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Working Group on the Universal Periodic Review
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**National report submitted in accordance with paragraph 5
of the annex to Human Rights Council resolution 16/21***

Tajikistan

I. Introduction¹

1. The present report includes information on the progress made in implementing the previous recommendations,² as well as additional information on the human rights situation.
2. The 2017–2020 National Action Plan for the effective implementation of the recommendations resulting from the second universal periodic review was approved following broad consultations with civil society institutions and international organizations.^{3, 4}

II. Status of implementation of recommendations

Accession to international human rights instruments⁵

3. On 22 March 2018, the President signed the Convention on the Rights of Persons with Disabilities.
4. On 27 February 2020, a national action plan (road map) to prepare for the ratification and implementation of the Convention, covering the period up to 2024, was adopted by decision of the Government.⁶ The plan envisages refinements to legislation; the development of conditions for the participation of persons with disabilities in all spheres of life in society; the creation of a favourable social environment and the enhancement of accessibility for persons with special needs, including those with disabilities; measures to increase the legal knowledge of persons with disabilities and their families; and efforts to reinforce information campaigns on disability-related issues and the promotion of healthy lifestyles.
5. The development and implementation of the road map is being carried out in close cooperation with civil society organizations.

* The present document is being issued without formal editing.



National mechanisms for reporting and follow-up⁷

6. On 1 April 2017, a new government decision on the Government Commission on Compliance with International Human Rights Obligations was adopted, setting out in detail and expanding the purposes and goals of the Commission.

7. In January 2017, the new Regulations on commissions on children's rights were approved by decision of the Government. Pursuant to the Regulations, the National Commission on the Rights of the Child is being established as a standing inter-agency body to coordinate the activities of government bodies to implement international obligations in the field of children's rights, carry out State policy to ensure the rights and interests of children and regulate issues related to the education and upbringing of children.

8. The Department on Human Rights Safeguards in the Executive Office of the President of Tajikistan acts as the Commission's Secretariat (Executive Secretary); its tasks include preparing reports to United Nations bodies, developing action plans for the implementation of recommendations and monitoring the implementation process.

9. In 2016, all ministries and departments designated human rights focal points (contact persons), who interact with the Secretariat of the Commission and collect and process human rights information for reporting purposes and for the process of implementing recommendations made by United Nations bodies.

Cooperation with the human rights treaty bodies⁸

10. Tajikistan does not have any overdue reports to United Nations treaty bodies. In 2007, Tajikistan submitted initial reports to the Committee on the Rights of the Child (CRC/C/OPAC/TJK/1 and CRC/C/OPSC/TJK/1). It is currently carrying out the plans, adopted in April 2018, for the implementation of the recommendations made by the Committee on the Rights of the Child.⁹

11. Tajikistan attaches great importance to cooperation with United Nations structures, including the special procedures, cooperates with all special procedure mandate holders and issues invitations to visit Tajikistan upon request.

12. The recommendations made by the special procedures following their visit to Tajikistan are now included in the 2021–2023 action plan to implement the National Human Rights Strategy for the period up to 2030.

Commissioner for Human Rights in Tajikistan¹⁰

13. In order to comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),¹¹ the legislation on the Commissioner for Human Rights has been amended as follows:¹² the Commissioner has been given the function of promoting the ratification of international human rights instruments and the right to visit and inspect all places of deprivation of liberty without hindrance; a post of Deputy Commissioner – serving as Commissioner for Children's Rights – has been established, with the same guarantees of immunity; and a separate office for children's rights has been opened.

14. Amendments to the Commissioner for Human Rights Act are being developed, aimed at significantly strengthening the activities of the Commissioner.¹³

National plans of action in the field of human rights¹⁴

15. In December 2017, a working group was established to develop a draft national strategy for the protection of human rights covering the period up to 2030.

16. The working group ensured that the strategy was developed in a transparent manner, with the participation of representatives of ministries and departments, the Office of the United Nations High Commissioner for Human Rights (OHCHR), civil society institutions

and international organizations. The draft documents were translated into Russian and English and posted on the Google Docs platform, where all stakeholders, including civil society institutions and international organizations, could make suggestions and additions. During this period, more than 10 two-day working meetings were held to develop and discuss individual sections of the draft strategy, with civil society institutions in attendance, and more than 10 national consultations were held to discuss the draft documents.

17. The draft national strategy for the period up to 2030 and the 2021–2023 action plan have been developed, coordinated with all ministries and departments and are pending approval by the Government.

18. Tajikistan also adopts national action plans to implement the recommendations of United Nations bodies; these plans are the subject of extensive national consultations, during both their development and their implementation.

19. Since 2016, the Government has adopted 10 national action plans for the implementation of recommendations made by United Nations treaty bodies, including:

- The 2017–2020 National Action Plan to implement the recommendations made by the States members of the Human Rights Council during the second universal periodic review of Tajikistan, of 7 June 2017. The 2018–2022 National Action Plan to implement the recommendations concerning the combined third to fifth periodic reports of Tajikistan on the implementation of the Convention on the Rights of the Child, of 19 April 2018
- The 2018–2022 National Action Plan to implement the recommendations concerning the initial report of Tajikistan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, of 19 April 2018
- The 2018–2022 National Action Plan to implement the recommendations concerning the initial progress report of Tajikistan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, of 19 April 2018
- The 2019–2022 National Action Plan to implement the recommendations of the Committee against Torture, of 24 January 2019
- The 2019–2022 National Action Plan to implement the recommendations of the Committee on the Elimination of Discrimination against Women, of 8 May 2019
- The 2020–2025 National Action Plan to implement the recommendations of the Human Rights Committee, of 7 April 2020
- The 2020–2024 National Action Plan to implement the recommendations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, of 17 December 2019
- The 2020–2022 National Action Plan to implement Security Council resolutions 1325 (2000) and 2242 (2015), approved by the First Deputy Prime Minister of Tajikistan and Chair of the Government Commission on Compliance with International Human Rights Obligations, Davlati Said, in 2019
- The National Action Plan to prepare Tajikistan for the ratification and implementation of the Convention on the Rights of Persons with Disabilities, covering the period up to 2024, adopted by Government Decision No. 116 of 27 February 2020

20. The plans provide for a set of measures aimed at implementing the recommendations of United Nations human rights mechanisms, as well as specifying the time frame for carrying out the measures and the government bodies responsible.

21. At the same time, the Government has adopted various strategic documents in the area of human rights and development, including:

- The National Strategy for the Development of Education for the period up to 2030¹⁵
- The 2014–2023 State Programme for the Prevention of Domestic Violence¹⁶
- National Development Strategy for the period up to 2030¹⁷
- The 2019-2021 Judicial and Legal Reform Programme¹⁸
- The Policy Framework for the Provision of Free Legal Assistance¹⁹
- The 2017–2021 Programme for the Reform of the Juvenile Justice System, approved by Government Decision No. 322 of 29 June 2017
- The 2020–2024 National Programme for the Prevention of Juvenile Delinquency²⁰

Human rights education²¹

22. Human rights education is a priority of the Strategy of the Commissioner for Human Rights for the period 2016–2020.

23. As part of the 2013–2020 Human Rights Education Programme, the Commissioner conducted a School on Human Rights and Human Rights Teaching Methods and Techniques for 18 teachers at educational institutions and professional development centres under the ministries and departments (three 5-day training sessions).²²

24. In 2018–2021, training courses are being conducted on an ongoing basis for human rights focal points of ministries and departments on selected human rights issues, mechanisms for reporting to United Nations bodies and monitoring of the implementation of the recommendations made by United Nations structures.

25. Human rights topics have been introduced into the curricula for the 2021–2023 professional development courses offered by the Ministry of Education and Science,²³ in particular for senior staff, teachers of history and law, primary-school teachers, and staff at residential schools and children’s homes.

26. During the period 2017–2020 and the first quarter of 2021, the National Institute for Advanced and Refresher Training for Educational Staff and its branches conducted 169 professional development courses reaching 4,541 teachers of history and law.

27. A subject entitled “Human rights” has been introduced into the general education system and into higher education establishments.

28. The professional development institutes of the ministries and departments annually adopt curricula that encompass human rights topics, as well as the obligations of Tajikistan under the human rights instruments to which it is a party.

Cooperation with civil society institutions²⁴

29. Government bodies cooperate with civil society institutions in carrying out their activities. When working groups are established to prepare laws and strategic documents, representatives of civil society institutions are involved in the working meetings, national consultations are held and written proposals are solicited for the documents under development. Civil society institutions are important partners in education and awareness-raising activities, as well as in the provision of services, including the running of shelters, refuges and legal and psychological support centres for vulnerable groups. The State authorities have concluded appropriate memorandums with voluntary associations and international organizations on the activities to be carried out. For example, the Ministry of Health and Social Protection has signed such agreements or memorandums with more than 20 civil society organizations.

30. Representatives of civil society institutions and international organizations sit on inter-agency commissions in an advisory capacity. Representatives of civil society institutions are members of the inter-agency working group established to implement the

National Action Plan to prepare for the ratification and implementation of the Convention on the Rights of Persons with Disabilities, covering the period up to 2024,²⁵ and the commission on the drafting of the National Health Development Strategy for the period up to 2030.

31. In 2020, a working group was established under the Ministry of Justice to develop separate legislation on community councils and public oversight bodies. The bill has undergone extensive national consultation and is in the process of being coordinated with ministries and departments.

32. When national reports to United Nations bodies, national action plans and other strategic documents are drafted, the Department on Human Rights Safeguards in the Executive Office of the President of Tajikistan, which acts as the Secretariat of the Government Commission on Compliance with International Human Rights Obligations, conducts wide consultations with responsible officials of ministries and departments, civil society institutions and international organizations. In addition, consultations are held at all stages of the preparation of documents.

33. Thus, on the basis of the memorandum between the Ministry of Justice and the United Nations Development Programme (UNDP), signed in 2013 within the framework of the Rule of Law and Access to Justice Programme, a platform for joint dialogue has been organized, with consultations held annually at both the national and regional levels. Since 2015, a National Rule of Law Forum has been held annually, with broad participation by representatives of the country's parliament, the judiciary, law enforcement agencies, civil society and academia. The Forum is held to identify challenges and difficulties that hinder the strengthening of the rule of law and jointly to find solutions through the exchange of experience and open discussion, and to develop specific recommendations/suggestions to improve the rule of law and further safeguard the equality of citizens before the law.

34. Since 2017, as part of the militia reform, 84 community councils have been established in 50 cities and districts, coordinated by the National Militia Reform Coordinator of the Ministry of Internal Affairs.

Non-discrimination²⁶

35. On 16 April 2018, an inter-agency working group was set up to prepare legislation on non-discrimination. Subsequently, a bill on equality and the elimination of all forms of discrimination was developed and underwent coordination with ministries and departments. A series of national consultations has been held with civil society institutions. The bill is being considered by the Government before being sent to the parliament.

36. The new 2017 Health Code emphasizes the prohibition on discrimination based on HIV status and provides for protection from tuberculosis, efforts to combat HIV/AIDS, and the provision of medical and social care for persons with mental disorders.

37. The Criminal Code establishes liability for transmitting HIV, and the administrative penalties for avoiding compulsory medical examinations and preventive treatment for HIV infection and other infectious diseases have been increased.²⁷

38. The 2017–2020 National HIV/AIDS Response Programme was approved by a decision of the Government,²⁸ along with a programme implementation plan and a programme monitoring and evaluation plan.²⁹ A new programme, for 2021–2025, and an action plan for the programme's implementation were adopted on 27 February 2021; it is planned to conduct research on the prevalence of discrimination in Tajikistan and to reduce stigma and discrimination through the media, as well as to conduct training activities.

Combating torture³⁰

39. On 2 January 2020, amendments to article 143 (1) (Torture) of the Criminal Code were adopted, bringing the definition of torture into line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and increasing the related penalties.³¹

40. On 7 September 2019, the Procurator General approved the Instructions on methods and means of carrying out procuratorial supervision of compliance with the law in respect of the prevention, detection and investigation of torture; the Instructions comprise a set of recommendations for staff of the procuratorial authorities carrying out activities aimed at preventing and effectively combating torture. The human rights safeguards in the criminal justice system, the principle of freedom from torture, the rights of prisoners and the standards contained in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) are included in the in-service training programme for judicial and law enforcement personnel, procuratorial staff and members of the legal profession. For example, during the period 2016–2020, the Supreme Court’s Training Centre held 39 seminars for 648 judges, 58 trainee judges and 78 court officials.

41. In 2016–2020, 103 allegations of torture were received by the procuratorial authorities (10 in 2016, 21 in 2017, 48 in 2018, 14 in 2019 and 10 in 2020); criminal cases were opened in respect of 9 allegations.

42. The Ministry of Health and Social Protection, together with the Centre for Human Rights, a voluntary association, has developed a training manual for the Forensic Science and Forensic Medicine Department of the Law Faculty of Tajik National University introducing the standards contained in the Istanbul Protocol. The following texts have been adopted: a compilation of the laws and regulations governing psychiatric services, a standard for organizing and conducting forensic psychiatric examinations and a procedure for providing psychiatric care to persons with mental disorders while respecting the standards contained in the Istanbul Protocol.

43. In 2017–2019, training sessions – attended by 225 people – were conducted for judicial and investigative officers (judges, procurators and staff of the State Committee on National Security, the Ministry of Internal Affairs, the Anti-Corruption Agency and the Drug Control Agency), medical workers, operational officers of the prison system, lawyers, social workers, psychologists, doctors at private clinics and forensic medical experts on the standards contained in the Istanbul Protocol.

Rights of persons deprived of liberty³²

44. On 25 June 2020, the Strategy for the Reform of the Penal Correction System for the period up to 2030³³ and an action plan for 2021–2025 were adopted; these documents provide for measures to humanize the system, rehabilitate and resocialize prisoners, enhance mechanisms and measures for the serving of non-custodial sentences, and improve detention conditions for prisoners. A procedure for organizing medical care for persons serving sentences in places of deprivation of liberty and persons in pretrial detention has been approved,³⁴ and a policy framework for rehabilitation and systems for the assessment of risk and the classification of convicted persons have been developed, as has a draft 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 covering the period 2021–2030.

45. Amendments to the Code of Criminal Procedure and the Act on Procedures and Conditions for the Custody of Suspects, Accused Persons and Defendants provide basic guarantees of prisoners’ rights: the right to be informed of their fundamental rights from the moment of detention, including their right to contact a close relative without delay, to have access to a lawyer and to remain silent; the requirement that a record of detention be drawn up within three hours and that the identities of all the officials involved in the detention be noted down; and the obligation for a medical examination to be conducted (this may be done by an independent doctor) before a suspect is placed in the cells;³⁵ the amendments also preclude the remand in custody of an individual solely on the basis of the seriousness of the alleged offence³⁶ and reinforce the guarantees of the rights of minors upon detention and while in custody and the prohibition on the holding of minors with adults or in punishment cells, isolation cells or guardhouses.³⁷

46. In December 2013, the Commissioner for Human Rights established a monitoring group to conduct visits to places of deprivation and restriction of liberty; the group comprises staff of the Commissioner's office and representatives of the Civil Society Coalition against Torture and Impunity in Tajikistan.³⁸ During its period of activity, the group conducted 95 monitoring visits to 75 closed and partially closed institutions and 20 military units of the Ministry of Defence. In 2019, a new strategy and workplan for the monitoring group were adopted and the composition of the group was expanded; training for the group is under way.³⁹

Prevention of trafficking in persons, including children⁴⁰

47. The Interdepartmental Commission to Combat Trafficking in Persons was established on 8 July 2017.⁴¹ Legislation in this area is constantly being refined; penalties for offences related to trafficking in persons, including trafficking in children, have been increased; a wider range of government bodies has been made responsible for combating trafficking in persons; and social services for victims of trafficking have been defined.

48. On 1 March 2019, the 2019–2021 National Action Plan for Combating Trafficking in Persons was approved, the anti-trafficking helpline (227-07-07) was activated and a social services centre for trafficking victims was established under the Ministry of Health and Social Protection.⁴²

49. The Centre for Combating Trafficking in Persons has been in operation since 1 September 2016 within the Department for Combating Organized Crime of the Ministry of Internal Affairs;⁴³ the aim of the Centre is to improve coordination among anti-trafficking actors. The Academy of the Ministry of Internal Affairs offers an optional course on combating trafficking in persons.

50. One of the main tasks of the Department for Combating Organized Crime, a special unit of the Ministry of Internal Affairs, is to increase the effectiveness of measures to identify and block channels for trafficking in persons. The Department works on the methodological and practical aspects of combating trafficking in persons, exchanges information with law enforcement agencies of destination countries and cooperates closely with them on trafficking cases and the return of trafficking victims.

51. Pursuant to the memorandum concluded between the Government of Tajikistan and the International Organization for Migration (IOM), an effective mechanism has been put in place for referring victims to crisis centres and shelters run by the non-governmental organizations' network Umed.⁴⁴

52. A shelter for trafficking victims in Dushanbe has been operating under the Ministry of Health and Social Protection since 2006.⁴⁵ The shelter provides help with rehabilitation (medical, legal, psychological and social assistance) to victims of trafficking, victims of domestic violence, abandoned wives of migrant workers and vulnerable migrants.

53. During the period 2016–2020, 125 cases of trafficking in persons were recorded (18 in 2016, 42 in 2017, 21 in 2018, 28 in 2019 and 16 in 2020). A total of 125 criminal cases were opened against 198 persons and investigations were carried out. These cases included: 45 criminal cases against 48 persons under article 130¹ of the Criminal Code (Trafficking in persons) – 5 cases against 5 persons in 2016, 18 cases against 18 persons in 2017, 12 cases against 14 persons in 2018, 8 cases against 8 persons in 2019 and 2 cases against 3 persons in 2020; 43 criminal cases against 105 persons under article 167 (Trafficking in minors) – 6 cases against 10 persons in 2016, 10 cases against 30 persons in 2017, 8 cases against 23 persons in 2018, 11 cases against 24 persons in 2019 and 8 cases against 18 persons in 2020; and 19 criminal cases against 23 persons under article 335² (Arrangement of illegal migration) – no cases in 2016, 3 cases against 4 persons in 2017, 1 case against 1 person in 2018, 9 cases against 11 persons in 2019 and 6 cases against 7 persons in 2020. Of the criminal cases opened, 75 were sent for trial and 138 persons were convicted.

Prevention of domestic violence⁴⁶

54. In order to give effect to the Domestic Violence Prevention Act, ministries and departments have adopted internal documents for the collection of information, in the form of both initial statistics and statistical reports.⁴⁷

55. In 2019, pursuant to a joint order of the Ministry of Health and Social Protection and the Ministry of Finance,⁴⁸ victims of trafficking in persons and victims of domestic violence were included in the group of persons eligible for free medical care.

56. The Communication Strategy for Behavioral Change in relation to Domestic Violence was approved by a decision of the advisory board of the Committee for Women and the Family on 22 September 2017.⁴⁹ As provided for in the Strategy, 192 representatives of the Committee's offices across the country have received appropriate training and an awareness-raising campaign has been conducted.

57. Government bodies, together with civil society institutions, are carrying out informational activities for the public (meetings, speeches, dialogues, radio and television broadcasts, etc.) and educational activities for representatives of government bodies (training sessions, seminars, round tables and conferences) on domestic violence prevention.

58. For example, the Ministry of Health and Social Protection⁵⁰ has developed manuals for health workers and social workers on how to respond to cases of domestic violence, and some 2,257 health workers and social workers have received training in this regard.

59. The Academy of the Ministry of Internal Affairs has introduced a separate subject, entitled "Prevention of domestic violence", to which 36 hours are devoted.

60. The following State institutions and voluntary associations provide practical assistance to women who are victims of domestic violence: the Committee for Women and the Family; the Ministry of Internal Affairs, which employs 17 domestic violence prevention inspectors; local executive authorities of the State, through 110 information and counselling centres; the Ministry of Health and Social Protection, which runs 22 support rooms for women victims of domestic violence located in establishments of the Ministry; the Ministry of Justice's Legal Assistance Centre, through 34 legal offices; and 33 crisis centres for women victims of violence operated by non-governmental organizations.

61. In a number of towns and districts, hospital maternity wards operate counselling and medical care units for victims of domestic violence; they are most frequently attended by women and children.⁵¹ In 2020, 139 female victims of violence received medical and psychological services in rehabilitation units.

62. Since 2018, a Resource Centre for Gender Issues and Domestic Violence Prevention has been opened⁵² and a toll-free helpline (1313) has been activated to provide legal advice and psychological counselling to victims of domestic violence; both are initiatives of the Committee for Women and Family Affairs. During the outbreak of the coronavirus disease (COVID 19) pandemic, services were available around the clock. A digital application to collect information and statistical data has been brought into use at the Centre, along with a database on cases of domestic violence. In 2019, 1,591 people contacted the Centre, of whom 1,373 were women and 218 were men; the figures for 2020 were 1,721 women and 192 men.

63. The draft of the new Criminal Code⁵³ includes a separate article on domestic violence, article 153, which provides for penalties ranging from community service to up to 7 years' imprisonment.⁵⁴ The draft Criminal Code is under consideration by the Government.

64. The Criminal Code provides for penalties for the commission of offences against family members, including: in article 109 (2) (Incitement to suicide of a person who is materially or otherwise dependent on the perpetrator); article 117 (2) (c) (Cruel treatment of a person who is materially or otherwise dependent on the perpetrator); article 138 (3) (a) (Rape of a close relative); article 139 (3) (b) (Sexual assault of a close relative); article 140 (Forcing a person to engage in sexual relations or homosexual or lesbian sex or to commit other acts of a sexual nature by exploiting his or her material or other dependence); article 141 (2) (b) (Sexual relations or other acts of a sexual nature with a person under 16 years of age where the perpetrator is a parent or other person responsible for the victim's upbringing);

article 142 (2) (c) (Depraved acts committed by a parent or other person responsible for the victim's upbringing); and article 142 (2) (d) (Depraved acts committed against a close relative).

65. The Ministry of Internal Affairs agencies reviewed 15,502 complaints during the period 2016–2020 (2,624 in 2016, 2,911 in 2017, 3,048 in 2018, 3,258 in 2019 and 3,661 in 2020). Of these complaints, 12,638 were against men,⁵⁵ 2,854 against women⁵⁶ and 10 against children.⁵⁷ Criminal proceedings were instituted in 750 cases⁵⁸ and dropped in 11,870 cases,⁵⁹ and 6,047 reports concerning administrative offences were drawn up under article 93¹ (Failure to comply with the laws on domestic violence prevention) and article 93² (Failure to comply with a restraining order) of the Code of Administrative Offences.⁶⁰

66. During the period 2016–2020, there were 489 recorded domestic violence offences (105 in 2016, 80 in 2017, 83 in 2018, 119 in 2019 and 102 in 2020), including: 151 intentional homicides – 23 in 2016, 29 in 2017, 30 in 2018, 36 in 2019 and 33 in 2020; 161 cases of incitement to suicide – 27 in 2016, 27 in 2017, 32 in 2018, 45 in 2019 and 30 in 2020; 32 cases of rape – 8 in 2016, 5 in 2017, 7 in 2018, 7 in 2019 and 5 in 2020; and 12 cases of sexual assault and other offences against sexual inviolability and sexual freedom – 41 in 2016, 15 in 2017, 11 in 2018, 27 in 2019 and 33 in 2020. The procuratorial authorities have sent 443 criminal cases for trial, with bills of indictment, and appropriate legal decisions have been taken in respect of the other offences.

67. The procuratorial authorities found that 140 women had died or suffered serious bodily harm as a result of murder or attempted murder respectively in 2016–2020 (24 in 2016, 41 in 2017, 28 in 2018, 28 in 2019 and 19 in 2020).

68. The Supreme Court developed and introduced, from 2019, a special reporting form for domestic violence cases handled. In 2016–2020, courts heard a total of 545 criminal cases against 576 individuals:

<i>Type of offence</i>	<i>Article of the Criminal Code</i>	<i>2016 Cases/ individuals</i>	<i>2017 Cases/ individuals</i>	<i>2018 Cases/ individuals</i>	<i>2019 Cases/ individuals</i>	<i>2020 Cases/ individuals</i>	<i>Total Cases/ individuals</i>
Incitement to suicide	109	36/37	34/34	41/25	40/51	29/31	180/178
Battery	116			18/18	6/8	7/9	31/35
Cruel treatment	117			44/46	29/30	34/34	107/110
Trafficking in persons	130		12/12	5/6	8/8	1/1	26/27
Rape	138	32/35	50/64	48/53	39/42	32/32	201/226
Total		68/72	96/110	156/148	122/139	103/107	545/576

Freedom of religion⁶¹

69. The State Policy Framework on Religion was approved on 4 April 2018.⁶² Its main purpose is to establish a long-term vision with respect to the protection of religious rights and freedoms, the spread of tolerance and respect for all religions and faiths, and the safeguarding of security, mutual understanding and harmony among the country's religions.

70. More than 4,000 religious associations are active in Tajikistan, of which 66 are non-Islamic religious associations. The construction of the new central mosque in Dushanbe has been completed and the construction of the Islamic Institute of Tajikistan has begun.

71. During the period 2017–2020, the Committee on Religion and the Regularization of Traditions, Festivals and Ceremonies, which reports to the Government of Tajikistan, conducted more than 4,600 seminars and round tables, 50,000 individual and group meetings and 2,200 radio and television broadcasts on issues relating to freedom of religion, opposing religious extremism and terrorism and religious hatred, preventing discrimination and protecting religious tolerance, published about 2,000 articles in the media and 3,800 articles

on the websites of the Committee and the magazine *Religion and Society* and reviewed over 350,000 petitions from members of the public.

72. In recent years, the Committee has organized special training courses for imam khatib and religious leaders, with the help of offices of United Nations bodies and other international organizations. Refresher and advanced training courses have been organized for imam khatib of central mosques and imams of local mosques jointly with the Islamic Centre of Tajikistan (in 2019, 1,470 people received such training).

Ensuring freedom of the media and to access to information⁶³

73. Uniform regulations for the official websites of ministries and departments, local executive authorities of the State and local government bodies of settlements and villages (*dehot*) were approved on 10 July 2017.⁶⁴

74. In August 2018, article 179 (3) of the Criminal Code was amended to criminalize public calls to commit terrorist offences and/or public justification of terrorist activities, whether in the media or online.

75. The Government Committee for Television and Radio Broadcasting adopted Decision No. 47 of 26 September 2017 on the establishment of a working group to implement the State Policy Framework on the Development of Digital Broadcasting for the period up to 2025.

76. On 30 August 2019, the 2020–2024 State Programme for the Development of Digital Television Broadcasting in Tajikistan was approved.

Freedom of association⁶⁵

77. On 2 January 2019, new amendments to the Voluntary Associations Act were adopted obliging such associations: to post, on their websites or on the website of the registering authority, annual financial statements containing detailed information on their income and expenditures; to retain data on domestic and foreign transactions for at least five years after the conclusion of the business dealings; and to keep and submit to the registering authority information on the identity of the persons supervising or managing the associations' activities, including the founders and the members of the managing or supervisory bodies.

78. A bill on non-profit organizations is at the stage of interdepartmental consideration.

Independence of the judiciary⁶⁶

79. Pursuant to legislative amendments adopted in 2016, 2018 and 2021, the guarantees of judicial independence with respect to appointments have been strengthened: judges are appointed by the President of Tajikistan on the recommendation of the President of the Supreme Court or the President of the Supreme Economic Court.

80. The 2019–2021 Judicial and Legal Reform Programme was approved on 19 April 2019 and the Act on Access to Information on the Work of the Courts was adopted in 2021.

81. During this period, the salaries of the judicial bodies' technical and service staff were increased by 15 per cent; the courts are provided with all the necessary technical resources. Three courtrooms and an office for receiving members of the public have been set up in the Supreme Economic Court and the number of court clerks has been increased by 15.

82. A Consolidated Examination Board for candidates for posts of judge and judicial trainee has been established and its composition and statute approved.⁶⁷ Candidates are selected on a competitive basis.

83. Pursuant to an order of the President of the Supreme Court of 18 May 2018, 60 candidates who had passed the examinations were appointed to posts of judicial trainee. Of the trainees, 58 were appointed judges pursuant to Presidential Decree No. 1452 of 7 February 2020.

84. The Bar functions on the basis of the Bar and Advocacy Act. Since its establishment in 2015, the Qualification Commission under the Ministry of Justice has held 85 meetings and reviewed the documents of 1,136 applicants for the status of lawyer, of whom 874 were admitted to the Bar, 251 failed the qualification examination and 11 were not allowed to sit the examination owing to non-compliance with article 12 of the Bar and Advocacy Act.

85. To date, 71 persons have been disbarred and the registration of 15 lawyers has been cancelled at their own request. There are currently 803 persons with the status of lawyer.

86. As at 2021, 224 lawyers' offices, 23 legal clinics and 18 Bar associations have been set up.

Combating poverty⁶⁸

87. As at 1 January 2021, the population had increased to 9.5 million.

88. The National Development Strategy for the period up to 2030 and the Medium-Term Development Programmes based on it were approved in 2016.

89. During the period 2016–2020, average annual economic growth was 6.7 per cent. Nominal gross domestic product (GDP) in 2020 was 82.5 billion somoni, 1.3 times higher than in the base year (2016). In 2020, GDP per capita was 8,789 somoni, 1.4 times higher than in 2016. The monetary incomes of the population increased by a factor of 2.1, and the average wage per employee in nominal terms by a factor of 1.5. The country's economic growth in 2020 was supported by industrial growth of 11.6 per cent, agricultural growth of 8.8 per cent, domestic turnover growth of 0.8 per cent, export growth of 19.8 per cent and freight transport growth of 1.1 per cent.

90. The poverty rate fell from 31.3 per cent in 2015 to 26.3 per cent in 2019.

91. The Targeted Social Assistance Act was adopted on 24 February 2017 and the 2018–2020 State Targeted Social Assistance Programme on 21 June 2018. The budget allocated for the implementation of the Programme in 2020 was 55,452,982.33 somoni; 215,538 families received assistance.

92. On 2 May 2019, the Procedure for the preparation of local socioeconomic development programmes was approved.⁶⁹

93. The Government has adopted a decision on measures to implement the presidential decree on averting the impact of COVID-19 on the socioeconomic spheres and has allocated 174.9 million somoni in order to make one-off payments to vulnerable groups and increase the number of recipients of such assistance. As at 1 April 2021, 420,467 individuals and families had received additional lump-sum social assistance payments in an amount of 400 somoni, for a total of 168.2 million somoni, including: 42,981 citizens in receipt of social pensions; 149,215 persons with disabilities; 77,224 orphans, children whose families have lost a breadwinner and children of migrant workers who are temporarily not receiving remittances from their parents; 914 children with disabilities under 16 years of age infected with HIV/AIDS; 149,842 low-income families; and 291 refugees on low incomes.

94. Within the framework of the country's cooperation, a grant in the amount of US\$ 11.3 million was received from the International Development Association for implementation of a COVID-19 emergency response project. As at 1 January 2021, 32.2 million somoni had been directed to additional lump-sum social assistance payments in an amount of 500 somoni for 64,469 households.

95. The 2020–2024 National Communication Programme for a Child's First 1,000 Days – aimed at reducing all indicators of insufficient or incorrect nutrition – was adopted on 27 May 2020,⁷⁰ along with other laws and regulations in the areas of nutrition and health.⁷¹

Access to clean drinking water⁷²

96. On 30 December 2015, the 2016–2025 Water Sector Reform Programme was adopted.

97. The Drinking-Water Supply and Waste-Water Disposal Act was adopted on 19 July 2019.

98. In July 2019, amendments were made to the Code of Administrative Offences to include individual entrepreneurs and officials among the persons who may be cited for violations of the public-health requirements relating to drinking water and the supply of drinking water to the population.

99. The Water Code was adopted on 2 April 2020; the Code guarantees the right of access to safe and clean drinking water as an integral component of the realization of all human rights.

100. In 2020, the Procedure for recording and reporting with regard to drinking-water supply and waste-water disposal and the Procedure for the establishment of trust funds for drinking-water supply and waste-water disposal were approved.⁷³

101. In accordance with the 2008–2020 Drinking-Water Supply Improvement Programme,⁷⁴ Housing and Communal Services, a State unitary enterprise, is responsible for the construction and rehabilitation of water supply facilities in the country's towns and districts.

102. In 2017–2020, 308,612,800 somoni were allocated from all funding sources for the implementation of the programme for the construction and rehabilitation of water supply facilities in the country's municipal and district centres⁷⁵ and 17,127,300 somoni for the programme's implementation in rural areas.

103. Access to drinking water is enjoyed by 64 per cent of the population in the country's towns, districts and rural areas (48 per cent in 2011), including 89 per cent of the population in municipal and district centres and 55 per cent in rural areas.

Right to work and to equal conditions of work⁷⁶

104. The new Labour Code of 2016 guarantees the prohibition of discrimination in employment relations.

105. Between 2017 and 2020, State employment promotion programmes were adopted covering the periods 2018–2019⁷⁷ and 2020–2022;⁷⁸ the programmes are aimed at supporting small and medium-sized businesses and creating productive employment in the socioeconomic sectors while taking account of access and opportunities for youth and women. A government decision on the list of jobs in which it is not permitted to employ women and the maximum permissible weights of loads that women may lift or transport manually was adopted on 4 April 2017.

106. The Ministry of Labour and Social Protection has drafted amendments to the Labour Code – currently being coordinated by the relevant ministries and departments – to bring labour law into line with the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138).

107. The right to work of persons with disabilities is defined in law.⁷⁹ The benefits provided for include: a shorter working day (six hours), subject to wage deductions; extended holiday (42 days for persons with first and second category disabilities and 35 days for persons with third category disabilities) and sanatorium treatment; recruitment without a probationary period; and, in the event of staff cuts in an organization, a preferential right to remain in employment. Employers are not allowed to hire persons with disabilities to work at night or on weekends or public holidays or to perform overtime.

108. Under the Employment Promotion Act, quotas have been established for the employment of persons with disabilities – 210 in 2020, 215 in 2021 and 320 in 2022 – and they have priority access to vocational training and job placement.

109. A procedure for placing young specialists in jobs around the country was approved on 27 May 2017;⁸⁰ in accordance with the procedure, ministries and departments, executive authorities of the State and heads of State and non-State institutions and organizations are

obliged to recruit young specialists graduating from State educational establishments to posts in their areas of specialization upon application by their establishments.

110. The State Labour, Migration and Employment Monitoring Service is responsible for monitoring and inspecting compliance with labour law, labour protection regulations and relevant standards and norms by institutions and organizations irrespective of their form of ownership, by individual entrepreneurs and by natural persons, as well as the safety of their work practices. During the period 2016–2020, inspections were conducted focusing on working conditions, employment and migration, among other matters, as follows: 2,559 in 2017, 2,202 in 2018, 2,069 in 2019 and 1,928 in 2020. A total of 9,050 violations were uncovered in 2017, 7,870 in 2018, 8,610 in 2019 and 8,489 in 2020. As a result of the inspections, 19 case files were sent to law enforcement agencies in 2017, 114 in 2018, 128 in 2019 and 130 in 2020. Law enforcement agencies opened 25 criminal cases in 2017, 8 in 2018, 23 in 2019 and 44 in 2020.

Right to health⁸¹

111. During the period 2017–2020, a set of measures to improve the quality of medical services was implemented with a view to reducing maternal and infant mortality, and laws and regulations were adopted or approved.⁸²

112. The budget for the health sector in 2021 is 2,350,369,000 somoni, which is 26.7 per cent more than in the previous year and represents 2.5 per cent of GDP and 8.4 per cent of the total State budget.

113. The Ministry of Health and Social Protection has approved Guidelines for the testing, treatment and clinical observation of HIV infection⁸³ and Instructions on laboratory diagnosis of HIV.⁸⁴

114. Every year, coverage of HIV testing in the Republic is increasing, and in recent years this indicator has increased by a factor of 2.1. In 2019, 1,062,508 people were tested for HIV (825,186 in 2020), including 189,671 pregnant women (19,899 in 2020).

115. In 2018, the composition of the National Coordinating Committee for AIDS, Tuberculosis and Malaria Control was expanded to include representatives of institutions of civil society.

116. There are 65 AIDS centres and 15 user-friendly clinics for vulnerable groups (migrants and their family members) providing free anonymous HIV testing and counselling, 24 needle exchange points for intravenous drug users and 11 user-friendly clinics for commercial sex workers.

117. In 2020, there were 8,496 people living with HIV under observation, 7,690 (84.2%) of whom were receiving antiretroviral treatment. This year, the viral load of 86.0 per cent of patients receiving antiretroviral treatment had been reduced to an undetectable level, which had a positive impact on mortality of people living with HIV (8.2 per cent in 2020 compared to 10.5 per cent in 2016).

118. The provision of free infant formula to children born of infected mothers is guaranteed by law. Although the provision of infant formula is increasing every year, not all towns and districts ensure the procurement of breast-milk substitutes for these children.

119. In 2021, the 2021–2025 National Programme on Protection against Tuberculosis was adopted, along with an implementation and monitoring plan,⁸⁵ and a draft mental health strategy was developed.

120. Vaccination against human papillomavirus is provided to adolescent girls and there is universal access to screening and treatment for cervical cancer.

121. In 2020, the infant mortality rate was 13.4 per 1,000 live births (in 2019, it was 14.8). The under-5 mortality rate was 16.5 per 1,000 live births (in 2019, it was 18.2). The maternal mortality rate in 2020 was 26.1 per 100,000 live births (it was 24.8 in 2019). The slight increase in this coefficient is associated with the COVID-19 pandemic.

122. The Ministry of Health and Social Protection, together with other ministries, committees and relevant institutions in the field of health and social protection, has adopted joint action plans to raise public awareness of reproductive health issues. In 2020, there were more than 76 television programmes, 30 radio programmes, 6 videos spots, 58 publications and over 20 large display screens with information on HIV transmission and prevention.

123. In order to educate the public and raise awareness about healthy lifestyles and the prevention of disease, including HIV, tuberculosis and mental illness, the websites of the National Centre for Healthy Lifestyles (<https://zoj.tj>) and the Migration and HIV Centre (www.rec.tj) constantly publish up-to-date information on: prevention of tuberculosis, diabetes and HIV (123, 192 and 182 uploads, respectively); oncology (72 uploads); maternal and child health (189 uploads); and mental disorders (more than 100 uploads).

124. On 28 April 2017, the sectoral programme for the implementation of the 2013–2020 National Drug Control Strategy was approved.⁸⁶ Currently, an analysis of the effectiveness of the programme's implementation is under way and a draft new programme is being prepared.

125. On 22 October 2018, the Drug Control Agency's training centre began to deliver a special military service course for young officers of the Agency's units and departments.⁸⁷

126. The Drug Control Agency, together with the Ministry of Labour, Migration and Employment, the Committee for Women and the Family, the Committee for Youth, Sport and Tourism and local executive authorities, conducts informational meetings to prevent the spread of drug abuse and drug trafficking among various social categories, in particular adolescents and young people.

127. During the period 2017–2020, the Drug Control Agency organized 1,049 media appearances and held 1,206 meetings, 118 seminars, 115 round tables and 254 anti-drug cultural and sporting events.

128. The National Centre for the Monitoring and Prevention of Drug Abuse, under the Ministry of Health and Social Protection, undertakes annual monitoring of the drug situation in the country, with the results widely published and disseminated.⁸⁸

129. The Drug Control Agency has a telephone helpline (234-64-20).

130. In 2017–2020, 2,914 offences related to the illicit traffic in drugs were recorded by the law enforcement agencies of Tajikistan; 39 organized criminal groups involved in drug trafficking were identified and suppressed; and 3,338 administrative offences were detected, with 2,756 persons held administratively liable.

131. According to data from the Ministry of Health and Social Protection, as at 1 January 2021 there were 5,099 registered drug addicts in the Republic (4,989 men and 110 women), which is 276 fewer than the 5,375 registered in 2019. In 2017–2020, 1,208 persons (1,192 men and 16 women) were registered as drug addicts for the first time by the Republic's drug treatment facilities. There has been a downward trend in first-time registrations during this period, with 452 men and 5 women newly registered in 2017, 316 men and 4 women in 2018, 273 men in 2019 and 154 men and 4 women in 2020.

132. In correctional institutions, 2,849 people are serving sentences under article 200⁸⁹ and 152 under articles 201 to 206 of the Criminal Code.⁹⁰

Right to education⁹¹

133. In order to reach women, including young women over 18 years of age, the State's extramural general secondary education establishment for young adults and adults, under the Ministry of Education and Science, has created the necessary conditions for extramural study, which is organized in three phases, every six months. The establishment's supplies and equipment are being improved every year.

134. In cooperation with the National Training and Methodological Centre, a curriculum and four basic study plans were approved for the extramural establishment – for the 2019/20 academic year, covering the first stage of general education and intended for the instruction

of 12 students who had studied only as far as grade 2 and, for various reasons, had dropped out of school, and for the 2017/18, 2018/19, 2019/20 and 2020/21 academic years, covering the second and third stages of general education (grades 5–12).

135. The Department of Preschool and Secondary Education has developed a draft procedure for planning, teaching and assessment in secondary distance-learning institutions, which is used as a training and methodological tool.

136. During the period 2017–2020, 626 women and young women, including some from rural areas, were enrolled in an educational establishment. There are 51 low-income women and young women with physical disabilities enrolled in distance-learning institutions free of charge and 54 who pay 50 per cent of the tuition fees. The use of textbooks for this group of students is free of charge.

137. In the last three years, 222 young women studying at the State's extramural general secondary education establishment for young adults and adults have received a basic general education certificate, 205 have received a secondary general education certificate and 53 have entered higher education establishments where they are continuing their studies.

138. As at the 2020/21 academic year, there are 84 supplementary education institutions with 1,719 clubs offering enriching activities; their programmes are attended by 56,587 schoolchildren who are members of the clubs, including 34,391 girls. The number of schoolchildren who are part of such clubs has increased by 6,480 compared to 2017 and the number of girls by 3,795 over the same period.

Women's rights⁹²

139. Strengthening women's political participation and increasing the number of women in public service is a priority of the National Development Strategy for the period up to 2030 and the 2017–2022 State programme for the education, recruitment and appointment of gifted women and girls to leadership positions.

140. In 2017, the Executive Office of the President established a working group to refine the laws and regulations on the elimination of gender stereotypes, the protection of women's rights and the prevention of domestic violence. Three subgroups were established under the working group: (a) a subgroup to study issues related to the elimination of gender stereotypes, which reports to the Committee for Women and the Family; (b) a subgroup on the protection of women's rights, under the Ministry of Justice; and (c) a subgroup on the prevention of domestic violence, which reports to the Office of the Procurator General. The groups have analysed and made proposals in respect of more than 50 laws and regulations.

141. Some 110 information and counselling centres have been set up under the Committee for Women and the Family and the departments and sections for women's and family affairs attached to the executive authorities of the State in the country's provinces, towns and districts. Lawyers and psychologists provide practical assistance at these centres. During the period 2017–2020, the centres were approached by: 55,134 persons in 2017 (14,636 women and 6,925 men); 11,651 persons in 2018 (9,400 women and 2,251 men); 9,193 persons in 2019 (6,253 women and 2,940 men); and 9,172 persons in 2020 (6,683 women and 2,489 men).

142. The Committee for Women and the Family regularly conducts informational and educational activities to promote gender equality and eliminate gender stereotypes among all sections of society. In 2020, more than 5 festivals, 686 meetings, 739 different educational, cultural and outreach activities, 154 training, information and counselling courses, 60 round tables, 45 public events and 76 sporting events were conducted and over 757,370 informational and campaign materials were distributed on topical issues related to the protection of women's rights, including the elimination of stereotypes in society.

143. The Ministry of Health and Social Protection is carrying out activities aimed at improving the participation of over 2,230 girls in vocational training and education.⁹³

Rights of the child⁹⁴

144. Pursuant to the Regulations on commissions on children's rights, a National Commission on the Rights of the Child has been established. The Commission has six expert groups, including groups on monitoring the implementation of the Convention on the Rights of the Child, deinstitutionalization, juvenile justice and children with special needs.

145. The 2017–2021 Programme for the Reform of the Juvenile Justice System and the related action plan were approved on 29 June 2017.⁹⁵

146. On 2 January 2020, the Act on the System for the Prevention of Juvenile Delinquency was adopted.

147. In accordance with the Act on Parental Responsibility for the Education and Upbringing of Children, special staff units have been set up in all general education establishments; separate rooms have been opened for individual work with problem children from dysfunctional families; and general discussions are regularly held between law enforcement officials and pupils and their parents on preventing juvenile delinquency and the involvement of minors in various extremist or terrorist parties or movements.

148. Commissions for the protection of children's rights, set up in educational establishments, carry out regular outreach work among children, adolescents, teaching staff and parents' committees on issues related to the protection of children's rights.

149. The Family Code sets the legal age for marriage at 18 years. In exceptional cases, a court may lower the legal age for marriage, by not more than one year.

150. The Criminal Code provides for liability for giving in marriage a girl who has not reached the legal age for marriage (art. 168) and for entering into marriage with a person who has not reached the legal age for marriage (art. 169). During the period 2017–2020, the procuratorial authorities opened 36 criminal cases under article 168 (9 in 2017, 7 in 2018, 10 in 2019 and 10 in 2020) and 27 criminal cases under article 169 (11 in 2017, 5 in 2018, 5 in 2019 and 6 in 2020). Between 2016 and 2020, the courts heard 78 criminal cases brought under articles 168 and 169 of the Criminal Code, and 146 persons (including 52 women) were convicted.

151. In order to eliminate stereotypes and discriminatory attitudes towards women and raise awareness of the negative consequences of early marriage, units of the Juvenile Crime Prevention Service of the Ministry of Internal Affairs have conducted 66,442 educational and awareness-raising events (10,004 in 2016, 12,382 in 2017, 14,350 in 2018, 15,511 in 2019 and 14,195 in 2020), including appearances on television and radio and in State enterprises, labour collectives and mahallas.

Prevention of violence against children⁹⁶

152. The Regulations on commissions on children's rights were approved by Government Decision No. 29 of 25 January 2017. The functions of the commissions include taking measures to ensure the protection of children from physical, sexual, psychological and other forms of violence and participating in the organization of efforts to detect child abuse.

153. Pursuant to Order No. 2200 of the Minister of Education and Science of June 2018, a working group was established to develop guidelines for employees of educational establishments on preventing and responding to all cases of violence against children.

154. During the period 2017–2020, the Commissioner for Children's Rights and the monitoring group reporting to the Commissioner for Human Rights conducted monitoring in 144 children's institutions (29 in 2017, 43 in 2018, 46 in 2019 and 26 in 2020).

155. The procuratorial authorities carried out 860 checks (198 in 2017, 225 in 2018, 212 in 2019 and 225 in 2020) of compliance with the requirements of the Act on Parental Responsibility for the Education and Upbringing of Children, as a result of which: 680 directives were issued; 253 protests were filed; 1,006 recommendations were made for the elimination of factors and conditions that could give rise to the commission of offences; 2,822

decisions to impose disciplinary penalties were issued, along with 124 decisions on financial penalties and 9,177 decisions on administrative penalties; and 744 criminal cases were opened.

156. Between 2017 and 2020, the procuratorial authorities brought 49 criminal cases under article 174 of the Criminal Code (Non-fulfilment of duties with respect to the upbringing of a minor), of which 30 were criminal cases against teachers and 19 against parents.

157. Plans have been drawn up in the relevant ministries and departments to conduct awareness-raising efforts, seminars, training sessions and general and individual interviews with children, adolescents and their parents. In accordance with the plans, the responsible members of the commissions on children's rights, together with staff of procuratorial authorities and representatives of local authorities, hold meetings and discussions in schools and other institutions and organizations on problems affecting children's lives, the responsibilities of teachers, parents and society for the upbringing of children and adolescents, and compliance with the Act on Parental Responsibility for the Education and Upbringing of Children. During the period 2017–2020, 5,989 conferences, seminars, meetings, discussions and round tables were held on these topics.

158. The Committee for Women and the Family, in cooperation with the Dushanbe Women's Awareness Centre and the departments and sections for women's and family affairs attached to the executive authorities of the State in the districts of Dushanbe, has held meetings and conducted awareness-raising work at local level and distributed over 2,000 handouts in order to educate parents, especially those from dysfunctional families and families with a history of violence against children and women, prevent children from falling behind at school and ensure that they are involved in compulsory education.

159. Since 2018, the United Nations Children's Fund (UNICEF) in Tajikistan, in partnership with local voluntary associations and with the assistance of local executive authorities of the State, has implemented a project to support the prevention of violence against children and adolescents in three pilot communities (Rūdakí, Bobojon Ghafurov and Panjakent), where 90 families and teachers of general education schools are being trained on prevention of violence against children.

Combating the worst forms of child labour, prohibition on forced labour⁹⁷

160. On 14 May 2019, Tajikistan ratified the Protocol of 2014 to the ILO Forced Labour Convention, 1930 (No. C029).

161. The Interdepartmental Coordination Council for the Elimination of the Worst Forms of Child Labour was established pursuant to Order No. 52 of the Minister of Labour, Migration and Employment of 2 April 2015. The Council coordinates the work of State and voluntary organizations in implementing programmes and plans and makes proposals and recommendations for the implementation of State policy on the elimination of the worst forms of child labour, including through the development of new regional programmes, the review of existing ones and the roll-out of other activities aimed at preventing and eliminating the worst forms of child labour. The Council carries out its activities in accordance with the 2015–2020 Action Plan to Eliminate the Worst Forms of Child Labour.

162. The Child Labour Monitoring Section was set up in May 2009 under the Ministry of Labour, Migration and Employment. Relevant information is posted on the national website at www.no-childlabour.tj. The Monitoring Section works closely with the Interdepartmental Coordination Council for the Elimination of the Worst Forms of Child Labour.

163. During the period 2017–2018, 80 children (43 girls and 37 boys) were removed from child labour and the attempted recruitment into child labour of 120 children (64 girls and 56 boys) was prevented.

164. In 2017, the International Programme on the Elimination of Child Labour (IPEC) and the ILO Decent Work Technical Support Team and Country Office for Eastern Europe and

Central Asia, together with key government agencies, developed and published guidelines on organizing and conducting monitoring of child labour in Tajikistan.

165. By 2018, the child labour monitoring system had been expanded to cover 12 districts: Dushanbe, Isfara, Khorugh, Kūlob, Shughnon, Roshtqal'a, Istaravshan and Danghara, in addition to the Ayní, Vose, Rūdaki and Bobojon Ghafurov districts.

166. During the period 2018–2020, the State Labour, Migration and Employment Monitoring Service, in cooperation with the procurator's office, the tax inspectorate, the National Commission on the Rights of the Child and the Committee for Television and Radio Broadcasting (Channel One and Dushanbe HD) conducted 150 investigations into the use of the illegal labour of men, women and minors in organizations and institutions in the country's towns and districts, which resulted in the identification of 1,946 cases of persons engaged in informal activity, of whom 1,285 were men, 537 women and 124 minors.

Rights of persons with disabilities⁹⁸

167. The 2017–2020 Programme for the Rehabilitation of Persons with Disabilities and the related implementation plan were adopted on 28 October 2016.⁹⁹

168. There are approximately 100 institutions within the structure of the Ministry of Health and Social Protection, including 43 home-based social assistance departments, 48 day centres providing social services for persons with disabilities and older persons, 8 residential homes and 3 different rehabilitation centres.

169. Every year, pensions and benefits for persons with disabilities are recalculated and indexed.

170. Since 2017, with the support of UNICEF, the United Nations Department of Economic and Social Affairs and UNDP and with the participation of representatives of organizations of persons with disabilities, the Ministry has regularly conducted awareness-raising activities on disability and persons with disabilities among persons at all levels of society (including local authority staff, health workers, staff of educational establishments and media employees).

171. The Ministry has created a consolidated electronic database on persons with disabilities.¹⁰⁰ In 2020, 153,556 persons with disabilities were registered, which is 1.6 per cent of the total population of the country.

172. The Scientific Research Institute for the Expert Medical and Social Assessment and Rehabilitation of Persons with Disabilities operates under the Ministry of Health and Social Protection. In addition to scientific research in the field of social and labour assessment and the development of new rehabilitation methods and technologies, it focuses mainly on practical work for the medical and social rehabilitation of persons with disabilities. The Institute's clinical department has 60 beds, where case studies of persons with disabilities with various diseases are carried out. It also includes a diagnostic department (comprising a clinical and biochemical laboratory and an ultrasound and respiratory function diagnosis room), a physiotherapy department, a sports physiotherapy room for the rehabilitation of children and adults, and offices for outpatient consultations by specialists (a child and adult neurologist, a paediatrician, a cardiologist, a gynaecologist, an orthopaedic surgeon, a dentist, a therapist and a speech therapist). Every year the clinic treats more than 1,500 inpatients and 600 outpatients suffering from various diseases.

173. In 2020, the 2021–2030 National Education Development Strategy was adopted.¹⁰¹ The draft Education Code has a separate chapter on inclusive education.

174. In 2020–2021, there were 10,485 children with disabilities (4,067 girls), including 7,362 children in educational establishments, 651 children in preschools, 1,642 children in special schools and 830 children being educated at home (individually).

175. The Ministry of Education and Science, in cooperation with UNICEF, has opened inclusive classrooms for children with disabilities, supplied with all the necessary facilities

and equipment, at the National Institute for Advanced and Refresher Training for Educational Staff and its branches.

176. In 2017–2020, 16 courses for 362 residential-school teachers, 40 courses for 921 kindergarten teachers, 7 courses for 120 kindergarten head teachers, 12 courses for 266 kindergarten directors and 3 courses for 95 residential school directors were conducted.

177. The National Coalition of Parents of Children with Disabilities, which consists of 36 organizations, is working hard to promote inclusive education. The Coalition, together with the Ministry of Education and Science, regularly conducts training sessions in the country's towns and districts for teachers at preschools and general education schools and specialists in the fields of health care and special education on innovative early intervention methods.

Rights of migrants¹⁰²

178. Tajikistan supported the Global Compact for Safe, Orderly and Regular Migration, adopted by the General Assembly on 19 December 2018.

179. In Tajikistan, there is a website, <http://muhojir.info/>, where migrants can obtain advisory services. The website of the Ministry of Labour and Social Protection also has a page dedicated to migration, <http://mehnat.tj/migration/>.

180. Cooperation agreements have been concluded with foreign countries, including Kazakhstan, the United Arab Emirates,¹⁰³ Qatar¹⁰⁴ and Russia,¹⁰⁵ with a view to the effective use of the workforce within and outside the country's borders and the diversification of labour migration by Tajik citizens abroad.

181. In order to ensure good working conditions and decent wages for migrant workers and to diversify the pool of Tajik migrant workers, the Ministry of Labour and Social Protection plans to cooperate with European countries, including Germany, Poland, Denmark and Sweden, and to sign inter-agency or intergovernmental agreements with them concerning the recruitment of labour from Tajikistan and the protection of the rights and interests of migrant workers in those countries. In addition, the labour markets of such countries as Azerbaijan, Qatar and South Korea have been studied and analysed, and draft intergovernmental agreements on labour migration have been prepared with a view to the dispatch of migrant workers to those countries.

Notes

¹ Настоящий доклад подготовлен рабочей группой Комиссии при Правительстве по выполнению международных обязательств в области прав человека с привлечением ответственных лиц министерств и ведомств при широкой консультации институтов гражданского общества (ИГО) и международных организаций (МО). Полученные комментарии от ИГО и МО, там, где это возможно, были приняты во внимание в окончательном документе.

² A/HRC/33/11.

³ Принято распоряжением Президента Республики Таджикистан №АП-901, от 7 июня 2017 года.

⁴ Текст Национального плана в приложении 1 к настоящему докладу.

⁵ Рекомендации 115.1–115.8, 115.113, 118.1, 118.2, 118.7–118.9.

⁶ В рабочую группу по подготовке плана действий входили представители Исполнительного аппарата Президента РТ, Офиса Уполномоченного по правам человека, министерств юстиции, образования и науки, труда, миграции и занятости населения, здравоохранения и социальной защиты, финансов в сотрудничестве с организациями лиц с инвалидностью и международными организациями, в том числе ПРООН, ЮНИСЕФ и др.

⁷ Рекомендация 115.23.

⁸ Рекомендации 115.34, 115.35.

⁹

<http://notabene.tj/Doc/Kaz/compl/Government%20PoA%20on%20UNCRC%20CO3,%20OPI,%20P2,%202018-%202022,%20ENG.pdf>.

¹⁰ Рекомендации 115.17–115.22, 115.24.

- ¹¹ 28 марта 2012 года Аккредитационный Подкомитет Комитета ООН по международной координации деятельности национальных правозащитных учреждений присвоил Уполномоченному по правам человека в РТ статус «В».
- ¹² Поправки в Закон РТ «Об Уполномоченном по правам человека в РТ» от 15 марта 2016 года.
- ¹³ Для реализации рекомендаций создана Рабочая группа при Уполномоченном по правам человека из числа представителей Исполнительного Аппарата Президента Республики Таджикистан, Маджлиси намояндагон Маджлиси Оли Республики Таджикистан, Министерство иностранных дел, Министерство юстиции, Министерство финансов и офиса Уполномоченного по правам человека, проект закона подготовлен на основе изучения законодательства регулирующей деятельность правозащитных институтов Азербайджана, Армении, Грузии, Молдовы, Российской Федерации и Украины, которые имеют статус «А».
- ¹⁴ рекомендации 118.11–118.14, 118.21, 118.23.
- ¹⁵ утверждена постановлением Правительства Республики Таджикистан 29 сентября 2020 года № 526.
- ¹⁶ утверждена постановлением Правительства Республики Таджикистан от 3 мая 2014 года, №294.
- ¹⁷ утверждена постановлением Маджлиси намояндагон Маджлиси Оли от 1 декабря 2016 года, № 636.
- ¹⁸ утверждена указом Президента РТ от 19 апреля 2019 года, № 1242.
- ¹⁹ утверждена постановлением Правительства РТ от 2 июля 2015 года, № 425.
- ²⁰ Приложение 1 к постановлению Правительства Республики Таджикистан от 30 июля 2020 года, № 431.
- ²¹ рекомендации 115.85, 115.105, 115.109-115.111.
- ²² Основным партнером УПЧ при реализации программы является Программный офис ОБСЕ в Душанбе.
- ²³ утверждены 27 ноября 2020 года решением Коллегии Министерства образования и науки. Республики Таджикистан.
- ²⁴ Рекомендации 115.32, 115.89.
- ²⁵ ОО «Национальное объединение инвалидов Таджикистана, ОО слепых Республики Таджикистан, ОО «Национальное объединение глухих РТ» ОО «Лига женщин инвалидов «Иштирок».
- ²⁶ Рекомендации 118.21, 118.23, 115.45, 115.98.
- ²⁷ ст. 119 Кодекса об административных наказаниях РТ.
- ²⁸ от 25 февраля 2017 года под номером №89.
- ²⁹ утвержден Национальным координационным комитетом по ВИЧ\СПИД, туберкулезу и малярии, 30 августа 2017 №40.
- ³⁰ рекомендации 115.58–115.62, 118.25, 118.26.
- ³¹ В диспозицию части 1 статьи 143 прим 1 УК РТ было добавлено **третье лицо** «1) Умышленное причинение физических и (или) психических страданий, совершенное лицом, производящим дознание или предварительное следствие или иным должностным лицом либо с их подстрекательства или с молчаливого согласия либо с их ведома другим лицом с целью получить от пытаемого или третьего лица сведения или признания или наказать его за действие, которое совершило оно **или третье лицо** или в совершении которого оно подозревается, а также запугать или принудить его или третье лицо или по другой причине, основанной на дискриминации любого характера». Санкции были увеличены: по части 1 - с 5 до 8 лет лишения свободы (было от двух до пяти лет) с лишением права занимать определенные должности или заниматься определенной деятельностью сроком до пяти лет (было до трех лет); по части 2 – с 8 до 12 лет лишения свободы (было с пяти до восьми) с лишением права занимать определенные должности или заниматься определенной деятельностью сроком с 5 до 10 лет (было до пяти лет) и по части 3 – с 12 до 15 лет лишения свободы (было с 10 до 15) с лишением права занимать определенные должности или заниматься определенной деятельностью сроком с 10 до 15 лет (было до пяти лет). Из санкции по части первой статьи 143 прим 1 УК РТ извлекли вид наказания в виде штрафа.
- ³² Рекомендации 115.80, 115.82–115.84, 118.37.
- ³³ Постановлением Правительства Республики Таджикистан.
- ³⁴ 1 мая 2018 года совместным Приказом Министерства юстиции РТ и МЗСЗН РТ № 40/402.
- ³⁵ Поправки от в 14 мая 2016 года.
- ³⁶ Поправки от 4 июля 2020 года.
- ³⁷ Поправки от 2 января 2020 года.
- ³⁸ утверждено Распоряжением Уполномоченного по правам человека в Республике Таджикистан Зарифом Ализода за № 2 от 31 декабря 2013 года.

- ³⁹ Деятельность осуществляется совместно с Коалицией против пыток и безнаказанности при экспертной поддержке Хельсинского фонда по правам человека (Польша).
- ⁴⁰ рекомендации 115.76, 118.33, 118.34.
- ⁴¹ Постановлением Правительства РТ. Информация доступна на <http://www.antitip.tj/ru/about.html>
- ⁴² 27 мая 2020 года Постановлением Правительства (№ 280).
- ⁴³ при поддержке Посольства США в Таджикистане.
- ⁴⁴ Сеть состоит из 20 НПО и оказывает реабилитационную и реинтеграционную поддержку ЖТЛ. Сеть сотрудничает с миссией МОМ в Таджикистане, а также с Межведомственной комиссией по противодействию торговле людьми, МВД, прокуратурой, Агентством труда и занятости населения РТ и др.
- ⁴⁵ услуги оказываются ОО «Фемида».
- ⁴⁶ Рекомендации 115.29, 115.37, 115.63–115.69, 115.86, 118.8, 118.9, 118.22, 118.27, 118.31, 118.28–118.32.
- ⁴⁷ В том числе: - Положение о комнатах медико-социальной реабилитации женщин, пострадавших от насилия, при центральных клинических больницах и родильных домах МЗСЗН, утверждён приказом МЗСЗН от 20 октября 2018 года, №973;
- Типовое положение об организации и деятельности приютов для жертв насилия в семье, утверждён приказом МЗСЗН РТ №1105 от 11 декабря 2018г.;
 - Инструкция для сотрудников сферы социальной защиты населения по реагированию на случаи насилия в семье, утверждён приказом МЗСЗН РТ, №443 от 11 мая 2018г.;
 - Инструкция для медицинских работников по реагированию на случаи насилия в семье, утверждён приказом МЗСЗН РТ, №443 от 11 мая 2018г.;
 - Стандарты качества социальных услуг, предоставляемых жертвам насилия в семье в РТ, утверждён приказом МЗСЗН РТ от 13 декабря 2019 года, № 967;
 - Инструкция для деятельности сотрудников отделов КДЖС по реализации гендерного равенства и предотвращению насилия в семье, утверждён приказом Председателя КДЖС №159 от 08.11.2018г.;
 - Инструкция для работников образовательных учреждений по предотвращению и реагированию на случаи насилия в отношении детей (Постановление №11 Научно-методического Совета МОН РТ от 21.12.2017г.);
 - Инструкция по организации деятельности сотрудников внутренних дел по предупреждению, устранению и реагированию на случаи насилия в семье (Приказ министра МВД РТ № 27б\з от 20.04.2016 г.);
 - Инструкция для юристов государственных юридических бюро по оказанию первичной юридической помощи пострадавшим от насилия в семье при Министерстве юстиции РТ (Утверждён приказом директора ГЮБ от 08 ноября 2018года, №12).
- ⁴⁸ от 28.03 в 2019 году № 193-47 “О внесении изменений и дополнений в совместный приказ Министерства здравоохранения и социальной защиты населения и Министерства финансов Республики Таджикистан от 05.11.2014 года № 938-135”.
- ⁴⁹ разработана группой местных и международных экспертов в тесном сотрудничестве с КДЖС при поддержке Филиала ГОПА мБХ в РТ/Проекта PDV.
- ⁵⁰ Совместно с Филиалом ГОПА мБХ в РТ/Проекта PDV.
- ⁵¹ При поддержке Фонда Организации Объединенных Наций в области народонаселения (ЮНФПА) и представительства ГОПА в Таджикистане «Проект предотвращения домашнего насилия (PDV)».
- ⁵² При содействии Общественной организации «Фонд Евразии Центральной Азии-Таджикистан».
- ⁵³ Распоряжением Президента РТ от 26 февраля 2016 года создана рабочая группа по разработке проекта нового Уголовного кодекса РТ.
- ⁵⁴ Статья 153. Насилие в семье
1. Деяние, совершенное одним членом семьи по отношению к другому члену семьи, выразившееся в нанесении побоев, совершении иных насильственных действий, сопряженных с легкими вреда здоровью, изоляции, запугивании в целях навязывания воли или личного контроля над потерпевшей, лишении экономических средств, в том числе средств к существованию, пренебрежении, причинении потерпевшему легкого вреда здоровью, - наказывается обязательными работами на срок до ста двадцати часов либо исправительными работами на срок до пяти месяцев, либо арестом на срок до сорока суток.

2. Деяния, предусмотренные частью первой настоящей статьи, совершенные: 1) в отношении двух или более членов семьи; 2) в связи с запросом или применением мер защиты; 3) в отношении женщины, заведомо для виновного, находящегося в состоянии беременности, несовершеннолетнего или лица, находящегося в беспомощном состоянии; 4) в присутствии несовершеннолетнего в отношении члена его же семьи; 5) повлекшие причинение вреда средней тяжести здоровью, - наказываются лишением свободы на срок до трех лет.
3. Деяния, предусмотренные частями первой или второй настоящей статьи, повлекшие: 1) причинение тяжкого телесного повреждения вреда здоровью, смерть потерпевшего или иные тяжкие последствия; 2) повлекшие самоубийство или доведение до самоубийства; 3) совершенные с особой жестокостью, - наказываются лишением свободы на срок от двух до пяти лет. 4. Деяния, предусмотренные частями первой, второй или третьей настоящей статьи, повлекшие смерть двух и более лиц, - наказываются лишением свободы на срок от четырех до семи лет.
- ⁵⁵ 2016 г.-1999, 2017 г.-2368, 2018 г.- 2552, 2019 г.-2657, 2020 г.-3062.
- ⁵⁶ 2016-621, 2017-538, 2018-496, 2019-600, 2020-599.
- ⁵⁷ 2016-4, 2017-5, 2018-0, 2019-1, 2020 году-0.
- ⁵⁸ 2016-205, 2017-168, 2018-132, 2019-129, 2020 году-116.
- ⁵⁹ 2016-67, 2017-2552, 2018-2823, 2019-2993, 2020 году -3435.
- ⁶⁰ 2016-548, 2017-950, 2018-1368, 2019-1450, 2020 году-1731.
- ⁶¹ рекомендации 115.87, 118.10, 118.24, 118.42, 118.45.
- ⁶² Указ Президента РТ №1042.
- ⁶³ рекомендации 118.50–118.59, 118.65.
- ⁶⁴ Постановлением Правительства РТ № 344.
- ⁶⁵ рекомендации 115.88, 115.90, 118.42–118.44, 118.50, 118.61–118.66, 118.68, 118.70.
- ⁶⁶ рекомендации 115.78–115.81, 118.35, 118.36, 118.67, 118.69, 118.38–118.40.
- ⁶⁷ Указом Президента РТ от 5 апреля 2017 года №866.
- ⁶⁸ рекомендации 115.92–115.95, 115.116.
- ⁶⁹ постановлением Правительства РТ.
- ⁷⁰ Постановлением Правительства РТ №292.
- ⁷¹ • Стратегия устойчивого развития школьного питания на период до 2027 г. (2017 г.);
- Государственная программа репродуктивного здоровья в РТ на 2019-2022 годы (2019г.);
- Программа профилактики ожирения и здорового питания в РТ на период 2019-2024 годы (2019г.);
- Многоотраслевой план по улучшению питания в РТ на 2021-2025 годы (25 февраля 2021 года, №25).
- ⁷² рекомендации 115.96, 115.97.
- ⁷³ Постановлением Правительства РТ 27 февраля 2020 года №117 и 118.
- ⁷⁴ утвержденной Правительством Республики Таджикистан 2 декабря 2006 г, №514, финансируется из централизованного национального бюджета, отечественными и зарубежными инвесторами, глобальными финансовыми институтами, партнерами по развитию и самофинансированием предприятий водоснабжения и канализации в городах, районах и селах республики.
- ⁷⁵ Из них: - за счет средств централизованного республиканского бюджета 32 млн 035,9 тыс. сомони или 115,3%;
- за счет средств местного бюджета 18 млн 365,4 тыс. сомони или 99,2%;
- за счет инвесторов 246 миллионов 144,5 тысячи сомони или 189,9 процента;
- за счет собственных средств предприятий водоснабжения городов и районов страны 12 миллионов 67 тысяч сомони, что составляет 130,3% от необходимых средств.
- ⁷⁶ рекомендации 115.31, 115.40, 115.43, 115.44, 115.91.
- ⁷⁷ Утверждена постановлением Правительства Республики Таджикистан от 26 октября 2017 года, № 499.
- ⁷⁸ Утверждена постановлением Правительства РТ от 30 декабря 2019 года, №644.
- ⁷⁹ Трудовой кодекс РТ, Закон РТ «О социальной защите инвалидов», Закон РТ «О содействии занятости населения РТ» и др.
- ⁸⁰ постановлением Правительства РТ №262.
- ⁸¹ рекомендации 115.101–115.103, 115.117, 115.77, 115.99, 115.100.
- ⁸² • Стратегия устойчивого развития школьного питания на период до 2027 г. (2017 г.);
- Государственная программа репродуктивного здоровья в РТ на 2019-2022 годы (2019г.);

- Программа профилактики ожирения и здорового питания в РТ на период 2019-2024 годы (2019г.);
 - Национальная коммуникационная программа на первые 1000 дней жизни ребенка на период 2020-2024 годы (2020г.);
 - Многопрофильный план улучшения питания в РТ на период 2021-2025 годы (25 февраля 2021 года).
- ⁸³ От 14 мая 2019 года.
- ⁸⁴ утверждена Распоряжением МЗСЗН РТ 9 ноября 2017 года.
- ⁸⁵ Утверждена Постановлением Правительства Республики Таджикистан 27 февраля 2021 № 49.
- ⁸⁶ Постановлением Правительства Республики Таджикистан года №211.
- ⁸⁷ при поддержке Руководителя Бюро Управления ООН по наркотикам и преступности в Таджикистане.
- ⁸⁸ Мониторинг проводится на основе приказа Министерства здравоохранения и социальной защиты Республики Таджикистан от 26 июля 2019 года №528, «Порядок организации мониторинга, анализа и оценки наркоситуации». На основании Распоряжения Правительства Республики Таджикистан «О предоставлении информации о наркоситуации в Республике Таджикистан» от 27 февраля 2020 года, № 15-ф центр ежеквартально составляет и предоставляет отчет согласно утвержденной форме.
- ⁸⁹ Незаконный оборот наркотических средств или психотропных веществ с целью сбыта.
- ⁹⁰ Статья 201. Незаконное обращение с наркотическими средствами или психотропными веществами, статья 202. Хищение наркотических средств или психотропных веществ, статья 202(1) Незаконные производство, изготовление, переработка, приобретение, хранение, сбыт, транспортировка или пересылка прекурсоров, статья 202(2). Хищение прекурсоров, статья 203. Вовлечение в потребление наркотических средств или психотропных веществ статья 204. Незаконное культивирование запрещенных к возделыванию растений, содержащих наркотические вещества статья 205. Организация или содержание притонов для потребления наркотических средств или психотропных веществ, статья 206. Незаконный оборот сильнодействующих или ядовитых веществ с целью сбыта, статья 206(1). Нарушение правил обращения с наркотическими средствами, психотропными веществами или прекурсорами, сильнодействующими или ядовитыми веществами.
- ⁹¹ рекомендации 115.28, 115.104, 115.106–115.108, 115.117.
- ⁹² Рекомендации 115.30, 115.36, 115.39–115.44, 118.22.
- ⁹³ в рамках компонента «Гендерное равенство – преодоление преград» проекта «Усиление профессионально-технического образования и обучения» при поддержке АБР.
- ⁹⁴ рекомендации 115.16, 115.27, 115.30, 115.70.
- ⁹⁵ Постановление Правительства РТ от 29 июня 2017 года, №322.
- ⁹⁶ рекомендации 115.71, 115.75.
- ⁹⁷ рекомендации 115.72–115.74.
- ⁹⁸ рекомендации 115.7, 115.112, 115.113, 115.114.
- ⁹⁹ Постановлением Правительства РТ №455.
- ¹⁰⁰ при технической помощи партнеров по развитию, в том числе Всемирного банка.
- ¹⁰¹ Утверждена постановлением Правительства Республики Таджикистан от 29 сентября 2020 года, №526.
- ¹⁰² рекомендация 115.115.
- ¹⁰³ Подписаны в апреле 2018 г.
- ¹⁰⁴ вступило в силу 2 апреля 2020 года.
- ¹⁰⁵ Подписаны 14–15 марта 2018 года.