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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Tajikistan*

The present report is a summary of 18 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.



Information provided by stakeholders

A. Background and framework

1. Scope of international obligations²

1. It was recommended that Tajikistan ratify CRPD,³ OP-CAT,⁴ ICCPR-OP2⁵ and the Conventions on statelessness.⁶

2. Joint Submission (JS) 5 recommended that Tajikistan make declarations to recognise the competence of CAT to receive and consider individual communications.⁷

2. Constitutional and legislative framework

n/a

3. Institutional and human rights infrastructure and policy measures

3. JS5 recommended ensuring the independent functioning of the Human Rights Ombudsman.⁸

4. JS3 recommended including representatives of independent non-governmental organisations (NGOs) as members of the Commission on the implementation of international human rights obligations of Tajikistan.⁹

5. JS3 noted that the 2013 action plan on torture lacked clear indicators to enable to measure its implementation. Local human rights organisations were not involved in drafting of the action plan.¹⁰

6. JS6 stated that the strategy on advancement of the role of women for 2011-2020 did not include indicators, hindering monitoring of its implementation. There was a lack of gender budgeting and of state funding to implement programs and action plans adopted in the framework of the strategy.¹¹

B. Cooperation with human rights mechanisms

7. JS7/SRI (Sexual Rights Initiative) stated that certain organisations that worked to protect the rights of lesbian, gay, bisexual and transgender (LGBT) persons and of sex workers and the right to sexual and reproductive health were not invited to participate in discussions regarding the implementation of the recommendations put forward during the universal periodic review in 2011 (UPR). It concluded that Tajikistan failed to implement fully recommendation no. 88.9 on engagement of civil society in the process of follow up to the UPR.¹²

Cooperation with special procedures

8. JS5 recommended issuing a standing invitation to all special procedures mandate holders of the Human Rights Council.¹³ International Service for Human Rights (ISHR) recommended strengthening cooperation with the United Nations, including in relation to individual cases, by responding promptly and substantively to allegation letters and urgent appeals by special procedures mandate holders.¹⁴

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

9. JS5 noted the absence of a comprehensive anti-discrimination legislation. Domestic legislation did not include prohibition of discrimination on the grounds of disability, age and sexual orientation and a definition of direct and indirect discrimination.¹⁵

10. The Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR) stated that social, cultural and religious norms regarding the traditional roles and responsibilities of women and men in the family and in society persisted.¹⁶ International Center for Advocates Against Discrimination (ICAAD) referred to structural discrimination against women.¹⁷

11. JS6 recommended that Tajikistan encourage sharing family responsibilities between women and men through the elimination of stereotypes and traditional attitudes that discriminate against women; eliminate structural inequalities and occupational segregation and adopt measures to narrow and close the gender pay gap.¹⁸

12. JS7/SRI noted existing widespread homophobia and transphobia, including in the media, and discrimination against LGBT persons in the workplace and by health professionals.¹⁹ It referred to documented cases of violence against LGBT persons, including by law enforcement officers. The Police organised raids on meeting zones used by homosexual and bisexual men, and arrested and detained illegally several of them even though same sex behaviour was decriminalised in 1998.²⁰

13. JS7/SRI indicated hate crimes and discrimination against sex workers. They were denied access to medical services, mistreated or verbally abused by medical specialists. Sex workers were often subject to violence by police and forced to go through HIV and STD testing, and other medical procedures during the police raids.²¹

14. JS7/SRI recommended that Tajikistan condemn violence and torture against LGBT persons and sex workers by law enforcement officers and abolish the “morality” raids against them.²²

15. JS7/SRI recommended introducing comprehensive hate crime legislation that includes sexual orientation and gender identity as a bias, and implementing programs to prevent hate crimes, discrimination and violence.²³ It recommended combating hate speech in media, including hate speech against LGBT persons and sex workers.²⁴

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

16. Noting a moratorium on death sentences and executions, JS2 reported that ICCPR-OP2 was not ratified despite the acceptance by Tajikistan of several UPR recommendations to ratify it. The death penalty was not abolished.²⁵

17. Human Rights Watch (HRW) reported that torture and ill-treatment remained widespread. Police and investigators used torture to coerce confessions. It recalled that Tajikistan supported a recommendation of the UPR to eradicate the use of torture.²⁶

18. Noting the UPR recommendations concerning definition of torture,²⁷ JS3 reported that Tajikistan introduced a definition of torture into the Criminal Code that was in line with CAT. However, sanctions often used for such crimes were not commensurate with the severity of the crime.²⁸

19. HRW recommended that Tajikistan publicly acknowledge the scope and gravity of the problem of torture, and implement the recommendations put forward by the Special Rapporteur on torture based on his visits to the country in 2012 and 2014.²⁹

20. JS4 referred to human rights violations committed by representatives of military commissariats against conscripts, including arbitrary arrests and inhuman treatment. It stated that military representatives used various methods to bring conscripts to the military commissariats including beating and blackmailing. After the President issued an order to eliminate all forms of illegal conscriptions, the number of cases of arbitrary arrests and forcible deployment of conscripts decreased.³⁰

21. JS3 referred to documented cases of torture and ill-treatment, including hazing, in the armed forces. Hazing of new recruits by fellow soldiers was routine in the army.³¹ JS4 stated that Tajikistan failed to ensure thorough investigation of cases of inhuman treatment of military personnel and provide adequate compensation to victims.³² JS5 made similar observations.³³

22. HRW stated that a law on domestic violence was adopted in 2013 as requested by several UPR recommendations. However, the law reportedly remained unimplemented and victims of domestic violence continued to receive inadequate protection.³⁴ ISHR stated that violence against women remained a serious issue.³⁵ JS7/SRI stated that not a single case of domestic violence was officially registered since 2013. Victims of domestic violence did not always report the violence out of fear of persecution and inadequate response by the police and the judiciary.³⁶ JS6 stated that domestic violence was not criminalised, but remained an administrative offence.³⁷

23. JS6 stated that the 2013 law established conditions for issuing protection orders for victims of domestic violence, but did not provide the necessary procedures.³⁸ JS7/SRI stated that there were very few shelters for victims of domestic violence.³⁹

24. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that Tajikistan supported several UPR recommendations to prohibit all corporal punishment of children.⁴⁰ The law on education explicitly prohibited corporal punishment in schools and in preschool education. However, the law on domestic violence did not include clear prohibition of corporal punishment in the home. There was no explicit prohibition of corporal punishment in all alternative care settings and penal institutions. It was recommended that Tajikistan prohibit all corporal punishment of children in all settings.⁴¹

25. JS6 stated that child labour was used widely in various spheres. It recommended fighting worst forms of child labour and abolishing this practice, including in cotton fields.⁴²

3. Administration of justice, including impunity, and the rule of law

26. JS5 stated that the judiciary was not independent. Judges were appointed and dismissed by the decision of the President based on suggestions of the Council of Justice - a body of the executive branch.⁴³ ISHR recommended ensuring the independence of the judicial system.⁴⁴ Lawyers for Lawyers (L4L) recommended that Tajikistan continue to implement the UPR recommendations no. 88.44 and 88.45⁴⁵ in order to ensure the proper functioning of the judicial system.⁴⁶

27. JS4 recommended prohibiting military courts from exercising jurisdiction over civilians.⁴⁷

28. L4L noted that the prosecution played a dominant role in criminal proceedings.⁴⁸ JS5 recommended bringing authorities of the Prosecutor's office in compliance with international standards to ensure equality of arms in court proceedings. The Prosecutor's office should be deprived of authority to suspend execution of pronounced sentences.⁴⁹

29. International Bar Association's Human Rights Institute (IBAHRI) stated that a new law on advocacy and the Bar, which came into force in 2015, established a single unified bar association with mandatory membership for all lawyers to replace existing bar associations.⁵⁰ L4L welcomed the efforts of the Government to establish a national bar association. However, the law established a qualification commission under the Ministry of Justice, with a responsibility of conferring and withdrawing a lawyer's status. L4L was concerned that lawyers currently working on controversial cases might be at risk of not having their lawyers' status reinstated due to executive interference.⁵¹ IBAHRI expressed similar concerns.⁵²

30. L4L stated that lawyers encountered difficulties in carrying out their profession independently.⁵³ JS3 reported that police investigators often denied access of lawyers to their clients for days and that they often saw their clients for the first time at the remand hearing or even later.⁵⁴ L4L referred to information indicating that lawyers working on high profile cases were regularly subjected to threats or physical attacks, intimidation and improper interference by prosecutors or members of law enforcement agencies.⁵⁵

31. JS3 recommended ensuring that lawyers have unhindered access to their clients at all stages of detention and in all detention facilities.⁵⁶ L4L recommended that Tajikistan prevent that lawyers are threatened, intimidated, harassed or subjected to improper interference while exercising their professional duties and ensure that crimes, harassment and other violations against lawyers are effectively investigated, publicly condemned and perpetrators of such acts are prosecuted.⁵⁷ It recommended amending the law on advocacy to ensure that the qualification commission is no longer placed under the Ministry of Justice and that the new qualification exam is not retrospective, forcing all current practising lawyers to re-qualify.⁵⁸

32. IBAHRI stated that the provision of free legal aid was underdeveloped. Legislation provided for the provision of free legal aid in certain circumstances. However, there was no state budget for the provision of legal aid. The Government owed large sums to lawyers in respect of work completed.⁵⁹

33. JS3 stated that domestic legislation provided detainees with legal safeguards, but it was ambiguous as to when a person was considered a detainee. In practice, it was often drawn up several hours, sometimes even days after the de facto apprehension. Although Tajikistan supported a recommendation of the UPR⁶⁰ to include the identity of the apprehending officers in the detention record, the Criminal Procedure Code was not amended accordingly.⁶¹

34. JS3 stated that the Criminal Procedure Code stipulated that remand hearings should take place within 72 hours after a person was taken into custody. In practice, detainees were often brought before a judge later than the 72-hour limit.⁶² It recommended amending the Criminal Procedure Code to ensure that remand hearings take place no longer than 48 hours after apprehension.⁶³

35. JS5 noted a lack of a mechanism for public oversight over places where people were deprived of their liberty.⁶⁴ JS3 noted that a monitoring group was established within the Office of Ombudsman in 2014 and it consisted of the staff of the Office and civil society representatives. There were concerns about their ability to conduct unlimited and unannounced monitoring. The administration of the detention facilities appeared to have been informed of visits of the monitoring group in advance, although, since early 2015, no advance notification was required. When the monitoring group received allegations of torture, the administration of a detention facility admitted the staff of the Ombudsman, but denied access to its members from civil society.⁶⁵

36. JS3 recommended establishing an effective national preventive mechanism and granting unimpeded access to the ICRC and independent NGOs to all places of detention, conscription commissions and to military units.⁶⁶

37. JS3 stated that official investigations into allegations of torture were opened only in a small number of cases, and in many cases only disciplinary proceedings were imposed. Many victims of torture did not file complaints because of a fear of reprisals.⁶⁷ Noting two recommendations of the UPR to establish an independent compliant mechanism,⁶⁸ JS3 reported on the statement of the Prosecutor's Office that no such mechanism was needed considering an insignificant number of complaints.⁶⁹

38. HRW recommended ensuring that prompt, thorough and impartial investigations are carried out into all allegations of torture and ill-treatment and all deaths in custody.⁷⁰ JS3 recommended establishing an independent body endowed with sufficient authority and competence to conduct independent investigations into allegations of torture and ill-treatment.⁷¹

39. JS3 recommended ensuring that any statement or confession elicited as a result of torture or ill-treatment is not used as evidence in any proceedings except those brought against the alleged perpetrators. It recommended that Tajikistan oblige judges at remand hearings to inquire into a detainee's treatment in custody and to order an effective investigation if the detainee complains about torture or ill-treatment or if there is any other indication that he or she may have been subjected to such treatment.⁷²

40. JS3 stated that domestic legislation did not exclude perpetrators of torture or ill-treatment from benefitting from amnesties for prisoners. It was concerned that the legislation contained a statute of limitations applicable to the crimes of torture and ill-treatment.⁷³ JS3 recommended legislating that perpetrators of torture or ill-treatment are excluded from amnesties for prisoners and abolishing the statute of limitations with regard to torture and ill-treatment.⁷⁴

41. JS5 noted the lack of legislation on rehabilitation of victims of torture and stated that victims of torture often did not receive fair and adequate compensation.⁷⁵ JS3 recommended ensuring the right of victims to redress in the legislation, including fair and adequate compensation and rehabilitation for damages caused by torture regardless of whether the perpetrators of such acts were brought to justice.⁷⁶

42. JS5 stated that the national action plan on reform of juvenile justice for 2010-2015 had several drawbacks and that mid-term reports on the implementation of the Plan were not published. Tajikistan reintroduced the use of solitary confinement as a disciplinary measure for juveniles. Juveniles were kept with adults in temporary or pre-trial detention centres located outside of Dushanbe. No specific actions were taken to establish child-friendly procedures for criminal cases involving a child victim or a child witness. The legislation did not provide a requirement for the mandatory participation of a lawyer and a psychologist in cases where children were victims or witnesses of crimes.⁷⁷

4. Right to privacy, marriage and family life

43. JS7/SRI recommended introducing and implementing clear procedures of changing names and gender markers for transgender individuals, who want to change their passport information and other identity documents according to their gender identity.⁷⁸

44. JS7/SRI stated that the minimum marriage age was 18 years. Many parents required their daughters to drop out of schools and forced them to get married. Such couples could not register officially the marriage as a spouse was below the age of 18, so many of them turned to local religious leaders (mullahs), who held the wedding ceremony without official registration. The Government required the mullahs not to perform a religious wedding

ceremony for couples who did not have a civil marriage certificate. However, this decision was not implemented fully and early marriages without official registration had been taking place.⁷⁹

45. JS6 stated that the system of foster care or guardianship did not function. Children who were deprived of parental care and were temporarily placed in orphanages or boarding schools stayed in those places for years and became so-called social orphans.⁸⁰

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

46. HRW stated that the authorities maintained tight restrictions on religious freedoms, including on religious education and worship.⁸¹ JS2 stated that the law on religious freedom banned the activities of unregistered religious organizations and imposed serious restrictions on places of worship, religious literature, religious education and other religious activities.⁸² Forum 18⁸³, Jubilee Campaign (JC)⁸⁴, ICAAD⁸⁵ and the Alliance Defending Freedom International (ADF International)⁸⁶ made similar observations. European Association of Jehovah's Christian Witnesses (EAJCW) concluded that Tajikistan did not implement a recommendation of the UPR to guarantee freedom of religion and worship.⁸⁷

47. JS2 stated that the production, import and distribution of religious materials required permission of the State Committee on Religious Affairs. Materials deemed inappropriate was confiscated.⁸⁸ JC stated that the 2011 amendments to the Law on religion restricted persons from traveling abroad to acquire religious education unless the person obtained their first religious education by a state-authorized institution in the country. There were no such institutions, providing Christian teaching and thus, Christians had no possibility to attain theological education neither at home nor abroad.⁸⁹

48. HRW stated that under the pretext of combating extremism, Tajikistan continued to ban several Muslim groups. Some Christian minority denominations, such as Jehovah's Witnesses were similarly banned.⁹⁰ EAJCW highlighted the repeated denial by the authorities of the applications of Jehovah's Witnesses to re-register.⁹¹ They were denied the right to conduct religious meetings and produce religious literature and their members were exposed to arrest, detention, beating and deportation for alleged illegal religious activities.⁹²

49. JS2 stated that the Hanafi school of Islam had been promoted, to the detriment of other schools of Islam.⁹³ Forum 18 noted limitations on the numbers of mosques allowed per head of population and stated that non-permitted mosques were demolished.⁹⁴ HRW stated that the Government suppressed unregistered Muslim education, brought administrative charges against religious instructors, and controlled the content of sermons.⁹⁵ Forum 18 noted a ban on Islamic preaching in all but the largest mosques.⁹⁶ HRW noted restrictions on religious dress and that headscarves were banned in educational institutions. Beards were prohibited in public buildings.⁹⁷ JS2 and Forum 18 reported on cases where law enforcement officials forcibly shaved bearded Muslim men.⁹⁸

50. HRW stated that a law on parental responsibility stipulated that parents must prevent their children from participating in religious activities, except for state-sanctioned religious education, until they turn 18.⁹⁹ JC¹⁰⁰, ICAAD¹⁰¹, ADF International¹⁰² and Forum 18¹⁰³ made similar observations. ADF International concluded that the law violated article 18 of ICCPR and article 14 of CRC.¹⁰⁴

51. HRW recommended amending the restrictive laws concerning religious freedoms, to bring them into conformity with international and OSCE commitments.¹⁰⁵ JS2¹⁰⁶ JC,¹⁰⁷ ICAAD¹⁰⁸ and ADF International¹⁰⁹ made similar recommendations.

52. JS4 stated that the legislation stipulated that everyone had a right to alternative service. However, the absence of a special law on alternative service made the enjoyment of this right impossible.¹¹⁰

53. JS1 stated that Tajikistan supported six recommendations of the UPR related to freedom of expression and undertook some positive legal reforms. However, in practice the situation regarding freedom of expression was not improved.¹¹¹ HRW stated that the authorities attempted to restrict media freedoms and access to independent information.¹¹²

54. JS1 welcomed the passage of a law on mass media in 2012, which contained several positive aspects, including a liability for the violation of media freedom and a prohibition on censorship and political persecution of critical opinions. However, journalists remained subject to legal harassment, with criminal and civil charges frequently brought against critical voices.¹¹³

55. HRW reported that Tajikistan retained criminal sanctions for insulting the President or any government officials despite the 2012 legal amendments removing libel as an offense from the criminal code.¹¹⁴ JS1 and HRW recalled that Tajikistan supported recommendations of the UPR to decriminalize defamation and insult.¹¹⁵

56. JS1 stated that civil defamation lawsuits were frequently brought against critical journalists, and courts issued disproportionate sanctions against them, with the intention of silencing journalists.¹¹⁶ It explained that civil defamation provisions of the Civil Code did not conform to international standards on freedom of expression. Those provisions provided for excessive financial compensation for defamatory statements and did not provide for adequate defences against defamation claims, nor did differentiate statements of fact from statements of opinion, whereas under international law statements of opinion were accorded significant protection.¹¹⁷

57. JS1 stated that the implementation of the law on access to information was poor, and that the Government increasingly sought to control access to information.¹¹⁸ JS2 stated that a new regulation, which was introduced in 2015, required government agencies to send their communications and press releases to the Khovar state information agency, while other media outlets could only report on official events citing this agency. Media representatives were concerned that the regulation would be used to deprive them of the opportunity to obtain first-hand information about official events.¹¹⁹

58. JS5 stated that access to information was hindered by the ongoing practice of extrajudicial blocking of web-sites of independent mass media and social networks.¹²⁰ HRW stated that under the pretext of protecting national security, the telecommunication agency had regularly ordered the blocking of websites.¹²¹ JS1 reported on several incidents of mass blocking of access to internet resources and websites without court decisions in order to suppress political and social activism.¹²² It stated that Tajikistan introduced legal amendments in 2014, enabling the government to block mobile services and access to the Internet without a court order, following the announcement of a state of emergency.¹²³

59. HRW recommended that Tajikistan rescind undue restrictions on the media, including the 2015 rule barring media from reporting news about government actions and policies without citing reports by the official state news agency *Khovar*, respect freedom of information and tolerate all forms of legitimate speech.¹²⁴ JS2 recommended that Tajikistan put an end to the practice of arbitrary blocking of access to websites and mobile phone services and ensure that residents have unhindered access to information.¹²⁵

60. JS1 recommended repealing the remaining defamation and insult provisions from the Criminal Code¹²⁶ and amending the Civil Code to ensure inter alia that no one should be liable for the expression of an opinion in relation to statements on matters of public concern.¹²⁷

61. JS1 recommended that Tajikistan reform the law on TV and radio broadcasting, to bring it in line with international standards on freedom of expression, including by establishing an independent regulatory body and ensuring respect for freedom of editorial policy.¹²⁸
62. JS1 recommended releasing all journalists who were arbitrarily detained.¹²⁹ JS2 recommended that Tajikistan condemn intimidation and harassment of media and journalists and ensure that any such incidents are thoroughly and impartially investigated and the perpetrators brought to justice.¹³⁰
63. JS2 reported that Tajikistan has limited freedom of association and exerted pressure on human rights defenders.¹³¹ JS3 expressed concern at the increasing pressure faced by NGOs.¹³² ISHR reported that human rights defenders continued to be harassed and threatened by the Government.¹³³
64. JS2 stated that the situation of civil society, in particular that of NGOs working on human rights and on other sensitive issues had seriously worsened in 2015. Since the 2011 UPR, numerous NGOs experienced inspections of their activities by the Tax Committee and security agencies, in some cases resulting in warnings and sanctions. The trend had intensified in 2015. The environment for HRDs deteriorated and activists, lawyers and journalists were under pressure from the Government to drop or refrain from addressing specific politically sensitive issues.¹³⁴
65. JS5 reported on the 2015 amendments to the law on public associations requiring registration of funding from foreign sources and grants of NGOs with the Ministry of Justice.¹³⁵ JS2 referred to concerns expressed that the amendments placed an unnecessary administrative burden on NGOs and that they might be used to obstruct the access to funding of NGOs.¹³⁶
66. ISHR recommended amending the law on public association to ensure its compatibility with international human rights laws, with active participation of civil society.¹³⁷ HRW recommended that Tajikistan support the development of a strong, vibrant, and independent civil society by allowing the unimpeded operation of independent human rights and other civil society groups.¹³⁸
67. JS1 stated that during the 2011 UPR, Tajikistan supported one recommendation regarding the right to peaceful assembly.¹³⁹ However, protests remained rare and the Government continued to present any form of protest as a security threat. The 2014 law on public assemblies placed significant restrictions on the right to freedom of peaceful assembly. It replicated problematic requirements in the previous law, stipulating that organisers must obtain permission 15 days prior to organising a mass gathering and limited the time and place where gatherings might take place, turning many areas into no-protest zones and banning protest at night. The law prohibited foreign citizens, stateless persons and persons who had a record of administrative violations from organising mass events or gatherings.¹⁴⁰ JS5 recommended that Tajikistan bring the law on public assemblies in compliance with international standards on the right to peaceful assembly.¹⁴¹
68. HRW stated that the authorities widened a crackdown on the political opposition.¹⁴² ISHR reported that political opponents were subject to intimidation and threats.¹⁴³ OSCE/ODIHR noted that the opposition Islamic Revival Party of Tajikistan (IRPT) faced particular pressure.¹⁴⁴ HRW reported that the opposition party was shut out of parliament in 2015 and the leader of the party went into exile, fearing prosecution on bogus charges. The Ministry of Justice ordered the closure of the party.¹⁴⁵ OSCE/ODIHR reported that thirteen party members were arrested in September, 2015 and that the General Prosecutor officially implicated the chairman of the party in the armed clashes on 4 September. The chairman denied those accusations.¹⁴⁶

69. JS2 recommended ensuring that political parties can operate without hindrance or harassment.¹⁴⁷ ISHR recommended releasing all arbitrary detained political opposition figures.¹⁴⁸

70. OSCE/ODIHR stated that the participation of women in political and public life remained low despite the adoption of a national strategy to promote the role of women. Tajikistan did not adopt temporary special measures and incentives for political parties to nominate women as candidates.¹⁴⁹

71. OSCE/ODIHR concluded that the 2015 parliamentary elections took place in a restricted political space. Restrictions on the right to stand, freedoms of expression and assembly, and access to media limited the opportunity to make a free and informed choice.¹⁵⁰ It noted that the restrictive candidate registration requirements resulted in a lack of genuine choice and meaningful pluralism during the 2013 presidential election.¹⁵¹ In 2013 and 2015, reports of OSCE/ODIHR offered several recommendations to bring elections fully in line with OSCE commitments and international standards for democratic elections.¹⁵²

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

72. JS6 stated that more than half of the population did not have an access to drinking water and that water from unsafe sources had been used for drinking and for household needs.¹⁵³

73. JS6 recommended developing a social housing policy for the most vulnerable groups of population, increasing state allocations for construction of subsidised housing, and ensuring access to information on urban construction plans and encouraging public participation in the development of such plans.¹⁵⁴

74. HRW recommended that Tajikistan uphold the social and economic rights of all persons resettled as a result of or otherwise affected by the Rogun Dam and Hydropower Plant, and provide adequate compensation to resettles, ensuring access to adequate drinking water, proper sanitation, educational, medical, and employment opportunities in areas of resettlement.¹⁵⁵

7. Right to health

75. JS6 stated that mandatory health insurance covered from the state budget for a specific group of people did not function.¹⁵⁶

76. JS7/SRI stated that Tajikistan had a number of policies and programs concerning the right to sexual and reproductive health, however they were limited and inefficient. The programs were often not implemented due to several reasons, including financial constraints.¹⁵⁷ It recommended improving the quality of the secondary school programme on sexuality education and introducing a similar programme for younger pupils in compliance with guidance of UNESCO and UNFPA on sexuality education.¹⁵⁸ JS7/SRI recommended empowering and educating youth and adolescents about their rights to sexual and reproductive health and increasing their access to sexual and reproductive health services.¹⁵⁹

77. JS6 stated that funding of mental health was not sufficient and that the draft strategy and policy on mental health for 2012-2015 was not yet adopted.¹⁶⁰

8. Right to education

78. JS6 noted a shortage of teachers, a lack of access to preschool educational institutions, and high dropout rates among girls. It recommended inter alia increasing

access to and quality of education, especially in rural areas and developing programs to ensure access of children to preschool education.¹⁶¹

9. Persons with disabilities

79. JS6 recommended adopting new criteria of defining disability that are in accordance with international standards.¹⁶²

80. JS6 stated that the 2013 law on education included definition of inclusive education and provided guarantees for access to education of children with disabilities in public schools. However, schools with inclusive education had been mainly located in big cities, and that inclusive education in the regions remained problematic. The lack of teaching materials and programs for inclusive education had an impact on the quality of inclusive education. Teachers did not have adequate knowledge to work with children with special needs. Education of children with physical and mental disabilities took place in special educational institutions and thus, resulted in institutionalisation of children with disabilities.¹⁶³

81. JS6 stated that legal provisions on employment quotas for persons with disabilities had not been enforced owing to a lack of implementation mechanisms and thus, the number of persons with disabilities who were employed through the quote system remained low. JS6 noted recent cases of dismissal of persons with disabilities.¹⁶⁴

82. JS6 noted that access to public infrastructure of persons with disabilities was limited and that public buildings and transportation were generally not adapted to the needs of persons with disabilities.¹⁶⁵

10. Minorities

83. OSCE/ODIHR stated that the Constitution did not make any direct reference to national minorities, but enshrined principles of non-discrimination and equality of rights. The Constitution established Tajik as the state language and Russian as a language of communication between nationalities.¹⁶⁶

84. JS6 recommended establishing a unit in the Ministry of Education to develop teaching materials for schools with the language of instruction in Russian, Uzbek, Kyrgyz and Turkmen as well as adopt a long term plan to publish textbooks and teaching materials for those schools.¹⁶⁷

11. Migrants, refugees and asylum seekers

85. JS6 stated that the strategy on labor migration of Tajik citizens abroad for 2011-2015 established a mechanism for reintegration of returned migrants in the economy. However, several centers on reintegration that were established in 2012 did not function owing to a lack of funding and qualified staff. It concluded that measures for reintegration and employment of returned migrants were inadequate.¹⁶⁸

86. JS6 stated that a government decree restricted the right of refugees to reside in many areas of the country, including in Dushanbe and Khudjand. It recommended repealing the decree.¹⁶⁹

87. JS6 stated that legislation guaranteed the right of refugees to receive financial and other type of assistance. However, mechanisms to provide such assistance were not developed.¹⁷⁰

88. JS6 recommended developing a procedure for documenting stateless persons and using simplified procedures to review requests of these persons to receive permanent residence.¹⁷¹

Notes

- ¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org

Civil society

Individual submissions:

ADF International	Alliance Defending Freedom International, Geneva (Switzerland)
EAJCW	European Association of Jehovah's Christian Witnesses, Kraainem (Belgium);
Forum 18	Forum 18 News Service, Oslo (Norway);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland);
HRW	Human Rights Watch, New York (United States of America);
ICAAD	International Center for Advocates Against Discrimination, New York (United States of America);
IBAHRI	International Bar Association's Human Rights Institute, London (United Kingdom);
ISHR	International Service For Human Rights, (Geneva) Switzerland;
JC	Jubilee Campaign, Fairfax (United States of America);
L4L	Lawyers for Lawyers, Amsterdam, (The Netherlands);

Joint submissions:

JS1	Joint submission 1 submitted by: Article 19, English Pen and Pen International, London (United Kingdom of Great Britain and the Northern Ireland);
JS2	Joint submission 2 submitted by: Nota Bene, Dushanbe (Tajikistan) and International Partnership for Human Rights, Brussels (Belgium);
JS3	Joint submission 3 submitted by: Coalition against Torture in Tajikistan (12 NGOs and 5 independent experts (Tajikistan) and International Partnership for Human Rights (Belgium). The content of the submission is supported by Helsinki Foundation for Human Rights (Poland) and the Norwegian Helsinki Committee (Norway) and the World Organisation against Torture (Switzerland);
JS4	Joint submission 4 submitted by: Human Rights Matter (Germany), Office for Civil Freedoms (Tajikistan), Saint Petersburg Regional Human Rights Organisation 'Soldiers Mothers of Saint Peterburg' (Russian Federation), Human Rights Group 'Citizen. Army. Law' (Russian Federation);
JS5	Joint submission 5 submitted by: Public Association "Bureau on Human Rights and Rule of Law", Office of Civil Freedoms, Public Fund "Legal Initiative", Public Association "Rights and Prosperity", National Association of Independent Mass Media in Tajikistan, Public Association "Human Rights Centre" (Tajikistan), with the support of the International Federation for Human Rights (FIDH);
JS6	Joint submission 6 submitted by: Public Association "Bureau on Human Rights and Rule of Law", League of women with disabilities "Ishtirok", Independent Center of the Protection of Human Rights, Society of persons with disabilities "Imkoniyat", Coalition of public associations "From legal equality to actual equality", Public Fund "Your choice", Association of parents of children with disabilities, Public Fund "Public health and human rights", Public Association "Rights and Prosperity", Union of Consumers, Tajik Alliance of Family Planning, Public Association "Human Rights Center" (Tajikistan) with the support of FIDH
JS7/SRI	Joint submission 7 submitted by: the following partners of Sexual Rights Initiative- Action Canada for Sexual Health Rights (Canada), Egyptian Initiative for Personal Rights (Egypt), The Federation of

Women for Family Planning (Poland), Coalition of African Lesbians (South Africa) and Akahatà (Argentina).

Regional intergovernmental organization:

OSCE/ODIHR

Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, Warsaw, Poland

Attachments:

(OSCE/ODIHR: report 2015) Election Observation Mission Final Report, Parliamentary Elections on , 1 March 2015, Warsaw, 15 May, 2015;

(OSCE/ODIHR: report 2013) Election Observation Mission Final Report, Presidential Elections 6 November, 2013, Warsaw, February, 2014.

² The following abbreviations are used in UPR documents:

ICCPR

International Covenant on Civil and Political Rights

ICCPR-OP 2

Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty

CAT

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

OP-CAT

Optional Protocol to CAT

CRC

Convention on the Rights of the Child

CRPD

Convention on the Rights of Persons with Disabilities

³ JS6, para. 64.

⁴ JS3, p. 9.

⁵ JS2, p. 5. See also JS5, para. 38.

⁶ JS6, para. 109.

⁷ JS5, para. 49.

⁸ JS5, para. 10, p. 2.

⁹ JS3, p. 10.

¹⁰ JS3, pp. 2-3.

¹¹ JS6, para. 2.

¹² JS7/SRI, para. 5. For the full text of the recommendation see A/HRC/19/3, para. 88.9 (Poland).

¹³ JS5, para. 7, p. 2.

¹⁴ ISHR, p. 3.

¹⁵ JS5, p.3, para. 11. See also JS6, para. 72 and JS7/SRI, para. 35.

¹⁶ OSCE/ODIHR, p. 5.

¹⁷ ICAAD, p. 1.

¹⁸ JS6, para. 20.

¹⁹ JS7/SRI, paras. 9 and 13.

²⁰ JS7/SRI, paras. 10-11. See also ISHR, p. 2.

²¹ JS7/SRI, paras. 16, 17 and 18.

²² JS7/SRI, paras. 40- 41.

²³ JS7/SRI, paras. 34 and 36.

²⁴ JS7/SRI, para. 45.

²⁵ JS2, p. 5.

²⁶ HRW, p. 4. See also JS3, p. 3, JS5, para. 39 and ISHR, p. 1. For the full text of the recommendation, see A/HRC/19/3, para. 88. 28 (United Kingdom of Great Britain and Northern Ireland).

²⁷ For the full texts of the recommendations, see A/HRC/19/3, paras. 88. 23 (Czech Republic and Australia) and 88.24 (Canada).

²⁸ JS3, pp. 2 and 7. See also JS5, para. 42.

²⁹ HRW, p. 5.

³⁰ JS4, p.1.

³¹ JS3, p. 3.

³² JS4, p. 5.

³³ JS5, paras. 40 and 41.

³⁴ HRW, p. 5.

- ³⁵ ISHR, p. 2. JS6, para. 7 and ICAAD, pp. 1-2.
³⁶ JS7/SRI, paras. 20-21. See also ICAAD, p. 3.
³⁷ JS6, para. 9.
³⁸ JS6, para. 8.
³⁹ JS7/SRI, para. 20.
⁴⁰ For the full text of the recommendations see A/HRC/19/3, paras. 89.3 (Brazil and Romania), 89.4 (Uruguay) and 90.28 (Slovenia).
⁴¹ GIEACPC, paras. 1.1, 1.3 and 2.1-2.7.
⁴² JS6, paras. 24 and 28.
⁴³ JS5, para. 14.
⁴⁴ ISHR, p. 3.
⁴⁵ For the full text of the recommendations see A/HRC/19/3, paras. 88.44 (Sweden) and 88.45 (Mexico).
⁴⁶ L4L, p. 5.
⁴⁷ JS4, p. 6.
⁴⁸ L4L, para. 12.
⁴⁹ JS5, para. 21.
⁵⁰ IBAHRI; para. 1.1.
⁵¹ L4L, paras. 14, 17, 18 and 19.
⁵² IBAHRI, paras. 1.7, 1.8 and 1.10.
⁵³ L4L, para. 9.
⁵⁴ JS3, p. 5. See also L4L, para. 12.
⁵⁵ L4L, para. 10. See also IBAHRI, p. 1.9.
⁵⁶ JS3, p. 9.
⁵⁷ L4L, para. 13.
⁵⁸ L4L, p. 5. See also IBAHRI, p. 4.
⁵⁹ IBAHRI, para. 2.1.
⁶⁰ For the full text of the recommendation, see A/HRC/19/3, para. 90.30 (Czech Republic).
⁶¹ JS3, p. 4.
⁶² JS3, p. 6. See also JS5, para. 18.
⁶³ JS3, p. 9.
⁶⁴ JS5, para. 50.
⁶⁵ JS3, pp. 3-6. See also JS5, para. 50.
⁶⁶ JS3, p. 9. See also JS5, paras. 54 and 55.
⁶⁷ JS3, p. 3.
⁶⁸ For the full text of the recommendation, see A/HRC/19/3, paras. 88.49 (Poland) and 88.24 (Canada).
⁶⁹ JS3, p. 7.
⁷⁰ HRW, p. 5.
⁷¹ JS3, p. 9. See also JS5, para. 46.
⁷² JS3, p. 9.
⁷³ JS3, p. 8.
⁷⁴ JS3, p. 10.
⁷⁵ JS5, paras. 42 and 43.
⁷⁶ JS3, p. 10. See also JS5, paras. 47 and 48.
⁷⁷ JS5, paras. 25, 26, 27 and 30.
⁷⁸ JS7/SRI, para. 44.
⁷⁹ JS7/SRI, paras. 23-24.
⁸⁰ JS6, paras. 21 and 22.
⁸¹ HRW, p. 5. See also Forum 18, p. 1, JS2, p. 4, JC, para. 1 and ADF International, para. 4.
⁸² JS2, p. 4.
⁸³ Forum 18, para. 8.
⁸⁴ JC, pp. 1-2.
⁸⁵ ICAAD, p. 4.
⁸⁶ ADF International, paras. 6, 7, 8 and 9.
⁸⁷ EAJCW, para. 24. For the full text of the recommendation, see A/HRC/19/3, para. 88.53 (Uruguay).
⁸⁸ JS2, p. 4. See also JC, para. 8, Forum 18, para. 22 and ADF International, para. 11.
⁸⁹ JC, para. 4. See also ADF International, para. 12.

- 90 HRW, p. 5. See also Forum 18, paras. 9 -19, ICAAD, p. 4, para. (3), JC, para. 2, ADF International, paras. 15-22 and JC, para. 12.
- 91 EAJCW, paras. 5 and 14.
- 92 EAJCW, paras 5, 10, 12 and 14. See also ICAAD, p. 4, para. (3).
- 93 JS2, p. 4. See also JC, para. 3.
- 94 Forum 18, para. 12.
- 95 HRW, p. 5. See also Forum 18, p. 1.
- 96 Forum 18, para. 12.
- 97 HRW, p. 5. See also Forum 18, paras. 6-7.
- 98 JS2, p. 4 and Forum 18, para. 7.
- 99 HRW, p. 5.
- 100 JC, para. 9.
- 101 ICAAD, p. 4.
- 102 ADF International, para. 14.
- 103 Forum 18, para. 20.
- 104 ADF International, paras. 2 8 and 29.
- 105 HRW, p. 5.
- 106 JS2, p. 4.
- 107 JC, p. 3; Summary of Recommendations.
- 108 ICAAD, p. 4.
- 109 ADF International, para. 31.
- 110 JS4, p. 2.
- 111 JS1, paras. 2, 3 and 4.
- 112 HRW, p. 2. See also JS2, p. 1 and ISHR, p. 1.
- 113 JS1, para. 6. See also paras. 3, 7 and 8.
- 114 HRW, p. 2. See also JS2, p. 1, JS1, para. 9, JS5, para. 67, and ISHR, p. 1.
- 115 JS1, para. 9 and HRW, p. 2.
- 116 JS1, para. 17. See also para. 11 and JS2, p. 1 and JS5, para. 68.
- 117 JS1, paras. 12, 15 and 16.
- 118 JS1, para. 19.
- 119 JS2, p. 1. See also HRW, p. 3, JS1, para. 22 and JS5, para. 70.
- 120 JS5, para. 71.
- 121 HRW, p. 3.
- 122 JS1, para. 21. See also ISHR, p. 1.
- 123 JS1, para. 20. See also JS2, pp. 1-2, JS5, para. 72 and ISHR, p. 1.
- 124 HRW, p. 3. See also JS5, paras. 75, 76 and 78 and JS1, p. 7.
- 125 JS2, para. 2.
- 126 JS1, para. 35 (II). See also HRW, p. 3, ISHR, p. 3, JS2, p. 2. and JS5, para. 74.
- 127 JS1, para. 35 (III). See also JS5, para. 77.
- 128 JS1, para. 35 (VII).
- 129 JS1, para 35 (I).
- 130 JS2, para. 2.
- 131 JS2, p. 2.
- 132 JS3, p. 8.
- 133 ISHR, p. 1.
- 134 JS2, pp. 2-3. See also ISHR, p. 1; JS3, p. 8; JS5, para. 87 and HRW, p. 3.
- 135 JS5, para. 86.
- 136 JS2, p. 2. See also ISHR, p. 2, HRW, p. 3 and JS3, p. 8.
- 137 ISHR, p. 2. See also JS2, p. 4 and JS5, paras. 90 and 92.
- 138 HRW, p. 4. See also JS3, p. 10.
- 139 For the full text of the recommendation, see A/HRC/19/3, para. .
- 140 JS1, paras. 29-34. See also JS2, p. 3, JS5, para. 93 and ISHR, p.2.
- 141 JS5, para. 94. See also JS1, para. 35 (VIII) and JS2, p. 3.
- 142 HRW, p. 1. See also JS2, p. 3.
- 143 ISHR, p. 2. See Forum 18.
- 144 OSCE/ODIHR, p. 4.

- ¹⁴⁵ HRW, p. 2.
¹⁴⁶ OSCE/ODIHR, p. 4. See also JS2, p. 3 and Forum 18, para. 3.
¹⁴⁷ JS2, p. 4.
¹⁴⁸ ISHR, p. 2. See also HRW, p. 2.
¹⁴⁹ OSCE/ODIHR, p. 4.
¹⁵⁰ OSCE/ODIHR, p. 1. OSCE/ODIHR: report of 2015, Executive Summary.
¹⁵¹ OSCE/ODIHR, p. 3. OSCE/ODIHR: report of 2013, Executive Summary.
¹⁵² OSCE/ODIHR: report of 2013, pp. 3 and 23-26 and OSCE/ODIHR:report of 2015, pp. 25-29.
¹⁵³ JS6, para. 33.
¹⁵⁴ JS6, paras. 34-35. See also para. 29.
¹⁵⁵ HRW, p. 4.
¹⁵⁶ JS6, paras. 39 and 44.
¹⁵⁷ JS7/SRI, para. 6.
¹⁵⁸ JS7/SRI, paras. 29-30.
¹⁵⁹ JS7/SRI, para. 28.
¹⁶⁰ JS6, paras. 40-41.
¹⁶¹ JS6, paras. 50, 51, 53 and 54.
¹⁶² JS6, para. 67.
¹⁶³ JS6, paras. 61-62.
¹⁶⁴ JS6, paras. 63 and 58.
¹⁶⁵ JS6, para. 59.
¹⁶⁶ OSCE/ODIHR:report of 2015, p. 19.
¹⁶⁷ JS6, paras. 56-57.
¹⁶⁸ JS6, para. 81.
¹⁶⁹ JS6, para. 95 and 97.
¹⁷⁰ JS6, para. 94.
¹⁷¹ JS6, para. 106.
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