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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Tajikistan

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

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

1. Having considered the recommendations made by the member States of the United Nations Human Rights Council during the Council's consideration of the situation in Tajikistan under the universal periodic review mechanism, Tajikistan should like to note the following:

<i>Number</i>	<i>Position of Tajikistan</i>
90.1	<p>Tajikistan will in future consider the question of whether to ratify the Optional Protocol to the Convention against Torture.</p> <p>Owing to financial limitations, it cannot now accept the recommendation to accede to the Optional Protocol.</p> <p>It accepts the recommendation to accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and welcomes the provision of technical cooperation for the implementation of the Optional Protocol.</p>
90.2	Answered in 90.1.
90.3	Answered in 90.1.
90.4	Answered in 90.1.
90.5	<p>Answered in 90.1.</p> <p>Tajikistan does not accept the recommendation to file a declaration recognizing the competence of the Committee against Torture to receive communications. This question requires further consideration.</p>
90.6	Tajikistan does not accept the recommendation to ratify the Convention on the Rights of Persons with Disabilities. It will consider this recommendation in the light of its financial capabilities.
90.7	<p>Answered in 90.6.</p> <p>Tajikistan does not accept the recommendation to accede to the Optional Protocol to the Convention on the Rights of Persons with Disabilities. This question will be addressed after Tajikistan accedes to the Convention itself.</p>
90.8	Answered in 90.1, 90.6 and 90.7.
90.9	<p>Answered in 90.6 and 90.7.</p> <p>Tajikistan does not accept the recommendation to accede to the International Convention for the Protection of All Persons from Enforced Disappearance, as this question requires further consideration. Tajikistan would welcome the provision of technical assistance for the consideration of this matter.</p>
90.10	<p>Tajikistan accepts the recommendation to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. The question of the need to eliminate the death penalty is now actively being considered by a presidential working group studying the social and legal questions such a step would entail.</p> <p>Tajikistan would welcome the provision of technical assistance for the implementation of this recommendation.</p>
90.11	Answered in 90.1, 90.6 and 90.7.

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90.12	<p>Answered in 90.6, 90.7 and 90.9.</p> <p>Owing to a lack of financial resources, Tajikistan does not accept the recommendation to accede to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.</p> <p>Answered in 90.1 and 90.10.</p>
90.13	Tajikistan does not accept this recommendation, as this question requires further consideration.
90.14	Answered in 90.13.
90.15	Owing to the vague nature of the recommendation, Tajikistan cannot accept it.
90.16	<p>Answered in 90.9 and 90.12.</p> <p>Tajikistan sends invitations to the special procedures in accordance with the established procedures for the Conventions to which it is a party. It has thus sent invitations to the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Anand Grover, the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Mr. Jeremy Sarkin, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Juan Méndez, and the Special Rapporteur on trafficking in persons, Ms. Joy Ngozi Ezeilo.</p> <p>Tajikistan does not accept the recommendation to send a standing invitation to the special procedures of the Human Rights Council.</p>
90.17	Answered in 90.1, 90.9, 90.12 and 90.16.
90.18	Answered in 90.6 and 90.7.
90.19	Answered in 90.10.
90.20	Answered in 90.10.
90.21	Answered in 90.10.
90.22	Answered in 90.10.
90.23	Answered in 90.10.
90.24	Answered in 90.10.
90.25	Answered in 90.10.
90.26	Answered in 90.10.
90.27	Answered in 90.10.
90.28	Tajikistan accepts this recommendation and should like to point out that Tajik law provides a full range of mechanisms to combat corporal punishment of children at all institutions, as well as guarantees of the right of children to a sufficient living standard. Particular attention is paid to orphans, who are provided with access to safe drinking water and education. Tajikistan thus ensures the protection of children's rights and

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	appropriate conditions for such children. Tajikistan will in future take all necessary measures to implement these provisions.
90.29	Tajikistan accepts this recommendation.
90.30	Tajikistan accepts this recommendation.
90.31	Tajikistan accepts this recommendation. Tajikistan will implement the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, otherwise known as the Bangkok Rules, to the extent possible using planned national budget appropriations and on the basis of other assistance provided.
90.32	Tajikistan accepts this recommendation, which is being implemented. The complaints procedure for administrative detention set out in articles 753, 755, 782 and 812 of the Code of Administrative Offences is fully identical with the complaints procedure established for criminal detention. A person who is arrested or detained under administrative law has the right to appeal against the arrest or detention in court, to benefit from the services of a lawyer, to challenge the court proceedings and to appeal against the court's verdict by filing a complaint with a higher court.
90.33	Tajikistan does not accept this recommendation. Tajikistan makes possible national and international monitoring visits to prisons, including visits by the International Committee of the Red Cross (ICRC) to detention centres, under a planned procedure in accordance with its national law.
90.34	Tajikistan accepts the recommendation to hold regular medical examinations of persons deprived of their freedom and to set up an independent complaint mechanism for torture allegations, as this is already called for in the country's legislation. The reply concerning national and international monitoring of prisons and detention centres, including the ICRC, is contained in 90.33.
90.35	Tajikistan accepts this recommendation.
90.36	Tajikistan accepts this recommendation.
90.37	Tajikistan accepts this recommendation.
90.38	Tajikistan does not accept this recommendation, as under the Code of Criminal Procedure (art. 24, part 2, and art. 354) libel is not subject to public prosecution, but to private prosecution. It is the victims of the acts of libel who must themselves file complaints to bring the perpetrators to justice, either in the criminal or the civil courts. It is up to the victim whether the case is heard in criminal or civil court. In the interests of transparency, under Tajik law, licences for television and radio broadcasting are issued on a competitive basis.
90.39	Tajikistan accepts this recommendation and is actively working along these lines. For example, presidential decree No. 622 of 7 February 2009 on reactions by officials to criticism and analyses in the media aims to strengthen discipline in governmental executive bodies and to increase the role of the

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	media in the country's public and political life and in the social and economic sphere. The decree supports media activities aimed at constructive and fruitful cooperation with ministries, departments, enterprises, organizations and local authorities, reflecting the country's process of social and economic transformation.
90.40	<p>Tajikistan accepts this recommendation. Under the current legislation all conditions are ensured for the establishment of the independent media. Tajikistan now has 268 registered newspapers, of which 56 are State newspapers, 136 are private, 36 are public and 39 are sectoral publications, and 136 magazines, of which 12 are State publications, 49 are private, 23 are public and 52 are sectoral.</p> <p>There are eight registered news agencies, including one State agency (NIAT Khovar, the National Information Agency of Tajikistan) and seven private ones.</p> <p>Forty-four radio and television stations operate in the country, including 16 State stations and 28 non-State ones.</p>
90.41	Answered in 90.38.
90.42	Answered in 90.38.
	Tajikistan accepts the recommendation to shorten the timespan given to Government institutions for imparting information to the public.
90.43	<p>Tajikistan does not accept this recommendation.</p> <p>The Freedom of Conscience and Religious Associations Act was adopted in accordance with the requirements of international legal instruments. In comparison with the previous law, the Act made it significantly easier to register religious associations, to combat illegal proselytizing and to realize the right to religious education and freedom of belief. Restrictions on freedom of belief have not become more stringent; a process is under way to regulate the activities of religious associations within the framework of international legal standards and laws.</p>
90.44	Answered in 90.43.
90.45	<p>Tajikistan does not accept this recommendation.</p> <p>Under article 17 of the Constitution, men and women are equal. Under article 26, everyone has the right independently to determine his or her attitude to religion, to profess either individually or in community with others any religion or none, and to take part in religious services, ceremonies and rites. There is no law in Tajikistan prohibiting women from wearing the hijab or from visiting religious associations. A fatwa issued by the Islamic Centre's Ulema Council on the basis of Hanafi teachings, in accordance with the hadiths of the Prophet, states that women's participation is not recommended in collective prayers. Religious associations in Tajikistan are separate from the State, and the State has no right to interfere in their activities. Therefore, any repeal by the State of the Ulema Council's fatwa would be illegal and would constitute interference by the State in the activities of a religious association.</p>

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	Tajikistan respects the right of the child to thought, conscience and religion. At the same time, to ensure public safety, order, health and morals, or to protect the fundamental rights and freedoms of others, in keeping with article 14, paragraph 3, of the Convention on the Rights of the Child, Tajikistan may invoke the right to limit the profession by minors of their religion, but only in accordance with the law.
90.46	Tajikistan accepts this recommendation and considers that it has already been implemented. Under article 160 of the Criminal Code, “a failure to comply with the procedure for organizing and holding meetings, rallies, demonstrations, street processions and picketing” is a criminal offence only if the individual in question has taken part in violent acts or if there have been threats of violence or destruction of property. The organizers of such events too are subject to criminal action only if they have personally taken part in violent acts or disorders or if they have deliberately allowed such disturbances. The organizers are not subject to prosecution if they have taken all measures under their control to prevent such occurrences.
90.47	Tajikistan does not accept this recommendation, as it has already been implemented. Tajikistan, as a democratic and secular State, ensures equality and freedom for all faiths and confessions through the Constitution and other legal enactments. Under article 28 of the Constitution, citizens have the right to associate, and thus to establish political parties, trade unions and other voluntary associations, and to join and resign from them as they wish. Tajikistan has no laws restricting the activities of such associations.
90.48	Tajikistan accepts this recommendation; it is being implemented. Child labour is completely prohibited under Tajik law. Under the Constitution no one may be subjected to forced labour, apart from in the circumstances prescribed by law. In accordance with article 32 of the Convention on the Rights of the Child, Tajikistan recognizes the right of children to protection from economic exploitation and from the performance of any work that is likely to be hazardous or to interfere with the child’s education or likely to be harmful to the child’s health or physical, mental, spiritual, moral or social development. This standard is also contained in article 26 of the Education Act. Forced labour is also prohibited under article 8 of the Labour Code. Articles 130.1, 132 and 167 of the Criminal Code criminalize the use of forced labour and the recruitment of people for sexual or other exploitation, as well as trafficking in minors.
90.49	Tajikistan accepts this recommendation and will work actively in this sense. Tajikistan has established minimum ages for admission to employment, in accordance with article 32, paragraph 2, of the Convention on the Rights of the Child. Article 174 of the Labour Code prohibits admission to employment of persons under 15 years of age; in exceptional cases, and with the consent of a parent, it allows for the employment of children from the age of 14. Article 178 of the Labour Code establishes that workers between the ages of 15 and 18 must not work more than 35 hours per week, and those between 14 and 15 must not exceed 24 hours per week. Other restrictions also apply to the use of child labour.

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	<p>Administrative penalties are provided for under article 94 of the Code of Administrative Offences for failure to comply with the ages established for admission to employment and for violations of the labour law, and criminal penalties are applicable under article 153 of the Criminal Code for violations of the labour legislation.</p>
90.50	<p>Tajikistan accepts this recommendation.</p> <p>Tajikistan is one of the pilot countries for the implementation of the development goals set by the Millennium Declaration. A comprehensive evaluation of the country's needs was carried out with the support of the United Nations. According to this evaluation, Tajikistan will require approximately US\$ 13 billion over the next 10 years to make the progress required for implementation of the Millennium Development Goals.</p> <p>Based on this assessment, a national development strategy was drawn up for 2006–2015, and national poverty reduction strategies were formulated for 2006–2008 and 2010–2012. These have aimed at ensuring stable economic development and increasing the living standard and quality of life of the country's people.</p> <p>The poverty reduction strategy for 2010–2012 adopted by the parliament on 24 February 2010 calls for further reforming the State administration, developing the private sector, attracting investment and strengthening the role of human resources. Spending of some US\$ 11 billion is planned to implement the strategy.</p> <p>It is planned to reduce the poverty rate to 41.4 per cent by 2012 and to devise a poverty reduction strategy for 2013–2015 to further reduce the rate to 32 per cent by 2015.</p> <p>Tajikistan will in the future strive to implement this recommendation within the limits of the appropriations made under the State budget, and with the assistance provided by the international community.</p>
