Tajikistan

Submission to the UN Universal Periodic Review

TORTURE AND OTHER FORMS OF ILL-TREATMENT

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MAIN SUBMITTING ORGANISATION:

Member organizations and lawyers of the Tajikistani **Civil Society Coalition against Torture and Impunity** (Coalition against Torture) have monitored and documented individual cases as well as legal, policy and other developments pertaining to torture and ill-treatment for over a decade. They also provide legal aid to victims and undertake international advocacy.

CO-SUBMITTING ORGANISATIONS:

International Partnership for Human Rights (IPHR) is an independent, non-governmental organisation founded in 2008. Based in Brussels, IPHR works closely together with civil society groups from different countries to raise human rights concerns at the international level and promote respect for the rights of vulnerable communities in repressive environments. https://www.IPHRonline.org

Helsinki Foundation for Human Rights (HFHR) is the oldest and most experienced non-governmental organization in Poland that works for the protection of human rights in Poland and in Eurasia. The Foundation's Eurasia Department works on the relocation and protection of human rights defenders (HRHub), human rights education (PRLab) and international justice. It has closely cooperated with Tajikistani NGOs on human rights, freedom from torture and penitentiary reform.

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1. Introduction

1.1. During the third cycle of the Universal Periodic Review (UPR) in November 2021, Tajikistan received important recommendations related to prevention and eradication of torture and other forms of ill-treatment.

1.2. This submission covers key concerns relating to ongoing torture and other forms of ill-treatment in Tajikistan with chapters outlining key developments since 2021 (chapter 2); concerns about the lack of comprehensive statistics (chapter 3); legal safeguards (chapter 4); redress (chapter 5); places of detention (chapter 6); and torture and ill-treatment in the army (chapter 7). .

1.3. The report concludes with a set of suggested recommendations to the Tajikistani authorities (chapter 8).

1.4. We welcome the attention of the Office of the High Commissioner for Human Rights (OHCHR) to the issues covered in this submission and urge United Nations (UN) member state delegations to prioritise them during the upcoming UPR.

2. Key developments on torture and ill-treatment in Tajikistan since 2021

2.1. Since its last UPR review in 2021, Tajikistan has made some progress in addressing torture and ill-treatment. In 2023, Tajikistan adopted its first National Strategy on Human Rights (NSHR) through 2038, along with an Action Plan aligned with UN recommendations. Legal reforms have increased penalties for torture and strengthened safeguards for detainees. The country has also aligned legislation regulating compensation for moral damages from torture with international standards, but in practice victims are rarely awarded fair and adequate compensation. Reforms to the penitentiary system, developed with civil society participation, now allow independent monitoring visits to a large number of detention facilities. Additionally, improvements in juvenile justice include stronger protections for minors and the removal of punitive isolation for children.

2.2. Despite these measures, torture and ill-treatment remain widespread in Tajikistan, especially in police custody and pre-trial detention. Legal safeguards are inconsistently applied and some legislative gaps remain. There is no institution of independent forensic medical examination. Judges rarely order thorough investigations into allegations of torture and ill-treatment, and prosecuting authorities often fail to conduct effective investigations when allegations come to their attention, leading to near impunity. Neither the current domestic legislation nor any publicly available draft laws abolish the statute of limitations with regard to torture and perpetrators can still be included in amnesties. Victims typically receive no fair and adequate compensation, with courts increasingly dismissing claims or awarding inadequate amounts while shifting responsibility from the state to individual officials. Rehabilitation services for torture victims and members of their families are not available across the country. Existing services are run by civil society groups and depend on international funding. Many lawyers avoid filing torture complaints due to fear of reprisals, and detainees themselves are reluctant to report abuse because they fear retaliation and that the justice system will not deliver justice. Further concerns include the authorities' failure to publish comprehensive statistical information about torture and other forms of ill-treatment. These problems are closely linked to the

fact that the judiciary and the bar are not truly independent and no independent mechanisms for investigating cases of torture have been set up.

2.3. Among those who are particularly vulnerable to police abuse are individuals charged in connection with violent and non-violent political opposition activities including those related to extremism and terrorism, as well as lesbian, gay, bisexual and trans people (LGBT+).

2.4. Facilities in the penitentiary system are overcrowded and there are credible reports of prison conditions amounting to cruel, inhuman and degrading treatment. Tajikistan's Strategy for Reforming the Penitentiary System (2020-2030) sets out to establish a system of probation and alternative, non-custodial forms of punishment, which, if implemented, could alleviate some of the problems. However, it is currently unknown if these plans are being pursued as the draft Criminal Code that has been submitted to Parliament reportedly does not include measures of probation.

3. Comprehensive statistics

3.1. Despite repeated recommendations from UN bodies, Tajikistan does not publish comprehensive and unified statistics on complaints, investigations, prosecutions, convictions and means of redress relating to cases involving allegations of torture and ill-treatment. While in recent years some government agencies sporadically published statistics reflecting cases that had come to that agency's attention, very few statistics have been published since 2022. These statistics only cover cases opened under Article 143-1 of the Criminal Code ("torture"), although cases involving allegations of torture and other forms of ill-treatment are often instigated under other articles of the Criminal Code such as "abuse of power", "exceeding official duties" or "failure to carry out or inappropriately carrying out duties".

4. Legal safeguards against torture

4.1. In 2016, Tajikistan began to adopt significant amendments to strengthen legal safeguards against torture. Further improvements were made in 2020, 2021 and 2022. For example, the 2021 amendments stipulate that everyone may use the services of a defence counsel from the moment of actual detention and further strengthened safeguards against torture in connection with the remand hearing. Also, according to the amendments, the prosecuting authority must send the application and justification for measures of restraint to the suspect, the accused and the defence counsel before it is sent to court. Participants in a court hearing have the right to familiarise themselves with the court records within one day of the pronouncement of the court's decision and to make comments on it within the same period.

4.2. However, existing safeguards are often not implemented in practice and significant legislative gaps remain.

4.3. For example, the 72-hour limit of time from the moment of apprehension before being brought before a judge should be reduced to 48 hours, as recommended by the UN Human Rights Committee and the Special Rapporteur on torture. Judges at remand hearings should be obliged to inquire about the detainee's treatment in custody and the Criminal Procedure Code should be amended to stipulate that judges should not base their decision about remanding a detainee in custody solely on the basis of the gravity of the crime committed, which is currently the case in the majority of cases.

4.4. In addition, the authors of this report are concerned about the frequent use of administrative detention by law enforcement officers in Tajikistan. Law enforcement officers frequently resort to torture or other forms of ill-treatment during administrative detention in order to extract incriminating evidence and subsequently initiate criminal proceedings against detainees. Under domestic legislation, individuals may be subjected to administrative detention for periods ranging from three to 24 hours, and to administrative arrest for 15 to 30 days. However, legislation does not provide for fundamental safeguards against torture in such cases, despite the requirement under international human rights law and standards that all forms of detention or arrest be subject to the same basic guarantees as criminal detention.

4.5. Furthermore, police frequently detain individuals as "witnesses," a practice that also effectively deprives them of essential legal protections and safeguards.

INDEPENDENT FORENSIC MEDICAL SERVICE

4.6. Tajikistan has not regulated the activity of independent forensic experts and there are no independent forensic medical institutions in the country. This is the case although the NSHR Action Plan provides for the establishment of an institution of an independent forensic medical service and although the Criminal Procedure Code states that a suspect or their defence lawyer can request that medical examinations be conducted by an independent doctor or forensic expert.

5. Redress

5.1. Frequently, victims of torture do not believe that they can obtain justice through the criminal justice system. On the contrary, they often fear that lodging complaints may worsen their situation and negatively impact the severity of their criminal sentences. The Coalition against Torture is aware of many cases in which victims who filed complaints about torture were indeed subjected to reprisals by law enforcement agents and withdrew complaints to avoid further pressure or threats.

5.2. In recent years, courts have ordered prosecutorial reviews in response to torture complaints in isolated cases and have issued convictions against several perpetrators. However, in most cases courts have routinely dismissed reports about torture and other forms of ill-treatment and failed to order thorough investigations into the allegations.

5.3. In Tajikistan cases of torture and other forms of ill-treatment are typically investigated by prosecutors. Prosecutors often have close connections with police officers in the towns or districts where they work and are therefore faced with a conflict of interest when they are tasked with investigating crimes allegedly committed by close contacts in the police.

5.4. When investigations are opened, the experience of the Coalition against Torture shows that they can last for up to five years. When individuals face politically motivated criminal charges, including charges related to extremism and terrorism, it is virtually impossible to file effective complaints of torture.

5.5. Although the NSHR National Action Plan provides for measures to establish effective and well-resourced mechanisms for investigating torture, echoing repeated calls by UN treaty bodies, Tajikistan is yet to establish a fully independent mechanism to receive and investigate complaints against torture.

COMPENSATION

5.6. In December 2022, amendments were made to the Civil Code on compensation for moral harm. The legislation mentions victims of trafficking and of domestic violence as categories of victims entitled to receive compensation. The Civil Code that entered into force in July 2023 provides for liability for harm caused by unlawful actions of officers of the police, the prosecutor's office, and the courts (Article 1196 of the Civil Code). In such cases, moral harm to the victim must be compensated regardless of whether a perpetrator was convicted (Article 1125, part 2 of the Civil Code). Torture is not explicitly mentioned but it is one of many types of unlawful actions covered by these articles.

5.7. On 29 December 2025, the Supreme Court adopted a Plenum resolution clarifying judicial practice on compensation for moral and material harm resulting from torture and other forms of ill-treatment. The resolution establishes key safeguards for victims in line with Article 14 of the Convention against Torture and General Comment No. 3, including the right to fair, adequate and timely compensation covering medical treatment, rehabilitation and other forms of recovery, irrespective of the perpetrator's fault. It further reflects the full scope of reparation – restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition – while improving procedural guarantees such as jurisdictional clarity, broader admissibility of evidence, the possibility of electronic submission of claims, mandatory participation of the prosecutor, and measures aimed at preventing re-traumatization of victims.[1]

5.8. However, the key challenge lies in the practical implementation of these norms. In reality, compensation mechanisms remain ineffective. In the years prior to the period under review, lawyers of the Coalition against Torture succeeded in creating the first precedents of victims of torture or their families being awarded compensation for moral damages sustained through torture. From 2018 to 2026, compensation was awarded in at least four cases, but the amounts of compensation granted declined sharply and were neither fair nor adequate. In addition, the courts increasingly dismissed claims, arguing that individual officials, defendants, rather than the state, should be held responsible for torture. In one case the claim for compensation was turned down because the perpetrator had been released under a prisoner amnesty.

REHABILITATION

5.9. Paragraph 46 of the NSHR s establishes the objective to "develop an effective system for the prevention, investigation, prosecution and protection against torture and ill-treatment, as well as providing effective remedies, including compensation and rehabilitation for victims of torture and ill-treatment and their families." However, the accompanying National Action Plan does not address the issue of rehabilitation and there is no comprehensive, state-funded rehabilitation system for survivors of torture and their families. As a result, the primary and almost exclusive responsibility for providing comprehensive rehabilitation – including medical, psychological, legal, and social assistance – falls on civil society organizations, mainly the NGO Coalition against Torture. These services are not available across the country and depend on international funding.

1 *https://sud.tj/ru/press-tsentr/novosti/3001/?sphrase_id=72052*

6. Places of detention

6.1. Prisoners remain one of the most vulnerable groups. Prisons are highly overcrowded; prisoners often lack access to adequate medical treatment; and prison conditions are poor. In recent years, tensions in closed institutions resulting from these conditions, lack of transparency and limited independent oversight have occasionally resulted in riots and violent clashes between inmates and prison staff.

6.2. In a positive development, the State Department for the Implementation of Punishment (GUIN) gave member organisations of the Coalition against Torture access to all penitentiary institutions to carry out independent monitoring, from 2024. However, this access is not provided by law and depends on the will of GUIN officers. The monitors do not have access to detention facilities under the State Committee for National Security (SCNS), e.g. persons detained on terrorism or extremism charges, as well as persons sentenced to life imprisonment. The authorities have not ratified the Optional Protocol on the Convention Against Torture (OPCAT), citing financial limitations.

6.3. The Strategy for Reforming the Penitentiary System (2020-2030) foresees the introduction of a probation system and alternative, non-custodial criminal penalties which could, if consistently implemented, alleviate problems of overcrowding in detention facilities, reduce the risk of ill-treatment and abuse in places of detention, and better safeguard the right to humane treatment and rehabilitation, in line with international human rights standards. From 2022 to 2024, working groups involving relevant state agencies, civil society and international experts developed a draft law on probation. However, it is currently unclear whether the authorities are still planning to introduce a probation system. According to unconfirmed reports, probation was removed from the draft Criminal Code before it was submitted to Parliament in September 2025.

6.4. The authorities have not implemented any of the recommendations made by the UN CAT in its concluding observations in 2018 with regard to prisoners serving life sentences. Prisoners serving life sentences continue to be held in cells in the basement of the pre-trial facility of the Ministry of Justice in Dushanbe, which lacks adequate heating, ventilation, and sanitation. They are permitted to receive only one parcel containing food and letters every three months, and their interaction with relatives is limited to two brief visits per year, conducted by phone through a glass panel.

PRISONERS LIVING WITH HIV

6.5. Preventive measures in prisons with regard to HIV are limited to awareness raising, while internationally recommended measures such as opioid substitution (OST) programmes, needle exchange services, and condom distribution are not included. A civil society survey showed that 40 per cent of HIV free detainees responded that they did not know what measures for HIV prevention were available in detention facilities, and all respondents said that condoms were either not distributed or that they knew nothing about this. In both male and female colonies, there were no information stands in the medical units about detainees' and patients' rights or rules for receiving medical care.

6.6. Since 2022, CSO monitoring has shown that confidentiality of HIV status is not always respected in prisons: prisoners' clothing may include labels indicating the article under which they were convicted, revealing HIV-related charges; or inmates with medical training may work in prison medical units without being bound by professional confidentiality obligations.

6.7. The Code for Enforcement of Criminal Punishment contains discriminatory provisions related to HIV, by providing for mandatory HIV treatment,[2] but stipulating that prisoners should pay for it. Although, in practice, antiretroviral (ARV) therapy and related medical services are currently provided free of charge – primarily by the Global Fund to Fight AIDS, Tuberculosis and Malaria – and HIV-positive inmates are registered and given medication via AIDS centres, these procedures are not reflected in the Code itself and remain governed by a non-public joint order between the Ministry of Justice and the Ministry of Health. Treatment is typically administered in prison medical units after diagnosis, and individuals are referred to specialised centres for care. However, broader healthcare needs, including treatment for common comorbidities such as hepatitis B and C among PWID, remain largely unmet, sometimes with fatal consequences. While there are no formal restrictions on access to HIV treatment, the current system relies heavily on international funding and should such support cease, existing legal provisions allowing for compulsory treatment at the prisoner's expense could be enforced, raising serious concerns about access to care and compliance with human rights standards.

6.8. The Code for Enforcement of Criminal Punishment also contains discriminatory provisions on the placement of PLHIV and PWID in isolation during treatment in medical correctional facilities or in detention facilities. PLHIV are not allowed to change to a more lenient prison regime due to illness.[3]

6.9. Monitoring findings indicate stigma and discrimination against women living with HIV in women's prisons and against gay men or trans persons in men's prisoners.. While respondents did not report discrimination by prison staff directly, staff often fail to take measures to stop discrimination by other inmates.

7. Torture and ill-treatment in the army

7.1. The mistreatment of new conscripts by fellow servicemen remains a widespread practice in the Tajikistani armed forces, despite being formally prohibited by law. Such abuse often occurs with the knowledge, tolerance, or even approval of officers and other military personnel, and in some instances officers themselves directly participate in the abuse of soldiers.

7.2. Reporting abuse is generally discouraged within military units, both by peers and commanding officers, and those who do raise complaints risk being branded as "traitors" and facing further retaliation. As a result, only the most extreme cases – particularly those involving severe torture, serious injury, or death – tend to become known or formally reported.

7.3. In 2024 and 2025, the CSO Office of Civil Freedoms documented five separate cases involving either the death of or serious bodily harm to military personnel. Two of these cases involved the deaths of servicemen in circumstances officially described as suicide; however, relatives pointed to bodily injuries and expressed doubts regarding the objectivity of the investigations. One case

2 Articles 24 and 105 of the Code for Enforcement of Criminal Punishment (as amended by the Law No. 55 of 8 December 2003, No. 48 of 15 July 2004, No. 87 of 1 March 2005, No. 371 of 20 March 2008, No. 452 of 31 December 2008, No. 619 of 21 July 2010, No. 648 of 29 December 2010, No. 732 dated 28 June 2011, No. 805 dated 16 April 2012, No. 866 dated 3 July 2012, No. 924 dated 28 December 2012 No. 924, dated 28 December 2013, No. 1036, dated 23 November 2015, No. 1230, dated 23 November 2015, No. 1231, dated 15 March 2016 No. 1276, dated 14 May 2016 No. 1307, dated 14 November 2016 No. 1360, dated 18 July 2017 No. 1444).

3 Articles 73, 73, 78, 80, 100, 105 of the Code for Enforcement of Criminal Punishment.

involved the death of a serviceman as a result of systematic beatings by fellow soldiers acting with prior collusion. Another case concerned the infliction of serious bodily harm (a fractured jaw) resulting from physical violence in a military unit. An additional case involved the death of a serviceman due to a gross violation of weapons-handling rules by another serviceman, in which a guilty verdict was issued.

7.4. The documented cases reveal structural risk factors, including insufficient preventive mechanisms within military units, limited safety guarantees for complainants, and a response system that depends largely on the initiative of victims or their families.

PARENTS SUBJECTED TO INTIMIDATION AND ILL-TREATMENT

7.5. In 2021, the new Law on Military Conscription introduced a provision assigning parents responsibility for receiving and forwarding draft notices to their adult sons. Officially, this obligation is limited to transmitting the document, particularly in cases where the son resides with them or his whereabouts are known.

7.6. However, in practice, this provision has reportedly led to serious abuses. Especially when their sons are abroad – including in the Russian Federation or other migrant destinations – parents of adult conscripts have been subjected to arbitrary detention at military commissariats, held for up to two or three days without legal grounds or explanation, and exposed to physical and psychological abuse.

7.7. The CSO Office of Civil Freedoms documented 17 complaints concerning the detention or holding of parents of conscripts in 2024 and 2025.

8. Suggested recommendations to the authorities of Tajikistan on torture

- Establish an independent forensic medical service.
- Set up an independent, well-resourced mechanism tasked with receiving complaints of torture and other forms of ill-treatment and carrying out prompt, thorough and impartial investigations.
- Introduce a probation system and alternative, non-custodial criminal penalties, in line with the Strategy for Reforming the Penitentiary System.
- Ratify OPCAT and introduce legislation authorizing CSOs to carry out independent monitoring of all places of deprivation of liberty, including those under the authority of the State Committee for National Security.
- Put an end to the harsh conditions, including strict regimes and isolation in small, dark and unventilated cells, of prisoners serving life sentences.
- Reduce the period of detention before the remand hearing from the current 72 to 48

hours for adults and 48 to 24 hours for children (who should be accompanied by a legal representative).

- Ensure that the state provides fair and adequate compensation for both moral and material damages to victims of torture and ill-treatment.

- Develop clear guidelines to prevent violence, harassment, and sexual abuse in prisons, especially against women and LGBT+ people.

- Reform the Code for the Enforcement of Criminal Punishment to ensure non-discrimination and improve complaint mechanisms for prisoners.

- End the practice of detaining and pressuring parents or other individuals in order to force young men to report for military service