



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

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Committee against Torture

**Fourth periodic report submitted by Tajikistan
under article 19 of the Convention, due in 2022***

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* The present document is being issued without formal editing.



I. Introduction

1. The fourth periodic report of Tajikistan on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has been drawn up in accordance with the general guidelines regarding the form and content of periodic reports (CAT/C/14/Rev.1).
2. The report covers the period 2019–2022 and includes replies to the concluding observations of the Committee against Torture (CAT/C/TJK/CO/3), along with additional information on progress in fulfilment of obligations under the Convention against Torture.
3. The report was prepared by the working group of the Government Commission on International Human Rights Obligations. The draft report was submitted for discussion by government bodies and civil society institutions, and recommendations were received from concerned government bodies and also from civil society institutions. International and other civil society institutions were also consulted during the preparation of the report. With the support of the Regional Office for Central Asia of the Office of the United Nations High Commissioner for Human Rights (OHCHR), a presentation of the draft report (May 2022) was held with the participation of representatives of executive and judicial authorities, law enforcement agencies, the Commissioner for Human Rights, the academic community and civil society organizations.

II. Specific information on the implementation of the Convention against Torture, including information with regard to the Committee’s previous recommendations (CAT/C/TJK/CO/3)

Impunity for torture and ill-treatment (paras. 7 and 8)

4. On 24 January 2019, the national plan of action for 2019–2022 for the implementation of the recommendations of the Committee against Torture was ratified.¹
5. The draft national human rights strategy for the period until 2030 and its action plan have been finalized, and the document is currently pending approval by the Government of Tajikistan.
6. Much work has been done to improve national legislation on freedom from torture and the rights of persons deprived of their liberty: penalties for the use of torture have been stiffened; the basic guarantees of human rights in detention and custody have been strengthened; new regulations have been adopted to guarantee the rights of the child in the criminal justice system (see the relevant sections of the report).
7. The protection of human and civil rights is also provided for in the State Crime Control Programme for 2021–2030.²
8. On 25 June 2020, the Strategy for the Reform of the Penal Enforcement System for the period up to 2030³ and its action plan⁴ were adopted.
9. In all his public statements, including in the media, the Procurator General always emphasizes the inadmissibility of the use of torture and reviews progress in detecting criminal cases of torture and the results of their investigation. The senior management of the Office of the Procurator General has held meetings with staff of the internal affairs, national security, drug trafficking control and State financial audit agencies on combating corruption and preventing torture. Thus, in September 2019, the Procurator General held a meeting with staff members of the Ministry of Internal Affairs and, among other issues, called upon the heads

¹ <http://khit.tj/rus/nacionalnyy-plan-deystviy-7/>.

² Ratified by decision of the Government of Tajikistan of 30 June 2021.

³ Ratified by decision No. 385 of 25 June 2020 of the Government of Tajikistan.

⁴ Of 25 December 2021.

of the Ministry to comply strictly with the law on the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

10. The management of the Drug Control Agency, in its operational debriefing sessions and weekly monitoring meetings, highlights the importance of and need to uphold constitutional human rights and freedoms, the rule of law and the inadmissibility of torture and other cruel, inhuman or degrading treatment or punishment, and regularly instructs the senior staff and all employees of the Agency to observe official discipline, to take the necessary measures for proper communication and interaction with citizens and to crack down on actions that impugn the honour and dignity of the Agency's employees, in particular the harsh treatment of citizens. In addition, regular individual interviews are held with Agency staff and the necessary measures are taken to prevent unlawful acts that infringe human dignity and rights, including those of detainees, and to prevent the use of torture during initial inquiries and pretrial investigations.

11. The Ministry of Defence, in cooperation with the security and law enforcement agencies and other departments under the Government, holds regular meetings and discussions on combating prejudice and the problems of hazing and ill-treatment of conscripts in various units and detachments of the armed forces of Tajikistan.

Investigation of acts of torture (paras. 9 and 10)

12. In accordance with the rules of the Code of Criminal Procedure of Tajikistan, the investigation of crimes of torture is the exclusive responsibility of the procuratorial authorities. Internal security units of the law enforcement agencies are also responsible for identifying cases of torture and other breaches of citizens' rights.

13. The Commissioner for Human Rights has the right to conduct an independent investigation into gross human rights violations, including the use of torture. No obstruction may be placed before the activities of the Commissioner.

14. The Code of Criminal Procedure and the rules of procedure of the procuratorial authorities stipulate arrangements for the prompt response to and effective investigation of torture: a list has been compiled of the specific issues to be investigated in verifying and investigating alleged acts of torture and, among other measures, the safety of witnesses and victims of torture must be ensured; alleged perpetrators should be temporarily suspended from their duties; a thorough examination is to be made of the scene of the incident; and all suspects, eyewitnesses, staff members of remand facilities, medical personnel and other persons involved in the investigation of torture are to be questioned.

15. In view of the small number of complaints of torture at the current time (48 in 2018, 14 in 2019, 10 in 2020 and 13 in 2021), there is no need to set up another special body to investigate torture.

16. With reference to the past period, in 2020, the State Financial Audit and Anti-Corruption Agency initiated criminal proceedings under articles 316, 358 and 143 (1) of the Criminal Code against employees of the Agency, one of whom was convicted under all three articles, and three under articles 316 and 358.

17. Over the period 2019–2021, no investigations were conducted by officers of the Drug Control Agency in criminal cases of torture and other ill-treatment. On 15 June 2021, a representative of the Agency, together with representatives of other law enforcement agencies of Tajikistan, took part in an exhibition of historical pictures of victims of torture and other cruel and degrading treatment, which was organized by the non-governmental organization Independent Centre for the Protection of Human Rights and held at the Dushanbe-Serena Hotel, with the participation of the media.

Sanctions for acts of torture (paras. 13 and 14)

18. An interdepartmental working group comprising representatives of the Ministry of Justice, the Supreme Court and the Office of the Procurator-General has been set up under the Ministry of Justice, with the task of amending article 143 (1) of the Criminal Code in order to lengthen the period of deprivation of liberty for those guilty of using torture, while

abolishing non-custodial penalties. The amendments to the law were passed by the parliament on 2 January 2020, under decision No. 1661.

19. The new version of article 143 (1) of the Criminal Code defines torture as the “intentional infliction of physical and (or) mental suffering committed by a person conducting an initial inquiry or preliminary investigation or other official, at their instigation or with their acquiescence or with their knowledge by another person with the purpose of obtaining from the tortured victim or a third person information or confessions or of punishing him or her for an act that he or she or a third person has committed or of which he or she is suspected of having committed, as well as intimidating or coercing him or her or a third person, or for any other reason based on discrimination of any nature.” Article 143 (1) also provides for aggravating circumstances affecting the severity of the sentence, such as the commission of torture: (a) repeatedly; (b) by a group of persons by prior conspiracy; (c) on a woman known to the perpetrator to be pregnant, or a person known to be a minor or a person with disabilities; (d) with the infliction of moderate harm to health (para. 2), if they: (a) are committed with the infliction of grievous harm to health; (b) caused, by negligence, the death of the victim or other grave consequences (para. 3).

20. Under the 2020 amendments, sanctions for torture have been increased: in paragraph 1, from 5 to 8 years of deprivation of liberty (previously it was from 2 to 5 years); in paragraph 2, from 8 to 12 years’ imprisonment (previously, from 5 to 8); and, in paragraph 3, from 12 to 15 years of deprivation of liberty (previously, from 10 to 15 years). Fines have also been removed from the possible sanctions under article 143 (1) of the Criminal Code. Currently, the concept and sanctions for the use of torture are in line with the standards of the Convention against Torture.

21. In connection with the stiffening of the sanctions for the use of torture, torture has been classified as a serious crime and, accordingly, the provisions of articles 72, 73 and 75 of the Criminal Code do not apply to persons who have committed torture and other ill-treatment; as a result, a criminal case may not be terminated on the grounds of remorse or the reconciliation of the parties.

22. In the 2016 Amnesty Act, torture was specifically included in the list of offences not eligible for amnesty. Tajikistan will continue to adhere to this position when adopting laws on amnesty.

Human rights Ombudsman (paras. 15 and 16)

23. The Office of the Commissioner for Human Rights is an independent institution with the necessary mandate and resources to carry out activities in accordance with the Paris Principles. Every year, the State budget includes a separate line for financing the activities of the Commissioner for Human Rights, and this allocation is increased from year to year. Thus, for 2022, the sum of 177,020.00 somoni was allocated for the Office of the Commissioner for Human Rights, representing an increase of 53,350.00 somoni over the allocation in 2021 (in 2019, 1,562,050.00 somoni were allocated and, in 2020, 1,594,550.00 somoni).

24. To ensure that that the country’s law is in compliance with the Paris Principles, a working group comprising representatives of the Executive Office of the President of Tajikistan, the Majlis-i Namoyandagon, the lower house of the Majlis-i Oli, the legislature of Tajikistan, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Finance and the Office of the Commissioner for Human Rights has developed amendments to the Human Rights Commissioner in Tajikistan Act, based on a study of the legislation regulating the activities of human rights institutions of Armenia, Azerbaijan, Georgia, the Republic of Moldova, the Russian Federation and Ukraine, which have A status in this regard. Currently, the amendments are being coordinated by the country’s ministries and agencies.

25. The Office of the Commissioner for Human Rights liaises closely with the National Institutions and Regional Mechanisms Section of OHCHR, which assists in the implementation of the recommendations of the Subcommittee on Accreditation and Needs Assessment of the Office of the Commissioner for Human Rights. Thus, in 2019, two visits were conducted (May and September 2019) by Afarin Shahidzadeh, Deputy Chief of the OHCHR Office for Central Asia, who conducted an assessment of the process of implementation of the recommendations of the Subcommittee on Accreditation. Following

these visits, recommendations were drafted on the possible provision of technical assistance by OHCHR to strengthen the staff capacity of the Office of the Commissioner for Human Rights to implement the Office's mandate in line with the international standards of the country's human rights institutions and to assist Tajikistan in fulfilling its international obligations.

Fundamental legal safeguards (paras. 17 and 18)

26. In 2016, amendments were adopted to the Code of Criminal Procedure, introducing the concept of "actual detention", a system for calculating the period of detention from the moment of actual detention, and the detention procedure, which stipulates that detainees must be read their rights at the place of actual detention, a record made in the detention report and the detainee registration log of the identity of all persons involved in the detention, immediate access granted to a lawyer and a medical examination carried out of the detainee. The same law now significantly facilitates access to a lawyer.

27. Detainees shall have access to a lawyer from the moment of actual detention and may have private meetings with their lawyer without limitation as to number and duration until the beginning of the first questioning. The detainee and the lawyer have the right to examine the entries in the detention documents and to request amendments and additions to them.

28. The 12-hour period for notifying the relatives of a detainee, previously established by law, has been abolished. Now, relatives shall be notified without delay of the detention of a person, of the place where the person is held and of any change in that place of detention.

29. A review has been carried out of the concept of "inadmissible evidence", the list of such items (including the occurrence of torture or ill-treatment), the procedure for their exclusion from the evidence in the case, and also the obligation of criminal prosecution bodies and the court to conduct a mandatory verification of information on the use of torture, regardless of the existence of complaints and statements by the suspect (accused, defendant) or the defence counsel. In its prohibition of torture and inhuman treatment, the Code of Criminal Procedure deems any factual information obtained through their use inadmissible as evidence.

30. Several medical forms and an internal regulation for assessing the physical condition of a detainee have been adopted and approved, in particular in cases involving torture:

- Detained persons medical examination record
- Expert opinion: form No. 170/u
- Forensic examination report: form No. 171/u
- Compilation of laws and regulations covering forensic medical examinations and a standard procedure for the organization and production of forensic medical examinations in State forensic medical institutions of Tajikistan. New medical documents for the penitentiary system have also been developed, in particular the medical examination record and the procedure for the provision of medical care to persons remanded in custody and convicted, to ensure that the incidence of torture and other forms of inhuman or cruel treatment is properly documented

31. The State Financial Audit and Anti-Corruption Agency, as part of its staff professional training, in addition to studying the provisions of domestic and international statutory instruments on the protection of human and civil rights and freedoms, also attaches great importance to strict compliance with the Code of Ethics of Civil Servants of Tajikistan and the Disciplinary Regulations of Law Enforcement Officers of the State Financial Audit and Anti-Corruption Agency of Tajikistan.

32. During the reporting period, law enforcement units of the State Financial Audit and Anti-Corruption Agency detained 104 persons on suspicion of committing various corruption offences, and 90 of these were remanded in custody pursuant to a court order. In this regard, it is worth emphasizing that the rights and obligations of detainees (arrested persons) are strictly upheld in accordance with the stipulations of the Detention of Suspects, Accused Persons and Defendants (Procedure and Conditions) Act.

33. Meetings, conferences, round tables, seminars and other informational events are regularly organized by the Office of the Commissioner for Human Rights to boost the professional skills of law enforcement officers and military personnel and their strict observance of basic legal safeguards. Thus, from 11 to 19 March 2019, staff of the Office of the Commissioner for Human Rights and law enforcement officials of Kūhistoni Badakhshon Autonomous Province held meetings and round tables with the management and employees of Ministry of Internal Affairs departments in Darvaz, Vanj, Rūshon, Shugnon, Roshtqal'a, Ishqoshim, the city of Khorugh and of the Ministry's headquarters in the Autonomous Province on the topic "Rights of detainees, prevention of torture, terrorism and extremism".

34. Training courses are organized on a continuous basis for law enforcement officers in topical areas of their work, including strict compliance with basic legal safeguards, upholding human rights, eradicating torture and so forth.

35. The skills upgrading and professional development of employees is one of the priority activity areas of the Drug Control Agency and, to this end, training seminars, courses and workshops are regularly organized at the premises of the Agency's training centre and at training institutions of other law enforcement agencies of the country and foreign countries to improve the skills of its officers.

36. In order to improve the professional qualifications of the Agency's staff, theoretical training and refresher courses are regularly conducted in accordance with the requirements of international legal instruments and national law on the prohibition of torture and other forms of ill-treatment and respect for human rights and freedoms. In 2019–2022, the Agency's training centre, with the financial support of international organizations, organized and conducted special military service training courses for young staff members at the Agency. These were also attended by officials of the Ministry of Internal Affairs, the State Financial Audit and Anti-Corruption Agency and the government Customs Service; in addition, advanced training courses were held for officials in respect for human rights, prevention of torture and gender equality. For example, on 17 and 18 August 2020, a representative of the Agency, along with representatives of other ministries and agencies, participated in a seminar on the national action plan for the implementation of the recommendations of the United Nations Committee against Torture for 2019–2022, as part of the project on strengthening the prevention of torture and support for human rights organizations in Tajikistan, organized by the Independent Centre for the Protection of Human Rights. This training measure was designed to build and enhance the professional skills of employees of the press centres of law enforcement and other State bodies, and also of the State media, in publicizing freedom from torture and other cruel, inhuman, degrading treatment and punishment. In addition, on 7 February 2020, two employees of the Agency, together with representatives of the Supreme Court, the Office of the Procurator General, the Ministry of Justice, the Ministry of Defence, the State Financial Audit and Anti-Corruption Agency, the Office of the Commissioner for Human Rights and other public organizations took part in an event to publicize implementation of the national action plan for the implementation of the recommendations of the Committee on the Rights of the Child.

37. In their activities, officers of the Drug Control Agency strictly observe the provisions of the law, Instruction No. 44 of 29 May 2000 on the organization of the work of operational and duty units, the protection and escort of suspects and accused persons and the procedure for the operation of temporary holding facilities for suspects and accused persons and their internal regulations.

38. The material and living conditions and medical and sanitary services of the temporary holding facilities of the Agency are arranged in accordance with the country's national law and international legal instruments recognized by Tajikistan, and the procedure for the remand of detained, suspected and accused persons and the conditions in which they are held are regularly monitored by the responsible officials, the supervising prosecutor and the management of the Agency.

39. The rights of detainees and the conditions of their detention are upheld in accordance with the requirements of articles 91 and 92 of the Code of Criminal Procedure and the requirements of the above-mentioned statutory instruments. Before being placed in a temporary holding facility, detainees undergo a medical examination and a medical

certificate is issued. They are assigned a personnel file and their safety is assured. From the moment of remand in custody, they have the opportunity to exercise the rights provided for in article 46 of the Code of Criminal Procedure. In accordance with the established procedure, detainees are furnished with the services of a lawyer from the moment of their remand, their close relatives are immediately notified of their detention and whereabouts, and they are allowed to meet with their family members and close relatives in accordance with the law.

40. By Order No. 719 of 2 December 2013 of the Ministry of Public Health and Social Welfare, a working group was set up to incorporate the recommendations of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) in the practice of the country's health-care system.

41. Depending on the stage-by-stage approvals of the national action plan for the implementation of the recommendations of the United Nations Committee against Torture, the Ministry introduced new tasks into the action plan and set deadlines for their fulfilment. The Ministry has carried out a range of activities in line with the objectives of the national action plan for 2019–2022.

42. In February 2019, with the support of the Department of Human Rights Guarantees of the Executive Office of the President of Tajikistan, the Ministry of Public Health and Social Welfare held a round table on the results of monitoring of the Detained Persons Medical Examination Protocol. This document has been developed in line with the recommendations of the Istanbul Protocol and transmitted to the country's medical institutions for implementation in accordance with the Order No. 918 of 1 November 2014 of the Ministry of Health, in order to enhance the quality of medical examinations in accordance with a uniform standard. The round table event also included a presentation of the findings of research and analysis of the actual state of the country's forensic medical service, which reflect the current problems of this sector, identified shortcomings, and formulated recommendations for their elimination. Based on the results of the above studies, action plans to overcome the identified challenges have been developed and included in the action plans of the respective agencies for implementation over the period 2019–2022.

43. Significant results have been achieved in implementing the recommendations of the Istanbul Protocol in the work of the country's medical institutions. In particular, rules and regulations on forensic medical examination, aligned with the principles of the Istanbul Protocol relating to torture and other ill-treatment, have been ratified. In addition, in line with the same statutory instruments, the Detained Persons Medical Examination Protocol, which complies with the above requirements, has been ratified.

44. At present, in the light of the findings of monitoring implementation of the above rules and regulations, and with a view to ensuring their more effective practical application, problems have been considered and goals have been set, such as the need to introduce separate reporting, to conduct training measures for target groups of doctors whose duties include the conduct of medical examinations, to develop a mechanism for motivating doctors, to improve the conditions of the clinical premises for the medical examination of detainees, taking into account the heightened transparency of the process, and to establish guarantees of the independence of doctors.

45. Procedural documents and the procedure for forensic medical examinations in cases of torture have been developed and adopted. Medical officers of the health-care system and doctors working in the penal enforcement system (prison doctors) have been trained in the application of medical examination standards in accordance with the recommendations of the Istanbul Protocol. They have the knowledge and skills to apply this procedure in a manner that respects the principle of physician independence.

46. At the same time, judges, procuratorial officials, those of other law enforcement agencies and forensic experts have participated in a national seminar to explain the arrangements for independent investigation of cases of torture specified in the Istanbul Protocol.

47. During the reporting period, the country's law enforcement agencies detained a total of 15,077 people, of whom 3,353 were detained by officials of the procuratorial system, 9,414

by internal affairs officers, 1,264 by State security officers, 466 by those of the Anti-Corruption Agency and 581 by the Drugs Agency. Of these, 14,737 persons were remanded in custody, including 3,253 by the officials of the procuratorial system, 9,273 by internal affairs officers, 1,245 by State security officers, 385 by those of the Anti-Corruption Agency and 581 by the Drugs Agency. In all, 26 people were unlawfully detained, of whom 10 were detained by officials of the procuratorial system, 12 by internal affairs officers, 3 by State security officers, and 1 by the Drug Agency. This issue is summarized every six months and for the year in accordance with Order No. 30 of 15 February 2016 of the Procurator General and disciplinary measures are taken against the culprits.

Access to independent lawyers (paras. 19 and 20)

48. In 2015, the Bar and Legal Profession Act was adopted in line with the recommendations of the United Nations statutory bodies. To bring the Act into line with the country's international human rights obligations, it has been amended three times, improving such issues as the duties of lawyers, legal qualifications, admission to the qualification exam, and the suspension and withdrawal of the status of lawyer.

49. Currently, an interdepartmental working group has been set up under the Ministry of Justice to prepare a bill to amend and supplement the Bar and Legal Profession Act in line with the recommendations of United Nations entities.

50. In 2016, a law was adopted amending and supplementing the Code of Criminal Procedure. The same law now significantly facilitates access to a lawyer. Detainees shall have access to a lawyer from the moment of actual detention and may have private meetings with their lawyer without limitation as to number and duration until the beginning of the first questioning. The detainee and the lawyer have the right to examine the entries in the detention documents and to request amendments and additions to them.

51. In the framework of the Judicial Reform Programme in Tajikistan for the period 2015–2017, a road map for the provision of free legal aid was adopted by government decision No. 425 of 2 July 2015. The purpose of the road map is to lay out the groundwork for the development and further improvement of the State system of accessible and properly qualified free legal assistance for members of the public.

52. In order to implement the road map, the Legal Aid Centre, a State institution, was established under the Ministry of Justice by government decision No. 704 of 28 November 2015. The work of the Legal Aid Centre is aimed at laying the foundations for the development and further improvement of the State system of accessible and properly qualified free legal assistance for members of the public. This public institution has now been entrusted with the provision of primary and secondary legal assistance, a task which it is successfully performing. In this process, access to justice and free legal aid for vulnerable people is ensured.

53. Tajikistan pays special attention to the issue of inviting United Nations special mandate holders. A request for a second visit was transmitted to the Special Rapporteur on the independence of judges and lawyers in 2021.

Repression against victims of torture and their families, human rights defenders and journalists (paras. 21 and 22)

54. Investigative bodies of the Office of the Procurator General, in conjunction with other State bodies, are responsible for applying the cooperative arrangements for the protection of parties to criminal proceedings, with due account for the requirements of the State Protection of Parties to Criminal Proceedings Act, and government decrees No. 101 of 1 March 2012, ratifying the procedure for the protection of information on measures to ensure the safety of parties to criminal proceedings, No. 213 of 2 May 2013, on the procedure for assisting persons subject to State protection in changing their permanent or temporary place of work (service) or study, No. 339 of 30 June 2012, ratifying the procedure and amounts of payment of lump-sum benefits to parties to criminal proceedings entitled to receive social support measures, No. 538 of 2 November 2011, ratifying the types of special means of personal protection, communication and hazard notification to be issued to the protected person and

the procedure for their issuance, and No. 604 of 2 November 2012, on the State programme for ensuring the safety of parties to criminal proceedings for 2013–2016.

55. As for the upgrading of legislation to ensure the safety of parties to criminal proceedings, the staff of the Office of the Procurator-General put forward specific proposals at a national scientific and practical conference on the protection of parties to criminal proceedings as an important aspect of the protection of human rights, which was organized by the Ministry of Internal Affairs and the outcome of which was published and made available to all State bodies responsible for applying security measures.

56. Practical cooperation arrangements are spelled out in articles 16–19 of chapter 3 of the Protection of Participants in Criminal Proceedings Act and the other aforementioned government decrees, and these are applied by State bodies in applying security and social support measures.

Deaths in custody (paras. 23 and 24)

57. Over the period 2019–2021, the Central Penal Correction Department of the Ministry of Justice of Tajikistan, in cooperation with the National Tuberculosis Centre, the National HIV/AIDS Centre, and with the support of international and non-governmental organizations such as Caritas Luxembourg, the United States Agency for International Development, AFIF, the Global Fund, and SPIN-Plus, organized workshops and training measures for civil servants and prison inmates to prevent the spread of HIV and tuberculosis.

58. Over the period 2019–2021, 130 workshops and training sessions (49 with officials and 81 with inmates) were conducted, with the participation of 310 law enforcement officers and 820 inmates. The training sessions were conducted by specialists from the Ministry of Health and Social Welfare and the Medical Department of the Central Penal Correction Department of the Ministry of Justice.

59. To raise awareness among national security officers of HIV and tuberculosis prevention, the State Committee for National Security of Tajikistan conducts regular information and awareness-raising activities.

60. Employees of the division, the supervising prosecutor's office and the Ministry of Public Health and Social Protection of the Population organized and conducted several training workshops for employees of relevant government agencies and persons held in custodial facilities on preventing the spread of HIV/AIDS and tuberculosis. For the purpose of detection and timely medical response, inmates are routinely screened for tuberculosis, and also for HIV/AIDS.

61. Training sessions have been conducted by the Ministry of Public Health and Social Welfare in the cities of Dushanbe, Vahdat, Norak and the Yovon district of Khatlon province on fortifying the environment and scaling up prevention, treatment and care to roll back the HIV epidemic in Tajikistan. Training has been conducted for specialists of correctional facilities in the country's cities and districts, with the participation of 15 medical workers and 750 staff members of such institutions.

62. In addition, specialists at AIDS prevention and control centres provide regular practical and methodological assistance to specialists of the country's penitentiary institutions on issues of prevention, diagnosis, treatment and care. Representatives of infirmaries in correctional facilities are involved in conducting HIV training measures for health-care providers, on such issues as electronic tracking systems, surveillance, care and treatment.

63. Over the period 2019–2021, specialists of the Central Penal Correction Department of the Ministry of Justice of Tajikistan and international organizations conducted regular awareness-raising activities on preventing the spread of HIV in institutions of the penal enforcement system. During this period, 79,318 (18,334 in 2019; 33,417 in 2020; and 27,567 in 2021) prison inmates were interviewed individually and in groups on HIV prevention and treatment, and information materials on the infection were distributed to them all.

64. Over the period in 2019–2022, the National AIDS Prevention and Control Centre, a State institution, together with the Medical Division of the Central Penal Correction

Department of the Ministry of Justice, developed and published information materials to improve the quality of HIV prevention work in institutions. More than 282,207 informational materials were distributed among prison inmates during information and awareness-raising activities. Currently, a number of penitentiary institutions are actively implementing harm reduction programmes, including the exchange of disposable syringes, opioid substitution therapy, condom distribution and others.

65. Over the period 2019–2021, all institutions of the penal and correctional system have adopted the necessary measures to prevent and identify persons infected with HIV. In accordance with the instructions and guidelines of the Central Penal Correction Department of the Ministry of Justice, medical personnel conduct examinations and interviews when suspects, accused persons and defendants are admitted to the remand facilities of various entities. When HIV infection is detected in prison inmates, timely measures are taken to provide further treatment.

66. Over the period 2019–2021, 28,534 prison inmates and special staff members voluntarily underwent tests conducted by the staff of the Central Penal Correction Department of the Ministry of Justice (5,839 in 2019; 10,310 in 2020; and 12,385 in 2021), which resulted in the detection of HIV infection in 80 inmates (23 in 2019; 33 in 2020; and 24 in 2021). In 2019, 305 inmates living with HIV, 259 in 2020 and 215 in 2021 were registered in the Ministry’s system of subsidiary units. Over this period, 750 infected inmates (277 in 2019; 259 in 2020; and 214 in 2021) received antiretroviral therapy. Treatment of these patients is carried out jointly with the National HIV Prevention and Control Centre.

67. With a view to preventing HIV infections, substitution therapy has been introduced in facilities No. 1 and No. 2, and so-called “injection access points” have been introduced in three correctional facilities.

68. Preventive measures have been carried out to identify persons living with HIV among prison inmates and, in 2019, 5,267 inmates (9,788 in 2020) were voluntarily tested for HIV, including 23 persons (33 in 2020) diagnosed with HIV infection for the first time. In 2021, 12,385 inmates were tested for HIV and 24 of them were found to be HIV positive. All 24 HIV positive individuals received antiretroviral therapy in a timely manner and are still undergoing treatment. In 2022, 5,264 inmates were tested for HIV and 12 of them were found to be HIV positive.

69. Deaths of inmates in correctional facilities are registered in accordance with the procedure prescribed by the Penal Enforcement Code of Tajikistan and the procedure for the organization and provision of medical care to persons serving sentences in custodial facilities and remanded in custody, approved by joint order No. 40/402 of 1 May 2018 of the Minister of Justice and the Minister of Health and Social Welfare of Tajikistan.

70. Each death of a prison inmate is registered at the facility where the inmate was serving a sentence and is logged in the country’s official statistical records. The statistical records show that, over the course of three years, 164 prison inmates (58 in 2019; 62 in 2020; and 4 in 2021) died of cardiovascular diseases, pulmonary tuberculosis, respiratory diseases, neurological diseases, digestive system diseases, cancer, HIV infection and other diseases in facilities of the Central Penal Correction Department.

71. In the case of each death of a prison inmate, the office of the procurator takes prompt procedural steps to establish the cause of death, and legal decisions are taken on the basis of these findings.

72. Joint orders of the Ministry of Health and Public Welfare and the Ministry of Justice No. 40/402 of 1 May 2018, on the organization of medical care for persons serving sentences in places of deprivation of liberty and remanded in custody, No. 918, annex 13, of 1 November 2014, on the standard procedure for the organization and conduct of forensic medical examinations in State forensic medical institutions in Tajikistan, and No. 497 of 2 June 2015, on the conduct of forensic medical board examinations in the case of violent death of citizens in custodial facilities and other forensically complex cases, lay down the procedure for the examination of bodies of deceased persons in custodial facilities, which has been brought into line with international standards.

73. To strengthen the evidence base and transparency of autopsies, an order of the Ministry of Public Health and Social Welfare stipulates that forensic medical examinations in cases of violent death in custodial facilities shall be carried out by a medical board, namely, with the participation of at least three forensic medical experts. According to the current rules (Health Code of Tajikistan, State Forensic Examinations Act), pathological and forensic medical examinations of bodies may be carried out with the consent, and also at the request of individuals and legal entities, in other words, the law also allows the conduct of autopsies, not only pursuant to the decisions of judicial and investigative bodies, but also at the request of the legal representatives of the deceased.

74. The main problem lies in specific ethnic and cultural characteristics of the inhabitants of Tajikistan and is manifested in the refusal of relatives and close friends of deceased persons to allow autopsies under the direction of the management of medical institutions. Such circumstances are also observed in cases where the forensic examination of a body is a procedural requirement. In turn, it should be noted that, in the event of a suspected death by violence, the conduct of a forensic medical examination of the body in response to a decision of the judicial investigative authorities is mandatory.

75. As indicated above, the procedure for the organization of medical care for persons serving sentences in places of deprivation of liberty and remanded in custody was approved by a joint order of the Ministry of Public Health and Social Welfare and the Ministry of Justice, which provides for reporting by medical institutions of the penal system, in particular reporting on deaths. Medical institutions of the penal system are not subordinate to the Ministry of Public Health and Social Welfare, and the reports of that system are submitted to its own management, which is answerable to the Ministry of Justice.

76. The State Forensic Examinations Act was adopted on 25 July 2005 and is still in force. In accordance with article 9 of the Act, State institutions for the conduct of forensic examinations shall be established in Tajikistan within the set-up of the Ministry of Justice, the Ministry of Public Health and Social Welfare, the Ministry of Internal Affairs, the State Committee for National Security, the Customs Service, the Drug Control Agency and the Tajikstandart Agency. The law does not provide any legal basis for the establishment of an independent forensic institute.

77. The Forensic Expertise Department of the Drug Control Agency is a member of the Interagency Coordination Council on State Forensic Expertise under the Ministry of Justice and the Council has not considered the issues of creating an independent forensic expert institute.

78. In 2020, a draft government decision ratifying the statute of a national judicial and forensic examination centre of the Ministry of Justice was submitted by the Ministry to the Agency for its consideration. Proposals to improve the draft were submitted to the Ministry of Justice.

79. By government decree No. 334 of 27 August 2021, the Statute of the National Judicial and Forensic Examination Centre of the Ministry of Justice was duly ratified and the range of forensic examinations to be carried out by the Centre was expanded to 18 types of examination.

80. In 2021, there were no cases of cruel and inhuman treatment or degrading treatment of prison inmates committed by staff of the penitentiary institutions, and inmates' rights, as enshrined in the law on the enforcement of penal sentences, were respected throughout the period of their sentences.

81. In each correctional facility, the admission of inmates and their close relatives is carried out by the correctional facility staff according to the established schedule. In addition, in accordance with a schedule approved by the management of correctional facilities and with the involvement of procurators and other law enforcement officials, training workshops are organized and conducted for the staff of these facilities on the prevention of torture and other cruel, inhuman and degrading treatment of prison inmates.

82. In order to prevent torture in penitentiary institutions and remand facilities of the Central Penal Correction Department of the Ministry of Justice, staff of the Department and supervisory procuratorial offices regularly meet with the staff of these institutions to consider

the key elements of the existing laws on the enforcement of penal sentences, the safeguarding of the legitimate interests of convicted persons, and the prevention of torture and other inhuman or degrading treatment, and discussions are held on these issues.

83. During 2021, not a single case of torture or the inhuman treatment of prison inmates was detected or registered during checks of compliance with and application of the current law on the enforcement of custodial sentences in penal institutions and remand facilities.

84. During this period, the staff of the division and the supervising procuratorial office held several meetings with inmates in penitentiary institutions, and interviewed and questioned more than 970 inmates about the presence or absence of torture and ill-treatment during their sentences by staff of the institution.

85. In addition, every ten days the condition of inmates in penal, disciplinary and cell-type institutions is checked and interviews conducted with inmates.

86. According to statistics, in 2021, in penal facilities of the Central Penal Correction Department, out of 44 cases of serious diseases, 15 people died from cardiovascular diseases, 6 from pulmonary tuberculosis, 8 from respiratory diseases, 3 from neurological diseases, 6 from diseases of the digestive system, 2 from cancer, 2 from HIV infection and 2 from other diseases. The analysis showed that most of the deceased inmates had suffered from various diseases before serving their sentences and that their diseases had worsened during their imprisonment, which in a number of cases led to their death.

Coerced confessions (paras. 25 and 26)

87. The Supreme Court held training events through the media and the Judicial Training Centre of the Supreme Court on the topic of the application of national and international law to the crime of torture, in order to upgrade the professional qualifications of judges in the area of freedom from torture and other ill-treatment, and also to raise public awareness of this topic. In all, 176 judges received such training in 2019, 162 in 2020 and 113 in 2021.

88. Judges and court officials also published five articles on torture in 2019, eight such articles in 2020 and three in 2021, and held meetings with the public, organizations and institutions in 2019, in particular with educational institutions. In 2020, 5 such meetings were held; 64 meetings in 2020; and 70 awareness-raising discussions in 2021.

89. Over the same period, in 2019, the country's courts initiated 2 criminal cases against 4 persons under article 143 (1); in 2020, 61 cases against 61 persons for administrative offences, including 3 cases in the circuit court, and in 2021, 1 criminal case against 3 people, resulting in sentencing.

90. In its awareness of the importance of combating torture, on 25 June 2012, the Plenum of the Supreme Court adopted decision No. 1, on the application of the rules of criminal law on combating torture, and the courts are guided by the recommendations of this decision when considering such cases. During the aforementioned period, 11 petitions were filed in the process of consideration of criminal cases and, in compliance with the requirements of this decision, the courts handed down rulings on the conduct of inspections and forwarded them to the relevant authorities.

91. By Order No. 65 of 24 December 2018, the Director of the Agency for Statistics in the Office of the President of Tajikistan approved the statistical reporting form No. 1 (semi-annual, annual), for reporting on the work of the courts of first instance in criminal cases, which was prepared in response to a request of the Supreme Court and submitted to the Supreme Court for its use. This form also includes information on cases of torture, application of article 143 (1) of the Criminal Code and details of the number of complaints of the use of torture against defendants (number of complaints received and resolved).

Monitoring of places of deprivation of liberty (paras. 27 and 28)

92. At the initiative of the Commissioner for Human Rights, a working group for visiting and monitoring closed institutions was established in 2013, the main task of which is to study the possibility of ratifying the Optional Protocol to the Convention against Torture. The working group includes representatives of the Commissioner for Human Rights, the

Executive Office of the President of Tajikistan, the parliament, the procuratorial service and the judiciary, and also representatives of the academic community and civil society.

93. To prevent cases of torture, a group was set up within the framework of the working group, made up of representatives of the Office of the Commissioner for Human Rights and civil society institutions, with the task of monitoring places of deprivation and restriction of liberty.

94. Since 2014, more than 120 monitoring exercises have been conducted, including in penal institutions, remand and temporary holding facilities, and also in a number of military units. Materials based on the findings of these visits were forwarded to the relevant authorities.

95. In 2021, the Office of the Commissioner for Human Rights conducted 16 monitoring exercises (7 in 2020 and 12 in 2019) in temporary holding facilities of the Ministry of Internal Affairs in Panjakent, Khujand and Guliston of Sughd province, Shahrinav, Ishkoshim, Roshtqal'a and Rasht districts, correctional facilities YS 3/10, 3/1, YS 3/6, SI YS 9/1 and institution YT 9/7 of the Central Penal Correction Department of the Ministry of Justice and, together with civil society organizations, military units 02011 "d", 01123, 01123 "a" and 0717 of the Ministry of Defence.

96. In the process of monitoring closed and semi-closed institutions, the Commissioner for Human Rights and staff from the Commissioner's Office examine the quality of medical care, the quality of food and compliance with nutritional standards, methods of correctional treatment, organization of leisure activities for prison inmates and other services provided to persons remanded in custody.

97. The Commissioner for Human Rights also systematically carries out effective public awareness-raising activities on issues of combating the use of torture. As a result of these measures, the number of complaints of torture has decreased.

98. It is planned to expand the monitoring group and to extend monitoring to all places of deprivation and restriction of liberty.

99. The creation of a national preventive mechanism based on the so-called "Ombudsman plus" model (monitoring group of the Office of the Commissioner for Human Rights in Tajikistan) is currently under consideration.

100. The International Committee of the Red Cross (ICRC) has repeatedly been invited to visit places of deprivation of liberty to ensure national and international oversight in accordance with the law of Tajikistan. On 20 January 2012, on the instructions of the Executive Office of the President of Tajikistan, a working group was established on the issue of visits to places of deprivation of liberty by ICRC representatives. In 2015, a meeting was held between the Ministry of Justice and ICRC to discuss an ICRC visit to places of deprivation of liberty. ICRC was presented with a draft agreement between the Government of Tajikistan and ICRC, aligned with the law of Tajikistan, which provides for access by ICRC representatives to places of deprivation of liberty. To date, however, the position of the aforementioned Committee on this proposal has not been formally announced.

Non-refoulement (paras. 29 and 30)

101. Tajik law on refugees is consistently being aligned with international standards in the area of ensuring human rights and freedoms and is based on the Constitution of Tajikistan and consists of the Refugees Act and other statutory instruments. In 2021, the draft action plan for 2021–2023 for the National Strategy for the Protection of Human Rights for the period up to 2030, was amended with the inclusion of the task of improving the Act and making its provisions consistent with international standards for the protection of asylum seekers and refugees.

102. Tajikistan complies with its obligations to grant refugee status to foreign nationals and stateless persons. The Ministry of Internal Affairs has drafted a bill amending and supplementing the Code of Administrative Offences of Tajikistan, which includes amendments to paragraph 3 of article 150 (Time limits for appealing and protesting against a ruling on an administrative offence), increasing to seven days the time limit for appealing

and filing a protest against the ruling of a judge imposing the administrative expulsion of a foreign citizen from the territory of Tajikistan. This bill was passed on 4 July 2020.

103. In accordance with the 2020 amendments to the Code of Administrative Offences, the words “with expulsion from the Republic of Tajikistan” have been removed from the sanction stipulated in paragraph 3 of article 499, which covers breaches of the rules of residence in Tajikistan by refugees and asylum seekers.

104. A joint standing commission for determining the status of refugees has been established under the internal affairs bodies and approved by government decision No. 568 of 30 November 2018. This commission comprises representatives of the Executive Office of the President, the ministries of internal affairs, health and social welfare, foreign affairs, labour, migration and employment and the State Committee for National Security of Tajikistan.

105. Government decision No. 325 of 26 July 2000, listing settlements of Tajikistan in which the temporary residence of asylum seekers and refugees is not permitted, was adopted in order to ensure security and public order in the country’s populated localities. Asylum seekers and refugees must be accommodated on the territory of Tajikistan in accordance with this list. Local State authorities and local self-government bodies of localities that are not included in this list make every effort to ensure that asylum seekers and refugees are resettled in areas where there is sufficient infrastructure. It should be noted that, in settlements where asylum seekers and refugees are not permitted to reside temporarily, they can still receive education and pursue gainful employment, work for hire and engage in entrepreneurial activity.

106. The main reasons for the expulsion of foreign citizens from the territory of Tajikistan are non-compliance with the requirements of the law, security, public order, protection of public health and morals, and protection of the rights and legitimate interests of citizens of Tajikistan. Most refugees who are citizens of Afghanistan and who have infringed the requirements of government decision No. 325 of 26 July 2000, listing settlements of Tajikistan in which the temporary residence of asylum seekers and refugees is not permitted, and have obtained fake residence certificates in neighbouring areas of Dushanbe, submit these to the relevant offices to obtain refugee status.

107. More than 73,343 aliens are reported to have entered the country during the reporting period.

108. During this period, the Migration Service of the Ministry of Labour, Migration and Employment issued licences to 16,140 business entities, including for the recruitment of specialists from abroad and for the import of labour.

109. For the deportation of foreign citizens from Tajikistan an exit visa must be obtained from the Consular Department of the Ministry of Foreign Affairs of Tajikistan. If aliens overstay their visa by several months, they must pay a consular fee of \$200 (for an exit visa) for the first month and \$100 for each subsequent month.

110. There are cases when foreign citizens are detained without identity documents and, owing to the lack of official missions of their country in Tajikistan, the issue of their deportation is delayed and becomes impossible. Another problem in this area is the lack of special facilities for the temporary detention of aliens pending the determination of their legal status, and also the large fines imposed.

111. Over the period 2018–2021, the Institute for the Study of Lawfulness, Law and Order, Criminality and the Professional Development of Staff of the Procuratorial System of Tajikistan, working in cooperation with law enforcement agencies and other State bodies, international and other non-governmental organizations (International Organization for Migration, Organization for Security and Cooperation in Europe, International Labour Organization and others) and the human trafficking study centre of the Faculty of Law of the Tajik National University, conducted a number of workshops, seminars and training courses on specific human rights enshrined in the International Covenant on Civil and Political Rights and the Convention against Torture, including on the issues of freedom from torture, equality of the sexes and the prevention of domestic violence. More than 80 per cent of all operational staff of the procuratorial service attended these training courses.

112. In addition, staff of the procuratorial service attended training courses or participated in regional and international seminars and conferences on these issues in a number of neighbouring and other foreign countries, including Kazakhstan, Kyrgyzstan, the Russian Federation, Uzbekistan and others.

113. Furthermore, prosecutors have participated as trainers in comparable courses with the involvement of judges and internal affairs, national security, customs and other government officials, including members of the Committee on Women and the Family.

114. In 2018, the Commissioner for Human Rights, together with representatives of the Office of the Procurator General and the Tajik National University, held eight awareness-raising events in the cities of Khorugh and Konibodom and districts of Fayzobod, Lakhsh, Khovaling, Baljuvon, Asht and Darvoz on the following topics: “National action plan for implementation of the recommendations of the United Nations Human Rights Council member States under the second cycle of the universal periodic review for 2017–2020”, “Prevention of torture” and “Promotion of human rights protection in Tajikistan”.

115. To enhance the professional knowledge and skills of procurators and investigators in detecting and investigating torture, the theoretical and practical manual on the organization of the work of the procuratorial authorities in combating torture has been improved.

116. In 2021, based on checks carried out by the Migration Service of the Ministry of Labour, Migration and Employment of Tajikistan, administrative offence reports were filed against 168 aliens for non-compliance with the rules of residence on the territory of Tajikistan under articles 138Q3 (158 people) and 499Q2 (10 people) of the Code of Administrative Offences and no individual was deported from the country by court decision.

117. During this period, the courts of Tajikistan charged 295 persons with breaching the rules for the residence of foreign citizens and stateless persons in Tajikistan and those for transit through the territory of Tajikistan. All these offenders were fined with subsequent deportation from the country.

118. At present, there is a Temporary Accommodation Centre for asylum seekers in Tajikistan in Hisor, jamoat (subdistrict) of Almosi, which has been fully refurbished and fitted out with the necessary equipment. This centre comprises 11 rooms for 51 people. There are currently 23 asylum seekers temporarily residing at the centre.

119. In response to the spread of coronavirus disease (COVID-19) in 2020, the Government of Tajikistan provided assistance to 300 refugees in the amount of 120,000 somoni.

120. In cooperation with non-governmental organizations, 67 asylum-seekers and refugees were provided with food, clothing, medicines and technical products.

121. Status of registration of asylum seekers and refugees in Tajikistan by year:

- 2018 – 2,673 families of asylum seekers and refugees; asylum seekers – 150 families, refugees – 2,523 families, consisting of a total of 8,019 persons (of which 4,002 are men, 4,017 are women), adult men – 1,334, minors – 2,668, adult women – 1,339, minors – 2,678.
- 2019 – 2,853 families of asylum seekers and refugees; asylum seekers – 553 families, refugees – 2,300 families, consisting of a total of 8,559 persons (4,260 men, 4,299 women), adult men – 1420, minors – 2,840, adult women – 1,438, minors – 2,861.
- 2020 – 2,553 families of asylum seekers and refugees; asylum seekers – 58 families, refugees – 2,495 families, consisting of a total of 10,212 persons (3,404 men, 6,808 women), adult men – 1,142, minors – 2,262, adult women – 2,278, minors – 4,530.
- 2021– 2,519 families of asylum seekers and refugees; asylum seekers – 772 families, refugees – 1,747 families, consisting of a total of 10,886 persons (3,628 men, 7,258 women), adult men – 1,209, minors – 2,419, adult women – 2,471, minors – 4,787.

- First quarter of 2022, a total of 2,370 asylum seeker and refugee families; asylum seekers – 150 families, refugees – 2,523 families, consisting of a total of 10,104 persons (3,368 men, 6,736 women), adult men – 1,122, minors – 2,246, adult women – 2,245, minors – 4,491 have been registered.

122. At present, figures for the residence of refugees on the territory of Tajikistan by cities and regions are as follows:

- in the city of Dushanbe: 105 families, 382 individuals
- in the city of Vahdat: 1,704 families, 7,992 individuals
- in the city of Hissar: 12 families, 35 individuals
- in Shahrinav district: 3 families, 6 individuals
- in Rūdakí district: 473 families, 1,429 individuals
- in Sughd province: 45 families, 158 individuals
- in Khatlon province: 28 families, 102 individuals

Training (paras. 31 and 32)

123. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials have been translated into the State language by the Office of the Commissioner for Human Rights in Tajikistan. They are scheduled to be published in 2022.

124. The issues of studying and preventing torture and of standards of freedom from torture are included in the advanced training programmes for law enforcement officers, the staff of penal facilities, judges, procurators, military personnel, lawyers and others.

125. In addition, in 2021, staff of the Office of the Commissioner for Human Rights compiled a manual of international standards on freedom from torture.

126. There are plans also, in 2022, to compile a manual for the verification of complaints of torture, cruel and degrading treatment and punishment.

127. The code of ethics for staff of the Drug Control Agency, No. 33, was adopted and rolled out on 24 April 2017 and a brochure in the State language entitled “Human rights, combating torture, clarifying the facts, No. 4,” is available for practical use by employees.

128. Every year, the general theoretical and group training plan for the various sub-units of the Drug Control Agency includes the following topics: “United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”, “International Covenant on Civil and Political Rights”, “Criminal and criminal procedure legislation”, “Code of ethics of civil servants of Tajikistan”, “Code of ethics of employees of the Drug Control Agency under the President of Tajikistan”, and “Procedure for the use of firearms and special equipment and other rules on freedom from torture”. These sessions are organized and conducted with the aim of upholding the rule of law and respect for human rights and freedoms, and are designed to prevent torture and ill-treatment during initial inquiries and pretrial investigations.

129. In order to prevent the use of torture and other ill-treatment and to comply with the rules for freedom from torture, in their day-to-day work employees of the Drug Control Agency apply the requirements of the Detention Instruction of 24 October 2012, which was issued by a joint order of the Procurator General, the Minister of Internal Affairs, the Minister of Justice, the Chair of the State National Security Committee, the Director of the State Financial Audit and Anti-Corruption Agency and the Director of the Drug Control Agency. The Instruction places emphasis on the inadmissibility of torture and outlines measures for its prevention.

130. The Agency’s employees also use as operational guidance the booklet entitled “Rights of detainees”, ratified by the Commissioner for Human Rights in 2016, the decision of 25 June 2012 of the Plenum of the Supreme Court of Tajikistan, on the application of criminal law and criminal procedure law on combating torture, and the theoretical and practical

manual entitled “Legal basis and organization of the activities of the procuratorial authorities for the prevention, detection and investigation of torture” drafted in 2013 by the management of the Office of the Procurator General.

131. More information on educational activities in the domain of freedom from torture may also be found in other sections of the present report.

Conditions of detention (paras. 33 and 34)

132. The strategy for reform of the penal system of Tajikistan for the period up to 2030 and the action plan for implementation of the strategy over the period 2021–2025 were ratified by government decisions No. 385 of 25 June 202 and No. 24 of 25 February 2021, respectively. It is planned to finance this strategy from the State budget, and also by raising funds from foreign organizations and other sources not prohibited by the law of Tajikistan. The main objectives of the strategy are to improve detention conditions; to ensure the more effective performance of penal facilities and authorities; to bring the treatment of detainees up to the level of international standards; to reduce the rates of recidivism among former convicts by increasing the effectiveness of social and psychological work and developing a system of assistance for such persons after release; to ensure more humane conditions for persons remanded in custody and serving sentences of deprivation of liberty; and to strengthen guarantees of observance of their rights and lawful interests.

133. To ensure timely and proper implementation of the strategy and its action plan for 2021–2025, to strengthen the capacity of local offices and to create favourable conditions for work and development, an action plan has been developed and ratified for the Central Penal Correction Department of the Ministry of Justice, comprising 130 items and specifying timelines and the individuals responsible for its implementation and monitoring its performance.

134. During this period, with a view to attracting investments, senior officials from the Ministry held bilateral meetings with a number of representatives of the diplomatic corps and international organizations accredited to Tajikistan to present specific proposals and recommendations on tackling the problems of the sector and on implementing items of the strategic action plan, which are currently under consideration by those organizations.

135. To date, the Government has already made some progress towards this end. New remand facilities have been put into operation; a new high-security correctional facility has been built in the city of Vahdat; work has been completed on the construction of new facilities in strict, reinforced and general regime correctional facilities (modern two-storey complexes for long-term visits and a new two-storey 300-bed residential facility); A separate treatment facility and a separate establishment for the treatment of tuberculosis patients have been established; The budget of the penal enforcement system has been significantly increased; New standards have been adopted for the provision of food and possessions to persons remanded in custody and those serving sentences in penal facilities; The programme for the organization of labour and development of industrial production in correctional facilities of Tajikistan for the period 2015–2020 has been ratified.

136. With the support of the Government, the financing of the penitentiary system is being increased and detention conditions are being brought into line with international standards. A new correctional facility No. 3/1 in the city of Vahdat has been built and commissioned in accordance with international standards. On 25 July 2021, inmates were transferred from the existing correctional facility to the newly refurbished facility in the city of Vahdat.

137. During the reporting period, construction, refurbishment and repair works are also under way in the central office and all local sub-units. At the same time, as of the current time, the main construction and refurbishment work has been completed on dozens of buildings and facilities of various purposes in local sub-units of the Central Penal Correction Department have been completed. In 2021 alone, the following facilities were commissioned:

- A modern bakery, including the installation of equipment, in correctional facility No. 3/8 in Nurek and correctional facility No. 3/13 in Vahdat.
- The central building, bakery, canteen and teahouse in correctional facility No. 3/12 in Dushanbe.

- The central building, officers' canteen, with modern equipment, in correctional facility No. 3/4 in Dushanbe.
- The central building of the hospital in-patient department, comprising 15 treatment rooms, 2 operating theatres, 1 intensive care unit and other consulting rooms for doctors with 40 beds, and a 208-seat Tajik-style cultural centre in correctional facility No. 3/2 in Vahdat.
- Tailoring and pasta-making shops, with the installation of modern equipment, in correctional facility No. 3/8 in Nurek.
- A new 300 m² sanitation and hygiene complex at correctional facility No. 3/6 in the Yovon district.
- A modern library and sports hall in correctional facility No. 3/2 in Vahdat.
- A second brick factory in remand centre No. 9/1 in Dushanbe.

138. Construction of a two-storey dormitory building in correctional facility No. 3/3 in Khūjand, a three-storey dormitory and medical services building in correctional facility No. 3/4 in Dushanbe, officers' canteen buildings in correctional facility No. 3/6 in Yovon district and correctional facility No. 3/12 in Dushanbe, along with the renovation of dormitories and the construction and refurbishment of dozens of other buildings and facilities, is currently under way.

139. At the same time, the establishment of livestock and poultry farms and greenhouses in penitentiary institutions has made it possible to provide fresh dairy products, meat, eggs and fresh vegetables to inmates, thus improving the supply and consumption of nutritious food.

140. The Ministry of Public Health and Social Welfare has signed a long-term agreement with the Central Penal Correction Department of the Ministry of Justice. Under the agreement, tuberculosis specialists from State institutions and tuberculosis protection centres are engaged on a contractual basis in the timely detection and treatment of tuberculosis patients among correctional facility inmates. The country's penitentiary institutions will also be provided free of charge with first-line tuberculosis drugs, diagnostic materials for sensitive tuberculosis patients and second-line tuberculosis drugs, hygiene kits and food kits.

141. Every year, using a mobile digital vehicle, the National Tuberculosis Protection Centre, a government institution, conducts examinations, free of charge, of citizens in the country's correctional facilities. In 2021 and the first quarter of 2022, more than 9,050 free fluoroscopic examinations were performed. In order to prevent the spread of HIV infection among inmates, with the cooperation of the Central Penal Correction Department of the Ministry of Justice, correctional facilities are provided with preventive and informational materials. It should be noted that all HIV prevention and control services in correctional facilities, such as various examinations, antiretroviral treatment and treatment of related diseases, are provided free of charge, funded from the State budget and other sources.

142. The Central Penal Correction Department of the Ministry of Justice has studied and analysed the need to improve the legal framework governing the penitentiary system, by incorporating the provisions of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules). At the same time, the Ministry of Justice, taking into account the requirements of the Bangkok Rules, aims to make a number of amendments to the Penal Enforcement Code of Tajikistan. A bill amending and supplementing the Penal Enforcement Code is currently under consideration by the Government.

143. Female convicts are included in a special category, taking into account their physiological, psychological and behavioural characteristics. The Central Penal Correction Department of the Ministry of Justice is taking the necessary measures to upgrade the competence of the staff of women's institutions, who must have a high level of professionalism. In 2020, eight staff members of women's facility No. 3/8 in the city of Norak were enrolled in refresher courses that cover the requirements of national and international legal instruments, including the Bangkok Rules, which specifically regulate the treatment of women prisoners. The staff of this facility also took part in two training workshops organized

by the Association of Psychiatrists of Tajikistan with the support of Penal Reform International. Participants at these workshops were familiarized with the ways and means of working with convicts, in particular female convicts. In addition, on 30 October 2020, representatives of the Office of the Commissioner for Human Rights conducted a training event for all staff of women's institutions. The training event familiarized staff with the requirements of international human rights standards, including the Bangkok Rules.

144. On 30 and 31 March and on 27 and 28 May 2021, training workshops were held in correctional facility No. 3/8, in the city of Nurek, on the specific nature of the detention and minimum treatment of women prisoners, in accordance with international standards. The workshops were organized in cooperation with the voluntary association, Centre for Human Rights, in fulfilment of the national plan for the implementation of the recommendations of the Human Rights Committee and the national plan of action on the implementation of the recommendations of the Committee against Torture for 2019–2022. The workshops were attended by 50 staff members of women's correctional facility No. 3/8 in Nurek and 24 service personnel from military unit No. 6593 in Dushanbe, who work directly with female inmates. These workshops explored the content of such legal instruments as the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), the Bangkok Rules, the Convention against Torture and the Istanbul Protocol. The Bangkok Rules were also examined and made available for use as separate booklets for participants in these sessions.

145. In this regard, a separate module on international treaties forms part of the service and specialized training plan for the officers of women's correctional facilities, including among its topics a four-hour course on the Bangkok Rules.

146. On the basis of the national HIV epidemic control programme for 2017–2020, ratified by government decision No. 89 of 25 February 2017 and approved by the Ministry of Health for application in the penal system from 25 November 2020, specialists from the National AIDS Prevention and Control Centre, working in conjunction with the medical unit of the Central Penal Correction Department of the Ministry of Justice, have carried out monitoring in seven facilities of the correctional system and imposed essential measures to rectify any persistent shortcomings.

147. From 16 to 20 March 2020, monitoring was conducted and practical guidance provided in three correctional facilities of Sughd province. In 2021, monitoring was conducted and practical guidance provided in four penal facilities of the city of Dushanbe. Based on the results of these visits, the necessary recommendations were elaborated and submitted to the management of the National AIDS Prevention and Control Centre and the medical unit of the Central Penal Correction Department of the Ministry of Justice, to rectify any existing shortcomings.

148. As part of the implementation of the national HIV epidemic control programme for 2017–2020, HIV sentinel surveillance was conducted among prison inmates.

149. The sentinel surveillance study of 800 inmates was conducted in December 2021 in four penitentiary institutions of the Central Penal Correction Department of the Ministry of Justice, in the cities of Dushanbe and Khujand. The survey comprised four stages: preparation; data collection; data entry into the electronic database; analysis of the survey results and their submission to the relevant authorities.

150. In 2022, specialists of the National AIDS Prevention and Control Centre, together with the Central Penal Correction Department of the Ministry of Justice and the Global Fund to Fight AIDS, Tuberculosis and Malaria, are planning to carry out monitoring and evaluation and to provide practical guidance in tandem with the conduct of training workshops on the diagnosis, treatment and follow-up care of HIV for specialists, doctors and specialized employees of correctional facilities in the cities and districts of Tajikistan.

151. Implementation of the national tuberculosis prevention programme for the period 2017–2020 in the penitentiary system of Tajikistan is regularly monitored. Monitoring is carried out of the detection, diagnosis and treatment of cases of tuberculosis, with the involvement of civilian officials and prison sector staff members. All cases of tuberculosis in the penitentiary system are diagnosed at the level of the central medical control commission

of the National Tuberculosis Protection Centre. In 2018, two state-of-the-art GeneXpert systems were installed in the penitentiary system for the timely diagnosis of tuberculosis cases, significantly improving the accessibility of tuberculosis care for prison inmates. In all registered cases of tuberculosis in the penitentiary system, patients receive first-line and second-line drugs. Training courses have been held for staff of the medical service of the penitentiary system on new methods of diagnosis and new approaches to the treatment of tuberculosis.

152. In the context of all the measures that have been taken, there is a downward trend in tuberculosis morbidity and mortality in the penitentiary system. In 2017, the incidence of tuberculosis was 760 per 100,000 members of the population; in 2020, it was 407 per 100,000 members of the population. In 2017, the mortality rate from tuberculosis in 2017 was 40 per 100,000, while in 2020 this indicator was 15.4 per 100,000.

153. The procedure for medical examination, disclosure of information and preventive measures related to issues of HIV infection among prison inmates, including treatment of infected persons, has been developed and approved in all statutory instruments of the health-care system, and also in the joint order No. 40/402 of 1 May 2018 of the Ministry of Public Health and Social Welfare and the Ministry of Justice, on the organization of medical care for persons serving sentences in places of deprivation of liberty and remanded in custody. The order also establishes legal regulators and the procedure for conducting pathological and forensic medical examinations in cases of death in custody.

Independent complaints mechanism (paras. 35 and 36)

154. The Office of the Procurator General of Tajikistan maintains accurate and far-reaching statistical records of complaints of torture. Figures show that, in 2018, 48 complaints were registered; 14 in 2019; 10 in 2020; and 13 in 2021. The complaints were thoroughly verified and five criminal prosecutions were brought by the procuratorial authorities in relation to five confirmed facts. To date, preliminary investigations have been completed in three cases in respect of five persons, the cases have been referred to the courts and the culprits have received custodial sentences.

155. As set out in the State statistics report, the procurator's duties include the compilation, every three months, of a statistical record of allegations of torture (on form "P").

156. According to the amended Code of Criminal Procedure, the management of any custodial facility must immediately transmit to the body conducting criminal proceedings complaints addressed to it by a detainee, suspect, accused person, defendant or convicted person remanded in custody about the use of torture or other cruel, inhuman or degrading treatment or punishment, and also about the actions of an officer of the body conducting the initial inquiry or of an investigator.

Prisoners serving life sentences (paras. 37 and 38)

157. At the current time, a project for the construction in Rudaki district of remand centre No. 1 and a facility for the serving of special regime and life sentences is being developed by the public corporation Sanoatsoz and the Committee for Architecture and Construction under the Government of Tajikistan, in cooperation with representatives of the State management office for the construction of government facilities of the Executive Office of the President of Tajikistan and the Central Penal Correction Department of the Ministry of Justice.

158. The Central Penal Correction Department of the Ministry of Justice is considering the need to upgrade the Penal Enforcement Code, by taking into account the recommendations of the Committee against Torture regarding the involvement of persons sentenced to life imprisonment, detention of convicted persons and detention of persons sentenced to life imprisonment together with other convicted persons. At the same time, the Ministry considers that it only makes sense to upgrade the Penal Enforcement Code on condition that a separate institution can be constructed for those categories of convicted offenders who need to be held in a special regime facility in view of the dangerous nature of the crimes that they have committed.

Juvenile justice (paras. 39 and 40)

159. Tajikistan attaches particular importance to juvenile justice and, in that connection, has made certain progress with regard to the reform of juvenile justice in the country. The Juvenile Justice Reform Programme for 2017–2021 was adopted by government decision No. 322 of 29 June 2017 and has been successfully implemented. An interdepartmental working group on reforming the juvenile justice system was set up by Instruction No. 32/10-177 of 18 August 2017 of the Chief of the Executive Office of the President, with the aim of implementing this Programme and further reforming the juvenile justice system.

160. Between 2017 and 2021, the Ministry of Justice, acting as the body coordinating the reform of the juvenile justice system, with the technical support of the office of the United Nations Children's Fund (UNICEF) in Tajikistan, organized and held 15 meetings of the working group. At these meetings, the working group considered issues relating to the implementation and monitoring of the Juvenile Justice Reform Programme 2017–2021; improving legislation in the area of juvenile justice; developing and adopting the National Programme for the Prevention of Juvenile Delinquency for 2020–2024 and the Programme for the Rehabilitation and Social Reintegration of Juveniles Who Have Served Custodial or Semi-Custodial Sentences for 2020–2024; analysing the conditions of detention of minors in conflict with the law in institutions of deprivation of liberty or restriction of liberty, conducting short-term training measures on psychological issues; and other matters.

161. The Ministry of Justice, in cooperation with the UNICEF country office in Tajikistan, has vetted legislation in the field of juvenile justice for compliance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, and other instruments. The vetting was aimed at identifying priority issues, with a view to making recommendations for further reform of the child justice system and bringing it into line with international standards.

162. The Beijing Rules, the Riyadh Guidelines and the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime have been translated into Tajik by the Office of the Commissioner for Human Rights in Tajikistan. A compendium of major international and national juvenile justice instruments was published as part of the implementation of the human rights education programme for 2013–2020.

163. An interdepartmental working group comprising staff of the Supreme Court, the Office of the Procurator General, the Ministry of Justice, the Ministry of Internal Affairs and the Statistics Agency was set up under Order No. 5-45 of the Procurator-General of 10 March 2020. The working group has drafted guidelines on a mechanism for collecting statistics on children who are offenders, witnesses or victims of crime or violence. This project is currently being coordinated with the relevant ministries and departments.

164. Act No. 1811 amending the Code of Criminal Procedure was adopted on 23 December 2021. The Act supplemented the Code of Criminal Procedure Code as follows:

- A minor suspect must be questioned immediately, within 12 hours of actual arrest.
- A minor may be held in custody for no more than 48 hours from the time of arrest. Upon expiry of that time limit, the detained minor must be released from custody, or another preventive measure must be applied to the minor.
- A minor witness or victim under the age of 7 may not be questioned without a break of at least 30 minutes and for a total duration of more than 1 hour per day, those aged between 7 and 14 may not be questioned without a break of at least 1 hour and for a total duration of more than 2 hours per day, those aged between 14 and 16 may not be questioned without a break of at least 1 hour 30 minutes and for a total duration of 3 hours per day, and those aged between 16 and 18 may not be questioned without a break of at least 2 hours and for a total duration of 4 hours per day.
- The duration of the questioning of minor witnesses or victims who, owing to physical or mental disabilities, are unable to defend their rights and legitimate interests

independently shall be determined by the investigator on the basis of a recommendation from a teacher or psychologist.

165. Act No. 1665 amending the procedures and conditions for the remand in custody of suspects, accused persons and defendants was adopted on 2 January 2020. Thus, rules allowing the detention of minors together with adults have been excluded from the legislation of Tajikistan. The country's law now completely prohibits the joint detention of minors and adults. In accordance with these amendments and additions, when a submission is received about the use of violence against a minor, a mandatory medical examination is carried out by at least three medical workers who are independent of the institution where the minor suspect, accused person or defendant is being detained, in order to record the degree of bodily injury inflicted, signs of violence, the use of torture or evidence of ill-treatment.

166. Since 2017, regular training programmes on the protection of children's rights and international standards on juvenile justice have been developed and conducted at the Supreme Court, the Office of the Procurator General, the Ministry of Internal Affairs and the Central Penal Enforcement Department of the Ministry of Justice.

167. Between 2017 and 2021, in accordance with the plans approved by the senior management of the Ministry of Internal Affairs, professional development courses on topics relating to the protection of children's rights and juvenile justice were organized and held for regional inspectors and employees of the Ministry's Department for the Prevention of Juvenile Delinquency and its subdivisions. In total, over the period 2017–2021, 508 employees of the Ministry of Internal Affairs took professional development courses at the Ministry's training centre.

168. In 2017 and 2018, the Bar Association of Tajikistan, with the assistance of the UNICEF country office in Tajikistan and the Legal Initiative Foundation, held 12 training courses for 235 lawyers. Seven of the training courses took place in Dushanbe and five in Khujand. The main topics of the training courses were "The protection of minors in criminal proceedings" and "Psychological factors in interviewing minors".

169. In 2017–2021, the Supreme Court Judicial Training Centre, in accordance with the approved training programmes for judges, conducted a number of professional development courses on the topics: "National and international standards of juvenile justice", "The criminal responsibility of minors" and "Procedures for the conduct of criminal proceedings against minors and for their sentencing". A total of 909 persons, including 827 judges, 58 trainee judges and 24 court officers, have undergone professional development.

170. Over the period 2017–2021, the Supreme Court Judicial Training Centre, with the assistance of the UNICEF country office, held a number of seminars and workshops on juvenile justice, which were attended by 159 persons, including 96 judges, 54 trainee judges and 9 court officers.

171. The Ministry of Education and Science conducted an analysis of the role of psychologists in the juvenile justice system, which resulted in the appointment of full-time psychologists at educational establishments nationwide. At the current time, there are 1,058 psychologists working in the country's educational establishments. These include 14 psychologists working in schools and colleges of Kūhistoni Badakhshon Autonomous Province, 88 in Khatlon province, 728 in Sughd province, 116 in the city of Dushanbe and 112 in the centrally administered towns and districts.

172. In 2020 and 2021, the Ministry of Justice, with support from the UNICEF country office in Tajikistan and the Central Asia office of Penal Reform International, conducted two reviews of detention conditions for juveniles in conflict with the law, at the following four institutions:

- Juvenile correctional (educational) colony Y/S 3/12 of the Ministry of Justice in Dushanbe
- Juvenile reception and placement centre of the Ministry of Internal Affairs
- National special school of the Ministry of Education and Science in Dushanbe

- Special vocational and technical lyceum of the Ministry of Labour, Migration and Employment in Dushanbe

173. In the course of these reviews, 92 minors and 57 employees from the aforementioned institutions were interviewed. In general, the conditions for living, learning and personal development at the institutions analysed were satisfactory, and no cases were identified of torture or ill-treatment of children at these institutions. The Ministry of Justice pays special attention to the issue of professional development for staff of juvenile correctional (educational) colony Y/S 3/12, where juvenile offenders serve their sentences.

174. Juvenile offenders constitute a special category of inmate, and a high level of professional knowledge and skill is required from staff of these institutions to find ways and means of advancing their personal development. The Ministry of Justice, the Ministry of Labour, Migration and Employment, the Ministry of Internal Affairs and the Ministry of Education and Science organize and conduct regular professional development courses to boost the skills of the staff of institutions where young offenders serve custodial or semi-custodial sentences.

175. The Programme for the Rehabilitation and Social Reintegration of Juveniles who Have Served Custodial or Semi-Custodial Sentences for 2020–2024 was adopted by government decision No. 387 of 25 July 2020.

176. The National Programme for the Prevention of Juvenile Delinquency for 2020–2024 was adopted by government decision No. 431 of 30 July 2020.

177. Interdepartmental groups have been created to implement these programmes and the activities of the relevant government agencies in this area are continuing.

178. A working group at the Office of the Procurator General has drafted a new Criminal Code, which is being considered by the parliament. Under chapter 14 of the new draft Code, sanctions for juvenile offenders are mitigated in the best interests of the minor.

179. The Strategy to Combat Extremism and Terrorism in Tajikistan for 2021–2025, which was approved by Presidential Decree No. 187 of 1 June 2021, defines the goals, objectives and main thrusts of State policy to combat extremism and terrorism and is aimed at bringing together the efforts of government bodies and local authorities in settlements and villages, civil society institutions and international organizations in this sphere.

180. The Office of the Procurator General is responsible for coordinating the activities of government agencies, civil society institutions and international organizations to implement this Strategy. The Office, under a departmental action plan to strengthen procuratorial oversight of action to counter extremism and terrorism and prevent the involvement and participation of citizens – in particular young persons and teenagers – in the activities of extremist organizations, is taking the necessary organizational and operational measures in this regard.

181. On 30 April 2019, 84 children whose parents were victims of foreign military conflicts outside the country were returned to their homeland from Iraq and the Syrian Arab Republic at the initiative of the President of Tajikistan. All of them were placed in educational and therapeutic institutions of the Ministry of Education and Science, the Ministry of Public Health and Social Welfare, and the Ministry of Labour, Migration and Employment and provided with schooling and medical treatment.

182. The Office of the Procurator General, together with other relevant government agencies, specialists and psychologists, has worked on the reintegration of these children and their adaptation to normal life, and also on the inculcation in them of a sense of patriotism and respect for their country. Children who have been returned to the homeland receive schooling and medical treatment at the above-mentioned institutions, hot meals, seasonal clothing and footwear, and teachers and carers use a variety of pedagogical means and methods to return the children to their normal lives and continually observe them in daily life. The measures taken and the favourable conditions created for the children have fostered in them a sense of self-awareness, patriotism, national pride and respect for others. Analysis has shown that the speech and character of the children changed drastically, they formed attachments to other pupils and appeared socialized in normal life situations, and their

emotional and mental state improved. The medical, legal, social, psychological and educational rehabilitation of children and teenagers who have been brought back from combat zones has been carried out by the relevant ministries and agencies on the basis of a specially devised educational and development programme for their integration into and adaptation to normal life. Currently, the health status, education and personal development of children and teenagers returned from combat zones to institutions of the authorized State ministries and agencies is being monitored continuously by law enforcement agencies and local authorities.

183. Training courses on juvenile justice for staff of the procuratorial authorities have been held at the Institute for the Study of Lawfulness, Law and Order, Criminality and the Professional Development of Staff of the Procuratorial System of Tajikistan.

Redress and rehabilitation (paras. 41 and 42)

184. In 2021, the Supreme Court of Tajikistan, together with the Coalition against Torture and Impunity, established a working group of three judges to analyse judicial practice in cases of redress for moral harm to victims of torture over the period 2015–2022. As a result of this analysis, several decisions of the Plenum of the Supreme Court of Tajikistan, which address issues of the prevention of torture and redress for damage, and cases of compensation, are currently under review.

185. In November 2021, the Training Centre of the Supreme Court of Tajikistan, with the involvement of an international expert, conducted two training sessions on the consideration by courts of cases of redress for moral harm to victims of torture. The training was designed to meet the requirements and standards of General Comment No. 3 on article 14 of the Convention against Torture. In May 2022, train-the-trainer sessions on methods and techniques for teaching courses on redress for moral harm to victims of torture were conducted for 12 judges at the Judicial Training Centre. Following these sessions, training modules on this topic are being developed by the training participants and four three-day training courses for judges will be held in August 2022. After those training courses, the modules will be improved and implemented in the professional development programme for judges.

186. Over the period 2012–2017, the courts of Tajikistan handed down judgments on eight claims for redress for moral harm in cases of torture and other forms of ill-treatment. In two cases, monetary compensation was ordered, in the amount of 46,500 somoni (approximately 5,300 euros) and 14,579 somoni (approximately 1,650 euros). In particular, in April 2016, pursuant to a court judgment, 16,000 somoni was paid as redress for moral harm to the victim Khushvakht Kayumov, who was subjected to coercion to testify. The law enforcement officer responsible for the use of torture was sentenced to seven years' imprisonment. In 2018 and 2019, the courts considered no cases related to redress for moral harm caused as a result of torture and ill-treatment. In March 2021, a military court in the Dushanbe garrison ordered the Ministry of Internal Affairs and the State Committee for National Security of Tajikistan to pay compensation to the widow and children of a resident of Ashta, Komil Khojanazarov, who committed suicide after being tortured by officers of these agencies.

187. The National Social Service Centre for Victims of Trafficking in Persons and Domestic Violence has been established as part of the Ministry of Public Health and Social Welfare. In accordance with the provisions of the Centre's statute, ratified by Instruction No. 624 of 20 August 2020 of the Ministry of Public Health and Social Welfare, the Centre has 27 workplaces and 30 beds, providing social services for victims of human trafficking. The institution is funded from the State budget, with allocations of 595,124 somoni in 2021 and 844,581 somoni in 2022.

188. In 2021, 17 victims applied to this institution and there are currently 12 victims receiving a wide range of social services in the Centre.

189. In addition, the Ministry, within the limits of its jurisdiction, in the performance of its functions and to promote mutual cooperation with voluntary associations and non-governmental organizations, has concluded agreements with such organizations as Femida, Gamhori and Dilafruz with the aim of boosting the effectiveness of efforts to prevent, detect and suppress human trafficking, providing protection and assistance to victims of

trafficking, coordinating preventive work in this area and strengthening the monitoring by civil society institutions of the progress and results of this work. During 2021, these organizations provided a range of social services to 223 victims of human trafficking and victims of domestic violence.

190. Pursuant to Joint Order No. 193–47 of 28 March 2019 of the Ministry of Public Health and Social Welfare and the Ministry of Finance, amending Joint Order No. 938–135 of 5 November 2014 of the Ministry of Health and the Ministry of Finance, on victims of human trafficking and domestic violence, such victims are now included in the category of persons entitled to free medical care, depending on their social status. In this connection, it is planned to consider these issues, to develop a system for attracting additional financial resources from the State budget, in particular for forensic institutions, and to provide for measures to rehabilitate victims of torture (violence), which shall be applied until the court judgment on redress for material and moral damage enters into force.

191. The organization of advanced training and retraining courses for workers in the social protection system is the responsibility of the Training and Experimental Centre for Social Work and Innovation, which forms part of the Ministry’s set-up. The Centre’s curriculum includes such topics as working with families in difficult circumstances and issues of juvenile justice. During the current year, 201 social workers underwent advanced training and retraining, which is 74 more than in the same period last year. According to the approved plan, 17 topics (126 classes) will be taught in study groups.

Corporal punishment of children (paras. 43 and 44)

192. In accordance with the requirements of article 25, paragraph 3, of the Education Act, the teaching process in educational establishments is based on mutual respect between students, teachers and other employees. The use of physical or psychological violence against students is prohibited.

193. Instructions for employees of educational establishments on preventing and responding to cases of violence against children, methodological guidelines for teachers on educational aspects of gender equality and the prevention of domestic violence and a range of guidance packages on human rights and family law have been developed.

194. Pursuant to the State Programme for the Prevention of Domestic Violence in Tajikistan for 2014–2023, individual and preventive work is being carried out in educational institutions among students and parents who are on the preventive register for the deterrence of antisocial acts and reduction of cases of domestic violence. Talks, meetings and round tables are held with law enforcement officers, religious representatives, medical workers and representatives of the Committee on Women and Family Affairs under the Government of Tajikistan on the prevention of domestic violence.

195. During the reporting period, amendments and additions were made to existing legislation, significantly strengthening the guarantees of children’s rights to freedom from torture and other ill-treatment. In January 2020, Act No. 1658 on the Prevention of Juvenile Delinquency was passed. In order to implement this Act, the Ministry of Education and Science conducted training seminars in all educational establishments.

196. In January 2020, amendments were made to article 32 of the Custody of Suspects, Accused Persons and Defendants (Procedures and Conditions) Act. Paragraph 6 stipulates that “upon receipt of a report of the use of torture on a minor, a medical examination shall be conducted without fail to determine the degree of bodily injury and identify signs of violence, torture and ill-treatment; the examination shall be carried out by at least three medical workers who are not under the authority of the institution where the juvenile suspect, accused person or defendant is being remanded in custody”.

197. According to the January 2020 amendments, minors may not be detained with adults (previously, this was allowed in exceptional cases with the permission of the procurator) or held in punishment cells, solitary confinement cells or guardrooms (arts. 34, para. 2, and 38, para. 2, respectively).

198. In 2019, the Committee for Women and the Family conducted a study with the Rule of Law and Access to Justice Programme of the United Nations Development Programme

and with the United Nations Population Fund (UNFPA) on the situation relating to gender-based violence against women and girls and the development of recommendations to eliminate such violence.⁵

199. To ensure that children who are victims of violence have access to an appropriate rehabilitation and counselling centre, work has started on the construction of a support centre for juvenile victims of violence.

200. Under the auspices of the Coordinating Council on Drug Abuse Prevention, the Drug Control Agency in the Office of the President of Tajikistan is implementing plans for joint activities with the Ministry of Public Health and Social Welfare, the Ministry of Labour, Migration and Employment, the Committee for Women and the Family, the Committee for Youth and Sport and the State authorities in the Sino, Ismoili Somoni and Firdavsi districts of Dushanbe.

201. The Ministry of Internal Affairs has developed statutory instruments on the prevention of juvenile delinquency, such as:

- Act No. 1658 of 2 January 2020 on the Prevention of Juvenile Delinquency
- Government decision No. 431 of 30 July 2020 on the National Programme for the Prevention of Juvenile Delinquency for 2020–2024
- Government decision of 27 August 2020 on the placement procedure and period of stay in the reception centre for minors

202. During the period under review, in response to evidence of the use of physical violence against minors, a total of 63 criminal cases (12 in 2018, 10 in 2019, 14 in 2020, 20 in 2021 and 7 in the first three months of 2022) were initiated and investigated under article 174 of the Criminal Code (Failure in the duty of care for a minor) and the perpetrators were convicted. Of the total number of criminal cases, 41 were brought against teachers and 22 against parents.

203. Between 2018 and 2022, law enforcement agencies detected a total of 635 instances of obstruction of basic compulsory education (102 in 2018; 131 in 2019; 146 in 2020; 157 in 2021; and 99 in the first three months of 2022) and a total of 502 instances of informal religious education of minors (31 in 2018; 100 in 2019; 58 in 2020; 286 in 2021; and 27 in the first three months of 2022) and the perpetrators were duly brought to justice.

204. Information on offences committed by and against juveniles over the previous five years and first three months of 2022:

<i>Year</i>	<i>Committed by juveniles</i>	<i>Committed against juveniles</i>
2017	690	1 039
2018	907	919
2019	873	929
2020	754	927
2021	763	666
First three months of 2022	210	196

Hazing, ill-treatment and torture in the armed forces (paras. 45 and 46)

205. In coordination with the security and law-enforcement agencies and other departments under the Government, regular meetings and discussions are held on combating prejudice and the problems of hazing and ill-treatment of conscripts in certain units and detachments of the armed forces of Tajikistan, in particular:

- Military units and individual subdivisions of the Ministry of Defence have installed boxes in order to receive complaints and petitions from service personnel and citizens,

⁵ <https://www.comwom.tj/articles/467-arzyobii-z-rovarii-gender-dar-minta-a-oi-ma-sadnoki-um-urii-to-ikiston>.

including soldiers, about cases of hazing and provide lists of telephone hotlines with the numbers of the Military Procurator's Office, the Minister of Defence and the State Committee of National Security, and also the website of the Ministry of Defence and the email address of the Minister of Defence.

- In accordance with the directive of the Minister of Defence of 7 November 2015 on organizational and educational work to strengthen military discipline and law and order in the armed forces, the joint service regulations of the armed forces of the Republic of Tajikistan, the manual on planning educational work in formations, military units and sections of the armed forces, and current laws and statutory instruments, explanatory, educational and preventive work is carried out with cadets and soldiers, from call-up to military service onwards, in order to inculcate patriotism and love of their homeland, fidelity to the military oath, respect for the national heritage and historical treasures, and defence of the homeland.

206. Every year, in order to inform the parents of military personnel, meetings with the local committee and the parents' committee are held in military units, at which participants freely express their thoughts and opinions about military service. These meetings are broadcast on all national television channels.

207. The Commissioner for Human Rights, together with the Office of Public Freedoms, a voluntary association, conducts monitoring and holds round-table discussions in military units and military sections of the Ministry of Defence on issues related to respecting the rights of service personnel during military service.

208. Unannounced inspections and physical examinations of soldiers are also conducted, in order to prevent and stop beatings, torture and the infliction of other bodily injuries. In cases where such actions are discovered, official investigations are conducted, the perpetrators are disciplined and prosecuted, and they are also dismissed from the armed forces in accordance with the regulations on the performance of military service.

209. In order to improve legal and political knowledge among military personnel, instructional methods classes, officer's courses and self-instruction sessions, national-level forums and meetings with prominent figures and representatives of the law enforcement agencies of Tajikistan are regularly conducted in accordance with the training programme.

210. In ministries and departments, the armed forces, the various branches of the armed forces and military units, intensified efforts are being made to raise awareness among personnel of the country's laws and serious attention is being given to the mental state of military personnel. To prevent crime, fatalities and other accidents among military personnel, outreach and awareness-raising activities are carried out and cultural programmes are regularly organized with the participation of poets, writers and scholars. The level of knowledge, skills and professionalism of military personnel has been raised, along with their combat readiness. their sense of professional responsibility, their patriotism and their legal awareness, and military discipline has been strengthened to a certain extent.

211. In pursuance of the planned joint activities to implement the political and educational road map for the armed forces ratified by Presidential Decree No. 369 of 20 February 2015, and in line with Presidential Decree No. 1028 of 24 July 1998, on urgent measures to strengthen the rule of law and improve military discipline in the armed forces and other military formations, and with the action plan to step up political, awareness-raising and ideological work in the armed forces, other forces and military formations, the Military Procurator's Office has been taking systematic and effective steps since 27 March 2019 to prevent and eliminate the causes and predisposing factors of criminality and to reduce levels of crime and violent death among military personnel. To this end and with a view to preventing delinquency among military personnel, improving their mental state and heightening their sense of patriotism, theoretical and practical training sessions have been held, and monitoring of their behaviour has been strengthened.

212. An analysis of the records found that no cases of torture, cruel treatment or other encroachments on human dignity were registered in 2021.

213. Despite the measures taken, the requirements of existing military laws and regulations have not been properly observed and implemented in military ministries and departments and

internal procedures have not been correctly followed. There have been cases where the statutory rules governing relations between serving members of the military have been breached, military personnel have been absent from their units without leave, and there have been desertions, fatalities and suicides among them.

214. During the period under review, the Military Procurator's Office registered 2,245 offences (637 in 2018, 584 in 2019, 507 in 2020 and 517 in 2021) committed by service personnel, of which 286 were offences involving breach of the statutory rules governing relations between service personnel.

215. In addition, during that same period, 182 offences (52 in 2018, 37 in 2019, 49 in 2020 and 44 in 2021) of abuse of power by officers and warrant officers, involving the beating of subordinates, were registered in military ministries and departments.

216. During the said period, staff of the Military Procurator's Office uncovered 177 instances (61 in 2018, 45 in 2019, 33 in 2020 and 38 in 2021) of concealment of offences involving the beating of military personnel. Criminal cases were initiated by the investigation bodies of the military units concerned and, upon completion of the preliminary investigation, the cases were referred to the courts.

217. In order to provide timely information about the commission of offences involving the beating of service personnel, based on the relevant order of the Procurator General and pursuant to the order of the Chief Military Procurator, all military units are equipped with a hotline and a box for complaints and petitions, which service personnel can use to apply directly to the Military Procurator's Office. In the reporting period, more than 140 offences related to the beating of service personnel were brought to light through the telephone hotline and judicial decisions were handed down on these offences.

218. Despite the measures taken, the requirements of the current laws and military regulations in the military ministries and departments are not yet being properly observed and implemented, and this has led to an increase in the number of fatalities of service personnel, with more than 100 violent deaths of such personnel registered during the period under review. The manner of commission and the motives of these offences are basically the same: the perpetrators are military personnel with more than one year of service, and they commit these acts in order to demonstrate their superiority and create favourable service conditions for themselves. Where sergeants, warrant officers and officers are concerned, the offences are occasioned by abuse of power and official position.

219. Proper implementation of the requirements of military regulations, law and order and the prevention of offences in military ministries and departments is directly contingent on the daily activities of officers and warrant officers. Regrettably, observance of this requirement among officers and warrant officers remains low.

220. Those in positions of authority in the army do not work in an appropriate manner with rank-and-file soldiers and, in some cases, treat their subordinates in a rude and insulting manner, which also provokes offences and other grave consequences. Service personnel commit offences by taking advantage of the lack of due supervision of their performance of military service and the failure by the officers themselves to observe proper rules of conduct.

221. Regrettably, there are instances when certain officers beat their subordinates, affronting their dignity and thus undermining the reputation of the officer corps in general.

222. Non-commissioned officers in military units play an important role in inculcating and enhancing military discipline and professionalism among rank-and-file soldiers, because they have regular dealings with and serve alongside these soldiers. In this process, non-commissioned officers model their behaviour on that of officers and warrant officers, including their commanders, and permit themselves to take the same liberties with their subordinates. The activities of the command structures of branches of the armed forces, military units and other military formations aimed at strengthening military discipline, legality, and law and order among service personnel are not in line with the requirements and are not resulting in any significant progress in the prevention of offences.

223. In order to prevent, suppress and detect these offences, operational staff of the Military Procurator's Office are carrying out regular checks in military units with the participation of

medical experts. Following the discovery and registration of attested breaches of the military regulations governing relations between military personnel outside the chain of command and the abuse of authority by officers, warrant officers and sergeants involving the beating of subordinates, legal measures are being taken against those who conceal such activities.

224. In particular, over the course of three years, 714 reports (198 in 2019, 245 in 2020 and 271 in 2021) of the involvement of officials in covering up offences have been submitted to the commanding officers of military units and 639 people (193 in 2019, 178 in 2020 and 268 in 2021) have incurred various disciplinary penalties.

Violence against women and girls (paras. 47 and 48)

225. In 2020, as part of the endeavour to strengthen cooperation between health-care workers and crisis centres, an additional 10 wards for abused women have been commissioned in hospitals in the cities of Isfara, Istaravshan, Bobojon Ghafurov, Aini and Panjakent in Sughd province, the district of Abdurahmoni Jomi, the Vose and Yovon districts of Khatlon province, Rudaki district and the city of Hisar, with the aim of improving arrangements for the provision of medical services. This measure forms part of the implementation of the Prevention of Domestic Violence Act and the State Programme for the Prevention of Domestic Violence in Tajikistan for 2014–2023, with financial support from UNFPA.

226. There are currently 17 inspectors for the prevention of domestic violence employed by the Ministry of Internal Affairs, 22 wards for women victims of violence administered by the Ministry of Public Health and Social Welfare, 34 State legal bureaux in the government institution, Legal Assistance Centre, under the Ministry of Justice, 14 resource centres, and 9 non-governmental organizations working in the area of domestic violence, making a total of 96 individuals and entities working for the prevention of domestic violence.

227. In 2020, with the participation of representatives of the Ministry of Public Health and Social Welfare and in cooperation with the voluntary association Tanzimi Oila, the Committee carried out an inspection of wards for victims of violence in cities and districts of Sughd and Khatlon provinces and in other centrally administered districts, including Kulyab, Guliston, Gissar and Rudaki, to ensure the sustainability of the action plan to prevent domestic violence and improve the quality of services provided.

228. The issue of criminalizing domestic violence as a separate offence is currently under review. Accordingly, the new wording of the draft Criminal Code has been supplemented by a new offence, article 153 (Domestic violence), which establishes criminal liability for an act committed by a family member against another family member, manifested in battery, other violent acts entailing minor harm to health, isolation, intimidation with a view to imposing a family member's will or personal control over the victim, deprivation of economic means, including the means of subsistence, neglect, and the infliction of minor harm to the victim's health. The draft is currently under consideration by the Government.

229. In response to complaints and reports about domestic violence, 754 criminal cases were initiated during the period under review (83 in 2018, 119 in 2019, 261 in 2020 and 291 in 2021), and preliminary investigations have been concluded in 610 of these cases, which have been referred to the courts.

230. In 2018, 11,651 citizens, comprising 9,400 women and 2,251 men, sought assistance from the information and consultation centres of the executive State authorities of various provinces, cities and districts. Of those applicants, 2,622 were reporting domestic violence, 1,833 filing for divorce, and 1,623 seeking employment and help with other matters.

231. In 2019, 9,193 citizens called at these centres, 6,253 of them women and 2,940 men. Of the total number of people who applied to the centres, 1,021 were reporting domestic violence, 2,029 filing for divorce, 928 seeking employment and assistance with other matters.

232. In 2020, 9,172 citizens, comprising 6,683 women and 2,489 men, sought assistance from the information and consultation centres of the executive State authorities of various provinces, cities and districts. Of the total number of applicants, 840 were seeking protection from domestic violence, 1,035 filing for divorce, and 876 registering as unemployed and seeking employment and assistance with other matters.

233. In 2021, 9,368 citizens, comprising 5,748 women and 3,620 men, sought assistance from the information and consultation centres of the executive State authorities of various provinces, cities and districts. Of the total number of applicants, 954 were seeking protection from domestic violence, 1,011 filing for divorce, and 470 registering as unemployed and looking for jobs.

234. Awareness-raising and outreach activities are regularly conducted with the public. During the reporting period, 70 talks and meetings, 10 seminars and consultations, 20 mass cultural and educational events, and 25 television and radio programmes on the prevention of domestic violence were organized in different jamoats at settlement and village levels. During the reporting period, the Committee and its subdivisions organized information and awareness-raising activities in accordance with the Prevention of Domestic Violence Act; a total of 7,964 meetings and talks, 569 training sessions and seminars, 80 cultural and educational events and more than 200 television programmes were conducted.

235. In addition, in 2019, working in conjunction with the domestic violence prevention project, the Committee monitored implementation of the State Programme for the Prevention of Domestic Violence in Tajikistan for 2014–2023. The monitoring results were published in a print run of 3,000 copies and presented at a round table at which they were distributed among the officials responsible for implementation of the Act.

236. Aggressors in families are served with a protection order by units of the Ministry of Internal Affairs. During the reporting period, administrative protocols were drawn up and protection orders served on 1,881 persons pursuant to articles 93–1 and 93–2 of the Code of Administrative Offences. Pursuant to the Domestic Violence Prevention Act, 5,830 individual interviews on the prevention of violence were conducted with members of the public by internal affairs inspectors.

237. Statistics for the period in question gathered by the Ministry of Internal Affairs demonstrate that instances of the killing of family members by close relatives during family disputes were recorded. In 2019, 595 persons, including 241 females, 43 of them of minority age, in 2020, 601 persons, including 239 females, 56 of them of minority age, and in 2021, 154 persons, 38 of them girls of minority age, committed acts of homicide and suicide. This body is conducting regular prevention and awareness activities for 1,126 families in the low-income and vulnerable categories.

238. The procuratorial authorities of Tajikistan registered 221 offences in the period 2019–2020 (119 in 2019; and 102 in 2020), including 69 involving domestic violence (36 in 2019; and 33 in 2020), 75 of premeditated murder (45 in 2019; and 30 in 2020), 13 criminal offences with evidence of suicide (7 in 2019; and 5 in 2020), and 60 with evidence of rape (27 in 2019; and 33 in 2020). Instances of beating, sexual violence and other acts of a sexual nature were registered. Criminal proceedings were instituted in these cases by the procuratorial authorities under the relevant articles of the Criminal Code.

239. In cooperation with the Committee on Youth and Sport and the Tajik branch of the company GOPA GmbH, the domestic violence prevention project produced a video and installed billboards around the country with the participation of leading sports personalities of Tajikistan, with the heading “Men of Tajikistan for Peace in the Family” and also broadcast this message over television and the Committee’s website.

240. More than 60,000 informational materials have been developed in cooperation with development partners to raise awareness across the country. These include brochures and booklets with such titles as: “The younger generation chooses life without violence”; “Our goal is to protect and support the family”, “*Krugosvet*”, “Domestic violence is a crime”, “Don’t be neutral”, “Mother-in-law”, “Why it rains”, “Families without violence”, “Family relations without domestic violence”, “For newlyweds”, “Child-raising and communication as a means of preventing family violence”, “Statutes of the educational psychologists and teachers guidance centre”, and “100 questions and answers”. In addition, industry-level regulations for employees have been published and distributed free of charge during events to participants.

241. In 2017, the Statistical Agency in the Office of the President, with the support of the United States Agency for International Development, UNICEF and UNFPA, and working in

cooperation with the Ministry of Public Health and Social Welfare, carried out a public health and demographic survey in Tajikistan, known as MDIT-2017. The public health and demographic survey collected information on the population's access to safe drinking water, family well-being, birth and death registration of children under 5 years of age, children's living and learning conditions and school attendance, gender issues such as women's employment status, women's rights and responsibilities, maternal and child health, marital status of women of childbearing age between 15 and 49, fertility status, family planning, abortion rate, infant mortality of children under 1 year and children under 5 years of age, nutritional status of women and children, female anaemia, public awareness of and attitudes towards HIV, AIDS and other sexually transmitted diseases, problems of domestic violence against women and other issues related to public access to health care. The following statistical compendiums, based on the results of the 2017 public health and demographic survey, were published: "Main report of the MDIT-2017 public health and demographic survey", "MDIT-2017 key indicators" and "Atlas of MDIT-2017 key indicators". The results of the 2017 public health and demographic survey are also available in electronic format on the website of the Statistical Agency. Data from this study constitute one of the primary sources for assessing domestic violence.

242. Thanks to cooperation with relevant ministries and agencies, the gathering of statistical data on domestic violence continues to improve. For the collection of data disaggregated by sex, age, social status and other characteristics on victims of crime, statistical report form No. 1 on victims of crime (semi-annual and annual), which was approved by Order No. 37 of 3 September 2019 of the Director of the Statistical Agency and coordinated with the Ministry of Internal Affairs, has been in use since 2020.

243. Data on the number of cases of domestic violence and the number of convicted persons are also compiled from the statistical reports of the Supreme Court of Tajikistan.

Other issues (paras. 52 and 54)

244. Information on the status of implementation of the recommendations was compiled every six months and disseminated to government bodies and representatives of civil society.

245. The national reports of Tajikistan on the implementation of ratified human rights conventions are regularly published in the media and on the official website of the Commissioner for Human Rights in Tajikistan. In its section entitled "Human rights-related issues", the official website of the Ministry of Foreign Affairs of Tajikistan provides a link to the requested page of the website of the Commissioner for Human Rights and also to the website of the Tajik government commission for the performance of international human rights obligations (<http://khit.tj>), which includes the international human rights instruments recognized by Tajikistan, all the recommendations of United Nations treaty bodies and the results of their implementation.

246. Issues related to rejection of the use of torture in Tajikistan were also voiced during the meeting of the sixth convocation of the Majlis-i Milli, the upper house, of the Majlis-i Oli, held on 25 January 2021, at which the Procurator General reported on oversight of the observance of laws in the country. The Speaker of the Upper House instructed the Procurator General to eradicate the use of torture on persons detained on suspicion of the commission of an offence, and also on those serving sentences in the prisons of Tajikistan, and to prohibit all forms of ill-treatment in the ranks of the armed forces.