

**INTERMEDIARY ANALYSIS OF IMPLEMENTATION OF RECOMMENDATIONS PROVIDED BY MEMBER-STATES OF UN
HUMAN RIGHTS COUNCIL TO THE GOVERNMENT OF RT UNDER UPR FROM 2012 TO 2014**

Association of parents of children with disability
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Bureau on Human Rights and Rule of Law
Women of East
Coalition of PO From de jure to de facto equality
League of women with disabilities “Ishtirok”
League of women lawyers
Mairam
NANSMIT
National association of people with disabilities
Independent center on human rights protection
Public organization “Office for civil freedoms”
Public fund Notabene
Public fund Panorama
Association of people with disabilities in Dushanbe “Imkoniyat”
Right and prosperity
Equal opportunities
Ranginkamon
Social economic center Imran
Splin Plus
Surhob
Sogd collegium of lawyers
Tajik Alliance of family planning
Khoma
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In February 2012, the Government of Tajikistan had provided its final position on pending recommendations¹, received during UPR working group review of Human Rights Council which took place early October 2011.² Consultations between civil society organizations and the Government of RT had been conducted throughout one year to develop National Action Plan on UPR recommendations implementation. By a Resolution of the President of RT as of 3 April 2013 the National Action Plan on UPR recommendations implementation for 2013-2015 was approved. Although, the National Action Plan was approved a year since the recommendations were provided, it is considered that UPR recommendations for Tajikistan had “entered in force” early March 2012. As per the schedule of UPR sessions the results of recommendations implementations are to be presented by Tajikistan during the second UPR cycle which is set for the country for 2016.

Though the Government had adhered to implementing UPR recommendations within the 4 years at the moment there is a practice that the states are providing intermediary reports on recommendations implementation, usually two years after accepting the obligations. It shall be said that intermediary reporting is not an obligatory procedure, and is a token of a good will demonstrating, usually, commitment to implement international obligations on human rights implementation on the territory under its jurisdiction. Firstly, intermediary reporting is an opportunity for the state to track down and understand the level of international obligations implementation. From this perspective, intermediary reporting is an effective tool not only for the civil society but also for the Government.

To draft intermediary report, Department on Constitutional Guarantees³ of the Executive Office of the President had carried out general meeting and several working meetings with the representatives of civil society.

During the analysis, we were unable to clarify on exact number of working groups set up to implement the recommendations. During the expanded meeting of the civil society and working group of the Government of RT 6 groups were announced, however during later consultations it was established that more than 30 independent and joint working groups were set up. Nonetheless, representatives of state bodies, were involved in working groups not relevant to their competence, in some cases participation of state bodies overlap on some issues with other working groups.

¹Report of the Working group on Universal Periodic Review - Tajikistan, UN Human Rights Council, 19 session, point 6 of the agenda Universal Periodic Review, additions, thoughts on conclusiong and/or recommendations, voluntary obligations and response provided by the state under review, 27 February 2012, A/HRC/19/3/Add.1

² Report of the Working group on Universal Periodic Review - Tajikistan, UN Human Rights Council, 19 session, point 6 of the agenda Universal Periodic Review, 12 December 2011, A/HRC/19/3

³ At the time of analysis, due to reorganization of the Executive Office of the President of RT, this department was renamed - Department on human rights guarantees of the Executive Office of the President of RT.

Nevertheless, during one of the meetings a confession was made that such an “excess” of working groups does not help to effective coordination and monitoring of recommendations implementation.

During the analysis, it was found out that representatives of civil society were not officially involved in the working groups. Despite the fact that representatives of civil society cooperate with certain state bodies on various issues, obligation of point 5 of National Plan, namely (recommendation № 88.9) - «involvement of civil society in UPR recommendations implementation», remains not implemented.

As indicated, recommendations for the intermediary review were selected on the grounds of time frame for implementation indicated in the National Plan. Time frame for some recommendations were subdivided into two steps, thus, current analysis focuses on obligations and actions scheduled for the period 2013-2014.

Written evidence on recommendations implementations provided by General Prosecution of RT, Ministry of Justice of RT, Ministry of Foreign Affairs of RT, Ministry of Interior of RT, Ministry of Labour, Migration and Social Protection of RT, Ministry of Finance of RT, Council of Justice of RT, Supreme Court of RT, Custom Committee under the Government of RT, Agency on Statistics under the President of RT, Committee on Youth affairs, sport and tourism under the Government of RT, Committee on Religion, Traditions under the Government of RT, Committee on Women and Family affairs under the Government of RT, National Legislative Center under the President of RT and National Human Rights Institute of RT.

Recommendation	Implementors	Activities	Analysis of implementation
p. 2) Establish close cooperation with UN SR and treaty bodies to reduce delays in report submission and implementation of recommendations (88.2)	MoFA, CITO	Strategy of Cooperation and Joint Actions with UN bodies on timely implementation of recommendations and national reports submission	<p>This recommendation is partially implemented. At present there is no (not drafted) Strategy on cooperation and joint activities with UN treaty bodies, SR on timely implementation of recommendations and submission of national reports.</p> <p>During the consultations with the working group of the GoT it was said that there is a need to develop clear mechanism of UPR, UN treaty bodies, UN SR recommendations implementation and</p>

monitoring, however it is still not clear how such a mechanism will be established. Nonetheless currently GoT had provided all initial and second periodic reports for the last several years. Since 2008 serious delays with one initial and four periodic reports submission. Initial report on implementation of International Convention on the Rights of Migrant Workers and members of their families was submitted in 2010 (Concluding Observations of relevant Committee were received in 2012). In 2010 periodic report on UN Convention against Torture was submitted (Concluding Observation from CAT provided in 2012.). In 2011 periodic reports on implementing ICCPR (CO received in 2012), CEDAW (CO received in 2013) and CFRD (CO received in 2012). Also in 2011 national periodic report on implementing ICESCR was submitted in time.

At the moment GoT had adopted National plan of implementing recommendations received under UPR; Concluding Observations of UN CAT and SR on Torture; and Concluding Observations of UN Committee on rights of migrant workers.

<p>(p. 4) Ensuring compliance of the NHRI structure to Paris Principles (88.4, 88.5, 88.6, и 88.7)</p>	<p>CITO, DCGHR, NHRI</p>	<p>1) Plan of action on implementing subcommission recommendations; 2) Law on NHRI and other laws are put into compliance with Paris Principles and Sub Committee on accreditation</p>	<p>This recommendation is partially implemented.</p> <p>In the beginning of 2012 NHRI office in RT submitted application and other documents to sub committee on accreditation of International NHRI Committee to identify compliance level with Paris Principles. On 28 of March 2012 application of NHRI was reviewed by sub committee and as a result NHRI of RT had received status B. As noted on the web page it was the first application from NHRI in Central Asia. During the review of the application livecast was organized between Dushanbe and Geneva and answers to questions raised by members of sub committee were provided.</p> <p>NHRI had developed and adopted plan of actions to implement sub committee recommendations. However since this recommendation was adopted during UPR provisions of the Law on NHRI are not compliant with Paris Principles and recommendations of the Sub Committee on accreditation.</p>
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<p>(p. 5) Involvement of civil society in the process of UPR recommendations implementation (88.9)</p>	<p>CITO, DCGHR, NHRI, MoFA</p>	<p>1) Plan of action is developed to cover all the achievements and events of the RT in the sphere of human rights and results of UN HRC recommendations implementation are covered in mass media;</p> <p>2) Representatives of civil society are involved in discussions and developing of national plan of action on implementing UN treaty bodies recommendations and UPR, and are also involved in implementation;</p> <p>3) Meeting (consultations) are being conducted on a regular basis with representatives of civil society on improving mechanisms of implementation and monitoring of UPR and UN treaty bodies recommendations;</p>	<p>This recommendation is partially implemented.</p> <p>As noted above, Natinoal plan of action on UPR recommendations implementation, CO of UNCAT and SR recommendations, CO of UN Committee on rights of migrant workers were adopted. At the moment national plans for CO CCPR and CEDAW are being drafted.</p> <p>Despite the fact that civil society organizations are considerable involved in national plan of action developing, in most cases recommendations of NGOs are not considered. During the consultations it became clear that representatives of civil society are not officially involved in the working groups that were set up by several state bodies to implement UPR recommendations.</p> <p>Meetings or consultations with representatives of civil society are conducted when necessary, though not regularly as noted in the action plan. There is understanding of necessity to set up joint mechanism of monitoring and implementation of recommendations among representatives of state bodies, however it never stepped further than discussions, no decisions are made so far.</p>
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<p>(p. 6) Enhancing the system of protection and promotion of rights of women and undertaking necessary political and legislative measures to eliminate discriminative social cultural views and practices (88.10, 88.13, 88.14, 88.15, 88.16, 88.17, 88.18, 88.19, 88.20, 88.21, 88.22, 88.29, 88.30, 88.31, 88.32, 88.33, 88.34, и 88.35)</p>	<p>CITO, DCGHR, NHRI, NLC, CWFA, CSRI</p>	<ol style="list-style-type: none"> 1) National action plan on implementing gender policy in RT for 2013-2015 is adopted; 2) Law of RT on prevention and protection from domestic violence is adopted mechanism for implementation is developed (plan of action); 3) Law enforcing practices of appointing women at managing positions is in line with international standards in order to enhance role of women in society and political decision making; 4) Key laws and draft laws, state and agency programmes and plans are examined from gender perspective and are put in compliance with other laws; 5) Awareness raising campaigns for rural women and girls are conducted on access to justice, education and land use; 6) Institute of Civil Servants Retraining had developed and included programme on gender awareness and gender equality in the family and society. 	<p>This recommendation is partially implemented.</p> <p>Since this recommendation was approved national plan of action to implement gender policy and CO of CEDAW till 2015 is not adopted. On 17 of January 2014 round table dedicated to drafting 4 and 5 national report on CEDAW as well as national plan of action for implementation of recommendations of UN Committee on Rights of Women. Draft national plan was presented by the head of gender policy of the Committee on Women and Family of RT. While analyzing the recommendations draft national plan was not discussed and it is not known when it is going to be adopted.</p> <p>On 19 of March 2013 new law of RT on prevention of domestic violence was adopted. Due to this Code of Administrative Offenses was added with articles 93-1 (violation of the requirement of the legislation of the Republic of Tajikistan on prevention of domestic violence) and 93-2 (violation of the requirement of protection order). «Violation of the requirement of the legislation of the Republic of Tajikistan on domestic violence» implies «committing act of physical, psychological or economic character or a</p>
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threat to commit these if such actions violate rights and freedoms of the member of the family with lack of crime evidence». Fine is imposed for violation of this article in the amount of from 2 to 5 calculation indicators (from 80 to 200 somoni, approximately 16-40 USD). Violation of protection order implies fines to physical person in the amount of from 5 to 10 calculation indicators (200 to 400 somoni, or 40-80 USd) or administrative arrest for the period of 5-15 days.

Despite of the fact that more than one year had passed since the law was adopted the state has not approved and had not provided statistics on protection order by interior bodies, registered complaints with interior bodies in case of domestic violence and subsequent administrative liability.

Committee on Women and Family of RT informs that to implement the law on prevention of domestic violence, the committee in coordination with relevant ministries and agencies and representatives of civil society had drafted State programme on prevention of domestic violence for 2014-2023 which is being reviewed by the GoT. To increase the level of legal awareness of citizens

			<p>and to provide legal and psychological support to women, information and consultative centers were set up under departments and divisions of local executive authorities, 105 centers. During 2013 14736 citizens out of them 11128 women and 3608 men had addressed these centers. Committee informed that 70% of the complaints were settled positively and more than 92% of women were provided with free legal consultations.</p>
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<p>(p. 7) Ensure further expansion of human rights education with specific emphasis on law enforcement bodies, civil servants and vulnerable groups of population (88.11, 88.58, и 88.59)</p>	<p>CITO, DCCGHR, NHRI, NLC, MoE, MLSP, CSRI</p>	<p>1) State programme on human rights education for 2013-2020 is adopted; 2) Expert methodological council is set up under NHRI of RT;</p>	<p>This recommendation is partially implemented</p> <p>On 3 December 2012 state programme on human rights education for 2013-2020 was approved by a resolution of the GoT № 678. This programme is aimed at gradual awareness raising and improvements in awareness systems, education in the field of human rights and shift to a new level in staff training. Programme covers human rights education is state education programme, teacher, judges, civil servants, law enforcement personnel and military training and retraining. In order to coordinate overall activities on programme implementation interagency coordination council was set up which includes management of educational structures under ministry of education, other ministries, agencies and organizations. At present provisions on interagency coordination council and its work plan for 2013-2014. At present there are six working groups within the council: system of education (2 sub groups), law enforcement, military, civil servants and judges.</p> <p>Expert methodological council under NHRI is being set up.</p>
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<p>(p. 8) Set up mechanism to trace down and assess implementation of afore said national plans of actions related to children interests for the period 2003-2010 (88.12) and enhance efforts on implementing the provisions and obligations under UN CRC (88.13);</p>	<p>CITO, CRC, CWFA, NHRI, NLC, MoJ</p>	<p>1) National report on implementing plan for protection of interests of children for 2003-2010 is drafted and disseminated, corresponding recommendations are elaborated; 2) Plan of action to implement UN CRC recommendations as well as recommendations of other UN treaty bodies related to children;</p>	<p>This recommendation is not implemented</p> <p>At the moment the report is not prepared on situation with children rights protection for 2003-2010, plan of action to implement UN CRC recommendation is not drafted.</p> <p>NHRI office informed that in July 2012 a department on state protection of children was set up in NHRI. Work plan of the department envisages dissemination of UNCRC recommendations on children rights. NHRI also informed that together with the Commission on Rights of Children under the GoT regular meetings are conducted with personnel from education system, interior, social protection, youth affairs in the districts to disseminated the UN CRC recommendations. However exact number of participants and meetings is not known.</p>
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<p>(p. 9) Putting in compliance definition of torture within national legislation with the definition of torture in article 1 of the Convention against Torture and set up independent mechanisms for investigation and persecution for cases on torture (88.23, 88.24, 88.27, 88.48, 90.34, 90.35)</p>	<p>CITO, NHRI, GP, NLC, MoJ</p>	<p>1) Amendments to CC of RT are adopted to increase criminal persecution for torture applications, punishments not related to imprisonments are lifted in line with recommendations of UN CAT and UN SR on torture; 3) Best practices are studied and plan of action to set up independent investigation mechanism on cases of torture is drafted</p>	<p>This recommendation is not implemented</p> <p>The activities are not implemented because even though national plan against torture was developed on the basis of UN CAT and UN SR on torture recommendations.</p> <p>Representatives of NGO Coalition against torture inform that apart from incompliance of the crime content and provided punishment for torture criminal legislation does not differentiate torture from other inhuman and cruel treatment, there is no legal prohibition of torture in other relevant laws of the country. Key reasons behind inefficiency of investigations of torture complaints against law enforcement personnel is on one hand lack of appropriate functional independence of prosecution bodies, and on the other hand excessive authorities in the system of criminal justice.</p> <p>On 16 of April 2012 Criminal Code of RT was added with article 143-1, which provides criminal punishment for torture. In line with this article, «Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person,</p>
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			<p>information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions». This article consists of definition of torture and qualified motives which qualify for a) fine, b) dismissal from the position or activity and c) 2 (part 1 from 2 to 5) to 15 years of imprisonment. At the same time, part 1 of article 143'1 provides grounds for skipping imprisonment for the crime limiting punishment to fine and dismissal for up to 5 years and also provides minimal imprisonment term of 2 years. Part 2 of the article provides punishment in the form of imprisonment from 5 to 8 years for torture used a) repeatedly, b) group of people on prior arrangement; c) against obviously pregnant woman or minor or person with disability; d) causing medium harm to health. If torture led to death due to neglect, deprivation of liberty from 10 to 15 years in envisaged.</p>
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			<p>On 25 of June 2012 Resolution of Supreme Court Plenum № 1 On applying norms of criminal and criminal procedure legislation in combat against torture was adopted.</p> <p>General prosecution of RT had developed scientific methodological brochure: Legal issues and organization of prosecution bodies activities on preventing, identifying and investigating torture. This brochure was developed for personnel of prosecution.</p> <p>On 24 of October 2012 Instruction on arrest was approved by a joint order of General Prosecutor, Minister of Interior, Minister of Justice, Committe on State Security, Director of Anti-Corruption Agency and director of Drug counteraction agency.</p> <p>At the moment working group under General Prosecution is set up to study best practices of other countries on the issues related to investigation and persecution of torture.</p>
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<p>(p. 10) Set forth measures to combat torture and other inhuman, cruel and degrading treatment, also to prevent such treatment and ensure immediate and credible investigations of torture cases including death cases during the arrest (88.25, 88.26, 90.34, 90.35), introducing corresponding provisions in the legislation (88.28);</p>	<p>CITO, NHRI, GP, NLC, MoJ, SC, CJ</p>	<ol style="list-style-type: none"> 1) Plan of action on implementing UNCAT and other UN treaty bodies and UN SR on Torture recommendations recommendations; 2) Best practices are studied and plan of action is developed to set up independent criminal medical examination; 3) Law of RT on independent medical examination is adopted; 4) Curriculum on vocation training for law enforcement personnel , judges, prosecutors, lawyers, staff of penitentiary institutions adn other semi closed detention facilities on basic standards of freedom from torture; 5) Registration and statistic system is introduced for complaints on torture, indicating results of complaints with reasons for refusal to initiate criminal persecution, results of preliminary investigation and court review of cases of torture; 6) Analysis of problems related to implementation of the Law of RT on state defence for participants of criminal proceedings is carried out, corresponding recommendations are provided; 7) Laws of RT on Amnesty is not applied to people under criminal persecution for torture as per article 143 part 1 of CC of RT. 8) CPC of RT and bilateral agreements 	<p>On 15 August 2013 Chariman of the CITO, first depity minister of RT had approved Plan of Action on prevention of torture and implementing UN CAT and UN SR on torture recommendations. Application of torture is included in the list of grounds to compensate moral and material damage to victim, corresponding amendments are introduced in civil legislation.</p> <p>Activities to study best practices of criminal medical examination and drafting plan of action and drafting the law on independent criminal medical examination are not implemented.</p> <p>Training programmes for vocational training of law enforcement, court and penitentiary systems are not developed. Furthermore analysis of laws on state defense to participants of criminal proceeding, on amnesty, CC, CPC, CC for their compliance with international standards is not carried out, recommendations on amending legal acts are not developed.</p> <p>General Prosecution informs that during recent two years in cooperation with Executive Office of the President of RT, NHRI and with participation of</p>
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		<p>between General Prosecution contain provisions on prohibition of expatriation of people to the country where there are risks that they will be subjected to torture, mechanisms of implementation is set up in line with article 3 of CAT;</p> <p>9) CC of RT and CPC of RT torture is included in the list of grounds to compensate moral and material damage to victim.</p>	<p>representatives of UN OHCHR more than 60 workshops on prevention of torture were carried out throughout the country.</p>
<p>(p. 11) Speed up measures aimed at comprehensive solution of human trafficking and violence against women including social and legal guarantees as well as guarantess in the field of education, awareness raising campaigns among the population and increasing capacities of law enforcement bodies (88.36, 88.37, 88.38, 88.39, 88.40, 88.41, и 88. 42);</p>	<p>CWFA, NHRI, GP, MoE, MLSP, MoI, MoJ, MoF</p>	<p>1) Administrative and economic measures are adopted to implement Comprehensive Programme to Combat Human Trafficking for 2011-2013;</p> <p>2) Comprehensive Programme to Combat Human Trafficking is adopted for 2014-2016.</p>	<p>This recommendation is not implemented.</p> <p>The results of Comprehensive Programme to Combat Human Trafficking for 2011-2013 remain unclear, as well uncertainty on economic and administrative measures taken during Programme implementation. Furthermore, Programme for 2014-2016 is still not developed.</p> <p>Ministry of Finance informs that to implement Comprehensive Programme for 2011-2013 namely to support activities of Support Centers for Victims of Trafficking in Dushanbe and Khujand MLSP was allocated with 12 thousand somoni in 2013.</p>

<p>(p. 13) Further coordinated efforts, including changes in legislative and administrative procedures to increase efficiency and independence of court bodies (88.44);</p>	<p>CoJ, SC, NHRI, GP, NLC, MoJ, SEC</p>	<p>1) Monitoring and analysis of judiciary reform programme for 2010-2013 has been carried out, recommendations are submitted; 2) Programme and action plan of judiciary reform for 2013-2016.</p>	<p>This recommendation is partially implemented.</p> <p>Preliminary analysis of Judiciary Reform Programme for 2010-2013 was carried out in the end of June 2013, corresponding recommendations were developed. Analysis was carried out by Bureau on Human Rights and Rule of Law in cooperation with Center on Strategic Research under the President of RT and MoJ. Judiciary system remains weak and ineffective. In general, objectives and targets of the programme were aimed at reforming the legislation, however measures to settle down institutional problems (risks of corruption, lack of transparency and accountability of judiciary).</p> <p>Council of Justice indicated that there is a working group that is drafting the next phase of judiciary reform. However clear information on its composition and format are not available.</p>
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<p>(p. 14) To adopt necessary measures and laws on judiciary reform in line with international norms of justice including juvenile justice (see p. 38) and in particular to guarantee terms for judges and magistrates (88.45) take Council of Justice out of executive authority control to form a completely independent body (90.29);</p>	<p>SC, SEC, CoJ, MoJ, NLC</p>	<p>1) Legislative analysis is carried out, plan of action to expand composition and authorities of Council of Justice in order to enhance its independence and role in judiciary system, by taking it out of executive authority and transfer to judiciary authority; 2) Procedure and selection criteria of candidates to judges is put in compliance with UN SR recommendations on independence of judges and lawyers; 3) Analysis of life long training of judges is carried out, recommendations on improving the qualities of training are provided; 4) International law norms are adopted in national courts.</p>	<p>Envisaged activities are not implemented except for adopting the Resolution of Supreme Court Plenum № 9 as of 18 November 2013 On applying international treaties ratified by the Republic of Tajikistan in national courts.</p> <p>Council of Justice informs that the results of studying the work load of judges on court cases, 22 additional judges and 30 staff members were approved to increase the number of justice in court system by a Decree of the President of RT № 1441 as of 25 March 2013.</p> <p>Council of Justice informs that with the support of European Bank of Reconstruction and Development had equipped court room for simulation trials and a library. UNICEF continue activities on renovation and rehabilitation of 7 courts, equipping it with modern equipment and preparing separate court rooms to review cases on minors. To implement resolution of Supreme Court Plenum as of 12 December 2002 №6 (with amendments and changes as of 22 December 2006, 23 June 2010 and 23 November 2012) criminal cases of minors in city and district courts are reviewed by family court chairman.</p>
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<p>(p. 15) Considering reform of criminal executive system as a priority for the activities of the GoT (88.46);</p>	<p>MoJ, NHRI, NLC</p>	<p>1) Legislative analysis is carried out to introduce amendments and additions to improve conditions for imprisoned people and putting those in compliance with international standards, plan of action is developed; 2) Concept and plan of action to reform criminal executive system are drafted;</p>	<p>Activities to implement this recommendation are not yet carried out. Thus, analysis of legislation is still not conducted, concept on criminal executive system is not developed. Criminal executive system of RT is not transparent and closed to carry out immediate and independent visits and assessment of conditions and complaints on torture.</p>
<p>(p. 16) Adopt further steps to build the capacity of penitentiary institutions and to improve protection of rights of imprisoned persons in particular right to food, safe drinking water, sanitation services (88.47)</p>	<p>MoJ, NHRI, NLC, MoF</p>	<p>1) Access to penitentiary institutions is provided to humanitarian organizations; 2) State subsidies are increased as well as alternative funding are identified to cover expenses of penitentiary institutions including expenses for food, watersupply and sanitation; 3) Prison staff is trained on minimal rules of dealing with imprisoned</p>	<p>Activities to implement this recommendation are still not finalized. Due to lack of transparency and reporting of the activities of penitentiary system information on state funds allocation to penitentiary institutions is still not accessible as well as that on number of staff that had undergone training on minimal rules.</p> <p>MoJ informs that at the moment agreements with more than 12 international organizations and NGOs are signed. It is also known that 4 social offices on social rehabilitation of released people were set up on the territory of detention facilities. MoJ informs that GoT annually allocates budget resources to sustain the inmates including expenses on food, water and sanitation, moreover budget allocations are subjected to annual</p>

			<p>increase from 8 to 12%. MoJ also informed that by a decision of rector of Retraining institute under MoJ law enforcement personnel, personnel of justice bodies and services can undergo training per approved curriculum. In line with the curriculum 30 staff members of Main Division were trained on international standards on treating imprisoned people in 2013.</p> <p>MoF informs that during last 5 years funding of criminal executive system increases annually and was in general 175 million somoni. In 2014 2014 funding for criminal executive system is 46,5 million somoni in state budget which is 17,4 % higher than in 2013.</p>
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<p>(p. 17) Create independent mechanism dealing with complaints of imprisoned people (88.49, 90.34)</p>	<p>MoJ, NHRI, NLC, MoF</p>	<p>Possibilities to ratify Optional Protocol to CAT and set up National preventive Mechanism are reviewed and corresponding plan of action is developed</p>	<p>At the moment this recommendation is under implementation.</p> <p>By a decree of NHRI working group on visiting and monitoring detention centers was set up in 6 August 2013. Working group includes representatives of NHRI office, Executive office of the President, Parliament, court bodies as well as representatives of civil society, members of Coalition against torture. On 31 of December 2013 NHRI had approved two working plans for working and monitoring groups. In February 2014 working group comprising of NHRI representatives and NGO Coalition had conducted first monitoring of Temporarily Isolator under MoI of RT.</p>
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<p>(p. 18) Ensure registration of birth and simplify access to birth registration services including by means of fee reduction (88.50)</p>	<p>MoJ</p>	<p>Corresponding amendments are introduced in the Law of RT on State registration of civic status, and state fees for birth registration are reduced</p>	<p>This recommendation is partially implemented</p> <p>At the moment legislative measures to simplify access to child birth legislation are not developed.</p> <p>Ministry of Justice informs that state fee is not collected for child registration it is necessary to pay price of state blank which in line with the resolution of the Government of RT № 7735 as of 23 February 2010 is 20% of calculation indicators (approximately 8 somoni). Application to register birth shall be provided not later than three months since child was born. Application on dead child birth and child that died during the first week of life shall be made not later than three days after dead child was born or death of the child during the first week of life. State registration of dead born child and child died during the first week of life is carried out free of charge.</p>
<p>(p.19) Take steps to protect and promote freedom of expression and put limitations of freedom of expression in compliance with international obligations (88.51)</p>	<p>MC, MoJ, NHRI</p>	<p>Legislative analysis to check its compliance with international standards in the field of freedom of expression and suggestions to amend acting legislations are provided</p>	<p>This recommendation is implemented</p> <p>On 19 of March 2013 new version of the Law of RT on printed and other media is adopted.</p>

<p>(p. 21) Ensure elimination of child labour abuse and access of children in vulnerable situation to education (88.53, 88.54, 88.55, 88.56, 90.48, 90.49)</p>	<p>CCR, NHRI, GP, MLSP, MoE</p>	<ol style="list-style-type: none"> 1) Comprehensive analysis of the legislation aimed to identify possibilities to improve educational conditions and access of children to education was carried out, action plan drafted to implement recommendations of UN Committee on Child Rights; 2) Definition of forced labour is introduced in legislation and criminal liability is prescribed for supporting and using forced labour; 2) Constant supervision by law enforcement bodies and thorough investigation of all cases of child labour, including voluntary participation in cotton picking campaign; 3) Awareness raising campaigns are conducted on forced child labour and dangers of child labour to development and health of the child; 4) State bodies are closely cooperating with public and international organizations on child rights protection and prevention of forced labour; 5) law enforcement personnel are trained on how to react and investigate cases related to child labour; 6) Monitorings of cotton harvest are conducted on a regular basis to prevent forced child labour, corresponding recommendations are developed 	<p>This recommendation is not implemented.</p> <p>Activities aimed at analysing the situation with child rights implementation and develop plan of action to implement UN Committee recommendations are not implemented. Furthermore, draft law on amending additions related to definition of forced labour and criminal liability for that is not developed.</p> <p>NHRI informs that at present there is a working group under NHRI office to take steps to implement UN Child Rights Committee recommendations. This group includes representatives of Ministry of Labour, Migration and Social Protection of Population, General Prosecution. Ministries of Education and Justice carry out analysis of legislation on improving access of children to education and improving conditions. Upon completion action plan will be developed to implement UN CRC recommendations on access of children to education.</p> <p>Service on Prevention of Juvenile Delinquency is set up within MoF system by a resolution of the Government as of 30 May 2008, it protects rights and interests of minors.</p>
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			At the moment draft law on Protection of Rights of Children is under review of the Parliament.
(p. 23) Take further efforts to enhance poverty elimination and ensure sustainable development as well as to implement at fullest National Development Strategy for 2006-2015 and poverty reduction strategy for 2010–2013 (88.60, 88.61, 88.62, 90.50);	MoEDT, MoF, MLSP	1) Poverty reduction strategy is developed and approved for 2013-2014; 2) Civil society is involved in drafting and implementing poverty reduction strategy	<p>This recommendation is implemented.</p> <p>The Government of RT had approved National Development Strategy for 2006-2015, Poverty reduction strategy for 2010 – 2013 and Welfare of the population strategy for 2013 – 2015.</p> <p>As per MLMSP of RT salaries of social facilities were increased in 2012, including salaries of preschool and general educational facilities staff, staff of residential care facilities for elderly and disabled children by more than 60%, staff of healthcare sphere by 40%, science - by 30% and culture and stipends by 50%. As a result of adopted social and economic steps poverty level in the country had decreased from 81% in 1999 to 38% in 2012, i.e. By almost 45%.</p>

<p>(p. 29) Promote civil. Political and social rights of labour migrants through migration service (88.68);</p>	<p>MS, NHRI, GP, MoFA, MoF, MLSP</p>	<p>1) System of collection and analysis for statistic information is improved and ensures reliability of collected statistic data; 2) New system of statistic data collection and analysis on all control access points of the country using contemporary electronic technologies; 3) The population is aware on new rules and procedures for statistic information collection; 4) Analysis and monitoring of National Strategy on Labour Migration for 2011-2015, as a result the strategy is harmonized with other strategies of economic and social development of the country</p>	<p>On 22 of June 2013 Chairman of the Committee to ensure implementation of international obligations in the sphere of human rights, First Deputy Prime Minister of RT has approved National Plan of Action on implementing UN Committee on protection of the rights of migrant workers and members of their families recommendations for the period 2013-2015. Other activities planned are still not implemented. At the moment Migration Service of RT is being reorganized and is to become structural division of Ministry of Labour, Migration and Social Protection. It is still unknown whether the regulations on Migration Service is remaining intact and which is aimed at supporting employment of the citizens. However the main criticism of Migration service is lack of special provisions aimed at protection of rights of labour migrants as well as mechanisms to deal with complaints and appeals from labour migrants and their families NHRI of RT informed that during recent years series of bilateral and multilateral agreements were signed, including Dushanbe Declaration of NHRI of Central Asia on cooperation, which established a council of NHRI of Central Asia, as well as Agreement on setting up Eurasian</p>
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			<p>Association of Ombudsman together with Ombudsman of Kyrgyz Republic.</p> <p>Memorandums on cooperation with NHRI of RF and NHRI of Sverdlovsk province of RT were signed in 2011, and in 2013 with NHRI of Saint Petersburg and NHRI of Samara province of RF.</p>
<p>(p. 30) Improve system of collection and analysis for statistic data on labour migrants and develop national strategy on miration in a broader policy of economic development of the country (88.69)</p>	<p>MA, MLSP, MoEDT</p>		<p>Planned activities aimed at implementation of this recommendation are not implemented.</p> <p>Acting system of migration registration of RT citizens needs to be reformed. Migration cards do not contain data on age of minors, that are going abroad to find jobs. Furthermore migration cards are not always available in airports, there are no information stands and no consultations available. Often migrants are to buy migarion card for certain payment from the staff of the airport or third parties that are also providing paid services to fill in the card.</p> <p>As per the information of Ministry of Labour, Migration and Social Protection of RT in line with the data of Migration Services by 15 December 2013 939 492 citizens went abroad, of them 786 384 men and 153 108 women. Out of total number 779 396 people went to look for</p>

			employment, out of them 682 135 men and 97 261 women.
(p. 31) Review the issue of Optional Protocol to CEDAW ratification (90.1, 90.8, 90.11, 90.19, 90.20, 90.21, 90.22, 90.23, 90.24, 90.25, 90.26, 90.27)	MoF, MoJ, NHRI, NLC, Majlisi Oli	Optional Protocol to CEDAW is ratified by Majlisi Oli	<p>This recommendation is still not implemented.</p> <p>Committee on Women and Family of RT informed that at the moment draft resolution of Majlisi namoyandagon, Majlisi Oli of RT on ratification of Optional Protocol to CEDAW is developed and sent to all ministries and agencies for review.</p>
(p. 32) Ratify Second Optional Protocol to ICCPR, aimed at abolition of death penalty (90.10, 90.12)	MoF, MoJ, NHRI, NLC, Majlisi Oli	Second Optional Protocol to ICCPR is ratified by Majlisi Oli	<p>This recommendation is not implemented.</p> <p>As informed by NHRI at present there is a working group to review legal and social aspects of death penalty abolition in the legislation of RT is set up.</p> <p>However the results of the activities as well as concrete timeframe to deal with preparation of ratification of the working group are still not known.</p>

<p>(p. 33) Prohibit any type of corporal punishment in any environment, and guarantee rights of children to adequate living standards, paying specific attention to orphans to ensure their access to safe drinking water and education (90.28);</p>	<p>Ministry of defense, CWFA, NHRI, MoE, MoF, MLMSP</p>	<ol style="list-style-type: none"> 1) Monitoring of corporal punishment cases is carried out, legislation contains norms prohibiting corporal punishment of children; 2) Strategy on protection of children rights and prohibition of corporal punishment is adopted and disseminated through printed and electronic mass media; 3) Awareness raising events are conducted for population and teachers of general education schools on prohibition of corporal punishment; 4) Plan of action to implement recommendation of UN Committee on Economic, Social and Cultural Rights; 4) New standards and norms of feeding are adopted for residential care institutions. 	<p>This recommendation is not implemented</p>
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<p>(3. 34) Adopt amendments to Criminal Procedure Code to indicate names of officials involved in arrest in line with the principle 12 of Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (90.30)</p>	<p>MoJ, MoI, GP, NHRI</p>	<p>1. CPC of RT and Law of RT on procedures and conditions of arrested, accused and suspect were amended by provisions related to explanation of rights to arrested, include in the forms related to arrest including the Roster time, place and reasons for arrest, as well as names of officials participated in arrest, ensure immediate access to lawyer and medical examination, decrease 12 hour period to notify the relatives of arrested on placement and transfers; 2) By joint decision of General Prosecutor and heads of all law enforcement bodies Guidelines for arrest were approved. Coordination council of law enforcement bodies had adopted Instruction on the order of arrest.</p>	<p>This recommendation is partially implemented.</p> <p>On 24 October, 2012 by a joint decision of General Prosecutor of RT and heads of all law enforcement bodies Instruction on arrest was approved. Instruction obliges explanation of rights of arrested at the place of arrest, immediate access to lawyer, proper registration of data on arrest (including names and positions of officers involved) accessibility of rosters to lawyer and arrested person, medical examination, as well as notification to relatives on arrest and transfer to other detention center.</p> <p>General Prosecution had informed that to implement activities aimed at amending CPC and Law of RT on procedures and conditions of arrested, accused and suspects a working group was set up under the Ministry of Justice of RT.</p>
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<p>(p. 39) Take all necessary measures to ensure freedom of press, in particular by cancelling criminal liability for slander, so that slander is reviewed only under civil legislation and set forth simplified and more transparent procedures for broadcasting licensing (90.38, 90.39, 90.40, 90.41, 90.42)</p>	<p>MoJ, MoC, NHRI</p>	<p>1) Persecution provisions for slander and insult are excluded from Criminal Code of RT; 2) Moral and material damage compensation practices on the cases related to protection of dignity, honour and business reputation are reviewed, recommendations to amend and add existing legislation are provided; 3) Term to provide important information per the requests of journalists had been reduced by means of amending the legislation; 4) Licensing procedure for TV and Radio broadcasting is reviewed and simplified.</p>	<p>This recommendation is partially implemented.</p> <p>The new Law of RT on printed and other mass media as of 19 March 2013 sets forth mechanism for access to information, where the term to provide important information is reduced to three work days.</p> <p>In line with the Law of RT on amending Criminal Code of RT № 844 as of 3 July 2012 articles 135 (Insult) and article 136 (Slander) are excluded from Criminal Code of RT. At the moment cases related to protection of honour, dignity are reviewed within civil court proceedings.</p>
<p>(p. 40) Undertake measures to ensure compliance of amendments to Criminal Code adopted in 2011 with international standards on freedom of assembly, conscience (90.46);</p>	<p>NHRI, MoJ, NLC, CRA</p>	<p>Legislation of RT has been put in compliance with international standards of freedom of assembly, conscience</p>	<p>This recommendation is not implemented.</p> <p>As per information provided by NHRI of RT a working group was established under NHRI to analyze acting legislation regulating freedom of assembly and freedom of conscience.</p>