6 years for an ordinary offence, 10 years for a serious offence and 15 years for an especially serious offence, with the exception of offences punishable by life imprisonment, as the matter is then decided by the court. Article 143<sup>1</sup> (1) of the Criminal Code (Torture) relates to ordinary offences, the second to serious offences and the third to especially serious offences, and the statutes of limitation for these offences are 6, 10 and 15 years, respectively. The only persons to whom the statutes of limitation do not apply are those who have committed offences against the peace and security of mankind, such as a war of aggression, the manufacture or proliferation of weapons of mass destruction, genocide, biocide, ecocide and so forth.

### **Torture and ill-treatment in the armed forces**

#### **Paragraphs 12 and 22 of the Committee's concluding observations**

61. Tajik legislation (Criminal Code, art. 373) stipulates that "hazing", or violation of the regulations on relations among military personnel, which can take the form of violence, humiliation or degradation, cruel treatment, impairment to health or unlawful deprivation of liberty, is punishable by a custodial sentence of up to 3 years or up to 10 years if there are aggravating circumstances.

62. The Central Military Procurator's Office prepares and implements a comprehensive annual action plan for the prevention and suppression of violations of the regulations on relations among military personnel (hazing) and abuse of power by officers. The staff of the military procurator's office regularly visit military units and conduct private interviews with military personnel to bring to light any instances of this kind. Conscripted military personnel are periodically examined for injuries with the help of medical experts.

63. Furthermore, video surveillance cameras have been installed at all military bases, and military personnel are made aware of telephone numbers that they can use to file complaints and statements with military procuratorial bodies directly (and anonymously). Military units have been provided with special mobile telephones that soldiers can use on their days off to contact family members or law enforcement agencies.

64. During the first nine months of 2016, 24 offences involving violence against military personnel on which legal decisions have been taken were reported via the telephone helplines.

65. During this period, the staff of military procuratorial bodies directly reported 61 instances of a violation of the regulations on relations among military personnel of the same rank in military units (versus 75 in 2012, 93 in 2013, 94 in 2014, and 98 in 2015) and 27 instances of abuse of power by officers resulting in impairment to the health of conscripted soldiers (versus 38 in 2012, 30 in 2013, 32 in 2014, and 36 in 2015). Following inquiries into all these cases, criminal proceedings were instituted, and, after full, comprehensive and objective investigations, they were referred to the courts with bills of indictment. The persons charged in all these criminal cases were convicted.

66. Staff psychologists work with military personnel who have suffered physical injuries, and they are given comprehensive medical assistance in military and civilian health facilities.

67. Once the preliminary investigations into criminal cases of the kind mentioned above have been completed, the procurator may apply for disciplinary action to be taken against the officers who allowed conscripted military personnel to be subjected to violence in their units, up to and including their dismissal from their posts and their discharge from the armed forces. For example, boards of officers hold hearings in military units. On a few occasions, military courts have ordered hearings of such boards to be held in a military unit to allow disciplinary proceedings to be brought against commanders. Military units themselves conduct internal investigations.

68. The Framework on Political and Educational Work in the Armed Forces was approved by presidential decree on 20 February 2015. It is intended to provide legal and

ethics education and to ensure respect for the law and military discipline among members of the armed forces.

69. In November 2015, a guide on strengthening military discipline, the rule of law and respect for the law in the armed forces was adopted to prevent, record and investigate ill-treatment in the armed forces.

70. In 2015, a manual on the prevention of violations of the regulations on relations, suicides and offences in the armed forces was adopted. Civil society institutions were actively involved in its preparation.

71. A manual for investigative officers of the military procurator's office and military personnel tasked with conducting initial inquiries was prepared with a view to suppressing, uncovering, recording and investigating violations of the regulations on relations among military personnel of the same rank (hazing) and abuse by officers of their powers resulting in impairment to the health of conscripted military personnel. It was approved by order of the Procurator General on 18 August 2016 and sent out for implementation on the ground.

72. Military procuratorial bodies cooperate with the media and civil society to ensure coverage of the progress and outcomes of investigations of criminal cases involving violence against military personnel.

73. The issues of redress and compensation for moral and physical damage are considered by the courts under civil procedures.

74. Ministries and departments that have military units do everything possible to support the medical rehabilitation in State medical institutions of victims of military hazing, and they provide medical assistance, health resort treatment and physiotherapy. Victims of ill-treatment in military units also receive assistance of other kinds.

#### **Evidence obtained under torture and lack of ex-officio investigations**

##### **Paragraph 13 of the Committee's concluding observations**

75. Pursuant to article 88 (3) of the Code of Criminal Procedure, evidence obtained during initial questioning and preliminary investigation through force, pressure, cruel or inhuman treatment or by other unlawful methods is inadmissible and may not be used as grounds for bringing charges or proving the circumstances specified in article 85 of the Code of Criminal Procedure.

76. In accordance with paragraph 24 of the decision of the plenum of the Supreme Court of 25 June 2012 on the application of the norms of criminal and criminal procedural legislation on dealing with torture, if complaints of torture or other cruel or inhuman treatment are filed in the course of proceedings, the judge must take legal measures, as, pursuant to article 10 (2) of the Code of Criminal Procedure, none of the parties to criminal proceedings may be subjected to violence, torture or cruel or degrading treatment.

#### **Conditions of detention**

##### **Paragraph 14 of the Committee's concluding observations**

77. Special emphasis is placed on improving the conditions in which convicts are held. All facilities of institutions in the penal system, including living quarters, canteens and other communal areas, are renovated and comprehensively refurbished annually to improve living conditions. Convicts have unlimited access to hot and cold water in custodial facilities.

78. The construction of correctional institution No. 1 in Vahdat is currently under way, as is work to prepare projects and plans for the construction of remand centres in Rudaki district and buildings of the same kind in Istaravshan. The construction of these institutions is highly necessary, as it will help to solve the problem of overcrowding in existing centres.

79. In accordance with article 7 of the Penal Correction System Act, one of the objectives of the system is to provide hygienic conditions and protect the health of persons held in institutions in the penal system. Measures are being taken to refit institutions in the

penal system with modern medical equipment. Convicts with diseases must be taken to the medical wards of correctional institutions for essential treatment on site or are transferred to medical facilities.

80. The staff of medical units constantly conduct examinations and consultations with convicts and, where necessary, offer specialized medical assistance. They carry out annual X-ray screening and HIV testing to prevent and detect diseases.

81. In terms of alternative provision for prisons, it should be noted that organizations that have signed agreements to cooperate with the penal system offer constant support in areas such as medical, food and health-care provision for convicts.

82. In accordance with article 134<sup>1</sup> of the Penal Enforcement Code, convicts serving life sentences have the right to a daily walk of up to one and a half hours. Convicts may have the duration of their walk extended to two hours for good conduct by order of the director of the correctional institution.

83. Convicts are entitled by law to request meetings with lawyers to receive legal aid. Convicts sentenced to life imprisonment subject to ordinary conditions for serving a sentence are entitled to two short visits a year, whereas those subject to lighter conditions are entitled to three. Convicts must serve at least 10 years before they may make the change from ordinary conditions to lighter ones provided that they have not been punished for violations of the rules for serving sentences.

84. The number of persons in prisons for people convicted of serious crimes is increasing from year to year. Tajikistan currently lacks a special institution capable of holding prisoners serving life sentences that meets international standards. Prisoners belonging to this category are held in cells built on site at one of the institutions in the prison system. One prison for persons convicted of serious crimes is currently operational (in Qürghontepa). To provide work for prisoners serving life sentences, a specialized institution must be built for them to ensure the necessary levels of security and confinement at work facilities. In Rudaki district, construction will soon be complete on an institution for prisoners serving life sentences, which will make it easier to provide work for this category of convict in the future.

85. To date, the Central Penal Enforcement Department of the Ministry of Justice has signed approximately 12 agreements with international and non-governmental organizations, including the United Nations Office on Drugs and Crime, the Global Fund to Fight AIDS, Tuberculosis and Malaria, the United Nations Children's Fund (UNICEF), Caritas Luxembourg, the Deutsche Volkshochschul-Verband (DVV International), Hayotina, Vita, Dzhakhon and Marvorid. For example, at the initiative of the NGO Penal Reform International, a visit was made to a prison for female convicts in 2015.

86. On 6 August 2013, the Commissioner for Human Rights set up a working group to facilitate the work of the monitoring group for visits to places of deprivation and restriction of liberty, and it includes representatives of the Commissioner, the parliament, the Executive Office of the President, the procurator's office, judicial bodies, academia and civil society. One of the working group's main tasks is the coordination of a pilot mechanism to monitor places of deprivation of liberty. A monitoring group consisting of members of the Office of the Human Rights Commissioner and civil society representatives has been set up in the working group. In 2014-2015, the monitoring group visited 20 institutions of restriction and deprivation of liberty and 5 military units and registration and enlistment offices. During the first nine months of 2016, it visited 15 institutions of restriction and deprivation of liberty and 4 military units. The outcomes of the monitoring group's work are widely disseminated among State bodies and civil society. Since its establishment, the working group has conducted five information sessions in various regions of the country for representatives of the internal affairs agencies, the judiciary, the procurator's office, the courts and civil society.

87. The country highly values the work of the International Committee of the Red Cross and remains in dialogue with the organization regarding visits to penal institutions for national and international monitoring in accordance with the conditions and procedures provided for under national legislation.

## Complaints and protection of victims

### Paragraph 15 of the Committee's concluding observations

88. The Central Penal Enforcement Department of the Ministry of Justice examines all complaints, statements and proposals in accordance with the Natural and Legal Persons' Appeals Act and the instructions on processing applications from citizens, which were approved by government decision on 2 September 1998. To ensure that complaints, statements and proposals received from citizens are examined and recorded more carefully and in greater detail, the Central Penal Enforcement Department of the Ministry of Justice has adopted new instructions on the procedure for examining applications, statements and complaints received from citizens and a procedure for their adoption within the penal system.

89. If evidence of torture or offences committed by the staff of penal institutions and bodies comes to light during the examination of or official investigations into applications, statements and complaints received, the findings of the official investigations are referred to the procurator for consideration and appropriate action to be taken in accordance with the requirements of article 27 of the Penal Enforcement Code.

90. The Act on State Protection of Parties to Criminal Proceedings was adopted on 29 December 2010 to protect parties to criminal proceedings, in particular victims of torture who might be put under pressure or in danger for reporting torture, and a corresponding State programme that provides for protection measures and social support for such persons has been developed and is being implemented.

91. On 3 July 2012, the articles establishing liability for slander and insult were deleted from the Criminal Code in order to promote freedom of speech and prevent the prosecution of journalists and human rights defenders who report instances of torture. Article 162 of the Criminal Code establishes liability for obstruction of the lawful activity of a journalist and provides for punishment in the form of a fine or imprisonment.

92. There is not a single case in which the authorities have prohibited the activities of a single newspaper, magazine or other media outlet other than the publication and distribution of newspapers of organizations that the courts have pronounced as extremist or terrorist.

93. The voluntary association Young Lawyers Association Amparo was registered as a local voluntary association with the office of the Ministry of Justice of Sughd province on 17 October 2005. On 28 June 2012, an inspection of the statutory activities of the Association was conducted in accordance with the Voluntary Associations Act. The inspection uncovered a number of violations. For example, in violation of the requirements of the Act, the Association arbitrarily changed the territorial scope of its activities and conducted its activities outside Sughd province. As a voluntary organization registered locally, the Association had been authorized to conduct its activities only within Sughd province. In further violation of the Act and its statutes, the Association arbitrarily changed the location of its executive body without having adopted a general meeting decision on the amendment of its statutes and without having reregistered the Association in accordance with the Act. Paragraph 2.4 of the Association's statute stipulates that its standing executive body is the board, whose powers include the adoption of decisions on the acceptance and expulsion of members, on the convocation of general meetings and on the establishment of branches and offices in cities and districts within the province. However, in violation of its statutes, the Association did not duly set up the board, the standing collegial body whose powers are set forth in the statutes, and all the decisions within its powers were, in violation of established procedure, taken by the President of the Association alone.

94. Article 37 of the Act gives the registration agency the right to file with the court an application for the dissolution of a voluntary association, regardless of whether notice has been given. The registration agency exercised this right, and, consequently, on 24 October 2012, by ruling of the Khujand municipal court (Sughd province), the Young Lawyers Association Amparo was dissolved. The organization has since been reregistered and currently operates as the voluntary association Office for Civil Freedoms.

## Violence against women and children

### Paragraph 16 of the Committee's concluding observations

95. The Government has taken a number of measures to strengthen legislation relating to domestic violence prevention, and laws and regulations to prevent domestic violence have been adopted. The Prevention of Domestic Violence Act was adopted in 2013. Its main objective is to protect the rights of family members. The Act sets out the ways in which legal, medical and psychological assistance is provided to persons who have been subjected to violence.

96. In 2014, the Government adopted the State Domestic Violence Prevention Programme for the period 2014-2023. The Programme's strategic objective is to ensure the effective implementation of domestic violence prevention mechanisms with the participation of all relevant State bodies and the public, significantly improve the system for fighting crime, provide real protection for civil rights and freedoms and constitutional norms, ensure family stability and prevent domestic violence.

97. In 2014, Tajikistan ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

98. A national plan of action for the National Strategy to Promote the Role of Women for the period 2011-2020 has been adopted. Section 7 of the National Strategy and its national plan of action concerns the prevention of violence against women.

99. The following violent offences are punishable under the Criminal Code: assault (art. 116); cruel treatment (art. 117); trafficking in persons (art. 130<sup>1</sup>); recruitment for the purpose of sexual or other exploitation (art. 132); rape (art. 138); sexual assault (art. 139); sexual coercion (art. 140); sexual intercourse with a person aged under 16 years (art. 141); indecent assault (art. 142); bigamy or polygamy (art. 170); enticement to engage in prostitution (art. 238); and establishing or keeping a brothel, procuring prostitutes or controlling prostitution for gain (art. 239).

100. The Militia Act and the Code of Administrative Offences were amended accordingly. The Code of Administrative Offences was amended to include article 93<sup>1</sup> (Violation of legislation on the prevention of domestic violence) and article 93<sup>2</sup> (Violation of the terms of an injunction), which establish liability for violations of the law on domestic violence, namely the commission or threat of intentional physical, psychological or economic acts against family members if these acts violate their rights and freedoms, unless they otherwise constitute a criminal offence, and the violation of the terms of an injunction. Such acts are punishable by fines and administrative detention.

101. On 20 April 2016, instructions on the work of the staff of the internal affairs agencies in preventing, eliminating and responding to cases of domestic violence were adopted. Within the framework of a memorandum of understanding, with a view to facilitating cooperation among those working to prevent domestic violence and between the police and civil society and the local authorities and voluntary associations in Kūlob and Rasht and Jayhun district, working groups have been set up to coordinate the response to cases of domestic violence. The initial results of their work show that, owing to the efforts of various entities, the situation is continuously improving and victims of domestic violence receive timely assistance.

102. The Family Development Policy Framework, adopted by government decision in 2015, sets the following public policy goals: promoting the family as an all-important social institution and the foundation of society, defending the interests of family members and improving the protection afforded families in the light of today's challenges; enhancing the family's role as a social institution and a place for raising children, providing the economic and social support necessary for strengthening the family, improving family education and development and ensuring the full realization of the constitutional principle of gender equality in family relationships.

103. The criminalization of domestic violence is currently under consideration.

104. In close cooperation with UNICEF, Tajikistan adopted a special programme on juvenile justice to protect the rights and legitimate interests of young people in conflict with the law, and it involved several pilot projects to restore and protect the legitimate interests of young people who have committed minor and ordinary violations and offences. In this context, amendments were made to the Criminal Code (arts. 89-92) regarding the imposition of preventive measures on young offenders. These amendments stipulate that preventive measures and penalties involving deprivation of liberty must not be imposed on minors who have committed minor and ordinary offences.

105. The Juvenile Delinquency Prevention Service was set up under the Ministry of Internal Affairs on 30 May 2008. It provides direct protection for the legitimate rights and interests of minors and young persons. With direct support and funding from UNICEF, the Juvenile Delinquency Prevention Service has created conditions necessary for the maintenance of hygiene and the reintegration of juvenile offenders into families, to improve the premises of the juvenile reception centre.

106. The internal affairs departments of Dushanbe and of Khatlon and Sughd provinces have deployed neighbourhood domestic violence officers to prevent such unacceptable violence from occurring (in 2015, their number increased from 5 to 10).

107. The procuratorial authorities regularly review and analyse cases of discrimination against women to ensure the timely adoption of adequate measures to eliminate factors that lead to the commission of such offences.

108. In 2011-2013, the Ministry of Health and Social Protection set up consultation rooms providing medical services to women victims of domestic violence at the national hospital, maternity clinic No. 2 in Dushanbe and the maternity clinics in Qırghontepa and Kūlob (Khatlon province), Khūjand and Guliston (Sughd province) and the centrally administered districts of Vahdat and Rasht.

109. The following State bodies and voluntary organizations provide hands-on assistance to women victims of domestic violence: the Committee on Women's and Family Affairs, the Bovary ("confidence") Women's Crisis Centre, 110 advisory centres run by the local authorities and 18 NGO-run crisis centres for the rehabilitation of women victims of violence. Overall, State bodies and civil society organizations currently operate 33 crisis centres and 3 temporary shelters providing direct assistance to victims of domestic violence.

110. Since 2009, under the auspices of the Committee on Women's and Family Affairs, the NGO Child Rights Centre has been implementing a project, Girls' Support Service, for girl victims of sexual violence, cruel treatment and trafficking aged 10-18 years with funding from the Children's Legal Centre of the United Kingdom. It has received State funding since April 2012. Over this period, 265 girls have received legal, psychological, social, rehabilitation and reintegration services. The project has a legal office and a telephone helpline. The Service conducts rehabilitation activities for victims of violence, including by providing the services of psychologists and lawyers and education on their rights, healthy living and other topics. The girls are accompanied by its representatives at the Service itself, at school and during court proceedings.

111. Compulsory professional training has been organized for judges, procurators and police officers with a view to ensuring strict observance of legal rules on criminal liability for violence against women and children.

112. In November 2010, an optional course on domestic violence prevention was introduced at the Ministry of Internal Affairs Academy. Every year, a course on the prevention of domestic violence is offered to 125 third-year students of faculty No. 2 of the Ministry of Internal Affairs Academy divided into six study groups with 20 hours of training each, or 120 hours in total. The optional course on trafficking in persons involves the same number of hours for a similar number of students.

113. A subgroup on gender mainstreaming has been set up in the working group on reform of the militia. This group was set up to introduce new ideas in two areas: expanding opportunities for women working for the militia and adjusting approaches to working with persons with disabilities.

114. A consultative group reporting to the parliament prepared study modules (three modules) for employees of the procurator's office and the courts who deal with civil actions.

115. Seminars, conferences, training sessions and other courses are held regularly to train the staff of law enforcement agencies, judges and procurators in receiving, reviewing and investigating complaints of domestic and sexual violence, trafficking in children and violence against children.

116. Laws clearly prohibiting physical and psychological violence under any circumstances have been adopted. The Prevention of Domestic Violence Act, which is intended to prevent domestic violence, is one example. The Education Act stipulates that pupils in educational institutions are entitled under the law to protection from unlawful acts committed by administrators, teachers and other members of staff in the education sector who infringe their rights or offend their honour, dignity or authority. Discipline is maintained in educational institutions on the basis of respect for the honour and dignity of students. The use of mental or physical violence against them is prohibited. Teachers and other members of staff in the education sector are obliged: to protect students from all forms of physical and psychological violence; to refrain from using foul language both inside and outside the classroom; not to turn the physical and social capabilities of students to their advantage; to respect the rights of students and not to injure their authority and dignity. In accordance with the Family Code and the Act on Parental Responsibility for the Education and Care of Children, parental rights may not be exercised in a manner that is at variance with the interests of children. In exercising their parental rights, parents may not impair the physical or psychological health or moral development of their children. Negligent, cruel, brutal or degrading treatment, parental abuse and exploitation must not form part of a child's upbringing. Parents who exercise their parental rights and duties in a manner detrimental to their children's rights and interests bear responsibility in the manner prescribed by law.

117. Threats to a child's life or health and abuse of parental rights are prohibited. In the event of a violation of a child's rights or legitimate interests, including a failure to fulfil or improper fulfilment on the part of the parents (or one of them) of duties with respect to the child's upbringing and education or the abuse of parental rights, the child has the right to apply directly to an agency of tutorship or guardianship or, on reaching the age of 14 years, the courts. Furthermore, under the Family Code, officials of organizations and other citizens who become aware of a threat to the life or health of a child or a violation of his or her rights and legitimate interests are required to report it to the agency of tutorship or guardianship responsible for the child's place of residence.

118. Pursuant to the Criminal Code, the failure to fulfil or the improper fulfilment of duties relating to a minor's upbringing on the part of a parent or another person entrusted by law with those duties, or by a teacher or other employee of an educational institution or reform school, if accompanied by cruel treatment of the minor, is a criminal offence.

119. In accordance with the Code of Civil Procedure, the decision to award compensation for bodily injury or impairment to health is immediately enforceable.

120. With the aim of preventing the corporal punishment of children, State bodies hold meetings, conferences, round tables, seminars, training sessions and other awareness-raising events in conjunction with international organizations and local NGOs and with the extensive involvement of the media.

121. Within the scope of its activities, the Office of the Commissioner for Human Rights undertakes outreach work on the prevention of corporal punishment among both the public and the staff of ministries and departments responsible for the education and care of children in closed and semi-open institutions.

122. Training courses have been organized to develop the skills of the staff of the penal system. They cover international standards for the treatment of sentenced minors in places of deprivation of liberty and international standards and national legislation relating to the rights of the child, including the rights of minors in places of deprivation of liberty.

123. A great deal of work is being done among the population, in particular among young persons, to highlight issues relating to domestic violence and its prevention. Meetings on

the prevention of domestic violence are regularly held in communities (*mahallas*) and subdistricts (*djamoats*) of cities and districts in which family values, gender equality, the primacy of education for boys and girls, zero tolerance towards domestic violence and the prevention of early marriages are discussed with the population.

124. In 2016, the Committee on Women's and Family Affairs held 133 meetings, 8 seminars, 2 conferences, 4 round tables and other events to prevent social and domestic violence and improve the legal culture of citizens.

125. The Ministry of Education and Science has organized training on the Domestic Violence Prevention Act at every educational level to enhance the legal awareness of pupils and students.

126. The law enforcement agencies pay close attention to and strictly monitor problems involving violence against children, missing children and offences against minors. All offences against minors are carefully and thoroughly investigated, and the appropriate measures are taken to resolve them.

### **Independence of the judiciary**

#### **Paragraph 17 of the Committee's concluding observations**

127. On 22 May 2016, a national referendum on amendments to the Constitution was held. The amendments had a bearing on the judiciary itself and strengthened the constitutional framework for the judicial system. In accordance with the amendments, the Council of Justice of Tajikistan was dissolved.

128. In the light of these constitutional amendments, the relevant amendments were made to the Constitutional Act on the Courts of Tajikistan, under which the powers of the Council of Justice to provide organizational and logistical support for judges, select and train candidates for the posts of judge and judicial trainee and build the capacities of judges were transferred to the Supreme Court and the Supreme Economic Court.

129. In accordance with article 107 of the Constitutional Act on the Courts of Tajikistan, a consolidated examination board for candidates for the post of judge or judicial trainee was set up to select and evaluate the level of professional training of candidates nominated for the first time for the post of judge or judicial trainee. Its membership and regulations are approved by the President on the joint recommendation of the President of the Supreme Court and the President of the Supreme Economic Court.

130. The qualifications board for judges was set up to strengthen safeguards for the independence of the judiciary. In accordance with article 113 (1) of the Constitutional Act on the Courts of Tajikistan, it issues decisions based on the results of the qualifying examinations recommending either the selection or rejection of candidates for the post of judge. These amendments help to further improve the judicial system and its organizational effectiveness and strengthen the role of the courts, the protection of human and civil rights and freedoms, the rule of law and justice.

### **Non-refoulement and extradition**

#### **Paragraph 18 of the Committee's concluding observations**

131. Article 479 of the Code of Criminal Procedure was amended on 27 November 2014 to prohibit the extradition of a person if there is evidence to suggest that he or she might be tortured in the State to which he or she is returned.

132. The extradition of persons wanted by other States and internationally takes place in accordance with the procedures established by the intergovernmental agreements concluded between Tajikistan and other States and by international instruments.

133. The procuratorial authorities constantly monitor compliance with the detention procedure and conditions of detention of persons held in remand centres and places of deprivation of liberty.

134. Regarding the detention of Abdulvosi Latipov, the department of the Office of the Procurator General for the investigation of criminal cases of particular importance is dealing with a criminal case brought against Mr. Latipov, a national of Tajikistan, under article 104 (2) (Aggravated homicide), article 181 (2) (Hostage-taking), article 186 (2) (Banditry), article 249 (4) (Robbery) and article 310 (Act of terrorism) of the Criminal Code. The investigation established that, having formed an armed criminal gang and been its leader, Mr. Latipov committed a number of serious and especially serious offences in Dushanbe and centrally administered districts between 1998 and 2001. As Mr. Latipov had evaded investigation, an international search for him was declared, and, on that basis, he was detained by the law enforcement agencies of the Russian Federation in Traktorozavodsky district, Volgograd, Russian Federation. On 6 November 2010, by decision of Traktorozavodsky District Court, he was remanded in custody in federal State institution FKU IZ-34/1, Volgograd, and extradition proceedings against him were initiated. On 4 May 2012, by decision of the Volgograd procurator responsible for monitoring compliance with the law in the penal system, he was released from the federal State institution, as the maximum period of remand had expired.

135. On 4 May 2012, the regional branch of the Federal Migration Service in Volgograd filed an administrative offence report on Mr. Latipov for violating the procedures for staying in the Russian Federation. On the basis of a decision of Central District Court of Volgograd on 4 May 2012, Mr. Latipov was placed in a special holding centre of the regional branch of the Ministry of Internal Affairs in Volgograd pending his deportation from the Russian Federation. On 16 May 2012, the Volgograd Provincial Court overturned the supervisory decision of Central District Court, Volgograd, of 4 May 2012 with regard to the administrative deportation of Mr. Latipov from the Russian Federation. On the same day, the acting procurator for Volgograd province challenged the decision of Volgograd Provincial Court of 16 May 2012 under the supervisory procedure.

136. On 21 August 2012, the Supreme Court of the Russian Federation overturned the decision of Volgograd Provincial Court of 16 May 2012, and, on 15 October 2012, Mr. Latipov was released from the special holding centre of the regional branch of the Ministry of Internal Affairs in Volgograd, and travel restraints and a good behaviour bond were imposed on him as a preventive measure.

137. According to information received from the Office of the Procurator General of the Russian Federation, at around 4 p.m. on 20 October 2012, unidentified persons broke into summer cottage No. 34 on street No. 4 of the Montazhnik gardeners' cooperative in the Gorodishche district of Volgograd province, where Mr. Latipov was living with M.I. Sodikov and K.K. Davlatov, nationals of Tajikistan. The unidentified persons assaulted Mr. Sodikov and Mr. Davlatov, bound them with masking tape, locked them in from the outside, abducted Mr. Latipov and took him to an unknown location. The Gorodishche interdistrict investigatory agency of the investigation department for Volgograd province, a unit of the Investigative Committee of the Russian Federation, initiated a criminal case for the abduction of Mr. Latipov, and the investigation is currently under way.

138. The law enforcement authorities of Tajikistan do not currently know Mr. Latipov's whereabouts, and he is currently a wanted person.

## **Training**

### **Paragraph 19 of the Committee's concluding observations**

139. At the initiative of the Office of the Commissioner for Human Rights, a programme of human rights education for the period 2013-2020 was drafted, and it was approved by government decision on 3 December 2012. The programme includes human rights education in the education system and training and refresher courses for teachers, judges, civil servants, law enforcement officials and military personnel at all levels. The programme will be implemented in three phases: the first in the period 2013-2014; the second 2015-2018; and the third 2019-2020. During the implementation of the first phase, an interdepartmental coordinating council that included representatives from educational establishments, ministries, departments, higher education establishments and other institutions was formed. Six working groups for the main areas of the programme's

implementation have been set up in the council and are operational. The interdepartmental coordination council's working groups have prepared 17 targeted programmes. These programmes are being implemented in a number of educational establishments attached to ministries and departments.

140. In 2014, the Office of the Procurator General prepared and issued guidelines on the legal principles and organization of work of the procuratorial authorities in preventing, detecting and investigating torture, in which national and international mechanisms for the prevention of torture are analysed, and the methodology for the effective detection and investigation of torture is also covered. In cooperation with OHCHR, the Procurator General has had the text of the Istanbul Protocol translated into Tajik for use in training seminars.

141. Seminars and training sessions are held regularly to improve the professional skills of the staff of law enforcement agencies in preventing torture.

142. In 2015, the Ministry of Health and Social Protection conducted six three-day training courses jointly with the Centre for Human Rights and with the support of the United Nations Development Programme, the Open Society Institute Assistance Foundation-Tajikistan and the Embassy of Germany in Tajikistan for 138 persons, of whom 130 were health-care workers, 5 representatives from OHCHR and 3 representatives from voluntary organizations.

143. In 2016, jointly with the Centre for Human Rights, the training centre of the Supreme Court conducted four three-day training courses for 68 judges on the documentation of torture and other types of cruel treatment in accordance with the standards of the Istanbul Protocol.

144. In late 2016, experts from a working group in the Ministry of Health and Social Protection conducted an analysis of the training programmes on forensic science offered by the Law Faculty of the Tajik National University and prepared two training programmes on forensic science and psychiatry for students of the Law Faculty specializing in forensic evidence. Ten lectures on forensic science were also prepared and cover the standards of the Istanbul Protocol.

145. Together with the Constitutional Court, the Office of the Procurator General, the Office of the Commissioner for Human Rights, the Ministry of Internal Affairs and the Tajik National University, and with the direct involvement of representatives from OHCHR, the Executive Office of the President organizes numerous meetings and seminars with the staff of law enforcement agencies to discuss national and international mechanisms for the prevention of torture and its consequences.

### **Trafficking in persons**

#### **Paragraphs 16, 19, 21 and 22 of the Committee's concluding observations**

146. Tajikistan takes all necessary measures to tackle trafficking in persons. To this end, a comprehensive programme on such trafficking for the period 2014-2016 and the 2014 Trafficking in Persons and Assistance to Victims Act have been adopted. An additional action plan on trafficking in persons is being implemented. Its objective is to eradicate the worst forms of child labour and provide assistance to victims of trafficking. A draft strategy for the prevention of trafficking in persons has been drawn up.

147. In 2015-2016, in cooperation with the International Organization for Migration, bills amending a number of legislative acts were prepared, as were drafts of a number of laws and regulations targeting specific industries in order to help implement the Trafficking in Persons and Assistance to Victims Act. These laws and regulations add to the Act and also establish a list of offences involving trafficking in persons.

148. A new national plan for the prevention of trafficking in persons for the period 2016-2018 was approved by government decision on 27 July 2016. On the same day, a procedure for the implementation of a package of measures within the framework of the referral mechanism for victims of trafficking in persons was approved.

149. Article 203 of the Code of Criminal Procedure (Procedure for questioning an underage witness or victim) was amended on 15 March 2016. Article 430 of the Code of Criminal Procedure had stipulated that a psychologist must participate in the questioning of a suspect or accused person aged under 16 years. However, article 203 of the Code of Criminal Procedure had not stipulated that a psychologist must participate in the questioning of a witness or victim aged under 16 years, even though underage victims and witnesses are more in need of psychological assistance, including in cases involving trafficking in persons. This gap has been filled, and article 203 of the Code of Criminal Procedure now stipulates that a psychologist must participate in the questioning of a witness or victim aged under 16 years.

150. On 1 September 2016, with the support of the Embassy of the United States of America in Tajikistan, a centre for combating human trafficking was opened under the Authority for the Prosecution of Organized Crime. Its objective is to make a significant contribution to the cause of countering trafficking in persons.

151. The number of offences involving trafficking in persons has been reduced by 50 per cent as a result of the measures taken to crack down on such offences.

## **Juvenile justice**

### **Paragraph 20 of the Committee's concluding observations**

152. The National Action Plan for Juvenile Justice Reform for the period 2010-2015 was carried out in order to ensure juvenile justice, fully defend young people's rights and interests, create an appropriate environment for young people during initial inquiries and investigations and, when administrative and criminal cases are heard in court, appoint judges specializing in juvenile affairs to serve among active judges and further develop legislation. The membership of a working group to draft a national action plan on juvenile justice for the period 2017-2021 has been confirmed.

153. Pursuant to the National Action Plan for Juvenile Justice Reform for the period 2010-2015, with the support of UNICEF, halls and rooms used for hearing cases against young people have been refurbished in a number of districts and cities to bring the system into line with international standards for court cases involving young people.

154. The Education Act provides for the establishment of various special educational institutions offering medical and social rehabilitation to children aged over 10 years whose behaviour is a danger to society, have special educational and care needs and require a special teaching approach. Children are placed in these schools on the basis of court decisions.

155. The Policy Framework for Free Legal Aid provides for free legal aid for young people who do not have a tutor or guardian.

156. The Children's Rights Act was adopted in 2015. The Criminal Code was amended to include article 130<sup>2</sup>, which establishes liability for forced labour.

157. In order to coordinate the work of State bodies in protecting children's rights, a department for the protection of children's rights was set up in 2015 under the Executive Office of the President. The Office of the Commissioner for Children's Rights, who also serves as the deputy to the Commissioner for Human Rights, was established at the initiative of the Head of State.

158. The Judicial Reform Programme for the period 2015-2017 was approved by presidential decree on 5 January 2015. Its key objectives are to further strengthen the judiciary, simplify judicial proceedings, enhance the role of the courts in protecting human and civil rights and freedoms, protect the interests of the State and organizations, guarantee the rule of law and justice and, on that basis, improve the work of the judiciary. The establishment of juvenile courts will be considered under the Programme. As part of this process, with a view to providing for juvenile justice, ensuring that their rights and legal interests are fully guaranteed and creating an appropriate environment for young people during initial inquiries and investigations and hearings of administrative and criminal cases

in the courts, consideration is being given to appointing juvenile judges to serve on courts to hear cases involving juvenile offences and introducing improvements to the law.

159. A draft strategy for the reform of the penal system for the period up to 2025 has been drawn up. It also provides for reform of the juvenile justice system, including the establishment of educational centres for young people who have committed minor offences, the separate detention of young people serving custodial sentences who are deemed capable of reintegrating into society, with consideration given to the seriousness of their offence, the threat that they pose to society and information on their personalities, on their behaviour in places of deprivation of liberty and on their attitude towards their offence.

160. Article 63 of the Penal Enforcement Code stipulates that young convicted persons are entitled to a short monthly meeting with their parents or guardians of up to three hours. Article 16 of the Code sets out the main rights of convicted persons. In accordance with article 16 (7), convicted persons have the right to qualified legal aid and the services of a lawyer.

161. Article 18 of the Act on Procedures and Conditions for the Custody of Suspects, Accused Persons and Defendants stipulates that suspects, accused persons and defendants are entitled to private meetings with their defence counsel, with no restriction on the number or length of such meetings, from the moment that they are brought into custody.

### **Redress, including compensation and rehabilitation**

#### **Paragraphs 21 and 22 of the Committee's concluding observations**

162. The country has clear legislative provisions setting out the right of victims of torture to the appropriate compensation, in particular articles 15, 171 and others of chapter 47 of the Code of Criminal Procedure. The Civil Code clearly sets forth the right to compensation for damage caused by unlawful actions on the part of criminal prosecution bodies.

163. The State provides full compensation for any damage caused by unlawful detention, remand in custody and house arrest, temporary suspension from a post, committal to a medical institution, conviction or compulsory medical measures, regardless of the culpability of the persons or bodies conducting initial inquiries, investigators, procurators or courts.

164. The decision of the plenum of the Supreme Court on the application of the provisions of criminal law and criminal procedure law in the prevention of torture lays down for the courts the penalties that may be imposed for material or moral damage and the procedure for filing complaints in torture cases.

165. There have been cases in which compensation for harm has been awarded in court. In the 2012-2016 period, the courts awarded compensation for moral damage in six cases involving torture and other forms of cruel treatment, and a settlement was reached in one case. Two cases involved the families of Safarali Sangov and Bahromiddin Shodiev, who received 46,500 somoni and 14,579 somoni in compensation, respectively. In the case of Khushvakht Kayumov, a minor, compensation of 16,000 somoni was awarded. The parents of Nizomiddin Khomidov, who died in custody in 2014, and the parents of the deceased soldier Firdavs Rakhmatov received 5,000 somoni each in compensation. The defendants in the civil case involving the death of the convict Ismoil Bachajonov voluntarily paid 30,000 somoni to the plaintiff, Gulova Savriniso, the wife of the deceased, who had sued the Central Penal Enforcement Department of the Ministry of Justice and the Ministry of Finance for material and moral damage in connection with the loss of breadwinner, and the lawsuit was dropped. The national courts have registered or are currently hearing a number of other cases involving compensation claims for moral damage caused by torture or cruel treatment.