TAJIKISTAN:

JOINT NGO SUBMISSION AHEAD OF THE 84TH SESSION OF THE COMMITTEE AGAINST TORTURE

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Introduction

This document was jointly prepared by the civil society Coalition against Torture and Impunity in Tajikistan (Coalition against Torture), International Partnership for Human Rights (IPHR), Helsinki Foundation for Human Rights in Poland (HFHR) and the World Organization against Torture (OMCT). It is based on the organizations' ongoing monitoring, documentation and analysis of key developments and cases relating to the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

About the document

The document consists of thematic chapters and concludes with suggested recommendations. The relevant article/s of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are indicated in each heading.

Contributing NGOs

Member organizations and lawyers of the **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.

IPHR is a non-profit organization based in Brussels. Founded in April 2008, its mandate is to support local civil society organizations (CSOs) in their work to eradicate violations of human rights and help their concerns and efforts be heard at the international level. IPHR has closely cooperated with human rights groups in Tajikistan for over 15 years.

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.

OMCT works with around 200 member organisations which constitute its SOS-Torture Network, to end torture, fight impunity and protect human rights defenders worldwide. OMCT SOS-Torture Network is the largest global group actively standing up to torture in more than 90 countries. The international secretariat is based in Geneva, with offices in Brussels and Tunis.

Key developments regarding torture and ill-treatment in Tajikistan since 2018

Since Tajikistan was last reviewed by the CAT in 2018, the country has addressed a number of key recommendations issued by both the CAT and other United Nations (UN) treaty bodies. In particular, Tajikistan's first National Strategy on Human Rights covering the period of up to 2038 and the accompanying Action Plan, both adopted in 2023, have been important steps as they address many recommendations raised by UN human rights bodies in previous years.

Paragraph 47 the National Strategy on Human Rights of Tajikistan describes the main areas of activity as the development of an effective system for the prevention, investigation, prosecution, and protection against torture and ill-treatment, and the provision of effective remedies, including compensation and rehabilitation, for victims of torture and ill-treatment and their family members.[1]

Positive measures implemented in the period under review have also included:

- increasing punishment for torture in the Criminal Code;
- the adoption of significant legislative amendments and additions which strengthened legal safeguards against torture in detention;
- bringing legislation on compensation of moral damages sustained through torture in line with international standards;
- the adoption of the Strategy for Reforming the Penitentiary System (2020-2030) in 2020 and its action plans for 2020 to 2022 and 2023 to 2026. The documents have been developed and implemented with the active participation of civil society groups including the Coalition against Torture. Since 2024, CSOs have been able to conduct independent monitoring visits to detention facilities within the penitentiary system;
- significant legislative improvements with regard to juvenile justice. For example, provisions on the possibility of placing children in punitive isolation cells in places of deprivation of liberty have been removed from the legislation, and safeguards for the interrogation of minors have been strengthened.

However, at the same time, torture and other forms of ill-treatment continue to be widely used across Tajikistan, particularly in police custody and pre-trial detention facilities for reasons including:

- Legal safeguards are not consistently implemented;
- judges rarely order thorough investigations when allegations of torture are made in court;
- prosecuting authorities do not conduct prompt, thorough, impartial and independent investigations. This results in virtual impunity for the perpetrators;
- most lawyers refrain from filing complaints alleging torture and advise their clients against doing so, fearing reprisals from law enforcement agencies against both themselves and their clients;

1 Regulation no. 357, approved by the Government of Tajikistan on 5 August 2023.

- detainees typically refrain from filing complaints out of fear of reprisals – including the potential for harsher criminal sentences – and because they lack confidence that the criminal justice system will deliver justice.

While the legislative framework for compensating moral damages was significantly improved in the period under review, in practice compensation for moral damages to victims of torture significantly declined as courts dismissed increasing numbers of claims, arguing that individual officials, rather than the state, should be held responsible for torture, and the amounts of compensation that were granted in recent years were usually neither fair nor adequate.

Among those who are particularly vulnerable to police abuse are people 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). These defendants' chances to have their complaints reviewed effectively and impartially and to bring the perpetrators to justice are particularly low.

Several recommendations that have repeatedly been issued by UN treaty bodies have not been included in the National Strategy on Human Rights or have been included but no steps have been made toward implementation. For example, no measures have been taken to establish an independent mechanism to investigate torture and to create an institution for the rehabilitation of torture victims. Despite the fact that the Action Plan of the National Strategy on Human Rights provides for the establishment of an institution of an independent forensic medical service, no progress has been made. In addition, neither the current domestic legislation nor any publicly available draft laws abolish the statute of limitations with regard to torture and ill-treatment and perpetrators of these crimes can still be included in amnesties, despite repeated recommendations from UN bodies including the CAT. Further concerns include the authorities' failure to publish complete statistical information about torture, despite repeated calls by UN bodies and others for more transparency.

There are credible reports of prison conditions amounting to cruel, inhuman and degrading treatment. The organizations jointly submitting this document are also concerned that the draft Criminal Code that has been submitted to Parliament does not include measures of probation, although the establishment of a system of probation and alternative, non-custodial forms punishment are key elements of Tajikistan's Strategy for Reforming the Penitentiary System.

Comprehensive statistics of domestic violence cases are not available in Tajikistan, but the problem remains widespread and pervasive, fuelled by ongoing discrimination against women across all sectors of society. Although government officials have stated that domestic violence will be criminalised in the upcoming Criminal Code, the draft document is not publicly available at the time of writing. If domestic violence is criminalised, further work would be urgently needed to amend relevant legislation and pave the way for its implementation in practice.

Legislative amendments, government strategies and plans

In the period under review, domestic legislation has undergone significant changes and now contains a set of serious safeguards against torture. In particular, human rights guarantees during arrest and detention have been strengthened, torture has been criminalised with the establishment of liability that excludes the possibility of cases being closed due to reconciliation between the parties, and special guarantees have been provided to protect minors from torture and ill-treatment.

However, these changes are mainly of a framework nature and enshrine general guarantees at the regulatory level. At the same time, the institutional reforms necessary for their effective implementation have not been carried out. Significant legislative and practical gaps remain, preventing these guarantees from being enshrined in law enforcement practice. In particular, there is no institution of independent forensic medical examination, the judiciary and the bar are not truly independent, no independent mechanisms for investigating cases of torture have been set up, and there are no state institutions for the comprehensive rehabilitation of victims of torture. As a result, these legislative gaps seriously affect the effective implementation of the country's obligations.

In 2016, Tajikistan began to adopt significant amendments to strengthen **legal safeguards against torture.** This work continued during the period under review and further improvements were made in 2020, 2021 and 2022. For further information, refer to the chapter "Legal safeguards against torture" below.

Below is an overview of the key legislation and amendments relating to torture and other forms of ill-treatment adopted during the period under review.

In 2023, a new **Civil Code** was adopted in Tajikistan, containing provisions on compensation for moral harm. According to the new amendments, torture and other human rights violations serve as a basis for claiming compensation for moral and material harm, with the state authorities (rather than individual officials) as the respondents. (For further information, refer to the chapter on "Redress" below).

On 3 January 2024, amendments and additions were made to the **Criminal Procedure Code** of Tajikistan on international cooperation in criminal law. They are aimed at strengthening cooperation with international judicial and law enforcement bodies, improving the legal basis for cooperation in criminal prosecution and legal assistance. It also addresses issues related to the transfer of criminal cases between countries, seizure of property, and other aspects, including the participation of foreign representatives in proceedings, confidentiality and conditions for refusal to execute requests. The text also addresses issues related to the transfer of persons for prosecution to other states and requirements for requests to foreign authorities. In addition, it regulates the procedure for cooperation between countries on extradition of persons accused of offences to ensure fairness and legal norms, and considers the process of execution of punishment or compulsory treatment of convicted citizens of Tajikistan serving a sentence under a foreign court. These amendments also provide for procedures for the detention of persons and legal guarantees for detainees awaiting extradition at the request of other countries.

On 2 January 2025, the President signed a new law on the **Unified State System of Registration and Recording of Offences**[2], establishing a legal framework for the unified registration of criminal and

2 *https://mmk.tj/system/files/Legislation/564_ru_1.pdf*

administrative cases in Tajikistan, under the responsibility of the Ministry of Internal Affairs. The law specifies which offences must be registered, and which procedural and personal data must be included as well as retention periods (75 years for criminal offences; and between one and three years for administrative offences). However, the Unified System has yet to be set up.

During the period under review, a new Criminal Code was being drafted. The timeline for adoption is not known. Civil society experts were invited to the dedicated Working Group at different times over the past years. The draft and updates have not been routinely shared with civil society over the years. CSOs have no access to the current draft and it is unclear whether CSO recommendations have been taken on board.

In August 2023, Tajikistan adopted the country's first comprehensive human rights strategy, the National Strategy on Human Rights and an accompanying Action Plan. The Strategy includes numerous recommendations made by UN bodies and procedures on torture and other human rights issues. The groundwork for this strategy was laid in 2017, and the process involved close collaboration between the governmental Working Group in charge of its development and CSOs. In fact, many of the recommendations put forward by CSOs during the development process were incorporated into the final document.

In response to a series of incidents of unrest in correctional facilities in 2018 and 2019, the government implemented personnel changes in the penitentiary system and accelerated the adoption of the **Strategy for Reforming the Penitentiary System**, which was officially approved on 25 June 2020 (Government Decree No. 385). To date, two action plans have been adopted: the first covering 2020–2022 and the second 2023–2026. A third action plan is currently being prepared.

The State Department for the Implementation of Punishment (GUIN - Penitentiary Service) of the Ministry of Justice is responsible for implementation. Notably, both the Strategy and the Action Plan were developed with the active participation of civil society which played a key role in shaping these documents and also actively contributing to their practical implementation. For further information about objectives of the Strategy and its implementation, refer to the chapter "Places of detention" below.

Suggested recommendations to the authorities of Tajikistan

- **Continue to improve legislation and carry out comprehensive reforms to strengthen and consistently implement guarantees of freedom from torture.**
- **Reiterate recommendations included in para. 8 of the 2018 concluding observations of the CAT.**

Definition of torture (Article 1)

On 2 January 2020, Article 143-1 ("torture") was amended to include a "third person" in the definition of torture, as subject of the offence. Currently, Article 143-1 defines torture as "the intentional infliction of physical and (or) mental suffering committed by a person conducting an enquiry or preliminary investigation or other official, or at their instigation or with their acquiescence or knowledge, by another person with the aim of obtaining from the tortured or a third person information or a confession or punishing him or her for an act that he or she or a third person has committed or is suspected of having committed, as well as intimidating or coercing him or her or a third person". Article 143-1 also provides for aggravating

circumstances affecting the severity of the punishment, such as the commission of torture: a) repeatedly; b) by a group of persons by prior conspiracy; c) against a woman known to the perpetrator to be pregnant, or a person known to be a minor, or a disabled person; d) with the infliction of moderately serious harm to health (part 2), if they: a) are committed with the infliction of grave harm to health; b) have entailed by negligence the death of the victim or other grave consequences (part 3).The punishment for the crime of torture amounts up to 8 years of imprisonment, and with aggravating circumstances – up to 15 years of imprisonment.

In practice, cases involving torture or other ill-treatment are frequently opened under other articles of the Criminal Code such as "incitement to suicide" (Article 109), "abuse of authority" (Article 314), "exceeding official authority" (Article 316), "negligence" (Article 322), or, in cases from the armed forces, "violating the code of military conduct" (Article 373) or "abuse of authority or duty" (Article 391). Individuals convicted under these articles often benefit from prisoners' amnesties. Moreover, such cases are excluded from official government statistics on torture, as these statistics include only cases initiated under Article 143-1 ("torture"). Consequently, the authorities lack reliable data to accurately assess the scale of the problem and to develop effective policy responses.

Suggested recommendations to the authorities of Tajikistan

- **Ensure that officials accused of acts of torture or other forms of ill-treatment that are in line with the definition set out under Article 143-1 of the Criminal Code, entitled "torture", are charged with this article rather than with less serious crimes such as the "abuse of power", or "exceeding official authority", and that their punishments are commensurate with the crimes committed.**

Comprehensive statistics (Art. 1, 12, 14)

Despite repeated recommendations from UN bodies, Tajikistan still does not publish comprehensive and unified statistics on complaints, investigations, prosecutions, convictions and means of redress relating to cases involving allegations of torture and other forms of ill-treatment. While in recent years some government agencies used to sporadically publish statistics on torture reflecting cases that had come to that agency's attention, very few statistics have been published since 2022.

According to the Ombudsperson, the number of complaints about torture and ill-treatment to his office is low - with 3 complaints received in the first half of 2020[3], 15 in 2021[4], 2 in 2022[5] and 1 each in 2023[6] and 2024[7]. However, no evidence of torture was found in any of these cases.

According to the Prosecutor General's Office, 14 complaints were registered in 2019,[8] eight in the first half of 2020 (which led to one criminal case being opened),[9] and five in 2025. None of the complaints lodged

3 Announced at a press conference in July 2020.

4 *http://www.ombudsman.tj/files/-2021.doc*

5 *https://ombudsman.tj/files/Maruzai_Vakolatdor_oid_ba_hukuki_inson_baroi_soli_2022.pdf*

6 *http://www.ombudsman.tj/files/2_____2023.pdf*

7 *https://ombudsman.tj/files/1-2025.pdf*

8 *Announced at a press conference on 28 January 2020.*

9 *Announced at a press conference in July 2020.*

in 2025 were confirmed.[10]

These statistics only cover criminal cases opened under Article 143-1 ("torture") although cases involving allegations of torture and other forms of ill-treatment are often opened 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". The authorities do not publish comprehensive statistics covering all these cases.

The number of torture cases documented by the Coalition against Torture has decreased in recent years with 52 cases reported in 2019, 37 in 2020, 24 in 2021, 19 in 2022, 18 in 2023, 17 in 2024 and 21 in 2025. Unfortunately, the decrease in the number of complaints does not indicate a real decrease in the use of torture but results from systemic fear, impunity, and weak trust in state response mechanisms.

Convictions under Article 143-1 remain rare. As reported in the press, Shavkat Lutfullozoda, the First Deputy Head of the Supreme Court, announced at an international conference on 25 October 2022, that two police officers had been convicted for "torture" in 2018; four officers in 2019; no one in 2020; and three officers in 2021.[11]

In 2023, criminal cases were initiated against five law enforcement officers under Article 143-1. All five were found guilty and sentenced to prison sentences to be served in maximum security prison colonies.[12] In August 2025, the Prosecutor General's Office announced that, over the previous six months, only one official — the Deputy Police Chief of Shohmansur district — had been sentenced to 13 years' imprisonment for torture.[13] No further details about the case were provided.

Suggested recommendations to the authorities of Tajikistan

- **Regularly publish unified and comprehensive statistics on complaints, investigations, prosecutions, convictions and means of redress relating to cases involving allegations of torture and other forms of ill-treatment, segregated by sex, age and charges.**
- **Ensure that the statistics include not only cases registered under Article 143-1 ("torture"), but all cases involving allegations of torture and other forms of ill-treatment including those instigated under charges such as "abuse of authority", "negligence", or, in cases from the armed forces, "violating the code of military conduct" or "abuse of authority or duty".**

Statute of limitations for torture and prisoner amnesties (Art. 4)

As a result of increased sanctions for the crime of "torture" (Article 143-1) that were adopted in 2020, "torture" is now classified as a serious offence, in line with Article 18 of the Criminal Code. Thanks to this changed status of the crime, it is now impossible to terminate criminal cases on the grounds of

10 *https://notorturetj.org/news/genprokuratura-tadzhikistana-v-2025-godu-postupilo-5-zayavleniy-o-pytkah-v-hode-proverki-ni*

11 *https://www.asiaplustj.info/ru/news/tajikistan/society/20221027/spori-o-pitkah-v-tadzhikistane-kak-ne-shoditsya-statistika-raznih-sturktur?tg_rhash=dad9b8f651f186*

12 *https://iphronline.org/articles/human-rights-groups-call-for-action-to-end-torture-in-central-asia/*

13 *https://asiaplustj.info/en/news/tajikistan/laworder/20250815/prosecutor-generals-office-deputy-police-chief-of-shohmansur-district-sentenced-to-13-years-in-prison-for-torture*

reconciliation of parties or repentance.

However, neither current domestic legislation – nor any publicly available draft laws – abolish the statute of limitations with regard to torture and ill-treatment and no amendments have been introduced to the Criminal Code to prohibit the inclusion of perpetrators of "torture" in prisoners amnesties, despite repeated recommendations from UN bodies including the CAT.

In 2021, the President announced a prisoner amnesty on the occasion of the 30th anniversary of Tajikistan's independence. The dedicated law stipulated that persons who committed serious or very serious crimes should not be granted amnesty.[14] Nevertheless, a police officer from the city of Tursunzade in western Tajikistan who was serving imprisonment for torturing Hasan Yodgorov in 2017 and forcing him to confess to a murder that he did not commit was amnestied although he had been convicted of "torture" under Article 143-1.[15]

Suggested recommendations to the authorities of Tajikistan

Reiterate recommendations included in para. 14 of the 2018 concluding observations of the CAT urging the authorities to abolish the statute of limitations in relation to the crime of "torture" and to legislate that all future amnesties must exclude those convicted of "torture".

Legal safeguards against torture (Art. 2, 11)

In 2016, Tajikistan began to adopt significant amendments to strengthen legal safeguards against torture. This work continued during the period under review and further improvements were made in 2020, 2021 and 2022.

The **2020 amendments** include improvements on legal aid in administrative, civil and criminal cases, as well as legal representation with state-appointed lawyers in administrative and civil cases and lawyers included in the state register – in criminal cases. Legislative amendments adopted in 2020 also significantly strengthened guarantees of the rights of detained minors. For example, Article 32 of the Law on the Procedure and Conditions for the Detention of Suspects, Accused Persons and Defendants stipulates that if a minor is reported to have been subjected to violence, a mandatory medical examination shall be conducted by at least three medical personnel who are not subordinate to the institution where the minor is being held. They are tasked with recording the extent of bodily injuries, signs of violence, use of torture and facts of cruelty.

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. For example, according to the amendments, the prosecuting authority must send the application and justification for measures of restraint to the suspect, the accused person and the defence counsel before it is sent to the court. Participants in a court hearing have the right to familiarise themselves with the record of the court hearing after the pronouncement of the court's decision within one day and to make comments on it within the same period.

14 *https://notorturetj.org/news/amnistiya-ne-rasprostranyaetsya-na-vinovnyh-v-primenenii-pytok*

15 *https://notorturetj.org/news/amnistirovan-odin-iz-sotrudnikov-milicii-pytavshih-hasana-yodgorova*

The adoption of the legal amendments particularly in 2020 and 2021[16] are significant steps in the right direction. However, existing safeguards are often not implemented in practice and some significant legislative gaps remain.

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.

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 3 to 24 hours, and to administrative arrest for 15 to 30 days. However, the 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.

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

On 2 January 2025, the President signed a new law on the **Unified State System of Registration and Recording of Offences.** However, the system has not yet been set up.

During the period under review, authorities began to equip numerous police stations, investigation-isolation facilities and the penitentiary system with cameras, in order to record investigative activities, as a safeguard against torture. However, according to human rights defenders, the cameras often appeared to be turned off or not maintained adequately. Lawyers who requested video recordings of their clients' interrogations have often been told that the camera was not functioning at the time.

MEDICAL EXAMINATIONS

On 30 October 2017, the Minister of Health and Social Protection of the Population set up a new Working Group aimed at implementing the standards contained in the Istanbul Protocol in the activities of medical institutions. The working group included representatives of civil society. On 1 May 2018, the Ministry of Justice and the Ministry of Health and Social Protection of the Population jointly approved the "Procedure for organising medical care for persons in custody and serving criminal sentences" which had been developed by members of the Working Group. It includes a separate standard medical form, entitled "Protocol of medical examination of prisoners", which is intended for medical examinations of alleged victims of torture and ill-treatment in closed institutions. In December 2018, the Ministry approved the "Compendium of normative and legal acts on the psychiatric service and the methodological procedure for organising and conducting forensic psychiatric examinations and the procedure for providing psychiatric care, to persons suffering from mental disorders", which is in line with the principles set out in the Istanbul Protocol.

16 The 2022 amendments were mainly of a technical nature.

Despite the adoption of legal documents, and extensive training on the standards of the Istanbul Protocol, in practice, medical workers do not routinely apply these requirements in their work for various reasons, such as the lack of protocol forms, as well as reprisals from law enforcement agencies or fear thereof.

Tajikistan does not have an independent forensic medical service although Article 94, part 4 of the Criminal Procedure Code states that a suspect or their defence lawyer can request that the examination be conducted by an independent doctor or forensic expert. Tajikistan has not regulated the activity of independent forensic experts and there are no independent forensic medical institutions in the country.

Article 74 of the Criminal Procedure Code provides that suspects and accused persons undergo a medical examination by doctors and paramedics of district, city, and regional hospitals from the moment of and/or after placement in temporary detention facilities. In pre-trial detention centres (which are under the jurisdiction of the Ministry of Justice) and in correctional institutions, accused persons and convicted prisoners are examined by doctors and paramedics of the medical units of the Medical Directorate of the Main Directorate for the Execution of Criminal Sentences of the Ministry of Justice.

Suggested recommendations to the authorities of Tajikistan

Reiterate recommendations included in para. 18 of the 2018 concluding observations of the CAT and specifically or additionally urge the Tajikistani authorities to:

- **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.**
- **Swiftly set up the Unified State System of Registration and Recording of Offences.**
- **Ensure that cameras in detention facilities are regularly maintained, and function at all times during interrogations.**
- **Issue guidance for judges instructing them to inquire into the detainees' treatment in custody.**
- **Ensure that pre-trial detention is not authorized by the courts solely on the basis of the gravity of the alleged crime and that periods of pre-trial detention cannot be extended when the prosecution has failed to present well-founded grounds for the person to remain in custody.**
- **Set up an independent forensic medical service.**

Effective and independent investigations (Art. 12, 13)

Although paragraphs 25 and 26 of the National Action Plan of the National Strategy on Human Rights provide 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.

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.

In addition, most lawyers representing individuals in criminal proceedings advise clients who have been subjected to torture by law enforcement agents not to file complaints, fearing reprisals from law enforcement authorities against themselves and their clients. This is compounded by the frequent failure of law enforcement bodies and prosecutors' offices to provide copies of decisions refusing to initiate criminal cases, which makes it impossible to appeal the decision. Additional obstacles for lawyers include that they are often subjected to excessive searches visiting courts and prosecutors' offices.

During the period under review, 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 continued to routinely dismiss reports about torture and other forms of ill-treatment and fail to order thorough investigations into the allegations.

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.

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.

The cumulative effect of the problems described above results in ineffective investigations and impunity for perpetrators of torture, as well as the lack of sufficient compensation for victims of torture and ill-treatment.

On 25 July 2017, **Tolibjon Dustov**[17] was detained by police in the Southern Khatlon region. Witnesses reported that he was beaten and forced into a vehicle with tinted windows. He died while being transported to the local police station and was taken to hospital without signs of life. His body showed multiple injuries indicating that he had been tortured, including large bruises, ear injuries, and other signs of trauma.

Although at least three police officers were reportedly involved, only one — Makhmadullo Idiev, then deputy head of the district Drug Control Unit — was prosecuted. A criminal case was opened under Article 316 ("abuse of official authority"), despite the family's request to reclassify the charges as torture. In June 2018, the prosecutor requested a nine-year prison sentence. However, Idiev failed to appear in court, citing illness, and proceedings were suspended. He was subsequently declared wanted and remained on an international wanted list for eight years. No charges were brought against the other officers identified by witnesses.

17 This case description updates the information contained in the joint NGO submission (Coalition against Torture and IPHR) to the Committee against Torture in 2018: *https://www.iphronline.org/wp-content/uploads/2018/03/CAT-Tajikistan-draft-7-final.pdf*

In April 2025, Idiev was detained upon returning to Tajikistan from Russia. In June 2025, the court convicted him of "abuse of authority resulting in grave consequences" (Article 316, part 3 of the Criminal Code) and handed down a fine of 105 000 Tajik Somoni (the equivalent of approximately 9000 EUR). The victim's family considers the sentence disproportionately lenient and has filed a cassation appeal, noting that the law provides for a penalty of five to ten years' imprisonment in such cases.

At around 10 a.m on 12 March 2025, **Safarkhon Khasanov**[18], resident of the city of Kulob in Southern Tajikistan, was detained at a shopping centre where he ran a mobile phone business. Police officers from Ismoili Somoni district in Dushanbe and other officers from Kulob arrested him but did not explain the reason why nor did they inform his family members. He was first taken to the police department of internal affairs (OMVD) in Kulob and later transported in a black BMW to the OMVD of Ismoili Somoni district in Dushanbe.

At approximately 10:00 p.m. the same day, police informed the family that Khasanov had died of a heart attack during interrogation. His sons, who were working in Russia, arrived in Dushanbe the next day and were taken directly from the airport by police officers to the morgue. On the way, they were told that no one was responsible for their father's death and were urged not to file complaints.

During the ritual washing of the body in Kulob, the family observed multiple injuries, including bruises on various parts of the body, marks consistent with possible torture on the soles of the feet, and signs of an autopsy. The injuries were photographed. Around 25–30 representatives of the prosecutor's office and regional police reportedly attended the funeral. Of the items Khasanov had in his possession at the time of his arrest, including a mobile phone and 12 000 Tajik Somoni in cash (the equivalent of approximately 1000 EUR), only his clothing was returned.

The family submitted complaints to the Prosecutor General's Office, the Ministry of Internal Affairs, local authorities, and the Presidential Administration in March and April 2025. All were forwarded to Ismoili Somoni District Prosecutor's Office which twice refused to initiate criminal proceedings on the grounds of "absence of a crime." Despite repeated appeals and legal assistance provided by the Coalition against Torture, no criminal case has been opened to date. The Coalition continues to call for an effective and independent investigation and accountability for those responsible.

Suggested recommendations to the authorities of Tajikistan

Reiterate recommendations included in paras. 10 and 14 of the 2018 concluding observations of the CAT and specifically or additionally urge the Tajikistani authorities to:

18 *https://asiaplus.news/en/2025/07/23/coalition-against-torture-demands-investigation-into-death-of-kulob-resident-in-police-custody/*

- **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.**
- **Ensure that officials accused of torture are charged under Article 143-1, entitled "torture", rather than for less serious crimes such as the abuse of power, or exceeding official authority, and that their punishments are commensurate with the crimes committed.**

Redress (Art. 14)

Article 143-1 of the Criminal Code ("torture") consists of a definition and qualifying elements, on the basis of which judges determine the appropriate punishment. In accordance with the 2020 legal amendments, the sanctions for torture are: in Part 1 - from five to eight years' imprisonment (previously it was: from two to five years); in Part 2 - from eight to 12 years' imprisonment (previously from five to eight) and in Part 3 - from 12 to 15 years' imprisonment (previously from 10 to 15 years). Fines have been removed from the list of possible sanctions under Article 143-1. Currently, the definition and sanctions for torture are in line with the requirements of the Convention against Torture.

COMPENSATION FOR MORAL AND MATERIAL DAMAGES SUSTAINED THROUGH TORTURE AND OTHER ILL-TREATMENT

At the legislative level, Tajikistan has taken steps toward aligning with international standards in the period under review. 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.

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.[19]

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

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

damages sustained through torture. From 2018 to 2026, compensation was awarded in at least four cases.

A breakdown of the statistics and cases known to the Coalition against Torture follows:

- In 2018, there were no decisions for compensation for moral damages.
- In 2019, compensation for moral damages was awarded to Komil Khojinazarov's parents after they filed a complaint against the Ministry of the Interior and the State Committee for National Security (sum awarded: 6000 Tajik Somoni (approximately 510 EUR).[20] A. Bokiev filed a suit for compensation and was awarded the equivalent of approximately 460 EUR. The claims for moral compensation from M. Mansurov[21] against the State Committee for National Security and Bakhriddin Nasriddinov[22] against the Ministry of Defence were turned down.
- In 2020, the court rejected Hamza Solekhov's[23] claim for moral compensation, stating that compensation should be sought directly from the perpetrators.
- In 2021, compensation for moral damages was awarded to K.M. Khojinazarov's wife after a complaint against the Ministry of Internal Affairs and the State Committee for National Security. Five thousand Tajik Somoni were awarded (approx. 425 EUR).[24]
- In 2022, while 5000 Somoni (425 EUR) of compensation was awarded to Hasan Yodgorov in his case against the Ministry of Internal Affairs, the claims for compensation by family members following the death of Mekhrojiddin Gadozoda were dismissed on the grounds that the perpetrator had been released from detention under an amnesty.[25] In the case of claimant S. N., the claim for compensation against the MIA was terminated after S.N. died.
- In 2023, no rulings on compensation for moral harm were taken.
- In 2024, the Coalition against Torture is aware that the relatives of Abdukakhkhor Rozikov were given 10 000 Somoni in compensation (approx. 850 EUR) after Rozikov's death in custody.[26]
- In 2025, no rulings on compensation for moral harm were issued.
- In the first two months of 2026, a civil suit for compensation for moral harm in the case of Nemat Ashurtmatov[27] is currently pending with Ismoili Somoni District Court in Dushanbe.

The amounts granted declined and often only amounted to 1–2 per cent of the sums initially claimed. 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.

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20 *https://asiaplus.news/en/2025/07/23/coalition-against-torture-demands-investigation-into-death-of-kulob-resident-in-police-custody/*

21 *https://notorturetj.org/legal/prava-voennosluzhashchih-pytki-v-armii-est-no-del-po-state-pytki-ne-vozbuzhdayut*

22 *https://notorturetj.org/legal/prava-voennosluzhashchih-pytki-v-armii-est-no-del-po-state-pytki-ne-vozbuzhdayut*

23 *https://www.notorturetj.org/news/zhitel-dushanbe-trebuet-kompensaciyu-ot-mvd-za-nezakonnye-deystviya-sotrudnikov-milicii*

24 *https://notorturetj.org/news/tragediya-v-semeynyy-prazdnik-istoriya-komila-hodzhanazarova*

25 *https://notorturetj.org/legal/hasan-yodgorov-poschital-naznachennuyu-kompensaciyu-za-pytki-v-razmere-5-tys-somoni*

26 *https://notorturetj.org/news/delo-po-state-pytki-sud-i-kompensaciya-kak-advokaty-dobivalis-spravedlivosti-v-dele-rozikova*

27 *https://notorturetj.org/news/chetyre-sotrudnika-omvd-hudzhanda-podvergli-pytkam-zaderzhannogo-rassledovanie-dela#:~:text=В%20Худжанде%20продолжается%20расследование%20уголовного%20дела%20в,сотрудников%20ОМВД%20г.Худжанда%2С%20которые%20причастны%20к%20пыткам*

Abdukakhkhor Rozikov died on 3 January 2023 at the age of 37, after being detained by police in the district of Kulyab in the southern Khatlon region of Tajikistan. Rozikov's relatives maintained that he died as a result of torture by police. The Ministry of Internal Affairs posted on its website that the cause of death was an amphetamine overdose; the post was later removed. Later, the forensic medical examination established that the cause of death was a heart condition caused by torture, and recorded bodily injuries, possibly caused by blows. The forensic medical examination found no traces of amphetamine in his body. On 25 July 2023, Khatlon Regional Court sentenced three police officers to 14 years' imprisonment in a strict prison colony for "torture" (Article 143-1 of the Criminal Code).

In 2024, with support from the NGO Coalition against Torture, a relative of Abdukakhkhor Rozikov[28] filed a suit with the Ismoili Somoni District Court in Dushanbe against the Ministry of Internal Affairs for compensation for moral damages of 400 000 Tajik Somoni (the equivalent of approx. 35 000 EUR). On 21 May 2024, the court awarded only 10 000 somoni (approx. 850 EUR) to the plaintiff, to be paid by the Ministry. On 6 June 2024, the plaintiff filed an appeal with the Civil Division of the Dushanbe City Court stating that the amount was neither fair nor adequate, but the cassation instance left the original decision unchanged.

On 10 April 2021, 33-year-old **Mekhrojdiddin Gadozoda**[29] was summoned to Vahdat City police station in connection to a theft. That same evening his body was handed over to his relatives.

According to the Ministry of Internal Affairs, Gadozoda jumped from a third-floor window and later died in hospital from injuries sustained during the fall. Gadozoda's relatives claimed that he died as a result of injuries sustained through torture by police officers.

Following his death, the prosecutor's office opened a criminal case against police officer Khushvacht Faizullozoda under Article 322, Part 2 of the Criminal Code ("failure of an official to perform his duties"). In November 2021, before the court had concluded the case, Faizullozoda was released from custody under an amnesty.

On 2 January 2023, Ismoili Somoni District Court in Dushanbe refused to award compensation. The Dushanbe City Court upheld the decision.

At the end of 2017, **Hasan Yodgorov**[30], a person with a disability, was detained on suspicion of murder and, under torture, confessed to a murder he did not commit. Eight months later, the police found the real killer, and Yodgorov, who had been held in a detention centre all that time, was released. While he was detained, his mother was reportedly called to the

28 *https://notorturetj.org/legal/delo-po-state-pytki-sud-i-kompensaciya-kak-advokaty-dobivalis-spravedlivosti-v-dele-rozikova*

29 *https://www.azattyqasia.org/a/32204160.html*

30 *https://notorturetj.org/legal/hasan-yodgorov-poschital-naznachennuyu-kompensaciyu-za-pytki-v-razmere-5-tys-somoni*

police station every day for two weeks and forced to stay there without food and drink all day. Reportedly, police questioned her and repeatedly urged her to incriminate her son.

The prosecutor's office opened a case against the perpetrators, but it took several years from the opening of the criminal case until the three police officers were convicted in 2021.

Hasan Yodgorov filed a lawsuit and requested compensation for moral damages of 400 000 Tajik Somoni (the equivalent of approximately 35 000 EUR) as well as compensation for material damages of 5 949 Somoni (approx. 500 EUR). In 2022, the court ruled to award 5 000 Somoni (approx. 425 EUR) for moral damages, i.e. a fraction of the sum which he had sought. Hasan's claim for compensation for material damages was denied. Further attempts to appeal against the court's decision were unsuccessful.

On 7 January 2019, at around 4–5 p.m., five plainclothes police officers detained **Hamza Salekhov** in a veterinary pharmacy in the Giprozema area, where he had gone to buy medicine for his dog. Twisting his arms behind his back, they forced him into a car and took him to the Dushanbe Department of Internal Affairs (UMVD). An employee of the pharmacy was also detained and taken separately.

When they entered the office, the Deputy Head of the Criminal Investigation Department struck Hamza on the left ear, rupturing his eardrum. Officers searched him but found nothing. He was then taken to his sister's apartment, where police appeared to attempt to plant a small packet of drugs under the bathtub. When his brother-in-law, a former UMVD employee, arrived, the officers abandoned this plan and took him along as well.

They were taken to another apartment building near the Ministry of Land Reclamation and Water Resources. There, officers assaulted a worker who opened the door and forced others to face the wall. Police then claimed to have "found" drugs in the apartment after removing a ceiling light fixture.

That evening, back at the UMVD, officers pressured Hamza to confess that he had purchased drugs for personal use. When he refused, he was taken to the Deputy Head's office, where he was beaten, bound, and subjected to electric shocks. He was struck in the head and groin, pulled by the hair, and tortured intermittently until around 6 a.m. Unable to endure the pain, he signed documents without reading them.

Reportedly, he was later given drugs by an officer to ensure a positive narcological test result. To conceal bruises, officers applied ointment to his body before transferring him on 8 January to a temporary detention facility (IVS), where he was held without medical examination.

On 13–14 January 2019, the Dushanbe City Prosecutor's Office opened a criminal case against several officers and on 16 December 2019 Dushanbe City Court convicted four officials to between 7 and 17 years' imprisonment.

All were banned from holding positions in the Ministry of Internal Affairs for a specified period.

In May 2020, Hamza filed a civil claim against the Ministry of Internal Affairs seeking 200 000 Somoni (approx. 18 000 EUR) in moral damages. The court rejected the claim, stating that the Ministry was not liable for the unlawful acts of its employees and that compensation should be sought from the individual perpetrators. Appeals were dismissed, and a supervisory complaint is currently being prepared for further review.

REHABILITATION

Paragraph 46 of the National Strategy on Human Rights 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.

To date, there is no comprehensive, state-funded rehabilitation system for survivors of torture and their families and, 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. The Coalition provided rehabilitation services to 306 people (148 women and 158 men) from 2015 to 2024. Of these, 147 were victims of torture and ill-treatment, and 159 were family members. Among them were 32 children (all male).

These services are not available across the country and depend on international funding. Members of the Coalition against Torture run projects to train psychologists on the rehabilitation of torture victims. There is a shortage of qualified medical and psychosocial specialists to help victims, particularly in remote regions, and insufficient training available for existing specialists.

Suggested recommendations to the authorities of Tajikistan

Reiterate recommendations included in para. 42 of the 2018 concluding observations of the CAT with a special emphasis on the following points:

- **Ensure the consistent implementation of existing legislation so that victims of torture and ill-treatment receive fair and adequate compensation for both moral and material damages.**
- **Develop, fund and implement a comprehensive state rehabilitation programme for torture survivors and their families. Ensure that all medical professionals, psychologists and social workers involved in the rehabilitation of torture victims receive appropriate training.**
- **Strengthen cooperation between state bodies – particularly the ministries of Health and Social Protection of the Population and the Ministry of Justice – and CSOs, to grant effective rehabilitation to victims of torture.**

- **Consider establishing specialized rehabilitation centers and ensure access for victims from across Tajikistan.**

Excluding evidence extracted under torture (Art. 15)

Article 88 of the Criminal Procedure Code of Tajikistan stipulates that "evidence obtained during the inquiry and preliminary investigation by way of force, pressure, causing suffering, inhuman treatment or other illegal methods, is invalid and cannot form the basis of an accusation." In practice, however, there is no effective mechanism in place to ensure that evidence extracted under duress is excluded from legal proceedings against victims of torture.

During the preliminary investigation and court hearings, defence lawyers file motions to exclude evidence obtained under torture, in accordance with Article 88(1) of the Criminal Procedure Code. However, investigators and judges typically leave these requests unresolved until the end of the investigation or until the court has finished considering the criminal case, when rulings are issued denying satisfaction of such motions.

Suggested recommendations to the authorities of Tajikistan

Reiterate recommendations included in para. 26 of the 2018 concluding observations of the CAT and specifically urge the Tajikistani authorities to:

- **develop practical guidelines for judges on the application of this provision and train judges to support its effective implementation.**

Domestic violence (Art. 2, 12, 13, 16)

Domestic violence against women continues to be widespread across Tajikistan, according to civil society groups. The exact number of cases that become known to the authorities is unclear as the authorities do not publish comprehensive unified statistics on crimes of domestic violence. While individual state bodies periodically issue statistics on domestic violence disaggregated by sex, they do not systematically record the relationship between victims and perpetrators.[31] It is thus difficult to establish a full picture of the problem, which would allow for conclusions and an effective plan of action to be drawn up.

PROVISIONS ON DOMESTIC VIOLENCE IN THE DRAFT CRIMINAL CODE UNKNOWN

During the period under review, a new Criminal Code was being drafted. The timeline for adoption is not known. The draft and updates have not been routinely shared with civil society over the years and CSOs have no access to the current draft.

31 see *https://iphronline.org/wp-content/uploads/2024/03/eng-tajikistan-dv-report-march-2024.pdf.* The Ministry of Internal Affairs tracks statistics of the cases of DV with which they work. Judicial statistics on GBV crimes, including DV, are not publicly available and fail to disaggregate cases by the relationship between the victim and the perpetrator. Some judicial statistics on gender-based crimes (e.g. sexual violence, harmful practices) are published in national reports submitted to the UN statutory and treaty bodies.

The most recent draft available to civil society in 2021/2022 included a separate article on domestic violence (Article 153), which penalizes physical violence, isolation, intimidation, control, economic deprivation, and neglect. However, the draft article reportedly did not encompass all forms of violence recommended by UN bodies, notably all forms of psychological violence, marital rape, and sexual assault. Penalties proposed under Article 153 include fines, correctional labour, or up to 40 days of detention for minor harm inflicted on a family member. More severe acts, such as causing harm to multiple family members, moderate harm, or violence against a pregnant woman, minor, or vulnerable individual, could lead to up to three years in prison. However, advocates argue that these punishments are insufficient and should align with penalties for comparable crimes committed outside the home to ensure appropriate deterrence.

During the review of Tajikistan by the UN Committee on the Elimination of Discrimination against Women (CEDAW) in February 2024, Justice Minister Muzzafar Ashuriyon stated that the revised Criminal Code could impose up to 10 years' imprisonment for severe domestic violence, particularly in cases involving sexual violence.[32]

At the same time, civil society experts expect sanctions under a number of provisions in the draft Criminal Code to be significantly more lenient than those in the current Criminal Code, as the draft is intended to humanise criminal policy, including through the mitigation of penalties and the decriminalisation of certain acts.

AMENDMENTS TO THE LAW ON THE PREVENTION OF DOMESTIC VIOLENCE

In 2024, significant amendments were introduced to the Law on the Prevention of Domestic Violence (as amended on 20 June 2024 and on 13 November 2024), including the introduction, in Article 1, of an expanded definition of domestic violence, which now includes not only physical, psychological, sexual, and economic violence, but also neglect. This wording may apply in cases of neglect involving children, elderly persons, and persons with disabilities who are family members. The inclusion of neglect and moral harm ensures a higher level of legal protection for persons in dependent situations who may be subjected to violence without explicit physical abuse.

The concept of "humiliation of dignity" has been introduced, which is important for qualifying systematic psychological pressure, verbal abuse, and emotional suppression as forms of domestic violence, even in the absence of bodily injury.

The revised article provides for moral harm as one of the consequences of violence, thereby expanding opportunities for the protection of victims, including access to compensation mechanisms, psychological assistance, and social support measures.

The definition now also includes the phrase "violating or capable of violating rights and freedoms," allowing intervention at early stages of violence—before serious harm to health occurs – through protective orders, warnings, and other preventive measures.

Importantly, the amendments include forced or intentional deprivation of liberty, reflecting practices such as isolating victims, restricting their movement, prohibiting communication with relatives, and limiting

32 *https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhskcAJS%2FU4wb%2BdIVicvG05RyLdsQnsnsPToAlkb%2Fw8QtNsjX1Pwh5J5Cjg1bAOdNbgKGwar43KBcqhc6vdvUfsKq%2FmajKSBIYXGT2PH%2FkT08s*

access to resources. This is particularly significant given existing negative practices and stereotypes regarding women in Tajikistan.

The definition of psychological domestic violence has also been substantially revised. The new wording encompasses a broader range of conduct, including threats of physical, sexual, and economic violence; psychological pressure as an independent form of abuse; humiliation of honor and dignity; inducement to commit offences; and harm to personal development.

The revised definition introduces the category of persons "cohabiting and maintaining a joint household," thereby expanding the circle of protected persons to include partners in de facto marital relationships; former partners who continue to live together; and other relatives residing in the same household. This provision was previously mentioned in Article 4 of the Law but has now been further reinforced. In addition to consequences such as harm to mental and physical health and personal development, the new definition adds "violation of rights and freedoms," linking psychological violence not only to developmental harm but also to restrictions of fundamental rights.

Article 6 has been significantly amended to guarantee free medical assistance; establish the right to compensation for moral and material harm; expand the list of authorities to which victims may apply; and strengthen the restorative and rehabilitative focus of protection.

With regard to the protection of children in cases of domestic violence, amendments to Article 11 now require internal affairs bodies to notify the relevant Commission on the Protection of Children's Rights of every case of domestic violence in which a child has been affected.

INSUFFICIENT SUPPORT FOR VICTIMS OF DOMESTIC VIOLENCE

Since 2018, the government has made some progress on the provision of medical care, safe housing and counselling services to victims of domestic violence. For example, in August 2021, a Republican Centre for Social Services for Victims of Human Trafficking and Domestic Violence was opened under the Ministry of Health and Social Protection of the Population. A shelter operates under the centre, which provided temporary help to 14 women with children in 2021, and 68 people in the first nine months of 2022, including in 56 cases of domestic violence. During the Covid-19 pandemic, 10 new medical rooms for domestic violence survivors were opened in addition to the 12 rooms already in operation, and specialised services were provided to 26 female domestic violence survivors. However, the sustainability of these services remains a concern, as only limited funding is allocated from the state budget, with most coming from short-term, project-based funding from international donors. The state is working with two CSOs in the southern Khatlon region and in Dushanbe to provide services to survivors of domestic violence.

Despite these steps, research in 2023 by IPHR[33] and partners indicated that the overall situation for victims of domestic violence in Tajikistan has not changed; that the government has failed to provide sufficient financial means to ensure that women victims of domestic violence have access to a shelter in all parts of Tajikistan. The state has failed to implement nationwide structural reforms that would demonstrate that it takes the problem of domestic violence seriously, and will hold perpetrators accountable and invest the necessary funds and other resources in victim protection initiatives.

33 *https://iphronline.org/wp-content/uploads/2024/03/eng-tajikistan-dv-report-march-2024.pdf*

INADEQUATE EMERGENCY POLICE RESPONSE

Officials in Tajikistan often demonstrate limited understanding of the gendered nature of domestic violence. Police responses frequently fail to support victims, with reports of officers pressuring women to reconcile with abusive spouses rather than investigating incidents of violence. There are critical gaps in the police Instructions which, experts report, prioritise preventive measures over accountability. The officers responsible for responding to emergencies are mainly local police officers and special gender-violence prevention police inspectors (17 of whom work across Tajikistan). However, there are not enough police officers - particularly in remote, rural areas. Victims continue to report being mocked or dismissed outright by some law enforcement officers, or pressured by the police to reconcile with the perpetrator, highlighting a critical gap in institutional response and awareness necessary to protect victims and uphold justice.

For example, there are significant gaps in instructions for police.[34] Experts interviewed by IPHR noted that it prioritizes "preventive measures" over accountability in cases of domestic violence (para. 4 of the police instructions), without establishing clear standard operating procedures or risk assessment guidelines. The definition of "violence in the family" is limited to married couples, excluding other intimate relationships, and the text repeatedly refers to "conflicts" rather than violence, emphasizing "preservation of the family" and preventive measures to "strengthen the family" (para. 6). For example, officers are instructed to determine "who started the conflict and where it started" (para. 23), framing domestic violence as a mutual dispute rather than recognizing its gendered nature, power imbalances, and patterns of coercive control. This approach falls short of international standards and a victim-centred framework.

In the majority of cases, protective orders issued by police are ineffective because victims are economically dependent on the perpetrator or his family, lack alternative accommodation, and are unable to obtain legal assistance or access rehabilitation services.

When women attempt to pursue justice, they face numerous obstacles. Only domestic violence offences which result in serious injury are prosecuted ex-officio by the state, and women victims of minor bodily harm are required to pursue complaints as "private prosecutions" through the ordinary criminal courts. This system puts the burden on victims and hinders both effective protection for victims as well as their access to justice.

For example, if a victim of domestic violence who has sustained "minor injuries" turns to the police for help, they often advise her to pursue the court complaint herself. This means that the victim must find and pay for a lawyer to file a court complaint and gather the necessary evidence (medical examination conclusions and witnesses).

Although by law, victims of domestic violence are exempt from paying for a medical examination if they have an official referral, in practice even women involved in criminal proceedings against their abusers have to pay if they want to obtain proof of their injuries. If the woman is referred for a medical examination by the police, the medical findings are often sent directly to the police station and not to the victim herself. Without an official referral, victims have to pay.

Often, victims of domestic violence face double victimisation by: being mocked by police officials when they ask for help to file a complaint; having to find and fund a lawyer to lodge a private complaint with

34 Instruction on Preventing, Eliminating and Responding to domestic violence for police officers, Internal Ministry of Internal Affairs (MVD) document.

the court and gathering the necessary evidence by way of medical examination and witness accounts because most domestic violence cases have to be initiated by the victims and they carry the burden of proof; facing pressure from police and courts to reconcile with the abuser; having to find a safe place to stay and the resources to build a new life without support from the state.

Tahmina[35] married in 2002. In 2003, the marriage was dissolved by court order due to systematic beatings and humiliation by her husband. In 2009, the marriage was re-registered after he promised to change his behaviour. Despite the reconciliation, the violence resumed and continued over many years.

Between 2021 and 2024, Tahmina underwent six forensic medical examinations. On each occasion, her injuries were classified as minor or as not causing harm to her health. Nevertheless, the violence was regular and long-standing. In 2021, Tahmina reported the abuse to the police, and a 15-day protection order was issued prohibiting her husband from approaching her. Once the order expired, he resumed the violence.

In November 2024, following repeated complaints by Tahmina and her lawyer, the police conducted a review but refused to initiate criminal proceedings, citing the minor nature of the injuries. The authorities failed to assess the systematic character of the abuse which spanned several years and did not consider qualification under Article 117 of the Criminal Code (torture/ill-treatment), where the key element is the systematic infliction of suffering rather than the severity of bodily harm. No administrative proceedings were initiated under the Law "On the Prevention of Domestic Violence,". As a result of police inaction, the six-month statute of limitations for administrative liability expired, and the perpetrator avoided both administrative and criminal responsibility. Police officers informally asserted that at least three incidents of battery within one calendar year were required to initiate proceedings under Article 117; however, such a requirement is not foreseen by law and is an arbitrary interpretation of the provision.

Tahmina's lawyer repeatedly requested copies of the refusals, filed complaints with district, city, and General Prosecutor's Offices, and challenged the inaction of the authorities, pointing to procedural violations and delays. Although one refusal decision was eventually annulled by the prosecutor and returned for additional review, the investigator again refused to initiate criminal proceedings on 16 October 2025.

The initial review of Tahmina's complaint was conducted by an Inspector for the Prevention of Domestic Violence, who has limited preventive functions and is not authorized to carry out a full criminal investigation or make procedural decisions in cases requiring preliminary investigation, including under Article 117 of the Criminal Code. This procedural irregularity further undermined the effectiveness of the response.

Due to sustained emotional pressure, repeated attempts by law enforcement officials to persuade her to reconcile, prolonged delays, and pressure from her four children to discontinue the process, Tahmina ultimately withdrew her complaint.

35 Not her real name for security purposes.

SEXUAL VIOLENCE AGAINST CHILDREN

Tajikistan has significant systemic shortcomings in responding to sexual violence against children. Criminal investigations are undermined by weak inter-agency coordination among law enforcement, social services, education, and health authorities. There is a lack of consistent, comprehensive standards for assessment of a child's living conditions, and family environments are often treated formally rather than critically, even where serious risk factors are present. Systematic violence frequently remains undetected for long periods, and clear warning signs – such as child pregnancy – do not automatically trigger urgent, coordinated interventions. Mechanisms for early prevention and child protection in cases of intra-family violence are insufficient and inefficient.

Serious procedural problems also exist around interviewing child victims of sexual violence. There is a high risk of re-traumatization due to repeated questioning without the use of child-sensitive methods. Specialized child-friendly interview rooms are not sufficiently available and/ or underused, psychologists are not consistently involved throughout investigative actions, and video recording of initial interviews is not used systematically – leading to unnecessary repeat questioning of child victims. In cases of intra-family child abuse, children are particularly vulnerable to pressure from relatives, yet safeguards to ensure independent representation and protection from contact with the alleged perpetrator are inadequate.

The law does not allow victims, including child victims of sexual violence, to obtain state-funded legal aid in either criminal or administrative proceedings. In practice, access to legal assistance depends on support from civil society organizations.

Suggested recommendations to the authorities of Tajikistan

Reiterate recommendations included in para. 48 of the 2018 concluding observations of the CAT and specifically or additionally urge the Tajikistani authorities to:

- **Introduce a separate article in the Criminal Code on "Domestic Violence," to criminalize psychological violence (threats, coercive or controlling behaviour, stalking etc), economic violence, marital rape and sexual assault.**
- **Reclassify Articles 112 ("intentional infliction of slight harm to health") and 116 ("beating") of the Criminal Code as public prosecution cases.**
- **Amend the definitions of domestic violence in the Law "On Prevention of Domestic Violence", to include children who witness domestic violence as victims.**
- **The Plenum of the Supreme Court should adopt a resolution providing guidance to courts on adjudicating cases of gender-based violence, including sexual violence. Such guidance should, inter alia, comprehensively address the nature, form, and causes of gender-based violence, including power and control dynamics and gender inequality.**
- **Amend legislation to ensure that victims of gender-based violence including children are entitled to free quality legal assistance in criminal, administrative and civil cases.**
- **Victims should be guaranteed psychological and legal assistance at all stages of proceedings, and all pressure on victims for "reconciliation" should be ceased.**

- **Provide and adequately fund a sufficient number of shelters across the country, medical treatment and temporary housing for victims of domestic violence; and increase the number of gender-specialized police officers, particularly in rural areas.**
- **Actively promote the recruitment and appointment of women judges.**

Sexual violence against children

- **Strengthen inter-agency coordination mechanisms.**
- **Introduce automatic emergency response procedures in cases such as child pregnancy.**
- **Reinforce the role of child protection services in identifying and responding to intra-family violence. It should ensure that child victims are interviewed only once, in a specialized setting, with mandatory video recording and the continuous participation of a psychologist and prohibit confrontations between child victims and alleged perpetrators.**
- **Provide systematic training for investigators and prosecutors on child-sensitive procedures and the handling of digital evidence in sexual violence cases.**
- **Guarantee state-funded legal aid for child victims of sexual violence.**

LGBT people subjected to torture, ill-treatment, discrimination (Art. 2, 7, 12, 13, 16, 17, 26)

During visits to Tajikistan in 2016/17, November 2023 and November 2025, IPHR documented dozens of credible cases of police intimidating, physically or sexually abusing, arbitrarily detaining and extorting LGBT people, particularly gay and bisexual men and trans women.[36] During the period under review, police also continued to threaten individuals with outing them to family members, neighbours, employees, colleagues or others or with bringing criminal charges unless they pay bribes or share the contact details of other homosexual or bisexual acquaintances for extortion purposes. When held in detention, police have frequently confiscated the mobile phones of individuals without a court order, systematically checked private correspondence and social media accounts, and subsequently brought charges for "Illegal production and circulation of pornographic materials or objects". Police also threatened individuals to distribute private photos as a means of intimidation and copied contact details from the confiscated phones to target and intimidate other members of the LGBT community, particularly gay men, bisexual men, and trans women.

Organisations that defend the human rights of LGBT people as well as lawyers taking up LGBT cases remain at risk of persecution. As a result, there are no groups in Tajikistan that publicly promote LGBT rights and very few lawyers are prepared to defend LGBT people. Lawyers who themselves belong to the LGBT community are particularly vulnerable to persecution.

36 For further information on human rights violations LGBT people are subjected to in Tajikistan, refer to the report, entitled Rights for all? LGBT persons in Tajikistan systematically denied human rights, issued by IPHR in February 2024: *https://iphronline.org/wp-content/uploads/2024/02/tajikistan-lgbt-report-2024-eng.pdf*

NO POLITICAL WILL TO ACKNOWLEDGE AND ADDRESS HUMAN RIGHTS VIOLATIONS AFFECTING LGBT PEOPLE

Although key patterns of violations including discrimination against LGBT persons in all spheres of life, as well as police abuse, arbitrary detention and extortion have repeatedly been raised by international human rights groups and intergovernmental organizations, including the CAT, in recent years, the Tajikistani authorities have failed to address them. While Tajikistan has integrated many recommendations from UN treaty bodies on other human rights concerns into its National Strategy on Human Rights and relevant national action plans and programmes, not one of the LGBT-related recommendations has been incorporated.

To date, the Tajikistani authorities have not recognized the vulnerability of LGBT people in the country. They have not published information on any targeted measures to prevent torture and other forms of ill-treatment of LGBT people and have not included this group in national plans and mechanisms for the prevention of torture. The absence of any reference to sexual orientation and gender identity in the State party's report to the CAT indicates a systematic disregard for the specific risks faced by LGBT people.

The authorities' removal of "gender identity" and "sexual orientation" as prohibited grounds for discrimination from the draft Law on Equality and Elimination of all Forms of Discrimination (Anti-Discrimination Law) before its adoption in July 2022, additionally illustrates the lack of political will to commit to countering the glaring discrimination faced by LGBT people. Instead, representatives of the authorities have on several occasions publicly presented LGBT people as alien to Tajikistan's culture and values and portrayed the government as the upholder of morality and tradition.

VIRTUAL IMPUNITY FOR HUMAN RIGHTS VIOLATIONS AFFECTING LGBT PEOPLE

LGBT people rarely lodge complaints about torture, ill-treatment or other human rights violations due to fear of reprisals and exposure of their sexual orientation or gender identity. There is no functioning mechanism in place that would protect complainants and witnesses who identify as LGBT or raise LGBT issues. The CAT has previously emphasised that States are obliged to take preventive measures in relation to groups at increased risk, even in the absence of a large number of official complaints. To our knowledge, no such steps have been taken. The exact number of investigations or prosecutions of law enforcement officials for actions against LGBT people is not known as the authorities have never published such information.

Local CSOs documented a small number of cases in which LGBT people lodged complaints about police abuse and violations of legal safeguards. Thanks to strong legal support, in one case the actions of police officers, including arbitrary detention, abuse of authority and procedural violations during interrogations, were recognised as unlawful and disciplinary sanctions were imposed on one law enforcement officer in the period under review.

FORCED HIV TESTING AND ARBITRARY PUNISHMENT

During raids in 2022 and 2023, police subjected numerous LGBT persons to forced HIV testing. Incidents of forced HIV testing or demands to hand over HIV test results reportedly continued in the course of detentions in 2024 and up to the time of writing. Those who tested positive were charged with "putting another person at risk of infection with human immunodeficiency virus" (Article 125, part 1 of the Criminal

Code) or released after being made to pay large bribes to the police. This happened even in cases where the accused was not infectious due to regular antiretroviral treatment or where sexual partners stated that they had no claim against the accused.

There have been initiatives to protect people living with HIV from arbitrary punishment. On 26 December 2023, the Plenum of the Supreme Court adopted a document to provide guidance to judges when considering cases opened under Article 125. For example, the document stipulates the need to establish whether the accused underwent regular antiretroviral treatment, whether the virus count was below the risk threshold and whether protective measures were used such as male or female condoms.

However, the judicial practice with regard to cases opened under Article 125 has not changed. In 2024, the courts considered more than 60 criminal cases under Article 125, and in none of the cases did the judge apply the decision of the Plenum of the Supreme Court. According to civil society sources, not a single case of a person who had been convicted before the Supreme Court guidance was issued has been reviewed.

TRANS PEOPLE FACE ADDITIONAL PROBLEMS

Trans people face additional problems when the individual's appearance is not consistent with the name and sex indicated in their passport. It is then impossible to find a legal job, open a bank account, study at university or vote and they may encounter problems from border guards when wishing to leave the country. Many trans people thus end up engaging in sex work to make ends meet and to earn money to pay for hormones and medical procedures. National legislation provides for amending identity documents following sex reassignment surgery but, according to a reply from the Ministry of Health and Social Protection of the Population to a request submitted by Larisa Alexandrova, a Tajikistani gender expert, dated 15 October 2020, no sex reassignment surgeries are available in Tajikistan.

Suggested recommendations to the authorities of Tajikistan

Reiterate recommendations included in para. 50 of the 2018 concluding observations of the CAT and specifically or additionally urge the Tajikistani authorities to:

- **Amend the Law on Equality and Elimination of all Forms of Discrimination, to ensure that it explicitly bans discrimination on the grounds of "gender identity", "sexual orientation", and "HIV status".**
- **Ensure that LGBT people who lodge complaints about human rights violations including torture, ill-treatment, extortion, misuse of personal data and forced HIV testing, as well as witnesses are protected from reprisals.**
- **Prohibit and stop mandatory HIV testing by law enforcement agents without free and informed consent.**
- **Stop the seizure and use of mobile phones and digital data for the purpose of intimidation or persecution.**

Torture and ill-treatment in the army (Art. 1, 2, 12, 13, 16, 17, 26)

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 ill-treatment of soldiers.

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.

In 2024 and 2025, the CSO “Office of Civil Freedoms” documented cases involving the deaths of military personnel, the infliction of serious bodily harm in military units, and the practice of pressuring the relatives of conscripts, which point to continuing risks of torture and ill-treatment in the army. The existence of such incidents, as well as concerns regarding the effectiveness and transparency of investigations, continue to raise questions about the full implementation of international obligations.

During the reporting period, five separate cases were documented involving either the death of or serious bodily harm to military personnel, as well as 17 complaints concerning the detention or holding of parents of conscripts.

Of the five documented cases, two 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 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.

Additionally, in 2024, eight complaints were documented, and in 2025, nine complaints were recorded concerning the detention or holding of parents of conscripts in order to pressure their children to report for military service. The total number of such complaints over the two-year period was 17.

The documented cases point to the existence of 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

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

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. There have been cases in which officials from military commissariats forced mothers to call their sons while intimidating, verbally humiliating, or threatening them during video calls in order to pressure the sons to return. Reportedly, there have also been cases where parents were threatened with sexual or other physical abuse. In cases involving fathers, physical force has reportedly been used, including slapping and pushing, again with the purpose of pressuring sons into returning for conscription.

Such practices amount to coercion and may constitute torture or cruel, inhuman or degrading treatment under international law, particularly as they are reportedly carried out by acting in an official capacity.

Suggested recommendations to the authorities of Tajikistan

Reiterate recommendations included in para. 46 of the 2018 concluding observations of the CAT and specifically or additionally urge the Tajikistani authorities to:

- **Establish and guarantee the functioning of safe, confidential, and accessible complaint mechanisms for servicemen and their relatives.**
- **End the practice of detaining and pressuring parents or other individuals in order to force young men to report for military service.**
- **Provide relatives with access to information on the progress and results of investigations into investigations of torture and other forms of ill-treatment.**

PLACES OF DETENTION (ART. 11, 16)

The authorities have not ratified the Optional Protocol on the Convention Against Torture (OPCAT), citing financial limitations. The International Committee of the Red Cross has not had access to detention facilities in Tajikistan for the purpose of monitoring since 2004.

In a positive development, the State Department for the Implementation of Punishment (GUIN) gave member organizations of the Coalition against Torture access to all penitentiary institutions to carry out independent monitoring, starting in 2024, except for facilities for lifers. However, this access is not provided by law and depends on the will of GUIN officers. Representatives of the Ombudsperson's Office also carry out visits to detention facilities, but the Office is not fully independent.

Following the adoption of the Strategy for Reforming the Penitentiary System in 2020, noteworthy progress has been made. For example, GUIN has taken concrete steps to revise the normative legal acts regarding disciplinary measures, and has prohibited forced treatment and feeding, in accordance with international human rights standards. This process is supervised by a special working group with the active participation of CSOs.

The Strategy also 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. The Strategy

also envisages the establishment of a Training Centre, to be tasked with developing an effective system of continuous education and training for prison staff. At present, individual training is conducted with the assistance of international and national CSOs.

In 2023, active work on the establishment of the Training Centre for GUIN staff began. The GUIN was given some land upon which to build a training centre and some small financial resources, which were insufficient to cover the necessary costs. A working group of GUIN staff and civil society institutions was established. In cooperation with the HFHR and the Polish Penitentiary System, a strategy for the development of the Training Centre, a curriculum, and training of the Training Centre's teachers are being developed.

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 had been removed from the draft Criminal Code before it was submitted to Parliament.

In another positive example of state cooperation with civil society, a member organization of the Coalition against Torture has collaborated with GUIN to develop a draft rehabilitation programme for prisoners; supported GUIN in improving medical care in the women's colony and providing specialised rehabilitation services for women prisoners; and promoted the integration of the Istanbul Protocol standards into the internal documentation of both public healthcare institutions and prison medical services.

However, despite these positive steps, 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.

The prison population has increased since 2008. Crucially, the increase has not been matched by appropriate investment in the criminal justice system. The authorities do not systematically publish statistics on the number of prisoners and when information is made available, it does not contain details such as the number of prisoners per detention facility; cases of deaths in custody; nor a breakdown by sex. The authorities typically claim that it is impossible to corroborate accurate statistics due to ongoing prisoner transfers, i.e. of new convicts into penitentiary institutions as well as prisoner releases.

In recent years, international sources put the number of prisoners at 14 000 people as of 1 July 2022.[37] In January 2024, official figures indicated that more than 13 556 convicted individuals were held in prisons, with an additional 1355 people held in the 19 pre-trial detention centres totalling 14 911 individuals. Of these, 14 466 are men, 455 are women, 134 are minors, and 244 are foreign nationals.[38] In his January 2025 report, the Ombudsman stated that 15 600 inmates had been tested for HIV but it remains unclear whether this figure represents the total population incarcerated.[39] This figure nevertheless confirms that detention facilities exceed the official legal capacity of several institutions.

Amnesties are traditionally announced on national holidays like Constitution Day or Independence Day, with the most recent in September 2021, which affected around 16 000 people; with 10 700 being released from serving the remainder of their sentences.[40] No further large-scale amnesties have been

37 *https://www.prisonstudies.org/country/tajikistan*

38 *https://www.ombudsman.tj/files/2_____2023.pdf*

39 *http://www.ombudsman.tj/files/1-2025.pdf*

40 *https://longreads.cabar.asia/amnesty, https://asiaplustj.info/ru/news/tajikistan/power/20210906/parlament-tadzhikistana-prinyal-zakon-ob-amnistii*

implemented since then, despite significant overcrowding and deteriorating prison conditions. In 2025, in honour of the Navruz celebration, the President pardoned 897 prisoners who had been sentenced to imprisonment, in accordance with Article 69 of the Constitution of Tajikistan.

The Ombudsperson's 2023 report also noted that detention and correctional facilities consistently exceed legally mandated capacity limits. Multiple sources confirm severe overcrowding, with facilities operating far beyond intended capacity and providing less than 2–2.5 m² per detainee, the minimum space allowed in domestic legislation. The European Committee for the Prevention of Torture requires at least 4 m² in shared cells and 6 m² in single cells.

Former prisoners describe barrack-type accommodation, closely stacked bunk beds, poor ventilation, and unsanitary conditions. In March 2023, Abdusattor Pirmuhammadzoda, a prominent blogger serving a seven-year prison term, reported that approximately 60 prisoners were kept in one cell and the water given to prisoners was not drinkable in the Khujand prison where he was incarcerated.[41]

Inspections and monitoring by the Ombudsperson in 2023/4 revealed that the capacity was exceeded by some 600 inmates in three correctional facilities run by GUIN.[42]

In 2024, the Ombudsperson reported visiting the correctional facility YAS3/4 and the investigation isolation prisons YAT9/1 and YAT9/5 under the GUIN in Dushanbe and in the city of Istravshan in the Northern Soghd region; temporary detention centres in the Darvozsky, Vanchski and Ishkashim regions of GBAO and in the town of Istiklol and other towns and regions of the Soghd region. The Ombudperson's report concluded that detention conditions in closed and semi-closed institutions had noticeably improved, despite ongoing concerns.

In 2024, the Monitoring Group of the Coalition Against Torture conducted visits and examined prison conditions and access to medical care in eight institutions. The group found that prisoners had limited access to medical care as there was a shortage of specialized doctors and other medical personnel. They also lacked basic medical equipment such as antiseptics and specialized medicines. Given the limited financial resources allocated to the GUIN, the agency sought to address these challenges by involving convicted doctors in medical units and requiring convicts and their relatives to bear the cost of certain medicines. However, these measures gave rise to additional human rights concerns. These included risks to the safety and quality of medical services provided by convicted doctors; the possibility that their sentences might not be reduced, or that they could be transferred – for example, to settlement colonies – due to shortages of medical personnel; breaches of medical confidentiality and prisoners' right to privacy; and potential discrimination against low-income prisoners and those belonging to vulnerable groups.

The Monitoring Group also documented serious shortcomings regarding prison conditions. In particular, it documented poor hygiene standards, a lack of basic personal hygiene facilities, and inadequate food provision, largely due to the inability to serve diets in accordance with medical requirements. There are credible reports that those prisoners who do not receive food parcels from outside often have no other choice but to carry out services for wealthy prisoners including preparing food, doing the laundry, as well as sexual services.

Detention facilities are frequently ill-equipped to cope with climatic conditions, e.g. insufficient ventilation

41 *https://www.ozodi.org/a/32326844.html*

42 By 300 individuals in the correctional facility YAS 3/4, by 162 in YAS 3/7, and by 136 in YAS 3/3.

and lack of shelter in outdoor areas during the summer, as well as poor heating in winter.

The Group further noted that prison staff operate in challenging working conditions including excessive workloads resulting from overcrowding; wages that are inadequate given the difficulty and risks associated with the work; insufficient rest between shifts; minimal leave and limited or non-existent access to professional psychological support and rehabilitation.

The authorities have not implemented any of the recommendations made by the CAT in its concluding observations in 2018 with regard to prisoners serving life sentences (para. 38). The living conditions for prisoners serving life sentences continue to be worse than those of other inmates. Lifers are 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 through a glass panel and talking by phone.

VIOLENT INCIDENTS IN CLOSED INSTITUTIONS

Harsh detention conditions, lack of transparency, and limited independent oversight of penitentiary institutions contribute to recurring violent incidents in prisons. The absence of effective external monitoring mechanisms has allowed abuses and poor conditions to remain largely hidden, increasing tensions within closed institutions and occasionally resulting in riots and violent clashes between inmates and prison staff.

In November 2018, a riot in a high-security prison in Khujand resulted in the deaths of 21 prisoners and two prison staff members, while five additional guards were injured. Following the incident, 33 prisoners were prosecuted, and nine prison officials, including the prison director, were reportedly convicted for negligence. In May 2019, a riot occurred in Penal Colony No. 3/2 in Vahdat, where inmates took staff members hostage. The violence left three prison staff members and 29 prisoners dead before security forces suppressed the uprising. Subsequently, the Supreme Court increased the sentences of 28 prisoners accused of involvement in the incident.

More recently, on 3 February 2025, another violent incident occurred in the same Vahdat penal colony (No. 3/2). According to the Ministry of Justice, nine prisoners attacked staff members using improvised weapons, injuring three guards. Prison authorities responded with firearms, reportedly killing three inmates and detaining the others. However, independent sources suggested that the number of prisoners killed may have been higher, with some civil society groups reporting that at least ten inmates may have died.

A further incident was reported on 31 January 2026 in the Khujand pre-trial detention facility, where gunfire during a confrontation between detainees and prison staff resulted in the deaths of three prisoners and injuries to several staff members. Tajikistan's Prosecutor General later confirmed the deaths, stating that the detainees had attacked staff members and ignored orders to stop, after which they were "neutralized" – a term frequently used by authorities instead of explicitly acknowledging that detainees were shot and killed. Independent sources reported that the bodies of three deceased prisoners and one injured detainee were transported from the facility.

These repeated incidents highlight systemic problems within Tajikistan's penitentiary system, including overcrowding, harsh detention conditions, insufficient transparency, and the absence of regular independent monitoring of closed institutions.

DEATHS IN CUSTODY

According to the Ombudsperson's 2024 report, in 2023, a total of 53 inmates died in custody, a slight decrease from the 61 deaths reported in 2022.[43] Authorities attributed most deaths to cardiovascular disease, diabetes, and cancer, but there are also allegations that torture, ill-treatment, and medical neglect contribute to the high mortality rates.

For the ten months of 2025, at least six inmates reportedly died due to inadequate medical care, including: Kulmamad Pallaev (50 years old) – January 2025; Bogsho Imatshoev, (67 years old) – February 2025; Aslan Gulobov (35 years old) – June 2025; Muzaffar Davlatmirov (61 years old) – June 2025; Eronsho Mamadrahimov (39 years old) – July 2025 and Zubaydullo Rozik (83 years old) – September 2025.[44]

Relatives of the deceased reported that they all suffered from serious illnesses but were denied adequate medical assistance, ultimately leading to their deaths. These cases illustrate the ongoing failure of the penitentiary system to meet even minimum health and human rights standards.

Suggested recommendations to the authorities of Tajikistan

Reiterate recommendations included in paras. 24, 28e-f, 34, 36, 38 of the 2018 concluding observations of the CAT and specifically or additionally urge the Tajikistani authorities to:

- **Give permission to CSOs to monitor all pre-trial detention facilities as well as facilities for prisoners serving life imprisonment.**
- **Introduce legislation authorizing CSOs to carry out independent monitoring of all places of deprivation of liberty, with full access and the right to conduct confidential interviews with any detainee of their choosing.**
- **Publish comprehensive statistics on the number of individuals presently held in detention facilities and prisons in Tajikistan, disaggregated by facility.**
- **Publish comprehensive statistics on deaths in custody, any investigations, prosecutions and court cases involving deprivation of life in custody.**
- **Establish an effective, accessible, confidential and independent system for receiving and processing complaints of torture or ill-treatment, in all places of detention, to ensure that complaints are promptly, impartially and effectively investigated and that the complainants do not suffer any reprisals.**
- **Put an end to the harsh conditions, including strict regimes and isolation in small, dark and unventilated cells, of prisoners serving life sentences.**
- **Introduce a probation system and alternative, non-custodial criminal penalties, in line with the Strategy for Reforming the Penitentiary System.**

43 *https://www.ombudsman.tj/files/2_____2023.pdf*

44 *https://www.civicus.org/index.php/media-resources/news/7795-tajikistan-end-systematic-repression-of-pamiri-people* and *https://rus.azathabar.com/a/v-tadzhikistane-v-tyurme-skonchalsya-zubaydullo-rozik-byvshiy-chlen-rukovodstva-pivt/33539976.html*