



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

Distr.: General  
18 September 2025  
English  
Original: Russian  
English, French, Russian and  
Spanish only

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**Committee against Torture**

**Eighty-fourth session**

Geneva, 13 April–8 May 2026

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

**Replies of Tajikistan to the list of issues in relation  
to its fourth periodic report\***

[Date received: 14 August 2025]

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



## **Information submitted in response to the list of issues in relation to the fourth periodic report of the Republic of Tajikistan to the Committee against Torture**

### **Reply to the issues raised in paragraph 2 of the list of issues (CAT/C/TJK/Q/4) under articles 1 and 4 of the Convention**

1. The use of torture is established as a criminal offence under article 143-1 of the Criminal Code of Tajikistan.
2. This article consists of three paragraphs and covers ordinary, serious and especially serious offences. The statute of limitations depends in part on the category of the offence and is determined on the basis of article 75 of the Code.
3. According to article 75 (3), if 20 years have passed since the commission of an offence and the person concerned has not committed a new offence during this period, he or she may not be held criminally liable.
4. Under article 45, it is not an offence for a person to cause harm to interests protected by criminal law if he or she was acting in pursuance of an order or instruction that was binding upon him or her and was given in accordance with established procedure. In such a case, the person who gave the unlawful order or instruction is held criminally liable.
5. For State statistical reporting purposes, the procuratorial authorities keep a quarterly report of allegations of torture.
6. Thus, according to the Office of the Procurator General:
  - 9 allegations were recorded in 2020
  - 13 in 2021
  - 8 in 2022
  - 10 in 2023–2024
  - 1 in the first half of 2025
7. The complaints were thoroughly investigated and criminal proceedings were instituted by the procuratorial authorities in relation to 14 confirmed cases. To date, 11 criminal cases against 13 persons have been sent for trial upon completion of the pretrial investigation. As a result of the trials, the persons in question have been sentenced to various terms of imprisonment.
8. In 2019, criminal proceedings were initiated under article 143-1 (2) (b) and article 316 (3) (a) of the Criminal Code against F.A. Nurkhonov, A.N. Sabzaev and A. Ikromiddin, employees of the Ministry of Internal Affairs department for Dushanbe, who were charged with torture and abuse of authority. These individuals were sentenced to terms ranging from 9 to 17 years in prison. In 2023, criminal proceedings were instituted under article 143-1 (3) (b) of the Code against Z.K. Kholov, S.E. Sharifzod and D.S. Karomatov, employees of the Ministry of Internal Affairs department for Kūlob region, who were charged with torture resulting in the death of detainee A.I. Rozikov.
9. A person who has committed intentional offences in pursuance of an order or instruction known to be unlawful is held criminally liable in the usual way. At the same time, refusal to comply with such an order precludes criminal liability.
10. In accordance with international standards, including the Convention, no circumstances whatever may be invoked as a justification for torture, including orders or instructions from superior officers or public authorities.

11. In 2023 and 2024, the courts of Tajikistan considered two criminal cases brought under article 143-1 of the Criminal Code:

- One in 2023
- The other in 2024

12. Guilty verdicts were handed down in both cases.

### **Reply to the issues raised in paragraph 3 of the list of issues under article 2**

13. Under article 95 of the Code of Criminal Procedure of Tajikistan, the period for which a person is held in custody by the investigating authorities may not exceed 72 hours from the moment of actual arrest. Upon the expiry of this period, either the detainee must be released or a court decision must be taken to apply a preventive measure to him or her in the form of remand in custody.

14. This provision thus provides at present for a pre-charge custody period of 72 hours. However, the Committee against Torture has recommended that the authorities should consider reducing this period to:

- 48 hours for adults
- 24 hours for minors

15. Article 94 of the Code of Criminal Procedure obliges the investigative authorities to draw up a record of arrest within three hours of a person's being conveyed to a criminal prosecution body.

16. Decision No. 1 of the Plenum of the Supreme Court of Tajikistan of 25 June 2012 on the application of the provisions of criminal and criminal procedural legislation on combating torture establishes in paragraph 13 that: "The beginning of the custody period shall be considered to be the moment of a person's actual arrest."

17. Paragraph 15 explains that: "Actual arrest means depriving a person of the possibility to move freely and to perform other actions at will (by, inter alia, holding or physically restraining him or her, confining him or her in premises, or forcing him or her to go or to remain somewhere)."

18. Paragraph 13 of the Decision also states that falsifying the time of actual arrest in the record of arrest is considered forgery by an official, which is an offence under article 323 of the Criminal Code. If such an instance is uncovered, the court must issue an interim order (decision) and refer the case to the procurator's office for investigation and adoption of a procedural decision.

19. Paragraph 19 of the above Decision emphasizes that violating the 3-hour time limit for drawing up the record of arrest, violating the 72-hour time limit for custody without court authorization or exceeding the authorized custody period are unlawful actions. In such cases, the person concerned must be released immediately.

20. If direct intent is established, the guilty officials are liable under article 358 of the Criminal Code (Unlawful arrest or remand in custody).

21. Failure to comply with the above-mentioned requirements may result in unlawful arrest, which is a violation of human rights.

22. Article 100 of the Code of Criminal Procedure requires that a person's family members or other close relatives must be notified of his or her arrest without delay, from the moment that he or she is actually arrested.

23. Also, in accordance with articles 49–53 of the Code, defence counsel has the right to:

- Have access to his or her client from the moment of actual arrest
- Engage in unhindered private communication with him or her
- Meet with him or her, with no restriction on the number or duration of the meetings

**Reply to the issues raised in paragraph 4 of the list of issues under article 2**

24. On 2 July 2015, the Framework Policy on Free Legal Aid was adopted in Tajikistan, initiating the development of a national legal aid system. The Framework Policy provides for the establishment of a sustainable and accessible mechanism for the provision of legal aid, especially to vulnerable categories of citizen.

25. To implement the Framework Policy, with support from international development partners, the Legal Aid Centre, a State institution, was established under the Ministry of Justice pursuant to a government decision of 28 November 2015.

26. The purpose of the Centre is to:

- Provide free legal aid to socially vulnerable groups of the population
- Develop an effective and sustainable model for the provision of primary legal assistance
- Propose an optimal mechanism for the provision of secondary (qualified) legal assistance

27. To further realize the goals of the Framework Policy, the Legal Aid Act was adopted on 4 July 2020. The Act regulates social relations as they pertain to legal aid and defines the procedure for the exercise of the rights and duties of citizens receiving such aid.

28. On 1 January 2025, articles 22, 23, 27 and 28 of the Act, which establish the procedure for providing secondary legal assistance in cases involving administrative offences, came into force.

29. In order to improve the effectiveness of the legal aid system, amendments were made to the government decision of 28 November 2015 establishing the Legal Aid Centre.

30. These amendments, approved on 29 November 2022, provided for:

- The establishment of legal aid offices in all towns and districts of the country
- The financing of the Centre from the State budget up to and including 2024

31. The Centre's staffing level was gradually increased between 2022 and 2024 to reach 93 full-time employees.

32. With a view to the legal regulation of lawyers' participation in the secondary legal assistance system, the Procedure governing payments for the services of lawyers providing secondary legal assistance and the amount of such payments was approved by a government decision of 29 December 2022.

33. The document defines the rules for reimbursing lawyers' expenses from the budget.

34. In the period from 2016 to 2025, the Legal Aid Centre provided 118,015 legal consultations, including:

- 3,051 to persons with disabilities
- 79,703 to women
- 38,312 to men

35. Of the total number of applicants, 78,280 citizens received primary legal assistance, including:

- 2,194 persons with disabilities
- 54,085 women
- 24,195 men

36. The Centre's community-based paralegals provided legal information to 35,264 citizens, referring them to the relevant government agencies, among them:

- 818 persons with disabilities
- 25,062 women
- 10,202 men

37. The Centre's automated information system received 4,471 applications for secondary legal assistance in criminal cases, including:

- 3,915 from men
- 556 from women
- 764 from minors
- 39 from persons with disabilities

38. Over the course of 2025, the number of lawyers working in 55 towns and districts across the country has been increased to 58.

## **Reply to the issues raised in paragraph 5 of the list of issues under article 2**

39. To give effect to paragraph 9 of the 2015–2020 National Action Plan for the implementation of the recommendations of the Committee on Economic, Social and Cultural Rights (Take measures to ensure the independence of the Commissioner for Human Rights in accordance with the Paris Principles, including by implementing the recommendations of the Sub-Committee on Accreditation of the International Coordinating Committee), as well as paragraph 3 of the 2017–2020 National Action Plan for the implementation of the recommendations made by the countries members of the Human Rights Council in the context of the second cycle of the universal periodic review (Ensure that the activities of the Commissioner for Human Rights are in conformity with the Paris Principles (115.17–115.22 and 115.24)), an interdepartmental working group was established pursuant to Order No. 143 of the Commissioner for Human Rights of 19 October 2017, with the participation of representatives of:

- The Executive Office of the President of Tajikistan
- The Commissioner for Human Rights
- The Ministry of Foreign Affairs
- The Ministry of Finance

40. In the light of personnel changes in the authorities and in order to expand the composition of the working group, representatives of the Ministry of Justice and the Majlis-i Namoyandagon, the lower house of the Majlis-i Oli, the parliament of Tajikistan, were included among its members pursuant to Order No. 74 of the Commissioner for Human Rights of 22 September 2020.

41. Owing to the coronavirus disease (COVID-19) pandemic, the activities of the working group were temporarily suspended, but they were resumed once the epidemiological situation had improved. Thus, in March 2022, at a scheduled meeting of the working group, the final draft of the Act amending the Commissioner for Human Rights Act was prepared.

42. In connection with the adoption of the Act on Equality and the Elimination of All Forms of Discrimination, which defines the Commissioner for Human Rights as the competent State authority with respect to the protection of the right to equality and freedom from discrimination, a dedicated department was established within the Commissioner's Office to carry out work in this area.

43. In addition, it is envisaged to establish the post of Ombudsman for Entrepreneurship, in connection with which amendments to the main Commissioner for Human Rights Act will be submitted to the Government in a single package.

44. The issue of obtaining category A status (under the Paris Principles) is the subject of ongoing discussion as part of:

- Consultations with international structures during working visits by the Commissioner for Human Rights abroad
- Meetings with representatives of the Office of the United Nations High Commissioner for Human Rights (OHCHR)

45. In particular, this issue was considered during the working visit by the Commissioner for Human Rights to Geneva in July 2022, as well as in August 2022 at a meeting in Dushanbe with the Deputy Chief of the National Institutions and Regional Mechanisms Section of OHCHR, Afarin Shahidzadeh Goudarzi.

46. The Commissioner for Human Rights carried out the following visits with a view to exchanging experience and presenting the achievements of Tajikistan in the field of human rights protection:

- To Italy, in September 2024
- To Belgium, in November 2024 (presentation of achievements in the field of human rights)
- To Saudi Arabia (signing of a memorandum on cooperation between the Commissioner for Human Rights of Tajikistan and the Human Rights Commission of Saudi Arabia)
- To Italy and Spain, in the first half of 2025

47. Every year has seen stronger cooperation between the Commissioner for Human Rights and international partners, including:

- The United Nations Development Programme (UNDP) in Tajikistan, under a separate plan
- The United Nations Children's Fund (UNICEF), during the development and implementation of the joint action plan
- The Organization for Security and Cooperation in Europe (OSCE) Programme Office in Tajikistan, as part of efforts to implement the Legal Education Programme for 2022–2026

## **Reply to the issues raised in paragraph 6 of the list of issues under article 2**

48. Amendments were made to the Prevention of Domestic Violence Act in 2024. In addition, the Government, by Decision No. 689 of 26 December 2024, approved the 2025–2030 State Programme for the Prevention of Domestic Violence.

49. The aim of the Programme is to protect the rights of the family as the foundation of society, to prevent physical, mental, economic and sexual violence by one family member against another, to eliminate the causes and conditions that contribute to domestic violence, to empower families with respect to the upbringing and education of children, and to expand cooperation between State bodies and civil society institutions in this area.

50. The Regional Social Services Centre for Victims of Trafficking in Persons, a State institution reporting to the Ministry of Health and Social Protection, was established in Dushanbe pursuant to Government Decision No. 280 of 27 May 2020; the Centre began its activities on 1 January 2021.

51. To expand the institution's operations, pursuant to Government Decision No. 338 of 27 August 2021, it was renamed the National Social Services Centre for Victims of Trafficking in Persons and Victims of Domestic Violence.

52. In accordance with its statute, which was approved by Ministry of Health and Social Protection Order No. 889 of 9 October 2021, the institution was allocated a staff of 27 and

30 beds to provide social services to victims of trafficking in persons and victims of domestic violence.

53. During the period of its activity, the Centre has provided assistance to 447 victims from different regions of the Republic, including:

- 19 persons (3 victims of trafficking in persons and 16 victims of domestic violence) in 2021
- 88 persons (6 victims of trafficking in persons and 82 victims of domestic violence) in 2022
- 132 persons (25 victims of trafficking in persons and 107 victims of domestic violence) in 2023
- 142 persons (52 victims of trafficking in persons and 90 victims of domestic violence) in 2024
- 66 persons (29 victims of trafficking in persons and 37 victims of domestic violence) in the first five months of 2025

54. The institution is funded primarily from the State budget, with the amount of funding having increased significantly over the period from 2021 to 2025:

- 2021 – 595,124 somoni
- 2022 – 844,581 somoni
- 2023 – 926,905 somoni
- 2024 – 1,271,730 somoni
- 2025 – 1,788,533 somoni

55. These figures attest to a more than threefold increase in funding over five years.

56. In the first half of 2025, 64 people applied to the Centre's social services and children's day-care centre in Dushanbe for assistance and advice, of whom 28 were victims of trafficking in persons, 10 were victims of domestic violence and 26 were from vulnerable families of migrant workers.

57. The Prevention of Domestic Violence Act, which has been in force since 2013, provides only for administrative liability.

58. A working group is currently preparing a new version of the Criminal Code, which includes a separate article on domestic violence (article 153). The draft provides for criminal liability for intentional infliction of minor, moderate or serious harm to health.

59. Under article 138 of the Criminal Code, the penalty for rape, i.e. sexual intercourse with the threat or use of violence or the exploitation of a woman's helpless state, is imprisonment for a term of 3 to 7 years. However, in accordance with paragraph 3 (a) of this article, the rape of a person known by the perpetrator to be under 14 years of age or of a close relative is punishable by imprisonment for a term of 12 to 25 years, with deprivation for life of the right to hold certain posts and/or engage in certain activities, or by life imprisonment or the death penalty.

60. The law thus provides for tougher punishment for the rape of a close relative, which reflects the heightened degree of danger to the public posed by such acts. Article 138 of the Criminal Code applies irrespective of the status of the victim, be she a spouse, a cohabitant or other person. Violent acts committed against a spouse against his or her will also incur criminal liability.

61. Victims of all forms of gender-based violence have the right to file a complaint with the internal affairs agencies, procuratorial authorities, specialized women's support centres and independent human rights organizations.

62. In 2023–2024, the country’s courts considered 79 criminal cases of rape against 84 persons in which guilty verdicts were handed down:

- 45 cases against 46 persons in 2023
- 34 cases against 38 persons in 2024

63. This indicator is lower compared to previous periods, which indicates a decrease in the number of reported offences of this nature.

### **Reply to the issues raised in paragraph 7 of the list of issues under article 2**

64. Article 2 of the Convention stipulates the obligations of States to take all necessary measures to prevent torture and other forms of cruel, inhuman or degrading treatment or punishment. Paragraph 3 of the Committee’s general comment No. 2 (2007) emphasizes that this obligation is comprehensive and covers a wide range of preventive measures.

65. The obligations to prevent torture (art. 2) and ill-treatment (art. 16 (1)) are interrelated and complementary. In practice, there is much overlap between these two types of obligation, as measures aimed at preventing torture simultaneously contribute to the prevention of other forms of ill-treatment.

66. The distinction between torture and other forms of ill-treatment is often difficult to determine, as these violations may have similar manifestations. The assessment depends on the intensity and nature of the actions, as well as their impact on the victim.

67. Section V of the Committee’s general comment No. 2 provides further clarification of the mechanisms whereby States may fulfil their obligations, including regarding the need for integrated approaches, oversight, monitoring and effective legal and institutional mechanisms.

68. Thus, the fulfilment of the requirements of article 2 of the Convention presupposes comprehensive and systematic efforts on the part of State bodies in conformity with international standards to prevent all forms of ill-treatment, including torture, taking into account their interrelatedness.

69. The country’s courts pay special attention to the prevention of torture and other forms of ill-treatment. The Plenum of the Supreme Court has adopted important decisions, including:

- The Decision of 25 June 2012 on the application of the provisions of criminal and criminal procedural legislation on combating torture
- The Decision of 29 September 2014 on the application of the provisions of the Constitution in the administration of justice

70. These documents provide clarification for courts and investigative bodies of the application of the provisions establishing liability for torture.

71. In addition, a practical manual entitled “Torture is a Crime” has been developed; it covers the identification of cases of torture and the procedures for the filing of torture-related complaints and petitions and for their consideration in court.

72. This issue is included in the curriculum of the Supreme Court’s Training Centre. Judges undergo two weeks’ training once every two years to improve their theoretical knowledge and practical skills.

73. Also, at monthly workshops for judges, issues related to the use of torture and problems arising in the consideration of criminal cases in which torture is alleged are regularly considered and legal approaches to addressing them are discussed.

74. The constitutional provision on the inadmissibility of torture and cruel, inhuman or degrading treatment is reinforced by the criminal penalties for the use of torture (Criminal Code, art. 130-1).



75. If a complaint of torture or other degrading treatment is made at a court hearing, the court is obliged to immediately take the measures provided for by law for its consideration.

76. In 2023–2024, the courts of Tajikistan heard 25 criminal cases against 26 persons under articles 130-1 and 167 of the Criminal Code (on trafficking in persons and trafficking in children):

- 20 cases against 15 persons in 2023
- 5 cases against 6 persons in 2024

77. Thus, in 2024, the number of criminal cases fell by 15 compared to the previous year, which may indicate an increase in the effectiveness of preventive measures.

78. As part of the implementation of the National Plan to Combat Trafficking in Persons in Tajikistan for 2022–2024, the following measures are being taken:

- Training is being provided for specialists and officials working to combat trafficking in persons and provide assistance to victims.
- Since the beginning of 2024, Tajik National University has been organizing monthly training seminars for students of the newly created specialties of public administration and law. Topics include combating trafficking in persons and providing assistance to victims, as well as issues related to youth parliaments.
- Since January 2008, an analysis and education centre for combating trafficking in persons has been operating within the Criminal Law and Anti-Corruption Department of the Faculty of Law at Tajik National University. The Centre was established with support from Tajik National University, the Interdepartmental Commission to Combat Trafficking in Persons and the Embassy of the United States of America in Tajikistan.
- In the 2023/24 academic year, the university offered a course on combating trafficking in persons and providing assistance to victims, involving 106 hours of teaching; 136 students took the course.
- As part of the master's programme at Sadridin Ayni State Pedagogical University, meetings and events are organized to inform and train students on this topic. More than 50 theoretical and practical events were organized in 2022–2024: conferences, round tables, clubs and seminars.

79. Pursuant to Order No. 439 of the Minister of Education and Science of 16 April 2024, a working group has been established to conduct information sessions for students in grades 9–11, teachers and other staff of educational establishments in different regions of the country. The main focus is on preventing trafficking in human beings and exploitation of child labour and making participants aware of the adverse impact of these phenomena.

80. Given the growing instability and armed conflicts in a number of countries, especially in the Middle East and Africa, there is an increased risk of kidnapping, hostage-taking and trafficking in persons, including for sexual exploitation, forced labour and organ removal.

81. In cooperation with Iranian partners, 12 citizens of Tajikistan abducted in border areas of Iran and Afghanistan by organized transnational criminal groups were released and returned home.

82. The authorities, together with Turkish partners, put a stop to the activities of a group belonging to an international terrorist organization, which, under the guise of running missionary schools, was transferring people to Mauritania. In the first half of 2025, two persons were detained in Mauritania and four Tajik citizens were returned to their home country. To prevent such occurrences, talks are being held with the population, including migrant workers.

### **Reply to the issues raised in paragraph 8 of the list of issues under article 3**

83. The Criminal Code has been amended in order to bring national legislation into line with international standards for the protection of the rights of asylum-seekers. In particular,

article 335-1 of the Criminal Code now includes a provision whereby persons who have crossed the State border illegally to seek asylum are to be exempted from criminal liability.

84. The article stipulates that crossing the State border of Tajikistan illegally is punishable by a fine or imprisonment, except in the case of persons seeking political asylum. These amendments are aimed at giving effect to the principle of non-punishment of asylum-seekers and are in line with the provisions of article 6 of the Refugee Act, which regulates the procedure for submitting an asylum application.

85. At present, 2,884 families of refugees and persons seeking asylum are living in the territory of Tajikistan:

- 2,360 families of refugees
- 524 families of persons seeking asylum

86. The total number of Afghan citizens in Tajikistan holding refugee status or seeking asylum is 11,017, of whom:

- 10,210 are refugees, including:
  - 6,782 adults
  - 3,428 minors
- 807 are asylum-seekers, including:
  - 661 adults
  - 146 minors

87. According to the available data, the ethnic composition of Afghan refugees, who reside mainly in the cities of Dushanbe and Vahdat and in Rudaki District, is as follows:

1. Tajik – 2,320 persons
2. Hazara – 940 persons
3. Pashtun – 210 persons
4. Uzbek – 65 persons
5. Turkmen – 35 persons
6. Baluchi – 15 persons

88. It should be noted that, in recent years, passports of citizens of Afghanistan have given their ethnicity as “Afghan”, which limits accurate statistical identification by ethnicity.

89. The rights of refugees, asylum-seekers and stateless persons in Tajikistan are protected in conformity with the legislation currently in force and the State’s international obligations. The aim of the measures taken in this area is to ensure the observance of the principles of humanity and non-discrimination and the provision of the necessary legal and social assistance to these categories.

90. The authorities of Tajikistan are continuing to refine national legislation and administrative procedures with a view to safeguarding the rights and freedoms of asylum-seekers more effectively and in full compliance with international law, including the provisions of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees.

### **Replies to the issues raised in paragraph 12 of the list of issues under article 10**

91. In fulfilment of the obligations arising from the Convention against Torture, a set of measures is being carried out in Tajikistan to improve legal training for judges with respect to preventing and prohibiting torture and ensuring the rights of victims.

92. During the reporting period, from 2022 up to the first half of 2025, the following training activities for judges and trainee judges were conducted:

**2022:**

- An event was organized for the study of Decision No. 1 of the Plenum of the Supreme Court of 25 June 2012 on the application of the provisions of criminal and criminal procedural legislation on combating torture, with the participation of 102 judges.
- From 25 to 27 May 2022, in cooperation with the Centre for Human Rights Centre, a voluntary organization, a train-the-trainers course was held on the topic “Compensation for moral harm to victims of torture”. Nine judges from the national courts and the director of the Judicial Training Centre took part in the training. Supreme Court judges and international experts acted as trainers. Special attention was paid to the legal and procedural aspects of granting compensation for moral harm to victims of torture.

**2023:**

- Similar training was conducted, using updated methodological materials, for 137 judges. The training focused on the application of international law, as well as the analysis of current judicial practice in the field of combating torture.

**2024:**

- As part of efforts to implement the Committee’s recommendations, a training course was held for 60 trainee judges on the topic “International legal instruments and national legislation in the field of combating torture: judicial practice in relevant cases”.

**First half of 2025**

- Training on the application of the provisions of the Convention and on the analysis of Decision No. 1 of the Plenum of the Supreme Court of 25 June 2012 was provided to 41 judges.
93. Thus, between 2022 and the first half of 2025, anti-torture training was provided to:
- 280 active judges
  - 60 trainee judges
94. The training programme covered the following key areas:
- Application of national and international law in combating torture
  - Analysis of judicial practice in cases involving torture and ill-treatment
  - Study of the decisions of the Plenum of the Supreme Court, including Decision No. 1 of 25 June 2012
  - Legal grounds and mechanisms for compensation for moral harm to victims of torture
95. These measures are aimed at strengthening the professional competence of judges and establishing sustainable judicial practice that is consistent with international human rights standards.

**Reply to the issues raised in paragraph 13 of the list of issues under article 10**

96. To raise gender awareness and develop a gender-sensitive approach in the justice system and law enforcement agencies, the following measures were taken during the reporting period:
- On 4 April 2025, a conference on the status of women judges, their role in administering justice and gender equality in the judicial system was held to mark the International Day of Women Judges. The event was attended by representatives of the judiciary and human rights and international organizations.
  - On 27 November 2024, the national forum of civil society organizations and gender activists took place under the slogan “Together against Violence”. At the forum,

governmental bodies, non-governmental organizations (NGOs) and international partners joined forces to prevent and combat gender-based violence and promote women's rights.

- In the first half of 2025, at the Institute of Postgraduate Education in Healthcare:
  - Two specialists with secondary medical education completed initial specialization courses in addiction medicine
  - Two members of the State Committee on National Security completed initial specialization courses in laboratory diagnostics and colposcopy

97. The measures were taken with the aim of enhancing professional competencies and developing inter-agency cooperation in safeguarding human rights, with a particular focus on vulnerable groups.

### **Reply to the issues raised in paragraph 14 of the list of issues under article 11**

98. Defendants' rights of defence and access to case files are established in the Code of Criminal Procedure and upheld in accordance with international standards.

99. Article 47 (3) and (4) of the Code of Criminal Procedure provide that defendants have the right to protect their rights and legitimate interests by all lawful means, including the following:

- Having adequate time and facilities to prepare their defence
- Consulting the records of proceedings
- Commenting on them

100. Under article 53 (2) of the Code of Criminal Procedure, as soon as defence counsel are admitted to cases, they have the right to acquaint themselves with the following:

- Records of arrest
- Decisions to impose preventive measures
- Records of investigative actions carried out with the participation of the defendant or defence counsel
- Documents that have or should have been shown to the defendant
- At the end of the pretrial investigation, all the materials of the criminal case, whereupon they may copy any amount of information contained therein

101. Article 72 (2) of the Code of Criminal Procedure provides that the following may be deemed admissible as evidence:

- Records of investigative and judicial actions
- Covert recordings and tapped and recorded telephone conversations
- Electronic, video and audio surveillance recordings

102. Article 172 of the Code of Criminal Procedure provides that records of investigative actions may be kept in handwritten, typewritten or digitized form and with the use of transcripts and audio and video recordings. These materials are to be kept on file and may be used as evidence.

103. Defendants and their counsel thus have the right to obtain, at no cost, copies of audio and video recordings made during investigative actions, if such recordings are formally included in the case file at the request of the parties. The court, in turn, has the right to deem those recordings admissible as material evidence if they meet the requirements.

## **Reply to the issues raised in paragraph 15 of the list of issues under article 11**

104. Under article 17 of the Act on Procedures and Conditions for the Custody of Suspects, Accused Persons and Defendants, persons held in custody are entitled to:

- Perform religious rituals in places of detention, subject to compliance with the internal regulations and respect for the rights of other detained persons
- Carry religious literature and necessary religious symbols
- Educate themselves using authorized literature

105. Persons held at pretrial detention facilities are granted daily walks, during which it is recommended that they engage in physical exercise to maintain their health.

106. As part of its efforts to implement the Strategy for the Reform of the Penal Enforcement System for the period up to 2030, the Ministry of Justice, with the support of other governmental bodies and in cooperation with international partners, including:

- The United Nations Office on Drugs and Crime
- The Bureau of Counter-Terrorism of the Department of State of the United States of America
- The Delegation of the European Union to Tajikistan
- The Helsinki Foundation for Human Rights
- The Centre for Human Rights
- The Institute for International Cooperation of the German Adult Education Association
- The Max Planck Foundation for International Peace and the Rule of Law
- The Turkish Cooperation and Coordination Agency
- The Embassy of Germany in Tajikistan

has upgraded facilities of the penitentiary system, building or renovating more than 30 facilities of various types in correctional institutions, pretrial detention facilities and training centres, among other measures.

107. The facilities built or renovated include:

- Dormitories (including at women's prisons)
- Medical wings and kitchens
- Production workshops, schools and adaptive living facilities
- Sanitation blocks
- Sports areas and fire stations
- Modern sewing workshops
- Administrative buildings
- Boreholes to provide access to potable water
- Libraries (stocking a total of 51,966 books), cultural and educational facilities, radio networks and video monitors

108. All libraries have been renovated and equipped with modern furniture and technology to provide inmates with access to books, print media and educational materials.

109. To prevent acts of torture and cruel or degrading treatment:

- Video surveillance cameras have been installed around the perimeter of and inside penitentiary institutions

- Individual rooms have been placed under permanent video surveillance with monitoring by designated personnel
- Unannounced inspections are being carried out at correctional institutions and pretrial detention facilities in accordance with orders issued by the Central Penal Correction Department of the Ministry of Justice
- Working groups comprising experienced prison personnel and military personnel have been set up to prevent escapes, riots and acts of torture and ill-treatment

110. Special care is taken when investigating deaths in places of deprivation of liberty. Each incident is thoroughly examined, and the findings and action taken in response are documented.

111. At present, work is continuing on the draft Penal Correction System Act. Pending the Act's entry into force, amendments to the existing Penal Enforcement Code have been postponed.

112. The new Act is being prepared with a view to further harmonizing national legislation with international standards, including the provisions of the Convention.

### **Reply to the issues raised in paragraph 16 of the list of issues under article 11**

113. There is a medical examination room in the pretrial detention facility of the State Committee on National Security, where medical examinations of detained persons are carried out on a daily basis. Detained persons are provided with timely medical care and, if necessary, medication. If needed, specialists from the medical department of the Committee are involved in the provision of care.

114. The Government is taking steps to improve conditions of detention and healthcare for persons in places of deprivation of liberty, including the following:

- Medical posts, outpatient clinics and inpatient clinics have been set up at penal institutions
- Highly qualified doctors are involved in the provision of treatment
- High quality medicines and life support equipment, including oxygenators, have been made available
- The morbidity rate among inmates is rigorously monitored

115. Inmates have the right to healthcare, including primary and specialized medical care, in accordance with national legislation and international standards.

116. No official complaints about inadequate medical care in places of deprivation of liberty were registered during the reporting period.

117. At present, medical care at penal institutions is provided by the following entities and personnel:

- The Medical Department of the Ministry of Justice
- The medical services in Sughd Oblast
- The medical units of correctional institutions
- Externally contracted doctors

118. A total of 19 institutions run by the Ministry of Justice have medical units providing primary and specialized care.

119. Over the past five years, the medical departments of the following institutions have been overhauled, remodelled and refitted:

- Correctional institutions 3/1, 3/3, 3/4 and 3/12
- Correctional institution 3/1 and pretrial detention facility 9/7 have also been overhauled

120. Specialized treatment facility 3/13 and its branch at correctional facility 3/5 in Khujand provide inmates with inpatient treatment.

121. These institutions have separate specialist departments, including:

- A psychiatric department
- An addiction medicine department
- A surgical department with an operating theatre

122. All of the departments have been overhauled and provide the full range of medical services.

123. The following action is being taken to improve the quality of medical care:

- Regular procurement of medical equipment and supplies
- Renewal of the ambulance fleet (five vehicles are in operation)
- Recruitment of young medical specialists on a permanent or contractual basis

124. These measures are aimed at ensuring the accessibility, timeliness and quality of healthcare for all persons in places of deprivation of liberty, in compliance with standards on the protection of inmates' rights.

### **Reply to the issues raised in paragraph 17 of the list of issues under article 11**

125. The forensic medical service does not report to the law enforcement authorities but instead falls under the authority of the Ministry of Health and Social Protection. Such a reporting line ensures the functional independence of the service and its specialists.

126. The activities of the forensic medical service are regulated by:

- The Criminal Code
- The Code of Criminal Procedure
- The State Forensic Investigation Act
- Internal legal and regulatory acts approved by Ministry of Health and Social Protection Order No. 918 of 1 November 2014

127. These texts take into account and give effect to the provisions of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) on standards for the medical examination of detained persons. The structure and regulatory framework of the service and the fact that it reports to a civilian agency guarantee the independence of forensic experts in the conduct of examinations, including examinations for signs of torture.

128. Furthermore, the establishment of private or non-State medical organizations, including forensic medical organizations, is permitted under Tajik law. As of the reporting period, however, the Ministry of Health and Social Protection has not received any applications for the registration of such institutions.

129. If a person dies at a place of deprivation of liberty, a forensic medical examination of the body is ordered; the examination is conducted in accordance with current standards and regulations. The expert findings are transmitted to the competent authorities investigating such cases.

130. It should be noted that, although the Minnesota Protocol on the Investigation of Potentially Unlawful Death is not specifically invoked in forensic investigations, in practice:

- Forensic experts answer all questions put to them within the scope of their competence
- All forensic medical service staff have received training on the Istanbul Protocol, during which they were also provided with information on the Minnesota Protocol

131. Under national law, the investigation of deaths in places of deprivation of liberty falls within the exclusive competence of the procuratorial authorities, and therefore the forensic medical service is not authorized to provide public information on such cases. This is due to the requirements of the legislation on the confidentiality of investigations and personal data protection.

### **Reply to the issues raised in paragraph 18 of the list of issues under article 11**

132. To ensure proper monitoring of the conditions of detention and the treatment of suspects and accused and convicted persons in places of deprivation of liberty, the actions of the personnel of these institutions are regularly monitored by the leadership of the competent authorities, including the State Committee on National Security, the procuratorial authorities, the Office of the Ombudsman and representatives of civil society.

133. Since 2021, the Ombudsman has regularly visited all 17 psychiatric hospitals in the country, which have a total of 1,525 beds, doing so at least once a year.

134. In addition, psychiatric institutions are independently monitored on an annual basis by international organizations such as the Open Society Institute and the Centre for Human Rights. Institutions are monitored over a period of 3–5 days without the participation of, but in coordination with, the Ministry of Health and Social Protection.

135. To protect the rights of minors serving sentences, the Programme for the Rehabilitation and Social Reintegration of Juveniles Who Have Served Custodial or Semi-Custodial Sentences for 2020–2024 was adopted pursuant to Government Decision No. 387 of 25 July 2020 and implemented.

136. The Programme was implemented through a plan of action with the following objectives:

- Improving legislation
- Upgrading the skills of personnel
- Preventing crime
- Rehabilitating and socializing minors

137. An inter-agency working group and a coordination council under the Ministry of Health and Social Protection have been set up to ensure coordination between agencies. Using the resources available, the Government has fully implemented 23 of the 27 items in the action plan and partially implemented 4.

138. During the implementation of the Programme, dozens of personnel received instruction and advanced training on international standards for the treatment of minors.

139. Tajikistan consistently fulfils its international human rights obligations, including under the Convention. The national action plan for the implementation of the recommendations of the United Nations Committee against Torture for 2019–2022 was approved in 2019; it included steps for the consideration of the possibility of ratifying the Optional Protocol to the Convention.

140. Pursuant to an order issued by the Commissioner for Human Rights on 6 August 2013, a working group was established to promote the Optional Protocol, bringing together representatives of government agencies, civil society and academia. It includes a Monitoring Group, which carries out the following activities:

- Visiting places of deprivation and restriction of liberty
- Organizing training events for personnel
- Drafting recommendations on the ratification of the Optional Protocol and the establishment of a national preventive mechanism



141. Since 2014, 154 monitoring exercises have been carried out at:
- 51 pretrial detention facilities run by the Ministry of Internal Affairs
  - 23 institutions run by the Central Penal Correction Department of the Ministry of Justice
  - 9 juvenile correctional colonies
  - 4 detention facilities run by the Drug Control Agency
  - 22 psychiatric hospitals
  - 2 drug treatment facilities
  - 1 residential centre
  - 40 military bases
142. During the monitoring exercises, which are carried out in a manner that respects confidentiality, more than 2,372 persons have been interviewed, including 1,125 persons in closed institutions. No unauthorized persons may participate in the interviews.
143. Six additional monitoring exercises were conducted in the first half of 2025. The Monitoring Group assesses the conditions of detention, the treatment of detainees by personnel and the relationships between detainees.
144. The results of monitoring exercises are handled as follows:
- Presentation to the working group every six months
  - Discussion at annual round tables attended by the authorities, international organizations and the media
  - Publication in book form in Tajik, Russian and English
  - Publication on the official website of the Commissioner for Human Rights
145. In May and June 2025, the Monitoring Group held two meetings on promoting the ratification of the Optional Protocol.
146. The work of the Monitoring Group contributes to the following goals:
- Promoting international standards for the treatment of persons deprived of their liberty
  - Improving conditions of detention
  - Enhancing inmates' legal awareness
  - Strengthening the training of institutional personnel
147. Overall, the work of the Monitoring Group is creating a solid foundation for the establishment of a national mechanism for the prevention of torture in line with the Optional Protocol.

### **Reply to the issues raised in paragraph 19 of the list of issues under article 11**

148. Under the Act on Procedures and Conditions for the Custody of Suspects, Accused Persons and Defendants, detained persons have the right to submit proposals, applications and complaints concerning the legality and validity of their detention and in the event of violations of their rights and legitimate interests.

149. Paragraph 19 of the Internal Regulations of Correctional Institutions provides that inmates have the right to seek the assistance of the following entities:

- The administration of the institution in question
- The courts
- The procuratorial authorities
- The central and local authorities

- The Commissioner for Human Rights
- The Commissioner for Children's Rights
- Community-based and international organizations, and organizations protecting the rights and legitimate interests of inmates

150. Chapter 18 (80) of the Internal Regulations provides that proposals, applications and complaints of inmates addressed to oversight bodies must be forwarded to the intended recipient within one working day (excluding weekends and public holidays) and are not subject to preliminary examination by the administration of the institution.

### **Reply to the issues raised in paragraph 20 of the list of issues under article 11**

151. In fulfilment of its obligations to ensure juvenile justice, in Decision No. 310 of 30 June 2023, the Government approved the following initiatives:

- The Juvenile Justice Reform Programme for 2023–2027
- An action plan for its implementation for 2023–2025

152. Paragraph 18 of the action plan provides for consideration to be given to the possibility of training judges specialized in juvenile justice. The Supreme Court has established a working group that is now studying this matter.

153. Although current legislation does not contain provisions on judges specialized in juvenile justice, in accordance with judicial practice, juvenile cases are handled by experienced judges trained in child-friendly justice.

### **Reply to the issues raised in paragraph 21 of the list of issues under articles 12 and 13**

154. The Internal Security Department of the State Committee on National Security carries out continuous monitoring in connection with this matter, and the acts referred to are punished.

### **Reply to the issues raised in paragraph 22 of the list of issues under articles 12 and 13**

155. During the reporting period, there were no recorded cases of torture, violence or other cruel, inhuman or degrading treatment or punishment at the pretrial detention facility of the State Committee on National Security.

### **Jehovah's Witnesses**

156. It should be noted that the activities of the Jehovah's Witnesses in Tajikistan involved systematic violations of current legislation. In particular, representatives of this community distributed religious literature, booklets and brochures in public places, on the streets and in residential buildings. The content of this literature bore hallmarks of religious fanaticism and extremism, which raised concerns among the relevant government agencies.

157. The activities of the Jehovah's Witnesses were therefore terminated on the basis of the second paragraph of article 16 of the Religion and Religious Organizations Act, as amended in 1990, pursuant to Order No. 13/3–05 of the Procurator General of 27 July 2007 and Decision No. 11/3 of the Ministry of Culture of 11 October 2007, and the then statute of the organization, which was on file with the Committee for Religious Affairs, was declared null and void.

158. In 2010, representatives of the Jehovah's Witnesses petitioned the Dushanbe Economic Court to annul Decision No. 11–01/104 of the Ministry of Culture of 18 January

2010 rejecting the community's application for reregistration and compel the State body on religious affairs to reregister the community.

159. The Dushanbe Economic Court rejected this petition in a decision issued on 23 August 2010. This decision was upheld by courts at the following levels:

- The appellate chamber of the Economic Court, on 27 October 2010
- The Supreme Economic Court, on 16 December 2010

160. The hearing of the case before all the courts took place in accordance with national legislation and in compliance with the principles of openness, adversarial procedure and equality of arms. No violation of the applicants' civil or political rights was established during the examination of the case. These decisions have become final and are lawful and justified, and there are no grounds for their review.

161. Article 84 of the Constitution provides that judicial power is exercised independently, on behalf of the State, and has the aims of protecting the rights and freedoms of citizens, safeguarding the interests of the State and ensuring the rule of law and justice.

162. Article 87 of the Constitution provides that judges are independent and subject only to the Constitution and law, and that any interference in their activities is prohibited.

163. Pursuant to article 42 of the Constitution, all citizens and government agencies are obliged to comply with and apply the Constitution, laws and court decisions that have become final.

164. Thus, Tajikistan, as a sovereign State governed by the rule of law, acts in strict compliance with the principles of legality and has the right to enforce court decisions taken in accordance with established procedure.

### **Reply to the issues raised in paragraph 23 of the list of issues under articles 12 and 13**

165. Steps to investigate the incidents that occurred in Kūhistoni Badakhshon Autonomous Oblast in the period 2021–2022 were taken in strict compliance with national law, ensuring the procedural rights of suspects, accused persons and defendants. In the conduct of investigations, the principles of impartiality and legality were observed and the protection of lawyers' rights was ensured.

166. In the period 2022–2024, the courts considered claims for compensation for moral and material harm based on allegations of torture.

167. In a decision issued on 7 October 2022, the Ismoili Somoni district court in Dushanbe partially upheld the claim brought by Khasan Ėrov against the Ministry of Internal Affairs, awarding him 5,000 somoni in compensation for moral harm while dismissing his claim for material damages.

168. In a decision issued on 21 October 2024, the same court partially upheld the claim filed by Gulchekhra Kholmatova on behalf of Davlatmurod Rozikov against the Ministry of Internal Affairs for compensation for moral harm and awarded him 10,000 somoni.

169. Both lawsuits relate to the commission of acts of torture by officials of internal affairs agencies. The cases were considered in accordance with the requirements of national law.

170. Since 2022, the courts of Tajikistan have considered cases involving deaths of military personnel outside combat zones and incidents of hazing and ill-treatment. All cases were considered objectively in accordance with national and international law.

171. The perpetrators were held criminally liable, while the victims were provided with compensation and their violated rights were restored.

172. Where necessary, submissions were made to the authorized State bodies.

173. Information on the consideration of the above-mentioned cases was published in the media and on the official websites of the courts within the limits established by law.

174. Tajikistan reaffirms its commitment to the following:

- The principles of the Constitution
- The country's international human rights obligations
- The safeguards of the independence of lawyers, freedom of expression and the rights of civil society

175. The following measures have been taken at all bases of the Border Guard Service of the State Committee on National Security:

- Complaints boxes have been installed to enable reporting of cases of torture and ill-treatment
- Signs displaying helpline numbers operated by the Border Guard Service command and the procurator have been put up
- Rooms with the equipment necessary to provide medical and psychological assistance to victims of torture have been set up

176. In the first half of 2025, national security officials conducted 387 events, including talks and meetings, at agencies where military service is performed, with a view to preventing bullying and abuse.

177. In addition:

- Instructions and guidance on preventing violations of the rights of military personnel have been transmitted to all bases of the Border Guard Service of the State Committee on National Security
- Medical examinations of military personnel are conducted on a daily basis and monitored by national security officials
- Preventive discussions are held individually with newly conscripted military personnel, and they are placed in separate dormitories for a set period of time

### **Reply to the issues raised in paragraph 27 of the list of issues under article 16**

178. Courts at all levels ensure that lawyers have equal access to the hearing of their clients' cases, regardless of social, political or other status. All judicial decisions are rendered in accordance with the principles of judicial independence, equality of arms and the rule of law.

179. The judicial authorities are creating an enabling environment in which court proceedings may take place free from pressure, threats, intimidation or restriction of the professional rights of lawyers, journalists and representatives of civil society. No complaints of unlawful interference in the professional activities of these persons have been recorded in judicial practice.

180. Courts hear cases under the articles of the Criminal Code related to extremism and terrorism solely on the basis of reliable evidence and in compliance with the procedural rights of all parties. There are no recorded cases in judicial practice in which lawyers, human rights defenders or journalists have been prosecuted under the above-mentioned provisions.

181. The judicial authorities have a policy of tolerance for any form of harassment, intimidation or stigmatization of lawyers, human rights defenders and representatives of media communities.\*

182. The courts cooperate with the Union of Lawyers, including the Commission for the Protection of the Professional Rights of Lawyers, to ensure and protect the professional rights of members of the legal profession.

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\* The English translation is faithful to the Russian original.

**Reply to the issues raised in paragraph 28 of the list of issues under article 16**

183. There are no recorded cases in judicial practice involving torture or ill-treatment on the basis of sexual orientation or gender identity. However, the courts are ready to ensure that such cases are considered objectively and impartially if the relevant applications and evidence are submitted.

184. In the period 2022–2024, 171 criminal cases involving 171 persons were heard under article 125 of the Criminal Code. In all cases, the charges were supported by the relevant medical and forensic reports. No complaints of blackmail, extortion or discrimination related to sexual orientation have been filed with the judicial authorities.

185. Taking into consideration emerging issues in law enforcement practice in HIV-related cases, the Plenum of the Supreme Court adopted a decision on 26 December 2023 aimed at ensuring the uniform application of substantive and criminal procedural law. That decision is being effectively applied by courts and law enforcement agencies.

**Reply to the issues raised in paragraph 29 of the list of issues under article 16**

186. The provisions referred to in paragraph 29 have been taken into consideration in the draft revised Criminal Code, which is currently under consideration by the Government.

187. The concept of terrorism and terrorist acts is set out in article 3 of the Counter-Terrorism Act and fully covers the internationally recognized definitions of these concepts. This term is not used to limit freedom of expression or to repress dissent. Legislative and law enforcement measures are taken solely to safeguard national security, public order and human rights.

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