



Promoting and strengthening
the Universal Periodic Review

Recommendations & Pledges

TAJIKISTAN

First Review Session 12

Review in the Working Group: 3 October 2011
Adoption in the Plenary: 14 March 2012

Tajikistan's responses to recommendations (as of 08.06.2012):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
74 recs. accepted (among which 4 were considered as already implemented); 4 rejected; 50 pending	Out of the 50 recs. pending, 30 were accepted (among which 3 were considered being implemented: n°90.32, 90.46, 90.48), 26 rejected (among which 1 was considered as already implemented: 90.47) and 2 parts of recs. were not answered ¹	The delegation accepted a rec. which was rejected the addendum: n°90.38. As a consequence, recs. n°90.41 and 90.42 should also be considered as accepted as the response in the addendum to those two recs. was the same as for 90.38	Accepted: 107 Rejected: 27 No clear position: 0 Pending: 2

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/19/3:

¹ The total number of recommendations is now 136 as six were split into two or three recs.

88. The recommendations formulated during the interactive dialogue and listed below have been examined by and enjoy the support of Tajikistan:

A - 88.1. Consider issuing a standing invitation to Special Procedures (Brazil); Extend a standing invitation to all Special Procedures (Spain); Issue a standing invitation to all special procedures of the United Nations Human Rights Council (Romania); Consider extending a standing invitation to all Special Procedures of the Human Rights Council (Latvia);

A - 88.2. Cooperate more closely with United Nations special procedures and treaty bodies in order to shorten the delay in presenting reports and implementing their recommendations (Sweden);

A - 88.3. Put in place a National Human Rights Commission (Algeria);

A - 88.4. Begin the accreditation process, as the Paris Principles play an important role in the promotion and protection of international human rights standards at the national level (Hungary);

A - 88.5. Ensure that the structures and functions of the Human Rights Ombudsman Institution are in accordance with the Paris Principles (Poland); Ensure that its NHRI accords in full with the Paris Principles (Australia);

A - 88.6. Strengthen and improve the capacity and independence of the Ombudsman (Norway);

A - 88.7. Take actions aimed at raising the level of the Ombudsman's Office to that of a National Human Rights Institution in line with the Paris Principles, in order to guarantee its autonomy when discharging its functions (Spain);

A - 88.8. Continue with its commendable efforts to promote and protect human rights and freedoms (Sri Lanka);

A - 88.9. Engage civil society in the UPR follow-up process (Poland);

A - 88.10. Strengthen the protection and promotion of women's rights through appropriate legislative and policy measures and by addressing discriminatory social and cultural attitudes and practices (Norway);

A - 88.11. Further expand the educational activities in the field of human rights with the focus on law enforcement, civil service and vulnerable groups (Turkey);

A - 88.12. Establish a mechanism to follow up and evaluate the implementation of the mentioned national plan of action for children for the period 2003–2010 (Turkey);

A - 88.13. Strengthen efforts to fulfil its obligations under CEDAW and CRC (Australia);

A - 88.14. Continue its work for the clarification of all operational aspects of specific laws regarding gender equality and improve the implementation of these measures (Romania);

A - 88.15. Take into account gender equality in all areas, in view of providing equal access to decision-making positions within the government as well as to education, justice and land (Switzerland);

A - 88.16. Continue strengthening the measures it is taking to promote gender equality and the empowerment of women (Japan);

A - 88.17. Further legislative and policy measures aimed at ensuring gender equality and combating violence against women and girls (Brazil);

A - 88.18. Implement policies to ensure women's equality with regard to working positions and the home and seek to protect women from all forms of violence (Costa Rica);

A - 88.19. Adopt political measures to increase the representation of women in decision-making and high-level posts in the public administration (Spain);

- A - 88.20. Continue its efforts to raise the level of gender awareness not only among public servants at all levels of the government, but also among community at large (Indonesia);
- A - 88.21. Carry out national programs to disseminate and create awareness among women in the country, related to all the aspects regulated by CEDAW (Uruguay);
- A - 88.22. Implement comprehensive measures, in particular in rural areas, to initiate a change with regard to the widely accepted subordination of women and its stereotypes in the country (Uruguay);
- A - 88.23. Bring the definition of torture in domestic law into line with the definition in article 1 of CAT (Czech Republic); Incorporate a definition of torture into its domestic law, in line with article 1 of CAT (Australia);
- A - 88.24. Establish a legal definition of torture in line with article 1 of CAT, and independent mechanisms to investigate and prosecute related cases (Canada);
- A - 88.25. Strengthen measures to combat and prevent torture and other cruel and degrading treatments (Brazil);
- A - 88.26. Adopt and implement efficient measures to prevent torture and other forms of ill-treatment, and ensure prompt and credible investigations into all allegations of torture including deaths in custody (Slovakia);
- A - 88.27. Continue its efforts in harmonizing its Criminal Code, particularly those articles related to torture, in line with the relevant international human rights instruments (Indonesia);
- A - 88.28. Take concrete actions to eradicate the use of torture, including through strengthening relevant provisions in national legislation (United Kingdom of Great Britain and Northern Ireland);
- A - 88.29. Evaluate the possibility of increasing its efforts to prevent, criminalize and eliminate all forms of violence against women, including measures aimed at the promotion of their rights and the elimination of patriarchal and discriminatory stereotypes (Argentina);
- A - 88.30. Treat violence against women as a criminal offence, and enact the existing draft Bill on Social and Legal Protection against Domestic Violence (Czech Republic);
- A - 88.31. Enact the draft bill on Social and Legal Protection against Domestic Violence and develop a national plan to prevent and eradicate violence against women (Canada);
- A - 88.32. Adopt legislative measures to criminalize and prosecute gender violence at public instances, as well as establish shelters for women victims of violence and train staff involved into investigations of those cases (Spain);
- A - 88.33. Implement the recommendations made by the Special Rapporteur on violence against women in 2008 (Spain);
- A - 88.34. Enact the legislation as it will help to protect the women of Tajikistan from domestic violence, in line with CEDAW and ICCPR, to which Tajikistan is a signatory (Indonesia);
- A - 88.35. Adopt and implement efficiently a law against domestic violence (Switzerland);
- A - 88.36. Intensify measures in comprehensively addressing the problem of human trafficking and violence against women, including by, among others, implementing social, educational and legal safeguards, public awareness campaigns to sensitize the community and to continue building law enforcement capabilities and capacities (Malaysia);
- A - 88.37. Enforce the Trafficking in Persons Act and intensify international and bilateral cooperation in order to further curb trafficking (Czech Republic);
- A - 88.38. Continue the efforts in view of the realization of the 2011–2013 programme on combatting human trafficking (Algeria);

A - 88.39. Effectively combat human trafficking and swiftly investigate the whereabouts of kidnapped persons in particular (Turkey);

A - 88.40. Continue to increase efforts to prevent and fight trafficking in persons, including by adopting measures necessary for the prosecution and punishment of perpetrators of trafficking in persons, and to ensure the provision of the access to shelter and rehabilitation to victims (Belarus);

A - 88.41. Continue to fight against human trafficking with the cooperation of international organizations (Bangladesh);

A - 88.42. Continue its ongoing efforts to improve the legal and regulatory framework to prevent, detect and suppress activities connected with trafficking in persons (Pakistan);

A - 88.43. Continue its ongoing cooperation with neighbouring countries to combat the illicit drug trade (Pakistan);

A - 88.44. Undertake further and concerted efforts, including changes in legislation and administrative procedures, to strengthen the effectiveness and independence of the judiciary (Sweden);

A - 88.45. Establish the necessary measures and legislation to reform the judicial system in conformity with international standards on justice, including a juvenile justice system, and, in particular, guarantee the tenure of judges and magistrates (Mexico);

A - 88.46. That substantive reform of the penal system is pursued as a priority by the Government (United Kingdom of Great Britain and Northern Ireland);

A - 88.47. Take further measures to increase the capacity of penitentiary institutions and better promote the prisoners' rights, among others, the right to food and the right to safe water and sanitation (Morocco);

A - 88.48. Ensure prompt, impartial and full investigations into all complaints and all instances of deaths in custody (Czech Republic 4); Ensure impartial investigations into all instances of death in custody (Poland);

A - 88.49. Establish an independent complaints mechanism for persons held in custody (Poland);

A - 88.50. Ensure that all births are registered and facilitate access to birth registration services including by reducing its cost (Uruguay);

A - 88.51. Take all measures in order to protect and encourage the freedom of expression and make the limitations to the freedom of expression to comply with the international obligations (Switzerland);

A - 88.52. Guarantee freedom of religion and worship, also by fighting all forms of discrimination against people belonging to religions minorities (Italy);

A - 88.53. Ensure that abusive child labour practices are eliminated and promote access to education of these children in a vulnerable situation (Uruguay);

A - 88.54. Continue efforts to monitor the cotton harvest in order to prevent forced labour and to take law enforcement efforts against trafficking (USA);

A - 88.55. Incorporate in the domestic law the explicit prohibition of child labour; adopt an array of measures to guarantee inclusive education and the nondiscrimination of children with disabilities in the regular education system (Spain);

A - 88.56. Continue efforts to expand the right to education, especially in connection with the education of children (Saudi Arabia);

A - 88.57. Develop programs allowing girls to stay in the educational system and avoid early drop-outs and the same should be provided for children with disabilities (Costa Rica);

A - 88.58. Devote increased attention to spreading a human rights culture through educational institutions and media (Saudi Arabia);

A - 88.59. Consolidate efforts of the systematic integration of human rights education and training in the school system with specific and updated programs for the State personal and the security agents (Morocco);

A - 88.60. Continue its efforts to fight poverty and ensure sustainable development, and to implement at the maximum extent the national development strategy for 2006-2015 and the national poverty reduction strategy for 2010–2012 (Russian Federation);

A - 88.61. Continue the implementation of measures aimed at fighting poverty as well as enhancing the general well-being of its citizens by ensuring their economic and social rights (Belarus);

A - 88.62. Strengthen its ongoing measures to eradicate poverty (Pakistan);

A - 88.63. Step up efforts to address the unemployment in particular in the rural regions including through special targeted programs to stimulate economic growth and development (Malaysia);

A - 88.64. Continue to improve women's socio-economic condition in line with the recent reforms undertaken by the government (Bangladesh);

A - 88.65. Accelerate efforts to improve access to adequate, clean and safe drinking water as well as providing sewage services for the population (Malaysia);

A - 88.66. Intensify the programs on combatting HIV/AIDS (Algeria);

A - 88.67. Increase its efforts in the area of health, education, guarantee the interest and protect rights of women and children, and promote overall social and economic development (China);

A - 88.68. Promote, through its migration service, the civil, political and social rights of migrant workers (Switzerland);

A - 88.69. Improve the system of gathering and analysis of statistics regarding migrants' workers and develop a national strategy for migration in the wider framework of the economic development policies of the country (Switzerland);

A - 88.70. Continue to seek assistance from the international community, with the support of the UN Country Team and particularly the OHCHR, in strengthening its human rights policies, including ratification of the remaining key human rights conventions and implementation of the UPR recommendations that Tajikistan will accept (Thailand).

89. The following recommendations enjoy the support of Tajikistan, which considers that they are already implemented:

A - 89.1. Harmonize domestic legislation in order that statements obtained under torture are not used as evidence in legal proceedings (Mexico);

A - 89.2. Envisage an explicit reference to the ban of child's labour in the national law (Morocco);

A - 89.3. Consider enacting legal prohibition to the use of corporal punishment (Brazil); Enact legislation to achieve the prohibition of corporal punishment of children in all settings, including in the home and in schools as a matter of priority (Romania);

A - 89.4. Adopt legislation to explicitly prohibit all forms of corporal punishment everywhere, launch awareness-raising campaigns on the negative impact of corporal punishment in children; and provide training to teachers, parents, community leaders and penitentiary institutions officers (Uruguay).

90. The following recommendations will be examined by Tajikistan which will provide responses in due time, but no later than the nineteenth session of the Human Rights Council

in March 2012. The responses will be included in the outcome report adopted by the Human Rights Council at the same session:

90.1. Ratify

R - the Optional Protocol to the CAT and

A - the Optional Protocol to CEDAW (Czech Republic);

A - Consider ratifying the Optional Protocol to the CEDAW as well as the Optional Protocol to the CAT (Poland);

R - 90.2. Ratify the Optional Protocol to the CAT and establish an independent national preventive mechanism (France);

R - 90.3. Sign and ratify the Optional Protocol to the CAT (Estonia);

A - Consider ratifying the Optional Protocol to the CAT in the near future (United Kingdom of Great Britain and Northern Ireland);

R - 90.4. Ratify the Optional Protocol to the CAT and put in place a national preventative mechanism within the framework of the criteria and guarantees undertaken by this instrument (Switzerland);

R - 90.5. Ratify OP-CAT; enact and implement laws and administrative measures to combat torture and make a declaration recognizing CAT's competence to receive communications (Costa Rica);

R - 90.6. Ratify the Convention on the Rights of Persons with Disabilities (Algeria); Ratify the Convention on the Rights of the Persons with Disabilities in order to further promote and protect the rights of persons with disabilities (Thailand);

R - 90.7. Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Hungary);

A - 90.8. Consider acceding to the OP-CEDAW, OP-CAT and the CRPD (Brazil);

R - 90.9. Sign and ratify CRPD and CED (Spain);

R - 90.10. Ratify the Second Optional Protocol to ICCPR, aiming at the abolition of death penalty (Czech Republic) (Switzerland); Ratify the Second Optional Protocol to the ICCPR (Hungary); Ratify the Second Optional Protocol to ICCPR as soon as possible (Belgium) (France);

90.11. Ratify without reservations

A - the Optional Protocol to the CEDAW and

R - the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (Austria);

90.12. Consider the possibility of ratifying

R - CRPD and its Optional Protocol, CED, OP-CESCR,

A - OP-CAT and OP-ICCPR (Argentina);

R - 90.13. Ratify the 1954 and 1961 Statelessness Conventions (Germany); Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Slovakia);

R - 90.14. Positively consider adhering to the Convention related to the Status of Stateless Persons of 1954 and other instruments related to Stateless Persons (Mexico);

R - 90.15. Ratify remaining core human rights instruments (Slovenia);

R - 90.16. Become a party to the major international human rights instruments to which it has not yet acceded, such as the International Convention for the Protection of All Persons from Enforced Disappearance, as well as issue a standing invitation to special procedures mandate holders (Japan);

R - 90.17. Ratify OP-CAT and CED and extend a standing invitation to all HRC Special Procedures (Uruguay);

R - 90.18. Adopt a new set of criteria for defining disability in accordance with international standards and

P - ensure a higher level of awareness of the population in order to overcome stigmatization (Hungary);

A - 90.19. Put in place mechanisms aimed at definitely abolishing the death penalty, as a consequence of the moratorium in force since 2004 (Spain);

A - 90.20. Consider the abolishment of the death penalty (Italy);

A - 90.21. Complete its consideration of the abolition of the death penalty and move to abolition (United Kingdom of Great Britain and Northern Ireland);

A - 90.22. Take all necessary measures to abolish the death penalty, including by ratifying the Second Optional Protocol to ICCPR (Australia);

A - 90.23. Take further steps in order to fully abolish the death penalty and modify the Criminal Code so no crime can be punished by the capital punishment (Hungary);

A - 90.24. Proceed to all necessary legal and constitutional amendments in order to totally abolish the death penalty (Switzerland);

A - 90.25. Fully abolish the death penalty (Estonia);

A - 90.26. Abolish the death penalty and consider ratifying the Second Optional Protocol to ICCPR (Romania 1);

A - 90.27. Continue its efforts aimed at abolishing the use of the death penalty and continue with the application of the moratorium declared in 2004 (Argentina);

A - 90.28. Prohibit corporal punishment of children in all settings and guarantee children's rights to adequate standard of living with special attention to orphans, providing them with access to safe drinking water and education (Slovenia);

A - 90.29. Place the Council of Justice as a full independent body outside of the control of the executive (Belgium);

A - 90.30. Amend the Criminal Procedural Code to the effect that detention records have to record the identity of the officers involved in detaining a person, in line with Principle 12 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Czech Republic);

A - 90.31. Implement the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, otherwise known as the "Bangkok Rules" and seek appropriate assistance in its implementation from relevant UN agencies in order to further improve treatment of female offenders (Thailand);

A - 90.32. Ensure that administrative detention is subject to the same right to challenge the lawfulness of detention as other forms of detention (Canada);

R - 90.33. Open prisons and detention centres, including temporary and pre-trial facilities, to national and international monitoring including from the ICRC (Canada);

A - 90.34. Establish regular medical examinations of persons deprived of their liberty, set up an independent complaint mechanism for torture allegations and

R - grant the ICRC full access to closed institutions and

P - ensure that cases of torture will be systematically investigated and perpetrators held accountable (Austria);

A - 90.35. Ensure detainees have prompt access to a lawyer, doctor and family members from the time that they are taken into custody, and consider the establishment of an independent health service to conduct examinations of detainees upon arrest and release (Turkey);

A - 90.36. Conduct independent, impartial and transparent investigations into all human rights allegations, such as those raised by the Human Rights Committee and Special Rapporteur mandate holders, with a view towards ensuring against impunity (Thailand);

A - 90.37. Introduce a separate system of juvenile justice, with particular emphasis on rehabilitation and reintegration activities, stop the application of isolation measures on juveniles and ensure that the minimum age of fourteen for criminal liability in domestic and international law is respected without exceptions (Austria);

A - 90.38. Take all necessary measures to guarantee freedom of the press, in particular by repealing the criminalization of defamation so it is only covered by civil law, and introduce simplified and more transparent procedures for obtaining broadcasting licenses (France);

A - 90.39. Counter the trend of repressing free speech, including restrictions on media outlets, and take concrete steps to meet its obligations to create an environment that fosters freedom of expression (Norway);

A - 90.40. Consider changes in legislation and administrative procedures with the view to facilitate the establishment of independent media (Sweden);

A - 90.41. Abolish the criminal provisions on defamation (Canada); Abolish criminal provisions on defamation and insult (Australia);

A - 90.42. Revise provisions for slander and insult in the Criminal Code so that the provisions are not used to unduly restrict journalistic activity and considerably shorten the time span given to Government institutions for imparting information to the public (Austria);

R - 90.43. Bring the Law on freedom of conscience and religious organizations in compliance with international norms, promote religious tolerance and remove restrictions imposed on religious education, activities of religious organizations and religious dressing (Canada);

R - 90.44. Harmonize its domestic legal framework concerning freedom of religion and belief with its international obligations (Slovakia);

R - 90.45. Repeal laws that negatively impact religious freedom, such as those that limit the right of women and minors to participate in religious activities, ban some minority religious groups and penalize unauthorized religious activity (United States);

A - 90.46. Take steps to ensure that recent amendments to the Criminal Code of 2011 are in compliance with international obligations regarding freedom of assembly and freedom of conscience (Norway);

R - 90.47. Ensure that religious and civil society organizations can operate without restrictions in accordance with its international obligations (Norway);

A - 90.48. Enact legislation to prohibit, prevent and sanction child labour in all service sectors (Canada);

A - 90.49. Eliminate child labour through sanctioning violations of the minimum age standards and strengthening the labour inspectorate (Austria);

A - 90.50. Redouble its efforts in the area of poverty eradication and income disparity, including by allocating adequate human and financial resources and providing support and material assistance to the marginalized and disadvantaged groups in the country (Malaysia).

91. The recommendations below did not enjoy the support of Tajikistan:

R - 91.1. Revise its Law on the Responsibility of Parents for the Upbringing and Education of Children of 2 August 2011, which contains provisions highly endangering the freedom of religion and the aims of the CRC (Germany);

R - 91.2. Take additional steps to improve freedom of expression, including dropping remaining charges against Mr. Usmonov, and to resolve without harm to them the cases of journalists, such as Makhmadyusuf Ismoilov (United States);

R - 91.3. Remove the ban on wearing the hijab in schools and universities, and the prohibition on teachers under the age of 50 wearing beards (United States);

R - 91.4. Rescind the 2006 Council of Ulema fatwa against women attending mosques (United States).

92. Tajikistan offered the following comments:

92.1. Regarding the recommendation No. 91.1, the Law on the Responsibility of Parents for the Upbringing and Education of Children is in line with Tajikistan's international obligations; it expresses the will of the people of Tajikistan and is aimed at protecting the interests of children;

92.2. Regarding recommendation No. 91.2, individual human rights violations are not the subject of the universal periodic review process;

92.3. Regarding recommendation No. 91.3, no such bans are imposed in Tajikistan;

92.4. Regarding recommendation No. 91.4, Tajikistan is a secular country and does not intervene in the decisions of religious institutions.

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