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Tajikistan

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I. Methodology

1. This national report was prepared by a working group consisting of representatives from the Executive Office of the President, the Ministries of Justice, Internal Affairs, Foreign Affairs, Culture, Education, Labour and Social Protection and Health, the Office of the Procurator-General, the State Committee on National Security, the Committee for Women's and Family Affairs, the Committee for Religious Affairs, the National Statistics Agency and the Commissioner for Human Rights (Ombudsman).
2. Preparation of the document involved a series of consultations with non-governmental organizations (NGOs) working for human rights, including seminars organized with the assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR). The working group thanks the Tajik NGOs for their assistance in preparing the report.

II. Country background

3. Soon after gaining its independence on 9 September 1991, Tajikistan underwent a civil war, which came to an end after the signing of the General Agreement on the Establishment of Peace and National Accord on 27 June 1997.
4. The civil war cost the lives of 57,000 people. Over 50,000 children became orphans, 1 million people became refugees and the country's economy incurred losses of over 10 billion dollars.
5. Article 1 of the Constitution, adopted by a national referendum held on 6 November 1994, establishes that "Tajikistan is a sovereign, democratic, secular and unitary state based on the rule of law."
6. State power is exercised through a separation into legislative, executive and judicial branches.
7. Tajikistan is a multi-ethnic State and consists of the Gorno-Badakhshan Autonomous Province, 2 other provinces, 17 cities, 62 districts, 57 villages and 369 rural areas.
8. It covers an area of 143,100 square kilometres.
9. As of 21 September 2010, the population stood at 7,565,000.
10. The border of Tajikistan is 700 kilometres long from east to west and 350 kilometres long from north to south. The country shares borders to the west and north with Uzbekistan (910 kilometres) and Kyrgyzstan (630 kilometres); to the south with Afghanistan (1,030 kilometres); and to the east with China (430 kilometres).
11. Mountains cover 93 per cent of the territory of Tajikistan, which lies in some of the highest mountain ranges in the world. In Tajikistan there is only 0.11 ha of land per capita, of which 0.08 ha is arable land.
12. There are 947 rivers in the country, with an overall length of 10 kilometres. These account for over 60 per cent of the water resources in the Central Asian region. However, Tajikistan uses only around 10 per cent of the overall water flow.

III. Legal framework for the promotion and protection of human rights

13. Human and civil rights and freedoms are regulated and protected by the Constitution, laws and international legal instruments recognized by Tajikistan. Foreign citizens and stateless persons enjoy the same rights and freedoms and have the same duties as Tajik citizens, except in cases prescribed by law. Tajikistan may offer political asylum to foreign citizens who are the victims of human rights violations. Everyone is equal before the law and the courts. The State guarantees individual rights and freedoms irrespective of ethnicity, race, sex, language, religious beliefs, political position, education, social status or wealth. Men and women have equal rights. Everyone has the right to life. Every person is guaranteed judicial protection. No one is deemed guilty of an offence until a judicial sentence enters into effect. The law protects the rights of victims. A person's home is inviolable. Individuals are entitled to determine for themselves their attitude to religion, to practise any religion either alone or in association with others or to refrain from doing so, and have the right to participate in religious worship, rituals and ceremonies, etc.

14. Fundamental human rights are protected by the national legislation, which is constantly being improved. The legislation is amended and new laws are adopted on the basis of international human rights instruments and the recommendations of various United Nations bodies and those of other international organizations. A presidential decree of 19 February 2011 approved guidelines for development of the country's legislation, emphasizing human rights and fundamental freedoms, respect for the rule of law, the development of democratic institutions and the advancement of democratic reforms.

15. Article 10 of the Constitution establishes that "International legal instruments recognized by Tajikistan are an integral part of the country's legal system. In the event of divergence between the domestic law and recognized international legal instruments, the latter's provisions shall prevail."

16. Tajikistan is a party to the main international human rights instruments, including: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Civil and Political Rights, the two Optional Protocols to the Convention on the Rights of the Child and over 10 bilateral human rights agreements concluded within the framework of the Commonwealth of Independent States (CIS).

17. Tajikistan was one of the first Central Asian countries to accede to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees.

18. The Government is taking measures to promptly consider individual complaints in accordance with the International Covenant on Civil and Political Rights.

19. When for reasons beyond its control the Government is unable to provide information on time regarding individual complaints, steps are taken and the corresponding United Nations committees are informed about the final decision.

20. National reports are submitted on a regular basis with the cooperation of international human rights organizations, and visits by special rapporteurs from the United Nations Human Rights Council are always welcome.

21. In 2005 there was a visit from the Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy; in 2007 from the Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir; and in 2008 from the Special Rapporteur on violence against women, its causes and consequences, Ms. Yakin Ertürk. In 2010 it was agreed that the Special Rapporteur on adequate housing, Raquel Rolnik, would visit in 2011.

22. The President is the guarantor of the Constitution, the laws, human and civil rights, national independence, unity and territorial integrity of the country, and also guarantees the continuity and permanence of the State, the coordinated functioning and interaction of State bodies, and the observance of international agreements to which Tajikistan is a party.

23. The mandates of the following bodies also cover the promotion and protection of human rights: the Legislation and Human Rights Committees of both chambers of the parliament, the Office for Constitutional Guarantees of Human Rights under the authority of the Executive Office of the President, the governmental commission for ensuring Tajikistan's observance of its international human rights obligations, the governmental Commission on the Rights of the Child, the interdepartmental commission to combat trafficking in persons and the governmental interdepartmental commission for the regulation of migration, among others.

24. The Commissioner for Human Rights Act was adopted in 2008, and on 27 May 2009 the first Commissioner for Human Rights (Ombudsman) was appointed.

IV. Challenges and accomplishments

A. Equality and non-discrimination

25. The State guarantees the rights and freedoms of every person regardless of ethnicity, race, sex, language, religious beliefs, political position, education, social status or wealth.

26. At present the Tajik ethnic group accounts for an overall majority of the population, with almost 120 other ethnic groups and peoples also represented.

27. The ethnic composition of the country is as follows: Tajiks – 4,898,382 (79.9 per cent), Uzbeks – 936,703 (15.3 per cent), Kyrgyz – 65,515 (1.1 per cent), Roma – 4,249 (0.1 per cent), and other ethnic groups 154,473 (3.4 per cent).

28. The principles of the equality of ethnic minorities and the inadmissibility of racial and ethnic discrimination are enshrined in the law.

29. In districts and localities with high concentrations of a given ethnic group, that group's mother tongue is used at general education schools, cultural institutions and centres and other community and social facilities. There are 15 Russian, 404 Uzbek, 33 Kyrgyz, and 3 Turkmen schools serving ethnic minorities in various towns and districts in the country. There are also many ethnically mixed schools, including 95 Tajik-Russian schools, 533 Tajik-Uzbek schools, 27 Tajik-Kyrgyz schools, 3 Tajik-Turkmen schools and 61 schools with three languages (Tajik-Russian-Uzbek).

30. The country has a large number of mass media outlets working in various languages. This includes 20 newspapers and 6 magazines in Russian, 2 Uzbek-language magazines and 1 Kyrgyz-language newspaper. The country has seven press agencies working in Tajik, Russian and English. The total time set aside in national broadcasts for foreign-language television programmes, including programmes in Uzbek, Russian, Arabic and English, is 20 hours 50 minutes per week. Programmes are also broadcast in the provinces by municipal and district television stations in the languages of the ethnic minorities. National and

provincial radio stations devote a total of 80 hours of airtime to the languages of the ethnic minorities.

31. Sixteen associations for ethnic minorities have been set up in accordance with the Voluntary Associations Act.

32. Under the Constitution, men and women have equal rights.

33. In Tajikistan, particular attention is given to the role of women in society.

34. A presidential decree was adopted on 3 December 1999 to enhance the role of women in society.

35. In 2005 an Act was adopted guaranteeing equal rights for men and women and equal opportunities in the exercise of such rights. The law sets out State guarantees for equal opportunities for men and women in respect of the public service, socio-economic matters and voting rights, etc. Follow-up measures are being taken to implement this law.

36. A State programme for the education, selection and placement of capable young and adult women in leadership positions for the period 2007–2016 was adopted by a decision of the Government on 1 November 2006.

37. One of the aims of the State programme entitled “Guidelines for a State policy to ensure equal rights and equal opportunities for men and women in Tajikistan for the period 2001–2010” was to increase the number of women in supervisory posts in State bodies. The general target for achieving this goal would be reached if women accounted for no less than 30 per cent of the legislative, executive and judicial branches.

38. As a result of the parliamentary elections of February 2010, 5 women were elected to the upper chamber (Majlis-i Milli), and 12 to the lower chamber of parliament (Majlis-i Namoyandagon).

39. In provincial, municipal and district representative bodies, 459 women were elected (as compared with 404 in 2005).

40. There has been a considerable rise in the participation of women in local government.

41. Of the 303 judges, 55 are women, including 6 presiding judges.

42. Altogether in the entire executive branch encompassing both central and local bodies, there are 4,793 women, of whom 920 hold supervisory positions. Four women are district chairpersons and 67 are district deputy chairpersons. The deputy Prime Minister is a woman.

43. A decision of the Government on 29 May 2010 approved a national strategy to enhance the role of women in Tajikistan for 2011–2020.

44. The Dushanbe Centre for the Empowerment of Women, which provides legal assistance, professional training and help with finding employment, opened with funding from the State budget.

45. An Act of 21 July 2010 amending the Family Code raised the age of marriage from 17 to 18. This was done to enable girls to receive an education and prepare themselves for independent life, and also to comply with various parts of the Convention on the Rights of the Child.

46. The guidelines for a State policy ensuring equal rights and equal opportunities for men and women for the period 2001–2010 set priorities for action that has been taken by the State to stamp out violence against women and children, including:

- Improving prevention work and the registration and management of cases by law enforcement agencies
- Rallying the general public and harnessing public opinion to combat such violence
- Dealing with the consequences of violence

47. A draft law to prevent domestic violence has been put before the national parliament for consideration.

48. The governmental Committee for Women's and Family Affairs is implementing a project of support services for young girls who have been subjected to violence. There are a number of rehabilitation centres run by both the State and voluntary associations.

49. An order issued by the Ministry of Internal Affairs on 17 March 2010 established posts for internal affairs officers specializing in action against domestic violence.

50. Child abuse, including physical child abuse, is a criminal offence. The commission of a crime against a woman known to be pregnant or against infants, minors or any other persons unable to defend themselves, or against a person dependent on the perpetrator, is recognized under the Criminal Code to be an aggravating circumstance.

51. The idea of creating a special, authorized body for child-related issues is currently under consideration.

52. Measures are being taken to provide more complete and timely records of births. Under the State Civil Registration Act, a declaration of birth must be submitted no later than three months after the child is born. Parents who fail to submit a declaration on time to the civil registry body are liable to prosecution, as stipulated by law.

53. The President has ordered a review of the legislation to simplify the procedures for the adoption of orphans, and the provision of care through guardianship assistance and family-type foster homes.

54. The governmental Commission on the Rights of the Child in 2010 adopted a national plan of action for juvenile justice reform for the period 2010–2015. This in particular includes measures to prevent juvenile delinquency, apply an alternative justice programme, increase the level of qualifications of staff in law enforcement agencies specializing in juvenile delinquency, improve the legislation and regulations and ensure that they comply with international standards and reform custodial institutions for child offenders.

55. The State is particularly concerned about the problem of trafficking in persons. In order to implement the Trafficking in Persons Act, an interdepartmental commission to combat trafficking in persons was established on 4 January 2004 by a decision of the Government. In 2008, a Memorandum of Cooperation was signed by the Government and the International Organization for Migration for the prevention of trafficking in persons for 2008–2009, and it was subsequently successfully implemented.

56. A Government decision of 3 March 2011 adopted a comprehensive programme to combat trafficking in persons in Tajikistan for the period 2011–2013. Its aim is to optimize State policy towards trafficking in persons, inter alia by ensuring observance of the relevant international obligations and by reducing risks for the population.

57. The main aims of the programme are to improve the legal and regulatory framework, to prevent, detect and suppress activities connected with trafficking in persons and mitigate their impact, to oversee the comprehensive rehabilitation of trafficking victims, to protect individuals, the State and society against trafficking in persons, to apply best practices in modernizing the ways and means for countering human trafficking and the

efforts of those involved in the fight against trafficking in persons and lastly to strengthen social and international cooperation in this area.

58. A bill is in preparation to amend the relevant article of the Criminal Code pertaining to trafficking in persons.

59. General education plays an important role in the education system; it is provided by primary schools, basic general education schools, general education middle schools and secondary schools specializing in humanities or science. The country's general-education schools started to be financed through normative (per capita) funding in 2005, and in 2010 all general-education establishments switched to this form of funding. The main aim of per capita funding is to ensure that funds from the budget are used rationally and are targeted. This is achieved by giving schools considerable independence in the management of their financial and human resources.

60. Improving the quality of education is a major priority. The starting points are the national education guidelines and the guidelines for shifting to a new general-education system in order to provide equal access to basic education and increase secondary-school coverage. Along the same lines, there are also plans to shift to a 12-year system of general education.

61. In order to involve civil society in social services and social protection, a raft of measures has been implemented to introduce new ways of providing such services. With the assistance of the European Union, during the period 2007–2010, eight day-care centres were created, and they are now in operation: four for children with special needs and four for the elderly and for people with disabilities.

62. Special medical and psychological clinics and pedagogical services have been set up at local government health departments to provide social assistance to children with special needs.

63. The Government earmarks additional funds annually to provide teaching services for people with special needs at the country's institutions of higher education. In 2010, there were 21 places allocated to people with special needs.

64. The latest version of the Disabled Persons (Social Protection) Act was adopted on 3 May 2010 and entered into force on 29 December 2010. The aim of this law is to identify the legal, economic and administrative conditions for the social protection of persons with disabilities and to provide equal opportunities for them to engage in everyday activities and integrate themselves in society.

65. In 2006 the Government approved a State programme for the development of young people in Tajikistan 2006–2010, which has been successfully completed.

66. In 2009 the Government approved the Young People of Tajikistan Programme for 2010–2012. It is aimed at furthering the effectiveness of State policies for young people and establishing the socio-economic, legal and organizational conditions for the development of young people in society.

67. Male citizens between 18 and 27 years of age who are registered or are required to be registered with the military and do not have the right to deferment or exemption are called up for military service. A citizen placed on the register of the military authorities for the first time must undergo the required medical examination on entering military service.

68. In the period 2006–2010, 16 criminal proceedings were brought by procuratorial bodies for improper conscription (round-ups) carried out by 22 officials at military enlistment centres.

69. Following inquiries in 8 criminal cases, 10 accused persons were convicted.

70. In 8 criminal cases involving 14 accused persons, proceedings were stopped on non-exculpatory grounds, in accordance with the Code of Criminal Procedure (owing to amnesty, repentance or a change in the situation, etc.).

71. An HIV/AIDS Act has been adopted in Tajikistan to combat that disorder. A programme to implement this law and counter the HIV/AIDS epidemic was approved by a decision of the Government on 30 October 2010 and covers the period 2011–2015. The aim is to limit the spread of HIV/AIDS through preventive measures targeting the population, including women of reproductive age.

72. Social norms and stereotypes have prevented women, and especially young girls, from learning about reproductive health.

73. Considering the strong religious current in Tajikistan, it is crucial to enlist the support of religious leaders to back the national response to the HIV/AIDS epidemic.

74. Issues surrounding reproductive health and the prevention of HIV/AIDS are currently on the curriculum of the Islamic Institute of Tajikistan. Religious leaders are being taught on the local level and enlisted to disseminate information among the general public regarding safe behaviour.

75. The Minister of Health issued an order on 24 May 2008 to introduce a pilot protocol addressing mother-to-child vertical HIV transmission. The protocol covers the prevention of mother-to-child HIV transmission at curative and preventive medical facilities. The protocol is now being introduced among obstetrician-gynaecologists in 18 towns and districts across the country.

76. The HIV/AIDS Act makes provision for voluntary and mandatory testing for HIV, as does a Government decision of 1 April 2008 regarding the procedure for issuing HIV medical certificates.

77. In accordance with this procedure, patients are subject to an HIV test if there is clinical evidence of the development of the HIV infection. Individuals set to receive surgical interventions are not subject to HIV tests if there are no signs of the disorder listed in the annex to the law. Furthermore, when a patient goes to have an HIV test or when a blood sample is sent off, the results are communicated exclusively to the patient or to a close relative, and not to medical staff. In addition, in order to keep track of observance of the regulatory and legal instruments that have been adopted, provide organizational and methodological assistance and ensure that there is no stigma or discrimination from the medical staff, specialists from AIDS prevention and treatment centres carry out inspections of the country's curative and preventive medical facilities.

78. Studies of medical staff have clearly shown that each year, within the medical profession, there is less stigma and discrimination against HIV-infected people. To achieve the desired outcome, the Government, the Ministry of Health, AIDS prevention and treatment centres and international and civil society organizations are carrying out various initiatives aimed at medical staff.

79. The procedure for allocating and paying monthly State benefits for children up to 16 years of age infected with HIV or suffering from AIDS was approved by a decision of the Government on 3 May 2010.

80. Over the past two years, new kinds of high-technology diagnostics and treatments have been introduced into the health-care system. In particular, such techniques have benefitted patients with congenital heart defects undergoing surgery and those having operations to replace kidneys and hip and knee joints with artificial ones. Stem cells are now being used for cardiovascular patients, and new methods have been introduced for eye operations and maxillofacial surgery, as well as for treating cancer of the oesophagus.

81. Hepatic and pancreatic cysts have now been treated in Tajikistan using ultrasound, without surgery. Previously, patients with these disorders had to have an operation or were sent abroad.

82. The past five years have seen a considerable increase in the availability and prevalence of HIV consultations and testing. There are currently over 240 HIV testing points across the country, and more than 350 specialists have been trained to provide voluntary consultations and testing. Having a greater number of people tested for HIV makes it possible for new cases of HIV infection to be detected more rapidly.

83. Prevention programmes and activities are carried out by the State and also by international and civil society organizations. The country has around 50 help centres for injecting drug users, 20 confidential clinics for commercial sex workers and 45 confidential clinics for migrant workers and members of their families, as well as confidential clinics for men and welfare centres for former prisoners, etc. Every effort is made to decrease the risk of contracting HIV from injection or from sexual contact among the population groups in question.

84. Measures to prevent HIV/AIDS are clearly becoming more accessible and more prevalent every year.

B. Right to life, liberty and security of the person

85. The Criminal Code (Amendments and Additions) Act of 17 May 2004 reduced the number of crimes punishable by the death penalty to five.

86. The President on 15 July 2004 signed the Death Penalty (Suspension) Act, which introduced a moratorium on the pronouncement of death sentences.

87. In 2005 the Criminal Code was amended with article 581.1, which reads as follows: "A sentence of life imprisonment shall be pronounced only as an alternative to the death penalty for the commission of especially serious offences." As clemency, a death sentence may be commuted to a life sentence or to a sentence of 25 years of deprivation of liberty.

88. A presidential order issued on 9 April 2010 established a working group to consider the social and legal aspects of abolishing the death penalty. The group includes ministers and deputy ministers from various ministries and departments, as well as officials from the Supreme Court, the Office of the Procurator-General, the Commissioner for Human Rights (Ombudsman) and representatives of the world of science. It has now drafted a plan of action that includes studying international practice and the national legislation of countries that have abolished the death penalty, analysing crime trends before and after the moratorium on the death penalty was introduced, carrying out sociological studies of the various social strata and considering the possibility of ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights.

89. Any discussion of the death penalty must inevitably address the fact that since the moratorium was declared Tajikistan has had to maintain prisoners who have received life sentences. The number of such sentences is increasing, and specialized institutions are thus required.

90. While the law establishes criminal liability for the use of torture, for the time being there is no specific article devoted to torture. A presidential order issued in 2009 established a working group to improve the Criminal Code. The group is to consider the possibility of drafting a specific article devoted to torture in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

91. Since 2010, the Executive Office of the President, working with NGOs, representatives of OHCHR and the Ombudsman, has regularly held seminars in the provinces, towns and districts for law enforcement and prison staff on international and national torture prevention mechanisms.

92. Under the new Code of Criminal Procedure, evidence obtained during initial inquiries and pretrial investigations through the use of force, coercion, infliction of suffering, inhuman treatment or other illegal means is considered invalid and may not serve as a basis for a charge. The new Code also guarantees the defence of the legal interests of those taking part in criminal proceedings and of others.

C. Administration of justice

93. Under the Constitution, the judiciary is independent and its functions are performed by judges, on the State's behalf.

94. Article 5 of the Constitutional Act on the Courts of Tajikistan of 23 July 2001 states that, "In the performance of their duties, judges shall be independent and shall be subject only to the Constitution and the law."

95. The independence of judges is guaranteed by:

- The legally established procedures for their selection, appointment, dismissal and recall
- Judicial immunity
- The legally established procedure for the administration of justice
- The confidentiality of their deliberations when they adopt judicial decisions
- The prohibition, under threat of prosecution, of interference by anyone in the administration of justice
- Criminal liability for contempt of court
- The right of judges to retire, to transfer or be transferred to other work and to be dismissed or released from the post of judge at their own request
- The judicial community
- The organizational and technical conditions in which courts operate
- The State's provision of material and social guarantees corresponding to their status as judges

96. The safeguards of the independence of judges provided by the Constitutional Act, including measures for their legal defence and for their material and social well-being, are applicable to all judges in the country. They cannot be revoked or curtailed by other legislation.

97. A programme for judicial and legal reform between 2007 and 2010, adopted by a presidential decree issued on 23 June 2007, was successfully implemented. It played a major role in the improvement of legislation, for example by establishing new structures such as administrative and family court chambers within the courts, introducing the post of judge-trainee and implementing other sectoral measures while improving and strengthening the power of the judiciary.

98. The reform is continuing under a new programme for the period from 2011 to 2013, adopted by a presidential decree of 3 January 2011. It is specifically aimed at further strengthening the judicial branch, at enhancing the role of the courts in comprehensively

defending human and civil rights and freedoms and the legal interests of the State, companies, enterprises and other organizations, at improving the judicial system and its work, at providing better material and legal conditions for the work of the courts and judges and at further improving the legislation. There are plans, for example, to limit consideration of cases by the Supreme Court and the High Economic Court as courts of first instance, to extend the powers of cassation courts and to strip procuratorial bodies of the right to suspend the execution of judicial decisions. The programme calls for an improvement of the laws governing the activities of the Council of Justice. Judges are constantly provided training at the Council's study centre. Under the new Code of Criminal Procedure the procurator has the same rights as lawyers and has absolutely no supervisory powers in respect of the legality of judicial decisions. Challenges by procurators relating to cassation or supervisory review against judicial decisions are considered under the same procedure as complaints by lawyers and others taking part in the proceedings. The new Code of Criminal Procedure provides a clear mechanism for consideration by a court of the legality and justification of detention, and it also provides cassation and supervisory mechanisms for the consideration of the corresponding complaints and challenges. There are plans to draft a law on the provision of legal aid.

99. The national centre for judicial and criminal expert examinations of the Ministry of Justice has a department for technical construction assessment and economic appraisal. Acting at the request of an investigator or procurator, on the instructions of a judge or at the request of a legal or physical person, the department appraises the value of private residences.

100. The centre also has a phonetic-acoustic investigation department that carries out forensic linguistic research.

101. A State programme to make the country's policy in respect of criminal law more humane is currently being implemented. By a decision of the Head of State, the penal correction system was transferred from the Ministry of Internal Affairs to the Ministry of Justice with effect from December 2002.

102. A long-term programme adopted by a Government decision of 5 December 2003 to develop a system for the execution of criminal sentences between 2004 and 2008 was fully implemented. In recent years, a strict regime correctional colony, a strengthened regime correctional colony and a remand centre in Sughd province, a correctional colony for former employees of the law enforcement agencies and a women's correctional colony have entered service. Remand centres have also been built in the towns of Kulob and Khorugh. With the support of the United Nations Development Programme, in 2009 a rehabilitation centre for convicted drug addicts was built and entered into service and X-ray equipment was acquired. In 2010 construction began on a treatment ward for convicts suffering from tuberculosis. All these norms and equipment meet international standards, and conditions of detention have improved substantially.

103. There are plans to transfer the strict regime correctional institution to a place outside the capital, with the new facility to be built in accordance with international standards.

104. Planning is also under way to bring the maximum capacities of correctional institutions into line with international standards.

105. However, the country does not have sufficient resources to fully and rapidly reform the correctional system.

106. The Government would thus welcome further technical assistance for the construction of prisons.

107. On 28 June 2011 the President signed an Act on procedures and conditions for the detention of suspects, accused persons and persons on trial. It governs such procedures and conditions and also sets out guarantees of the rights and legal interests of such persons.

108. The further training institute of the Ministry of Justice periodically holds courses to improve the skills of correctional system staff.

109. The main theme of such courses is human rights.

110. Additionally, officials of the central penal corrections administration of the Ministry of Justice travel to other countries to exchange experiences and learn about their correctional systems.

111. Under a cooperation agreement between the Governments of the United States of America and Tajikistan, seminars on the prevention of torture in the correctional system have been held with the support of the United States Embassy and the Helsinki Foundation for Human Rights.

112. The third Central Asian forum on infectious diseases and narcotics in prisons was held in April 2010 with the participation of representatives of the Governments of the Russian Federation, Kazakhstan, Kyrgyzstan, Turkmenistan, Uzbekistan and of NGOs.

113. The forum considered expert reports on how to develop appropriate actions to prevent and combat infectious diseases and the use of narcotics in prisons.

D. Freedom of religion, expression of opinion or belief, association and peaceful assembly and right to participate in public and political life

114. Tajikistan is respectful and tolerant of all religions and religious movements, while recognizing the fundamental role played by the Hanafi school of Islam in the development of Tajik culture and spiritual life.

115. Under the Constitution, everyone has the right to independently determine his or her relation to religion and either individually or with others to practise or refrain from practising any religion and to take part in religious ceremonies, rites and rituals.

116. Significant progress has been made since independence in the area of freedom of religion. From 1943 to 1990 there were just 34 places of worship in Tajikistan (including 17 mosques, 15 churches and Christian houses of prayer and 2 synagogues). There are now 39 grand mosques, 338 major mosques and 3,351 local mosques for the five daily prayers in operation, along with an Ismaili Jamatkhana religious society and 74 non-Islamic places of worship. The ratio of places of worship to population, with one place per 1,900 people, is much higher than in the other countries that emerged from the Soviet Union.

117. In 2009 the Freedom of Conscience and Religious Organizations Act was adopted. In respect of human rights, it governs freedom of conscience and religion. It regulates the relationship between the State and religious associations and also establishes the legal status of such associations.

118. The religious groups and associations that now operate freely in Tajikistan include the following: the National Association of Evangelical Christian Baptist Churches, the Association of Evangelical Christians, 4 associations of the Russian Orthodox Church, 12 Evangelical Baptist churches, 15 Evangelical Christian churches, 3 New Apostolic Church associations, 3 Roman Catholic Church associations, 4 Seventh-day Adventist congregations, 4 Sunmin churches, 3 Christian missions, a national spiritual association and 6 Baha'i local congregations, as well as over 15 churches of various other denominations.

119. The legal system gives no preference to any religious movement or tendency. It permits no one to impose their ideology on the whole of society. Religious awareness coexists with secular worldviews, which also benefit from the protection of the law. The law gives equal protection to the freedom to have religious awareness and to the freedom to hold a secular view.

120. The law allows citizens, stateless people and also foreigners to fully enjoy their guaranteed rights and freedoms and to meet their spiritual needs legally and without any form of oppression or discrimination.

121. While in 1990 just 25 young people attended a religious school, in Bukhara, Uzbekistan, today a single religious school, the Islamic Institute of Tajikistan, provides instruction to over 1,450 students. In addition, over 5,000 young men and women receive religious instruction at 19 madrasas, the majority of which have re-registered as a religious high school and a secular-religious school.

122. The State is particularly attentive to the education level of spiritual leaders and to improving their qualifications. To prevent extremism, teach tolerance and encourage dialogue between the various confessions and religions, short-term courses have been held by the Ombudsman's office, working with international organizations and donors. Over 90 per cent of the leaders of religious associations have attended such courses.

123. Since independence, over 5,500 people have taken part every year in the hajj and have visited Islamic sacred places. The total number of people who have taken part in the pilgrimage since independence is now over 110,000. During the entire Soviet era only 20 citizens were able to perform this ritual.

124. The Constitution guarantees freedom of speech, the press and the right to information. The State is not allowed to censor information or persecute people for issuing criticism.

125. There are 127 independent (private) newspapers registered and operating in Tajikistan, including 88 in Dushanbe, 25 in Sughd province, 10 in Khatlon province, 2 in Gorno-Badakhshan Autonomous Province and 4 in the centrally administered districts. Thirty-four newspapers set up by voluntary associations are also published, as are 39 sectoral publications.

126. Also, 47 independent (non-governmental) magazines and 21 magazines founded by voluntary associations, NGOs and private individuals have been registered and are published.

127. Of the 55 registered publishing houses, 47 are private, and there are 153 private and 34 State printing houses.

128. Seven independent news agencies have been registered, five in Dushanbe and one each in Khatlon province and in Gorno-Badakhshan Autonomous Province.

129. There are 9 State television stations, 20 private ones, and 7 State and 9 private radio stations.

130. A law on electronic documents has been adopted and applies to all spheres of activity where software or other technical means are used to create, process, store, transfer or receive information.

131. Citizens have the right to form associations and to help set up political parties, including democratic, religious or atheist parties, to form trade unions and other voluntary associations and to freely join and withdraw from such associations.

132. The political parties help to ascertain and express the will of the people on the basis of political pluralism and thus take part in political life. In their structure and activities, they must meet democratic standards.

133. There are currently eight political parties in the country: the Agrarian Party, the Democratic Party, the Communist Party, the People's Democratic Party, the Islamic Renaissance Party, the Economic Reform Party, the Socialist Party and the Social-Democratic Party.

134. In 2005, the 33 seats in the Majlis-i Milli of the Majlis-i Oli (the upper house of the parliament) were distributed as follows: 2 seats for the Communist Party (6 per cent), 26 for the People's Democratic Party (78 per cent) and 5 seats unaffiliated (15.2 per cent). The 63 seats in the Majlis-i Namoyandagon (the lower house) were divided as follows: 12 for the Communist Party (19.5 per cent), 2 for the Islamic Renaissance Party (3 per cent), 38 for the People's Democratic Party (60.5 per cent) and 11 with no party affiliation (17 per cent).

135. In 2010, the 33 seats in the upper house were distributed as follows: 1 seat for the Communist Party (3 per cent), 29 seats for the People's Democratic Party of Tajikistan (87 per cent) and 4 seats unaffiliated (10 per cent). The 63 seats in the lower house were divided as follows: 2 for the Agrarian Party (3.5 per cent), 2 for the Communist Party (3.5 per cent), 2 for the Islamic Renaissance Party (3.5 per cent), 44 for the People's Democratic Party (69 per cent), 2 for the Economic Reform Party (3.5 per cent) and 11 with no party affiliation (17 per cent).

F. Right to work and to just and favourable conditions of work

136. Under the Constitution, everyone has the right to work, the right to choose his or her profession or occupation and the right to labour protection and to social protection against unemployment. Restrictions of any kind in the employment relationship are prohibited.

137. In January 2006 a presidential decree was issued prohibiting the hiring of students in agricultural work during their studies.

138. Since 2010, the hiring of children for cotton harvesting, even for a single session, has been prohibited.

G. Right to social security and to an adequate standard of living

139. Tajikistan is a pilot country for the implementation of the development goals set by the Millennium Declaration. A comprehensive evaluation of the country's needs was carried out with the support of the United Nations. According to this evaluation, Tajikistan will require approximately US\$ 13 billion over the next 10 years to make the progress required for implementation of the Millennium Development Goals.

140. Based on this assessment, a national development strategy was drawn up for 2006–2015, and national poverty reduction strategies were formulated for 2006–2008 and 2010–2012. These have been aimed at ensuring stable economic development and increasing the living standard and quality of life of the country's people.

141. The country's economic situation is improved through the implementation of the national development strategy. Thus, despite the world financial and economic crisis, there has been growth in GDP. Specifically, in 2010 the economy grew by 6.5 per cent. Industrial production increased by 9.7 per cent and agricultural output by 6.8 per cent. Positive trends were noted in retail trade (10.2 per cent) and remunerated services (13.1 per cent). Inflation on the consumer market was 9.8 per cent during this period.

142. Making provision for social protection is a main task of the Government. Unemployment has held at about 2.2 per cent. In the past five years, the minimum wage and pensions have respectively increased three-fold and four-fold, and 582,000 new jobs have been created. Despite the results achieved, the employment issue has still not been fully resolved.

143. The poverty reduction strategy for 2010–2012 adopted by the parliament on 24 February 2010 calls for further reforming of the State administration, developing the private sector, attracting investment and strengthening the role of human resources. It is planned to spend some US\$ 11 billion to implement the strategy.

144. As a result of the measures taken, the poverty rate decreased from 83.4 per cent in 1999 to 46.7 per cent in 2009. Over 1 million people have thus moved above the poverty line.

145. It is planned to reduce the poverty rate to 41.4 per cent by 2012 and to devise a poverty reduction strategy for 2013–2015 so as to further reduce the rate to 32 per cent by 2015.

146. On 12 January 2010 the Insured Pensions and State Pensions Act was adopted in order to develop and overhaul the pension system. The Act is to come into force on 1 January 2013. Regulatory and legal instruments are now being drawn up which should in the future improve and regulate the system of pensions at various levels and also govern relations between those taking part in pension insurance and employment pension schemes.

147. The adoption of the Act and other regulatory and legal instruments goes a long way to simplifying and balancing the country's relations in the social sphere with other member States of the Commonwealth of Independent States.

148. A presidential order of 12 May 2009 established a working group to draw up a draft Housing Code. The group included representatives of the Executive Office of the President, ministries and departments and the parliament. The draft has now been sent to ministries and departments so that they can issue opinions on it.

149. As part of the implementation of the Dushanbe municipal master plan, 69 private homes were demolished between 15 February 2007 and 1 May 2009.

150. The homes were demolished pursuant to a compulsory acquisition order for the purchase of land for State and social needs (construction of the National Palace and the Capital Business Centre, refurbishment of the city's park of culture and leisure and establishment of a new metropolitan park of culture and leisure).

151. When the decision was taken to demolish private homes, a specially convened commission composed of competent experts from the various services examined all the homes subject to demolition to determine the basic characteristics of the homes and other property in question (number of rooms, living space, secondary space, work and commercial areas).

152. Additionally, photographs were taken of the homes subject to demolition so as to establish their actual status and to ensure that apartments were assigned and transferred to private ownership on a fair basis.

153. Property values were assessed based on market prices, in accordance with the country's regulatory and legal instruments in force.

154. The new residences were generally located in newly constructed, comfortable housing that met all sanitary and technical standards.

155. Under the Constitution, every person has the right to health care.

156. Citizens are provided with medical and health care free of charge at establishments of the State health system in accordance with a procedure established by the Government. In other circumstances, medical and health care is provided at the expense of physical and legal persons at enterprises and at establishments of the State health-care system.

157. Emergency medical care is provided by the nearest medical institution, regardless of departmental or territorial considerations or form of ownership.

158. At their own discretion and in accordance with their wishes, citizens may use the paid services of private medical institutions or private physicians acting in accordance with the law and according to the procedures established by the Government.

159. In accordance with the guidelines for the reform of health care adopted by a Government decision of 4 March 2002, the national health strategy for 2010–2020 adopted by a Government decision of 2 August 2010, the Family Medicine Act of 26 December 2010 and the strategic plan for the streamlining of medical establishments 2011–2020 adopted by a Government decision of 1 April 2011, the introduction of family medicine and the preparation of specialists in this field has been adopted as a basic objective of the country's health system. The guidelines for the reform of medical and pharmaceutical training have been reviewed accordingly, and have been recast in accordance with Government decision No. 512 of 31 October 2008. The basic aim of these guidelines is the preparation of family medicine specialists. The curative and paediatric faculties have thus been reorganized under the medical faculty, and some of the functions of district physicians, paediatricians, obstetrician-gynaecologists and other specialists who had been working in primary health care have been transferred to family physicians. It had become necessary to reduce the number of such specialists working at primary health-care facilities and to increase the number of family physicians. Family physicians, or general practitioners, will now provide qualified care not only to adults, but also to children. The required number of paediatricians will be trained in postgraduate studies (in internships and residencies).

160. A Government decision of 31 October 2009 approved a programme for the training of medical professionals for 2010–2020. Every year, the national board for the selection and training of professionals at places of higher education and scientific institutes in foreign countries sends young medical specialists abroad to study specialties identified as priorities by the Ministry of Health.

161. In 2010, 5 medical specialists were sent to other countries for training in technical skills, 5 physicians were sent to learn in vitro fertilization techniques and 16 specialists received training related to transplants.

H. Right to education and to participate in the cultural life of the community

162. Under the Constitution every citizen has the right to education.

163. The State guarantees access to secondary education free of charge at State schools.

164. Under the Education Act, citizens are guaranteed the right to education regardless of ethnicity, race, sex, language, religious beliefs, political position, social status or wealth.

165. An Act on parental responsibility for the education and upbringing of the child was adopted in 2011. It is aimed at combating child neglect, reducing crime and the number of juvenile offenders and preventing the illegal removal of children to other countries for studies, for example with the intention of involving them in extremist activities.

166. A programme of work with minors for the period 2010–2015 has been approved by a Government decision. Its aims include increasing the role of the new generation in all aspects of the country's life during the transition to a market economy, defending the rights and legal interests of minors, protecting them against violence by adults and ensuring that they receive an education and an upbringing in a healthy family setting.

167. On 1 August 2008, a Government decision was adopted on the defence of the rights of the child. It was aimed at further improving State policy in support of families and children, reforming the system for the defence of the rights and interests of the child and establishing proper conditions for the spiritual and physical development of children and adolescents in dangerous or disadvantaged social circumstances.

168. In 2001 the Government adopted a programme for a State human rights education system. Under this system, human rights have been taught at the higher grades of secondary schools, and a human rights and comparative law department has been operating at the Tajik National University's law faculty.

169. In 2008 the Tajik National University established a national study centre for combating human trafficking and introduced a specialized course on the same subject.

170. A Government decision of 29 April 2009 approved a programme for legal training and education for 2009–2019. The programme is intended to increase legal literacy in the population, including among children, minors, young people, students and persons working for the Government.

171. A national coordination and methodology council on legal training and education was set up in the Ministry of Justice by a Government decision of 22 August 1997. The council assists in implementation of this programme.

172. The Libraries Act of 2003 establishes that every citizen, regardless of ethnicity, race, sex, language, religion, political beliefs, education, social status or wealth, has the right to library services.

173. The cornerstone of the new building of the National Library was laid on 4 September 2007, with the participation of the President. The building's architecture was selected through an international competition. The library is expected to develop over 35 years, and is designed to hold 10 million volumes.

174. The building's façade is 155 metres long, and it is 152 metres wide, with an overall surface area of 44,478 square metres.

175. Readers and users will be served by over 700 specialists capable of meeting the new generation of users' information needs.

176. The library will have modern equipment making available the latest information and communication technologies. There are plans to open new departments and centres devoted to the following: new technologies and management, advertising and library marketing, technical literature and exact sciences, organization of popular and cultural events, service for the disabled, dissertations, registration and statistics, cartographic publications, a heat and sanitation unit, a unit to service electrical equipment and elevators, units for fire safety, construction and repair, publications, a legal information centre, a centre for Tajik studies, a language centre, a department to organize exhibitions, a media centre, a service for further training of librarians and a centre for library science studies and teaching.

177. The successful implementation of these measures will make it possible not only to extend the library and information services available in the country, but at the same time to meet the needs of the library's users and ensure that they are familiar with the latest achievements of Tajik and international science and culture.

I. Employment and migration

178. The aim of the Employment Promotion Act, adopted on 1 August 2003, is to regulate employment relations and to establish the legal, socio-economic and organizational foundations for State policy in this field. This includes State guarantees for the realization in a market economy of the constitutional rights to work and to social protection against unemployment. The State guarantees implementation of a policy promoting full, productive and freely chosen employment and aimed at creating conditions for realization of the right to work.

179. Further to this law, in 2006 the Government approved a State policy framework for promoting employment in the period 2006–2012 and a corresponding national plan for its implementation. A Government decision issued in December 2009 approved an employment promotion programme for 2010–2011.

180. Labour migration from Tajikistan is a major factor in current global migration. Tajikistan is now one of the main exporters of labour in the Commonwealth of Independent States. For Tajikistan, labour migration has taken on enormous importance.

181. Not only does labour migration make it possible to meet citizens' everyday and other social and economic needs; it also has an impact on the country's socio-economic policy. As the flow of migrant workers from Tajikistan has risen, the need to protect and promote their rights in host countries has become more pronounced.

182. In order to establish a single system for managing labour migration, ensure the effective use of labour resources in other countries and defend the rights and freedoms of migrants, on 21 January 2011 a Government Migration Service was established.

183. In 2001 the Government drew up and adopted a policy framework on labour migration of Tajik citizens, further to which in December 2002 a programme was adopted for labour migration to other countries for 2003–2005. To continue addressing the problems encountered in labour migration, on 31 January 2006 a new programme was adopted for the period 2006–2010. All ministries and departments, as well as local authorities, were involved in the implementation of this programme. Two bills, one on labour migration and another presenting a strategy for labour migration from Tajikistan to other countries in 2011–2015, are now being considered by the Government. The aim and objective is to establish a system with which to recruit and send migrant workers to other countries, to defend their rights and gain access to new labour markets so as to find more decent employment in host countries.

J. Human rights, counter-terrorism and combating drug trafficking

184. To strengthen measures taken against terrorism, a presidential decree was issued on 21 April 1997 intensifying efforts to combat terrorism, and a Counter-Terrorism Act and an Anti-Extremism Act have been adopted. All the fundamental international counter-terrorism instruments have been ratified.

185. A presidential decree issued on 28 March 2006 approved a single policy framework for combating terrorism and extremism, establishing the basic aims for work in this field. Among these, priority has been given to defending the country, its citizens and others located in its territory against these threats, to strengthening the role of the State in guaranteeing individual security and public safety in a context where such threats are increasing, to applying international standards in staunching funding for such activities and to creating an atmosphere of complete intolerance of any form or manifestation of terrorism or extremism.

186. An effective institutional basis has been established along with regional cooperation to prevent and combat terrorism. Tajikistan was one of the countries that prompted the creation of the Counter-Terrorism Centre of the Commonwealth of Independent States. It actively participates in the Centre's activities.

187. In order to suppress activities by terrorist organizations, a Supreme Court decision of 30 March 2006 recognized the following as terrorist or extremist organizations and prohibited their activities in Tajikistan: Al-Qaida, the East Turkestan Islamic Movement, the Taliban Movement, the Muslim Brotherhood, Lashkar-e-Taiba, the Islamic Group, Jamaat-e-Islami Pakistan, Jamiyati Tableg, the Sazman Tablighat Eslami religious missionary organization (Call to Islam), Free Tajikistan and the Islamic Movement of Uzbekistan.

188. In 2005, over 400 members of terrorist or extremist organizations faced criminal prosecution and were convicted.

189. In light of the fact that one of the main sources of funding for international terrorist organizations is the drug trade, Tajikistan is actively working to shut down drug distribution channels.

190. In the period since 2009 alone, the country's law enforcement agencies have confiscated nearly eight tons of illicit drugs, including two tons of heroin.

191. Tajikistan cooperates closely with neighbouring States. It has signed a series of agreements and memorandums with them, including a memorandum of understanding between the Governments of Tajikistan, the Islamic Republic of Iran and Afghanistan on the control of narcotics, psychotropic substances and precursors. The law specifies that during a state of emergency or counter-terrorism operations there may be no suspension of the right to life, and that protection must be ensured against torture, inhuman or degrading treatment or punishment, against slavery and against the retroactive application of criminal punishment or laws.

V. Conclusion

192. The preparation of the national report as part of the universal periodic review has allowed the Government to systematize and update information on the observance of human rights in Tajikistan.

193. The information gathered testifies to the deep commitment of the country's leadership to protect and promote human rights.

194. Among the results achieved we may in particular refer to the high rate of ratification of international human rights treaties, the establishment of the necessary legislative basis at the national level, the moratorium on pronouncing the death penalty and the establishment of a national institute of human rights.

195. At the same time, this analysis has made it possible to identify weak points in the human rights protection and promotion system, along with the difficulties and challenges faced by the country.

196. In particular, one of the main problems is the high level of poverty.

197. The Government would welcome further assistance from the international community in achieving the goals set by the Millennium Declaration and also in tackling the various challenges it faces in perfecting the human rights protection and promotion system in Tajikistan.