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

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**Committee against Torture**

## Concluding observations on the fourth periodic report of Tajikistan*

1. The Committee considered the fourth periodic report of Tajikistan[1] at its 2238th and 2241st meetings,[2] held on 14 and 15 April 2026, and adopted the present concluding observations at its 2256th meeting, held on 27 April 2026.

### A. Introduction

2. The Committee welcomes the submission of the fourth periodic report by the State Party and appreciates the State Party's written replies to the list of issues,[3] along with the supplementary information provided during the consideration of the periodic report.

3. The Committee welcomes the constructive dialogue held with the State Party's delegation and the oral replies and written information provided in response to the concerns raised by the Committee during the review.

### B. Positive aspects

4. The Committee welcomes the State Party's initiatives to revise and introduce legislation in areas of relevance to the Convention, namely:

(a) The adoption, in 2025, of the law on the unified State system for the registration and recording of offences, to establish a centralized system for the collection, processing and analysis of data in real time;

(b) The adoption, in 2024, of amendments to the Prevention of Domestic Violence Act, notably the expanded definition of domestic violence in article 1, which includes physical, psychological, sexual and economic violence, and neglect;

(c) The adoption, in 2023, of the Act on Parental Responsibility for the Education and Upbringing of Children, which explicitly prohibits corporal punishment of children in all settings;

(d) The adoption, in 2023, of a new Civil Code, which provides for civil liability for harm, including harm arising from acts of torture and other ill-treatment;

(e) The adoption, in 2020, of Act No. 1665, which introduced amendments to the procedures and conditions for remand in custody and which now excludes the detention of minors together with adults;

* Adopted by the Committee at its eighty-fourth session (13 April–1 May 2026).

[1] CAT/C/TJK/4.

[2] See CAT/C/SR.2238 and CAT/C/SR.2241.

[3] CAT/C/TJK/RQ/4.



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(f) The introduction, in 2020, of amendments to article 499 of the Code of Administrative Offences, which removed the sanction of expulsion for breach of the rules of residence in the State Party by refugees and asylum-seekers.

5. The Committee commends the State Party's initiatives to modify its policies and procedures in order to afford greater protection to human rights and to apply the Convention, in particular:

(a) The adoption of the National Strategy on Human Rights (for the period up to 2038) and its action plan for 2023–2025;

(b) The adoption of the Strategy for Reforming the Penitentiary System (2020–2030) and its action plans (2020–2022) and (2023–2026);

(c) The adoption of the Programme for Vocational Training and Job Placement for Convicted Persons Held in Institutions of the Penal Correction System and Inmates Released from Places of Deprivation of Liberty (2025–2030);

(d) The adoption of Decision No. 689 of 26 December 2024, which approved the State Programme for the Prevention of Domestic Violence 2025–2030;

(e) The adoption of the Juvenile Justice Reform Programme 2017–2021, the National Programme for the Prevention of Juvenile Delinquency for 2020–2024, the Programme for the Rehabilitation and Social Reintegration of Juveniles Who Have Served Custodial or Semi-Custodial Sentences for 2020–2024, and the Juvenile Justice Reform Programme for 2023–2027, as well as its action plan for 2023–2025;

(f) The establishment of the Inter-Agency Council for the Prevention of Domestic Violence to coordinate the work of government agencies on issues related to the prevention of domestic violence, in 2025;

(g) The amendments introduced in 2022 to the government decision of 28 November 2015 establishing the Legal Aid Centre to create legal aid offices in all towns and districts of the country;

(h) The establishment of the National Social Services Centre for Victims of Trafficking in Persons and Victims of Domestic Violence, in 2021.

6. The Committee also takes note of the publication in 2022 of official Tajik translations of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials.

## C. Principal subjects of concern and recommendations

### Pending follow-up issues from the previous reporting cycle

7. In its previous concluding observations,[4] the Committee requested the State Party to provide information on the measures taken in follow-up to the recommendations on the following issues: investigating acts of torture, the enjoyment of fundamental legal safeguards, and hazing, ill-treatment and torture in the armed forces (paras. 10, 18 and 46, respectively). Noting that replies concerning the information sought by the Committee were provided by the State Party on 12 August 2021 and 25 July 2022,[5] and the letter dated 4 May 2022 sent by the Committee's Rapporteur for follow-up to concluding observations,[6] and with reference to the information contained in the State Party's fourth periodic report and the replies to the list of issues, the Committee considers that these recommendations have been partially implemented. The outstanding issues addressed in the previous concluding observations are covered in paragraphs 10, 11, 14, 15, 42 and 43 of the present document.

[4] CAT/C/TJK/CO/3, para. 51.

[5] CAT/C/TJK/FCO/3 and CAT/C/TJK/FCO/3/Add.1.

[6] See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FTJK%2F48596&Lang=en.

**Criminalization of torture**

8. The Committee takes note of the amendments introduced to article 143-1 of the Criminal Code, which criminalizes torture, to increase the maximum penalty to 8 years or up to 15 years in case of aggravating circumstances, thereby classifying it as a serious crime, and eliminate fines as a sanction. Consequently, the Criminal Procedure Code no longer permits the termination of investigations into torture on grounds of repentance or reconciliation. The Committee nonetheless remains concerned that acts of torture are subject to a statute of limitations under article 75 (3) of the Criminal Code. Moreover, the Criminal Code does not expressly exclude the granting of amnesty for the offence of torture. In this context, the Committee notes the clarification provided by the State Party's delegation that the non-application of amnesty to certain categories of criminal offences is not regulated in the Criminal Procedure Code itself, but, rather, is stipulated in the individual amnesty laws. This approach was followed, for example, in the 2021 Amnesty Act, under which amnesty did not apply to convictions under article 143-1 (arts. 1, 2 and 4).

9. **The Committee recommends that the State Party adopt the legislative measures necessary to ensure explicitly that no acts of torture are subject to a statute of limitations. The State Party should continue to ensure that no acts of torture are subject to amnesty.**

**Fundamental legal safeguards**

10. The Committee takes note of the steps taken by the State Party to strengthen procedural safeguards against torture and ill-treatment, including the abolition of the 12-hour period for notifying relatives of detention, improvements to the legal aid system and to medical documentation and protocols upon arrest, enhanced protections for detained minors, and the installation of audiovisual equipment in all interrogation rooms. However, it remains concerned about reports that not all safeguards are consistently implemented in practice, notably: (a) the continued practice of de facto detention of individuals informally summoned to police stations for "conversations" or as witnesses and the reportedly frequent use of administrative detention allegedly to extract information in the absence of adequate safeguards and recording of their detention; (b) shortcomings identified in medical examinations upon arrest, including superficial or delayed assessments and incomplete documentation of physical and psychological harm; (c) persistent obstacles to access to legal counsel, including non-disclosure obligations affecting legal representation and the reporting of human rights violations and the limited availability of legal aid lawyers in remote areas; and (d) allegations that recordings of interrogations are not consistently preserved or made accessible to lawyers, including due to technical failures during questioning, while noting the information provided by the State Party's delegation that measures have been taken to improve the relevant technology and address these shortcomings. The Committee also regrets the failure to reduce the maximum duration of pre-charge police custody from 72 to 48 hours for adults and from 48 to 24 hours for children (art. 2).

11. **The State Party should continue to strengthen all fundamental legal safeguards, both in law and in practice, for all detained persons suspected of a criminal offence from the outset of their deprivation of liberty. In particular, it should:**

(a) **Ensure that informal questioning or testimony is avoided as a substitute for formal procedures, that administrative detention is used only in exceptional circumstances and that individuals concerned are afforded all legal safeguards, in particular prompt and unimpeded access to an independent lawyer of their choice or, where necessary, to free legal aid of adequate quality, in accordance with international standards, including during initial questioning or interrogation; and ensure that all periods of their deprivation of liberty are accurately recorded in the central register to prevent any cases of unrecorded detention. In this regard, access to the register of detainees by their respective lawyers and relatives should be guaranteed;**

(b) **Continue to strengthen the measures necessary to ensure appropriate medical screening, documentation and recording by independent medical personnel of the health status of any person deprived of liberty upon apprehension, transfer and detention, without any delay, and for accurate and complete recording and reporting**

**to the competent judicial authorities of any injuries considered to be consistent with torture or ill-treatment in a consistent and thorough manner;**

(c) **Continue to strengthen access to legal counsel, particularly by ensuring the availability of legal aid across all regions, and ensure that lawyers are able to perform their professional duties independently without any interference, in accordance with the Basic Principles on the Role of Lawyers and other relevant international standards;**

(d) **Guarantee that all questioning of persons in custody, interviews and witness statement-taking are systematically recorded, with mandatory rules for their secure storage for a reasonable period; and ensure that these recordings are reviewed to detect and investigate torture and other violations, are accessible to defendants and their counsel, prosecutors and relevant oversight bodies, and may be admitted as evidence in court;**

(e) **Introduce an absolute maximum time limit of 48 hours for judicial review of the legality of arrest and detention for adults and 24 hours for children.**

**Inadmissibility of evidence obtained through the use of torture**

12. While noting the solid legislative basis allowing domestic courts to exclude unlawfully obtained evidence under article 88 of the Criminal Procedure Code, the Committee is concerned about reports that indicate the lack of consistent and rigorous application of this provision in practice. In this regard, it has received reports of coerced confessions and information obtained under duress being used to prosecute individuals, particularly on political grounds, grounds of religious belief, ethnic origin or association with specific groups, or on the basis of sexual orientation or gender identity, through physical or psychological coercion. The Committee is further concerned about the overreliance on such statements for convictions and the reported failure of courts to order thorough investigations into allegations of coercion. In addition, the information received by the Committee indicates that some detainees have reported a fear of reprisals that deters them from lodging complaints, as well as the alleged reluctance of lawyers to file such complaints owing to intimidation directed at them and their clients. Even when complaints are raised during criminal proceedings, judges reportedly rarely order investigations into such allegations, and related motions raised during pretrial and trial proceedings are frequently deferred until the conclusion of those proceedings and then often dismissed. The Committee takes into account the efforts made by the State Party to collect statistics through courts of first instance, as well as the training activities conducted for judges in this regard. However, more comprehensive data are required on cases in which evidence obtained through torture or ill-treatment has been declared inadmissible, notwithstanding the information provided by the State Party's delegation concerning the 26 motions referred by the courts to the prosecutor's office between 2023 and 2025, involving 26 individuals accused of torture, of whom 6 were held criminally liable (arts. 10, 12, 13 and 15).

13. **The State Party should:**

(a) **Ensure that confessions and other statements obtained through torture or ill-treatment are not admitted as evidence in practice, except against persons accused of committing such acts;**

(b) **Ensure that, when it is alleged that a confession or other statement has been obtained through torture, the allegation is investigated immediately, effectively and independently, and that alleged perpetrators are prosecuted and, if found guilty, punished;**

(c) **Provide mandatory in-service training for law enforcement personnel on non-coercive interrogation and investigation techniques, including the Principles on Effective Interviewing for Investigations and Information-Gathering, assess the effectiveness of such training programmes, and strengthen advanced investigative tools and introduce a system for the collection of forensic evidence, in order to strengthen the shift from a confession-based to an evidence-based system;**

(d) **Provide the Committee, in its next periodic report, with information on criminal proceedings in which judges, either on their own initiative or at the request of parties to the case, have ruled that evidence obtained under torture is inadmissible, and the measures taken in response.**

**Investigation and prosecution of acts of torture and ill-treatment**

14. With reference to its previous concluding observations[7] and the assessment made by the Committee's Rapporteur for follow-up to concluding observations, the Committee expresses concern at persistent reports of torture and ill-treatment, particularly by police and security officers during police custody and pretrial detention. While it takes note of the public statements at the highest level affirming the absolute prohibition of torture and the installation of complaint boxes in the residential areas of all penal facilities, accessible to the prosecutor's office only, the Committee remains concerned about reports that such practices continue. In this regard, the Committee is seriously concerned about the following issues:

(a) The fact that complaints from inmates may still be reviewed by the administration of the institution;

(b) The lack of an independent mechanism to investigate allegations of torture and ill-treatment, particularly given that the existing practice relies primarily on prosecutorial authorities, which reportedly maintain close ties to law enforcement bodies and lack sufficient guarantees of independence, as well as on internal security personnel within departments of internal affairs that are institutionally or hierarchically linked to the alleged perpetrators;

(c) The persistently low number of convictions for torture, with only 13 convictions recorded out of 105 complaints received by the prosecutorial authorities between 2018 and 2025. The Committee further notes that the Office of the Commissioner for Human Rights lacks investigative powers, as it may only refer verified allegations to other authorities for further action, and that the Office registered only 10 complaints relating to misconduct by law enforcement officials or conditions of detention between 2022 and 2025;

(d) Reported shortcomings in medical and forensic examinations, stemming from fear of reprisals and a lack of independence, despite the extensive training received by medical and forensic personnel on the standards of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the existence of forensic examination protocols and procedures aligned with those standards;

(e) The absence of a centralized system of comprehensive disaggregated data from all relevant bodies on complaints alleging acts that may constitute torture or ill-treatment, including cases reclassified as abuse of authority or other offences, as well as on related investigations, prosecutions and convictions. In this regard, the Committee notes the information provided during the dialogue on the quarterly collection of data on torture complaints by prosecutorial authorities and efforts to establish a unified State system for the registration of offences (arts. 2, 11–13 and 16).

15. **The State Party should:**

(a) **Ensure that the authorities launch prompt and impartial investigations whenever there are reasonable grounds to believe that an act of torture, ill-treatment, excessive use of force or abuse of power has been committed;**

(b) **Continue to strengthen existing complaints mechanisms by ensuring that victims of torture and ill-treatment in all places of deprivation of liberty have effective, confidential and unhindered access to them and ensure that neither directors of facilities nor their institutional or hierarchical superiors play any role in receiving, transmitting or addressing complaints of torture and ill-treatment. The State Party should also take all appropriate measures to prevent acts of intimidation and reprisals**

[7] CAT/C/TJK/CO/3, paras. 9 and 10.

**against alleged victims and their legal representatives and relatives, and establish an effective victim and witness protection system;**

(c) **Establish an independent mechanism for investigating cases of torture and ensure that there is no institutional or hierarchical relationship between that body's investigators and the suspected perpetrators of such acts;**

(d) **Continue to deliver the training programmes for all relevant staff, including medical and psychological personnel, forensic doctors, prosecutors and judges, on the identification, documentation and investigation of cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised, as part of their obligatory curriculum; and ensure that medical examinations are carried out promptly into all allegations of torture and ill-treatment in accordance with the methodology included in the revised version of the Istanbul Protocol and that, if the medical personnel conducting the examination of the detainee or recording the injury in prison have grounds to believe that a person has been tortured or ill-treated, the case is immediately reported to the independent mechanism for investigating cases of torture and ill-treatment;**

(e) **Intensify its efforts to strengthen the unified State system for the registration and recording of offences and compile and publish comprehensive disaggregated statistical information on all matters relevant to its obligations under the Convention, including on all complaints and reports received of torture, ill-treatment, excessive use of force, abuse of power and exceeding official authority concerning public officials, and including information on whether such complaints led to investigations and, if so, by which authority, whether the investigation resulted in the imposition of disciplinary measures or prosecutions, and whether the victims obtained redress.**

### Conditions of detention

16. While acknowledging the State Party's efforts to improve detention conditions through renovation and construction projects, increased funding for the penal system and other measures outlined in its 2020–2030 strategy, the Committee remains concerned about persistent overcrowding and inadequate material conditions. These include poor hygiene and sanitation, insufficient ventilation and heating, inadequate food, and deficient infrastructure in several penal colonies. The Committee further expresses concern about the following issues:

(a) The lack of comprehensive data on persons deprived of liberty across detention facilities and prison colonies disaggregated by facility and by the detention status of persons deprived of liberty (pretrial and convicted prisoners);

(b) Reports of excessive workloads resulting from staff shortages in several penal institutions and the absence of specific information on staffing conditions in the women's prison;

(c) The absence of detailed information on the application of alternatives to pretrial and post-conviction deprivation of liberty during the period under review, although the Committee takes into account the bill on probation and other planned measures aimed at addressing overcrowding in penal facilities;

(d) Reports of limited contact between detainees and the outside world, including alleged interference with family correspondence and restrictions on visits and telephone calls, notwithstanding the existing legal framework and the delegation's assurances. The Committee notes with appreciation the information provided regarding the consideration of video calls as an additional means of communication;

(e) The situation of girls in conflict with the law incarcerated with adult women detainees in the penal colony for women in Nurek, and reports that girls deprived of their liberty lack access to middle school education, which is not the case for boys deprived of liberty;

(f) The lack of detailed information on appropriate protocols in place to address the situation of lesbian, gay, bisexual and transgender persons deprived of liberty (arts. 2, 11 and 16).

17. **The State Party should continue its efforts to bring conditions of detention into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). It should, in particular:**

(a) **Take further measures to reduce prison overcrowding, including by adopting legislation on alternative measures to deprivation of liberty, such as probation and other non-custodial penalties, in its criminal legislation, in line with the Strategy for Reforming the Penitentiary System, and making greater use of these alternatives in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). The State Party should continue implementing plans to develop, renovate and modernize prison and detention infrastructure, in line with international standards;**

(b) **Ensure the recruitment of an adequate number of trained staff in all penal institutions, incorporating a gender perspective into recruitment policies and practices, and consider adopting more comprehensive measures to improve the professional conditions, training and motivation of penitentiary personnel, including by addressing underlying challenges related to working conditions and low remuneration, which may affect staff performance and increase the risk of misconduct;**

(c) **Compile and provide the Committee with comprehensive statistics on the number of persons deprived of liberty in all places of deprivation of liberty, disaggregated by facility and the legal status of persons held therein;**

(d) **Ensure that all persons deprived of liberty have adequate opportunities to maintain regular contact with the outside world, especially their family and friends, including through appropriate means of audio and video communication, uncensored correspondence and regular family visits;**

(e) **Ensure that the specific needs of girls are met and that their conditions of detention fully comply with international standards, including the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The State Party should guarantee the safety of girls in conflict with the law, their strict separation from adult prisoners and their access to education and other rehabilitation activities and promote alternatives to detention;**

(f) **Ensure that the specific needs of persons identifying as lesbian, gay, bisexual and transgender who are deprived of their liberty are properly identified and addressed, including by adopting clear safeguards to protect them from violence and discrimination and providing appropriate training to the personnel in all places of deprivation liberty.**

**Medical care in detention**

18. The Committee notes with concern that the prison health service remains under the Ministry of Justice and that access to adequate medical care, including mental health services, medical personnel and specialized medication, remains insufficient in several pretrial and correctional facilities, despite steps taken by the State Party, such as establishing medical units in all correctional facilities and contracting external doctors. The Committee is also concerned about the information provided by the State Party on compulsory treatment of persons deprived of liberty who use drugs or alcohol under article 101 of the Criminal Code, which remains in force, although it takes note of the reported decrease in and current suspension of its application. The Committee further notes with concern the absence of available harm-reduction and therapeutic services for substance dependence within the penal system. Conversely, it notes positively the measures adopted to prevent and treat HIV/AIDS and tuberculosis in pretrial and correctional facilities, including training activities provided to personnel as well as to prisoners, voluntary testing campaigns and improved equipment (arts. 2, 11 and 16).

19. **The Committee recommends that the State Party intensify its efforts to ensure access to adequate healthcare in all places of deprivation of liberty, including specialized medical care, provide necessary medical equipment and medicines, and take all steps necessary to prioritize the voluntary treatment of detainees with drug and alcohol addictions, based on free and informed consent, by providing them with adequate harm-reduction and therapeutic services for substance addictions, including substitution therapy and community rehabilitation programmes. In this regard, the State Party is also invited to take into account the international guidelines on human rights and drug policy in the implementation of its prison and criminal policies on drugs.**

**Deaths in custody**

20. While noting information on procedures for establishing causes of death, forensic examination protocols and statistics on health-related deaths in detention, the Committee regrets the lack of comprehensive data disaggregated by place of detention and cause of death, including violent incidents and suicides, despite public reports of several riots and other violent incidents in detention facilities. It is seriously concerned about reports of deaths in police custody allegedly linked to torture or ill-treatment, coerced confessions, and denial of medical care in penal institutions, as well as about the reported lack of effective investigations and thorough explanations of the causes of those deaths. The Committee further notes with concern that the forensic medical institute is under State control, raising questions about the independence of forensic documentation in relation to these incidents. While welcoming plans to establish an independent forensic medical institution under the action plan of the National Strategy on Human Rights, it regrets that no such body has yet been created and that no regular training is provided to relevant professionals on the Minnesota Protocol on the Investigation of Potentially Unlawful Death (arts. 2, 12–14 and 16).

21. **The State Party should:**

(a) **Ensure that all deaths in custody are promptly and impartially investigated by an independent entity, including by means of independent forensic examinations, with due regard to the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and, where appropriate, apply the corresponding sanctions;**

(b) **Redouble its efforts to establish an independent forensic medical institution that carries out forensic examinations, including in cases of deaths in custody, and establish obligatory in-service training for forensic, health and legal professionals, as well as law enforcement and prosecution personnel, on the Minnesota Protocol;**

(c) **Develop strategies and programmes for the prevention of suicide, self-harm and inter-prisoner violence and implement preventive measures, including enhanced and ongoing training for prison staff on prevention of inter-prisoner violence, early identification of risks and appropriate management of dynamic security;**

(d) **Compile and provide the Committee with detailed information on violent incidents and deaths in all places of detention, their causes and the outcomes of the investigations, related criminal proceedings and the punishment of perpetrators in its next periodic report, and publish official data on those deaths and investigations therein, while ensuring the confidentiality of sensitive and personal data.**

**Prisoners serving life sentences**

22. The Committee notes the information provided by the State Party's delegation during the dialogue on the construction of a new facility for persons serving life sentences, but regrets that no steps have been taken to review the special regime applicable to such persons and to integrate them into the general prison population. It remains concerned about reports of deplorable conditions in which prisoners sentenced to life are held, including their severely limited contact with the outside world (arts. 2, 11 and 16).

23. **Reiterating its previous recommendations,**[8] **the Committee urges the State Party to consider taking legislative and other measures necessary to review the special regime applicable to persons serving life sentences, to ensure their integration into the general prison population and to guarantee their contact with the outside world and access to educational and recreational programmes. The Committee further requests the State Party to enable regular monitoring of all facilities where prisoners sentenced to life imprisonment are held, including by independent monitoring bodies and civil society actors.**

### Commissioner for Human Rights

24. The Committee takes note of the information provided by the State Party about the expansion of the mandate, staffing and annual budget of the Office of the Commissioner for Human Rights. However, it regrets not having received details about measures adopted to guarantee the functional independence of this national human rights institution, in full compliance with international standards (art. 2).

25. **The State Party should continue its efforts in strengthening the work of the Office of the Commissioner for Human Rights in its role as the national human rights institution so that it can effectively and independently discharge its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in accordance with the recommendations made by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions.**

### Monitoring of places of deprivation of liberty

26. The Committee takes note of the information provided by the State Party during the dialogue about a high-level international conference held in February 2026 aimed at exploring ways to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It further notes that the Office of the Commissioner for Human Rights, though its Monitoring Group, composed of representatives of government agencies and civil society organizations, has conducted 184 monitoring visits to 140 closed and partially closed institutions and 44 military units since 2014. However, the Committee regrets the absence of detailed information regarding a transparent and competitive process for the appointment of the Monitoring Group's members, its functional and budgetary independence, and the modalities of its visits, specifically, whether they are preventive in nature or carried out in response to individual complaints, whether they are announced or unannounced, and whether the Monitoring Group always enjoys full and unhindered access to all documentation concerning persons deprived of liberty in the facilities visited. In addition, the Committee notes the information about the periodic visits carried out by the prosecution authorities and welcomes the access granted since 2014 to certain civil society organizations to visit several penitentiary institutions. However, it expresses concern at reports indicating that such access is conditional upon the approval of the facility director and is not unrestricted, as full access to documentation and to all categories of persons deprived of liberty, including prisoners serving life sentences and those convicted of politically motivated offences, such as opposition members and journalists, is not guaranteed (art. 2).

27. **The Committee encourages the State Party to accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to establish an independent and adequately resourced national preventive mechanism, as a matter of priority. In the meantime, it should ensure periodic independent monitoring of all places of deprivation of liberty, in the light of current international standards,**[9] **including by civil society organizations and by relevant public authorities.**

[8] Ibid., paras. 37 and 38.

[9] Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, general comment No. 1 (2024) on the definition and scope of places of deprivation of liberty.

**Juvenile justice**

28. The Committee takes note of the State Party's efforts aimed at reforming the juvenile justice system and aligning it with international standards, including the abolishment of solitary confinement of children in conflict in law, the prohibition of their detention with adults, the strengthening of safeguards for the interrogation of children, and the training provided to judges on juvenile justice. However, it notes with concern that current legislation does not yet contain provisions on judges specialized in juvenile justice. Moreover, the Committee regrets the lack of detailed information on the use of alternatives to detention for children in conflict with the law (arts. 2 and 11).

29. **The State Party should:**

(a) **Continue its efforts to bring its juvenile justice system fully into line with relevant international standards and ensure that every child arrested and deprived of his or her liberty is brought before an independent authority to examine the legality of the deprivation of liberty or its continuation, within 24 hours, that pretrial detention for children in conflict with the law is applied only as a last resort, when determined to be strictly necessary and proportionate in the light of the individual's circumstances, and for the shortest possible period of time, and that such detention is reviewed on a regular basis with a view to its withdrawal, and apply alternative measures whenever possible, in the light of rule 13 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and rules 1, 2, 17 and 18 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;**

(b) **Promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences;**

(c) **Continue its efforts to ensure that all children appearing in court are dealt with through specialized procedures and by appropriately trained magistrates, allocate the necessary financial resources to this end and consider establishing juvenile courts.**

**Investigation and prosecution of acts of torture and ill-treatment, including excessive use of force, in the Kŭhistoni Badakhshon Autonomous Oblast**

30. The Committee notes with concern the lack of prompt, effective and independent investigations into allegations of torture, ill-treatment, including excessive use of force, extrajudicial killings and arbitrary detentions reportedly carried out by security forces during the mainly peaceful demonstrations in 2021 and 2022 in the Kŭhistoni Badakhshon Autonomous Oblast.[10] In this regard, it takes note of two reported cases in which domestic courts awarded compensation for damage resulting from torture. However, it remains concerned about the lack of investigations and prosecutions in relation to the aforesaid allegations, the very small number of adjudicated cases and the low amounts of compensation awarded, particularly in the light of the many reports documenting 40 deaths, 24 injuries, including 13 among members of the security forces, and numerous arbitrary detentions (arts. 2, 12–14 and 16).

31. **The State Party should:**

(a) **Ensure that prompt, independent, impartial and effective investigations are undertaken into all the allegations described above, prosecute and punish appropriately those determined to be responsible and guarantee that the victims or their families receive full redress;**

(b) **Compile and disseminate up-to-date disaggregated statistics on the complaints filed, investigations conducted, prosecutions launched and convictions handed down in cases involving allegations of torture and ill-treatment;**

(c) **Continue to provide all police and security officers, especially those deployed in crowd control and demonstrations, with systematic training on the use of force, based on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal**

[10] A/HRC/55/51/Add.2, para. 66; and CERD/C/TJK/CO/12-13, paras. 13 and 14.

**Weapons in Law Enforcement. The State Party should also consider incorporating the Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests[11] into its training curricula.**

### Redress

32. The Committee takes note of the improvements made to the legislative framework governing compensation for moral harm resulting from torture and other ill-treatment, and the Supreme Court's 2025 resolution clarifying judicial practice on compensation for moral and material damage, as well as the training on redress provided to judges during the reporting period. However, it notes that these advances require more effective implementation in practice, as victims reportedly continue to face significant barriers in accessing effective remedies and obtaining adequate and prompt compensation. The Committee also regrets the absence of State-funded institutions or comprehensive reparation programmes for victims of torture or ill-treatment, including specialized services providing trauma care and other forms of rehabilitation (art. 14).

33. **The Committee recommends that the State Party strengthen its efforts to ensure that all victims of torture and ill-treatment can obtain redress, including by ensuring an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible. To this end, the State Party should establish comprehensive and accessible reparation programmes, including for trauma treatment and other forms of rehabilitation, for victims of torture and ill-treatment, and the Committee recommends that the State Party allocate adequate resources to ensure the effective functioning of such programmes.**

### Non-refoulement

34. The Committee regrets the lack of comprehensive official data on persons, including children, detained, expelled, returned or refused entry during the reporting period and the lack of information on the independent monitoring of the arrival of asylum-seekers at border entry points. Furthermore, the Committee is concerned about reports that asylum-seekers who attempt to cross borders irregularly are denied entry or face obstacles in accessing information on the asylum procedure and free legal assistance. In this connection, the Committee takes into account the State Party's assertion that no prosecutions for irregular border crossing of persons seeking asylum have occurred since 2022. The Committee welcomes the non-penalization clause in article 6 of the Refugees Act and acknowledges the State Party's efforts to ensure access to education, employment and medical assistance for refugees and asylum-seekers, who are mainly from Afghanistan. However, it reiterates its previous concern[12] regarding the failure to revise Decision No. 325 of 2000 on the list of settlements in Tajikistan in which the temporary residence of asylum-seekers and refugees is not permitted, which imposes residence restrictions on asylum-seekers and refugees in Tajikistan, notwithstanding recent amendments that limit sanctions for residence violations to fines, rather than revocation of refugee status and expulsion, as was previously the case. While noting the State Party's efforts to address and eliminate statelessness, including through the adoption of the Civil Registration Act in 2019 and other legislative measures, the Committee regrets that it lacks a comprehensive framework to protect stateless persons and those at risk of statelessness[13] (arts. 2, 3 and 16).

35. **The State Party should:**

(a) **Ensure effective implementation of article 6 of the Refugees Act to exempt refugees and asylum-seekers from incurring criminal liability for irregular entry, in accordance with article 31 of the Convention relating to the Status of Refugees, of 1951, in practice;**

(b) **Ensure independent monitoring by competent mechanisms of the arrival of asylum-seekers at border entry points and guarantee that all asylum-seekers,**

[11] A/HRC/55/60.
[12] CAT/C/TJK/CO/3, paras. 29 and 30.
[13] CERD/C/TJK/CO/12-13, paras. 25, 26, 29 and 30.

**including those entering irregularly, are informed of their right to seek asylum and have access to free legal assistance and interpretation services; and strengthen the mechanism for the early identification and referral of victims of torture among asylum-seekers and refugees, including through trained personnel and appropriate medical and psychological assessment, to ensure their protection and safeguard against refoulement;**

(c) **Consider taking legislative steps to revise or repeal Decision No. 325 of 2000, which prohibits asylum-seekers and refugees from residing in certain areas of the State Party;**

(d) **Consider acceding to the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961, and continue efforts to establish a comprehensive framework for the protection of stateless persons and those at risk of statelessness.**

### Gender-based violence against women and girls

36. The Committee takes note of the State Party's efforts to prevent and combat gender-based violence, particularly domestic violence, such as the establishment of specialized police units, the provision of victim assistance, awareness-raising activities and plans to criminalize domestic violence as a separate offence in the new draft Criminal Code. However, it remains concerned that marital rape is not explicitly criminalized as a distinct offence, despite the State Party's explanation that criminal liability for such acts falls within the scope of article 138 of the Criminal Code, on rape. Moreover, rape as defined by article 138 remains based on force, threat, or exploitation of helplessness, rather than lack of consent.[14] While noting an increase in reported cases, the Committee is concerned that victims of less severe violence are often pressured to reconcile or pursue private prosecutions, imposing undue burdens on them (according to data provided by the State Party's delegation, 20,147 reports and complaints were registered between 2018 and 2022, with charges brought in only 592 cases). It further notes that, despite the issuance of protection orders (9,761 issued during the aforesaid period, based on data provided during the dialogue), their effectiveness is limited by insufficient shelter capacity and inadequate access to legal and support services, particularly in rural areas (arts. 2, 12–14 and 16).

37. **The State Party should:**

(a) **Take all measures necessary to ensure that marital rape is specifically criminalized, in line with international human rights standards, and that the offence of rape is defined on the basis of the absence of consent, covering all non-consensual sexual acts and reflecting all coercive circumstances;**

(b) **Ensure that all cases of violence against women, including domestic violence, especially those involving actions or omissions by State authorities or other entities that engage the international responsibility of the State Party under the Convention, are reported and thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that survivors are adequately compensated;**

(c) **Continue strengthening measures to prevent gender-based violence, including domestic violence, and mechanisms to protect survivors and ensure that they have access to medical and legal services, redress and rehabilitation, including adequate compensation, as well as to adequately funded shelters throughout the country;**

(d) **Continue its efforts to provide members of the judiciary, prosecutors, police officers and other law enforcement officials with adequate training on women's rights and on gender-sensitive investigation and interrogation procedures in cases of gender-based violence, including domestic violence and rape.**

[14] CEDAW/C/TJK/CO/7, paras. 36 and 37.

**Protection of human rights defenders, lawyers and journalists**

38. The Committee is concerned about reports of intimidation, threats and harassment against human rights defenders, minority and civic activists, lawyers, journalists and their families during the reporting period, particularly in the aftermath of the 2021 and 2022 demonstrations in the Kŭhistoni Badakhshon Autonomous Oblast.[15] It is further concerned about the reported misuse of criminal law, especially the application of national security-related charges and broadly worded terrorism-related provisions under articles 179 and 180 of the Criminal Code, to suppress dissenting or critical expression.[16] In this regard, the Committee notes recent positive amendments removing criminal liability for expressions of approval on social media, such as "likes" or similar symbols, in cases of alleged public justification of extremist or terrorist activities (arts. 2 and 16).

39. **Recalling its previous recommendations,[17] the Committee urges the State Party to conduct prompt, thorough and impartial investigations into all the above-mentioned allegations, prosecute alleged perpetrators and appropriately punish those found guilty and to take all measures necessary to ensure that human rights defenders, minority and civic activists, lawyers and journalists are able to carry out their legitimate work in a safe and enabling environment, free from intimidation, threats, harassment, arbitrary criminal prosecution or conviction, and other forms of retaliation against them or their families. In this regard, the State Party should adopt a zero-tolerance policy towards such practices, put an end to the misuse of criminal law against these actors, and amend broadly and vaguely worded terrorism-related provisions to ensure that they are not used to criminalize the legitimate exercise of their professional activities.**

**Violence and abuse against individuals on the basis of their actual or perceived sexual orientation or gender identity**

40. The Committee notes with concern reports of police intimidation, bribe solicitation, arbitrary detention, forced HIV testing, extortion and violence, including hate-motivated attacks, against persons on the basis of their actual or perceived sexual orientation or gender identity, as well as underreporting of these cases due to the fear of reprisals, intimidation and the lack of trust in existing investigative mechanisms. The Committee is further concerned about the absence of hate crime and hate speech legislation that explicitly includes sexual orientation and gender identity as protected grounds. Moreover, it expresses concern at information indicating that criminal provisions, including article 241 (unlawful production and circulation of pornographic materials and articles) and article 125 (infection with HIV) of the Criminal Code, are misused in practice to target persons on the basis of their actual or perceived sexual orientation or gender identity, notwithstanding the authoritative guidance issued by the Plenum of the Supreme Court in 2023 on the application of article 125 in line with scientific evidence and international standards. In this regard, it notes with concern that 338 individuals were charged under article 125 between 2018 and 2022 (arts. 2 and 16).

41. **The Committee recommends that the State Party take effective measures to prevent violence, including hate-motivated attacks, arbitrary detention and other forms of intimidatory measures, based on actual or perceived sexual orientation or gender identity, and ensure that all cases of the above-mentioned violations are promptly, effectively and impartially investigated and prosecuted and that perpetrators are brought to justice and victims provided with redress. The State Party should further put an end to the use of criminal legislation to persecute individuals based on their actual or perceived sexual orientation or gender identity, in particular articles 125 and 241 of the Criminal Code, and take all measures necessary to prosecute hate crime and hate speech based on sexual orientation or gender identity. The State party should also ensure the systematic mainstreaming of a gender perspective in human rights training for justice officials and law enforcement personnel, including training on survivor-centred interviewing techniques.**

[15] Ibid., paras. 20 and 21; CERD/C/TJK/CO/12-13, paras. 35 and 36; and A/HRC/55/51/Add.2, paras. 28, 34, 49, 67 and 72.
[16] A/HRC/55/50/Add.1, paras. 30, 36 and 37.
[17] CAT/C/TJK/CO/3, paras. 21 and 22.

### Hazing, ill-treatment and torture in the armed forces

42. The Committee takes note of the measures adopted by the State Party to prevent abuse in the military, including a helpline and complaint boxes in all units. However, it remains concerned that cases of violent non-combatant deaths, hazing and other ill-treatment of conscripts by officers and fellow soldiers continue to be documented but not officially reported, including harassment based on actual or presumed religion or beliefs. While noting visits conducted by the military prosecution authorities to military barracks, as well as by the Office of the Commissioner for Human Rights to military bases (40 visits since 2014), it regrets the absence of information on the outcome of those visits, as well as on the implementation of their recommendations by the relevant authorities (arts. 2 and 16).

43. **The Committee recommends that the State Party strengthen its preventive action aimed at eliminating hazing and ill-treatment of personnel, provide adequate psychological support to service members as appropriate, destigmatizing and promoting the use of such support, ensure prompt and effective investigations into all allegations of abuse and deaths of personnel in the army, including suicides, prosecute and punish those responsible with appropriate penalties, including by ensuring that superiors are held accountable where they knew or should have known of abuses and failed to prevent or report them, and provide victims and their families with redress. The State Party should also strengthen the oversight of military conduct by independent monitoring mechanisms.**

### Trafficking in persons

44. While acknowledging the State Party's ongoing efforts to prevent and combat trafficking in persons, including through increased prosecution of cases and identification of victims and assistance provided to those victims, awareness-raising campaigns and training courses developed and the helpline set up, the Committee remains concerned that trafficking in persons remains a challenge, notably trafficking in women for sexual exploitation, trafficking for labour exploitation in the agriculture and construction sectors, trafficking in children and child marriage. It further notes that challenges persist in the early identification of victims and in ensuring their protection, especially among individuals who might find themselves in vulnerable situations, including migrant workers, women and children (arts. 2, 12–14 and 16).

45. **The State Party should continue its efforts to combat and prevent all forms of trafficking in persons, and ensure that such cases are thoroughly investigated, that suspected perpetrators are prosecuted and, if convicted, sentenced to appropriate penalties and that victims obtain full redress, including adequate compensation and rehabilitation. The State Party should also continue enhancing the training and resources available to enable police officers and prosecutors to collect evidence in trafficking cases, and provide mandatory training to judges, labour inspectors and social workers in the early detection and identification of victims of trafficking and their referral to appropriate psychosocial and legal services.**

### Follow-up procedure

46. **The Committee requests the State Party to provide, by 1 May 2027, information on follow-up to the Committee's recommendations on investigation and prosecution of acts of torture and ill-treatment, conditions of detention, deaths in custody, and monitoring of places of deprivation of liberty (see paras. 15 (b), 17 (d), 21 (b) and 27 above). In that context, the State Party is invited to inform the Committee about its plans for implementing, within the coming reporting period, the remaining recommendations in the concluding observations.**

**Other issues**

47. **The Committee encourages the State Party to consider making the declarations under articles 21 and 22 of the Convention recognizing the competence of the Committee to receive and consider inter-State communications and communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by the State Party of the provisions of the Convention.**

48. **The Committee encourages the State Party to follow up on the commitment expressed during the dialogue, as well as in the context of the universal periodic review process, in November 2021, to accede to the Convention on the Rights of Persons with Disabilities.**

49. **The State Party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.**

50. **The Committee requests the State Party to submit its next periodic report, which will be its fifth, by 1 May 2030. To that end, the Committee invites the State Party to accept, by 1 May 2027, the simplified reporting procedure consisting in the transmittal, by the Committee to the State Party, of a list of issues prior to the submission of the report. The State Party's replies to that list of issues would constitute its fifth periodic report under article 19 of the Convention.**