



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the second periodic report of Tajikistan (CCPR/C/TJK/2), adopted by the Committee at its 107th session (11 – 28 March 2013)

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

1. Referring to the information provided by the State party that the Covenant is directly applicable, please provide information on cases, if any, where judges have directly applied the Covenant to interpret domestic law. Please also indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol.
2. Please indicate how the Commissioner for Human Rights complies with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles); any investigation carried out by the Commissioner for Human Rights; any steps the Government has taken to implement recommendations and follow-up on individual complaints it receives from the Commissioner for Human Rights; and, also the human and financial resources provided to the office of this institution.

Ensuring equal rights of men and women (arts. 3 and 26)

3. Please provide information on the implementation and outcome of the State programme for the policy to ensure equal rights and opportunities for men and women, which was carried out during the period 2001-2010.
4. Please respond to concerns on the very low level of participation and representation of women in public and political life, civil service, local assembly and judiciary. Please provide specific information on the quota for women which will be introduced in Government departments, (State party's report, para. 57), including the size of the quota and from when it will be introduced. Please indicate the number of women judges and their level of responsibility, in the judiciary.
5. Please provide an explanation for the lack of an increase in the number of women senior Government officials (State party's report, para. 76), during the reporting period.
6. Please reply to the concerns raised by the Committee in its previous concluding observations relating to the high dropout rates of girls in rural areas from schools due to negative traditional and religious attitudes on the roles of girls and women in society, and provide statistics on the percentage of school attendance and dropout rates for girls compared to those of boys.

Violence against women, including domestic violence (arts. 3 and 7)

7. With reference to the data on crimes perpetrated against women, during the reporting period (State party's report, paras. 277 and 278), please specify (a) the number of complaints received; (b) the number of investigations carried out; (c) the types of penalties imposed; and (d) the number of cases in which compensation was awarded to the victims. Please provide the number of claims of domestic violence, including the outcome of these cases.

8. Please respond to concerns that the lack of any specific legislation criminalizing acts of violence against women and of legal mechanisms to deal with domestic violence result in widespread impunity and lack of adequate protection for the victims. Please provide detailed information on the status of the draft law on, "Social and legal protection against domestic violence", on the mandate of the newly established inspector in charge of combating domestic violence.

9. Please provide information on the training of law enforcement officials and medical professionals organized by the Government (as opposed to non-governmental organizations) on how to assess and respond to cases of domestic violence against women, including rape and violence against children.

Right to life (art. 6)

10. Given the moratorium on the death penalty, please indicate whether the State party intends to abolish it from the Criminal Code and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.

11. Please provide information on the number of deaths in custody, and their causes, during the reporting period. In particular, please provide information on the investigations, prosecutions and sentencing of perpetrators, responsible for the deaths in custody of the following individuals: Usman Boboev, Khurshed Bobokalonov, Alovuddin Davlatov, Murodov Dilshodbek, Hamza Ikromzoda, Khamzali Ikromzoda, Safarali Sangov, and Bahromiddin Shodiev. Was any compensation paid to the victims' family members?

12. Please provide information on the military operation launched by the Government on 24 July 2012 in the provincial capital of the Gorno-Badakhshan Autonomous Oblast (GBAO), including on reports that the operation caused the death of some 100 civilians and the injury of many more. Did the National Commission, which was established after the events, conduct an independent investigation and, if so, what were its conclusions?

Prohibition of torture and other cruel, inhuman or degrading treatment; liberty and security of the person; treatment of prisoners (arts. 7, 9, 10 and 24)

13. Please provide information on (a) the number of claims of alleged torture and cruel, inhuman or degrading treatment on the part of police officers or prison officials during the reporting period, (b) the number of such cases that have been investigated (c) the outcome of these investigations, including prosecutions, and sanctions imposed; (d) the number of those convicted of torture who benefited from amnesty laws; and (e) the measures taken for the rehabilitation and compensation of victims. In responding, please refer specifically to the claims of torture or ill-treatment by persons suspected of belonging to banned Islamic Movements and Islamic groups.

14. Please respond to reports that torture and other ill-treatment remain widespread particularly in pretrial detention; in situations of prolonged incommunicado detention,; and during interrogations carried out without the presence of a lawyer. Please comment on reports of excessive use of pretrial detention and clarify the grounds on which pretrial detention may be authorized by a judge. Please explain how the alleged practise of

prolonged incommunicado detention (sometimes for weeks before the detention is duly registered), and failure to provide legal assistance to detainees, complies with the Covenant. Please respond to allegations that torture is routinely used to extract confessions and that judges at remand hearings regularly disregard allegations of torture by detainees.

15. Please respond to reports of an increasing number of cases in which the lack of safeguards against illegal extradition or extraordinary rendition resulted in persons being extradited or forcibly returned to Tajikistan, and subsequently subjected to torture. Please provide information on the situation of Sukhrob Qoziev, Savriddin Djurayev, Nizomkhon Djurayev, Abduvosit Latipov, Murodjon Abdulkhakov and Rustam Zokhidov, including an explanation on how they were returned to Tajikistan.

16. Please explain the limitations on access to processes for refugee status determination and to protection against non-refoulement, concerning asylum seekers, refugees and stateless persons who enter in the country irregularly, and explain how they are consistent with articles 6 and 7 of the Covenant. Please also explain the reason for the restrictions on where refugees can reside in the State party, and how these restrictions are consistent with articles 6, 7 and 12 of the Covenant.

17. What measures has the State party taken to ensure that the Family Code, the Law on Parental Responsibility for Education and Upbringing of Children, the Education Act and the Code of Criminal Procedure and other laws explicitly prohibit corporal punishment in all settings? Please clarify, in particular, whether the State party intends to amend article 39 of the Education Act to explicitly include the prohibition of corporal punishment. Has the State party taken any steps to raise awareness among the public of non-violent forms of punishment for children?

Right to a fair trial and equality before the law (arts. 14 and 26)

18. Please respond to reports that Constitutional provisions for a right to a fair trial are not always respected – in particular through restricting the access of defendants to a lawyer and that politically motivated prosecutions sometimes occur.

19. Please clarify whether extraordinary courts, such as special or military courts, can try civilians and if so, how and under in what circumstances.

Freedom of religion and belief (art. 18)

20. Regarding the Freedom of Conscience and Religious Association Act of 2009, please specify the “specific limitations” in the Act, referred to in the second periodic report. Please also provide information on article 8 of the Act and in particular the procedures established by law under which religious schools can be created; in which cases religious teachings are admitted or prohibited; and how parents can ensure religious instructions for children below the age of 7, if they so wish.

21. Please provide information on articles 474-2, 474-3 and 474-3, which were added to the Code of Administrative Offences in June 2012 and relate to violations of the Freedom of Conscience and Religious Association Act, and which impose fines for religious education abroad without State approval; for religious education in schools as well as private homes; and for religious organizations with international ties without State approval. How do these articles comply with article 18 of the Covenant?

22. Please provide information on the mandate, composition and activities of the Committee on Religious Affairs established in 2010 and clarify how, on the basis of the new article 728-1 of the Code of Administrative Offences, the administration of punishments directly without investigation by police or prosecutors or trial by courts complies with the Covenant.

23. Please provide information on the status of the implementation of the Committee's previous concluding observations on the lack of recognition of conscientious objection to compulsory military service. Please respond to reports of forced recruitment and of incommunicado detention, for several days in "mobilisation facilities", of persons seized for the purpose of enlistment. Please respond to information that minors may be recruited as military personnel under the 2010 amendments to the Law to Universal Military Obligation and Military Service. Please respond to allegations of irregular forced recruitment of young men under the age of 18.

Freedom of opinion and expression and association and the right to peaceful assembly (arts. 19, 21 and 22)

24. Please provide more information on the bill on media that the Parliament of Tajikistan was considering at the time of the submission of the report, which aims, inter alia, at ensuring that the media provide objective information, and in particular how it regulates the ownership and licensing of the press and the broadcasting media, on which basis a media license can be granted or refused, and which controls could be imposed by public authorities upon the press, other media or activities of journalists.

25. Please respond to the information that the Government attempts to restrict the right to freedom of expression of journalists, lawyers, human rights activists and medical experts and that access to several news Internet websites and social networks, including *Asia.Plus*, *BBC*, *Centrasia.ru*, *Fergananeews.com*, *Lenta.ru*, *Maxala.org*, *Pamir-vesti.ru*, *RIA-Novosti*, *Tkjnews.com*, *Vesta.ru* *Zvezda.ru*, has been blocked; that a group of observers will be formed to monitor online publications and websites for insulting or libellous content; that there is a frequent use of insult or defamation laws by Tajikistani officials, including against independent journalists, in ways which serve to silence the independent media and discourage victims of human rights violations from speaking out and seeking redress.

26. Please provide information on the Voluntary Associations Act of 12 May 2007, in particular on whether it imposes restrictions on the establishment and activities of political parties, trade unions and associations, as well as the penalties imposed on members of prohibited organizations and on the conditions under which voluntary associations may be dissolved. Please also provide information on the number of public associations which were dissolved by court decisions during the reporting period and specify the reason for their disbanding. .

27. Please provide information on the number of political parties, trade unions and associations, in particular human rights groups, existing in Tajikistan; on the number of registrations as well as the number of registrations rejected during the reporting period, the reason for rejection and the outcome of the appeals, if any.

28. Please respond to claims that authorities are using a range of methods, including allegations on administrative and financial irregularities, to shut down civil society organizations active in human rights, the fight against torture, corruption and impunity as well as civic education and electoral rights. In this context, please provide information on the request made by the Ministry of Justice in June 2012, and the following request granted by the first instance court of Khujand in October 2012, to shut down the Association of Young Lawyers "Amparo"; and on a similar request made by the Sughd Regional Justice Department to a local court to liquidate the organizations *Grahdanskoe Obtshestvo* (Civil Society) and *Aktsent* (Accent).