



UNCT submission for the 2021 Universal Periodic Review of Tajikistan (3rd cycle)

March 2021

I. INTRODUCTION

1. This report is a joint undertaking of the UN Country Team (UNCT)¹ in Tajikistan prepared in accordance with resolutions 5/1 and 16/21 of the Human Rights Council. The report does not aim at providing a comprehensive overview and should be read in conjunction with other sources of information.

II. BACKGROUND AND FRAMEWORK

Scope of international obligations:

2. Tajikistan has acceded to 11 out of 18 core UN human rights treaties and their optional protocols. The Convention on the Rights of Persons with Disabilities (CRPD) was signed in 2018 but not ratified yet.
3. Since 2017, the Presidential Administration has been coordinating the development of a National Human Rights Strategy up to 2030 focusing on strengthening social protection for vulnerable groups, eliminating discrimination, ensuring equality, fundamental freedoms and economic and social rights. Currently, the Government is working on the corresponding national action plan (NAP).
4. The Covid-19 pandemic has had a negative impact on the enjoyment of human rights in Tajikistan, especially economic and social rights. Despite reports in social media about Covid-19 infections and associated deaths in the country,² the Government announced the existence of Covid-19 only on 30 April 2020. Temporary measures were introduced to prevent the pandemic, including the closure of international flights, mosques, markets (except food) and schools during the summer, but infections spread. Although the Government attributes only 90 deaths in total to Covid-19, there were 8,649 more deaths³ in Tajikistan in 2020 than in 2019, pointing to an excess, which can be attributed to Covid-19. The Government introduced a number of social protection schemes to address vulnerabilities due to Covid-19, but they have been insufficient. During the pandemic, CSOs have been quite active in helping medical workers and people in need.
5. Despite the measures on raising awareness of the international human rights law, international human rights treaties are rarely invoked by domestic courts. The absence of effective mechanisms and legal procedures for the full implementation of Views of the Treaty Bodies (TBs)⁴ remains a challenge. Authorities consider Views of the Treaty Bodies as non-binding recommendations.⁵

Constitutional and legislative framework:

6. In May 2016, Tajikistan held a nationwide referendum to change the Constitution. The new Constitution formally strengthened the independence of the judiciary, however, judges remain under excessive control of the executive authorities.

III. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

Cooperation with the UN Human Rights Mechanisms (UN HRMs):

7. Tajikistan adopted the NAP on the Implementation of Recommendations by UN Member States under the Universal Periodic Review for 2017-2020. According to the evaluation conducted by CSOs in 2020, out of 33 clauses of the NAP on UPR, five were implemented, five not implemented, and more than twenty were in the process of implementation.⁶

8. Following the TBs reviews,⁷ Tajikistan has adopted relevant thematic NAPs. Nevertheless, effective implementation of human rights obligations and recommendations is undermined due to the lack of clear indicators, absence of sufficient budget allocations and effective follow-up mechanisms. As of March 2021, Tajikistan has no overdue reports to the TBs.
9. Despite UPR and TBs' recommendations, Tajikistan has not issued a standing invitation to the UN Special Procedures (SPs). No further steps have been taken to implement the WGEID recommendations after the WGEID visit in July 2019.

IV. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Commissioner for Human Rights

10. In 2016, following the Sub-Committee on Accreditation (SCA) and UN HRMs' recommendations, the *Law on the Commissioner for Human Rights* was amended to bring the institution closer to the Paris Principles. However, limited progress has been achieved, inter alia, regarding the mandate, selection and appointment procedure and funding of the Commissioner for Human Rights (CHR) as the Government failed to achieve full compliance with fundamental standards related to the National Human Rights Institution's independence. The President still appoints the CHR with the consent of the Parliament, and the selection process is neither transparent nor participatory. The CHR also lacks human and financial resources. To strengthen its capacity, the CHR also launched a technical cooperation programme with OHCHR.
11. **Recommendation:** 1. *Revise the Law on the Commissioner for Human Rights and take further steps to implement SCA and UN HRMs recommendations on bringing the CHR in full compliance with the Paris Principles.*

Access to justice. Independence of the judiciary

12. **Key issues:** Despite several stages of legal and judicial reforms, the judiciary still lacks the independence to enforce the right to a fair trial. The role of the executive branch remains significant in the appointment of judges and budget allocations. Court decisions are not always accessible to the public. Not all court hearings, especially those related to extremism, are open to the public. Judicial Reform Programme for 2019-2021, the same as previous programmes, does not address many recommendations of UN HRMs,⁸ including security of tenure and decent remuneration.
13. The *Law on Legal Aid*, adopted in July 2020, extended the coverage of the state legal assistance. As of March 2021, 37 legal aid centres have been established in 34 districts and cities. By the end of 2025, the state legal aid system should cover the whole country. However, the lack of effective access for all vulnerable groups to legal assistance remains of serious concern due existing legal gaps, shortage of lawyers and insufficient funding. In 2021, the Government contributed only 40 per cent of the required budget for the legal aid system.
14. The Ministry of Justice still chairs the Qualification Commission of the Bar. Moreover, amendments to the *Law on Advokatura*⁹ expanded the list of grounds prohibiting lawyers from practising law, including lack of knowledge of Tajik language, a conviction for a minor or unintentional crime or dismissal for a breach of a professional oath.
15. **Recommendations:** 1. *Invite the Special Rapporteur on the Independence of Judges and Lawyers;* 2. *Develop a long-term strategy based on a comprehensive needs assessment of the judiciary to ensure its meaningful reform;* 3. *Ensure practical mechanisms are in place for the monitoring of court proceedings by all relevant*

stakeholders; 4. Ensure coverage of the whole country with state legal aid services and allocation of sufficient resources to the legal aid system; 5. Ensure expansion of eligibility criteria for legal aid, including but not limited to all survivors of sexual and gender-based violence, people with disabilities and children; 6. Ensure the full independence of the Qualification Commission of the Bar from the Ministry of Justice.

Prevention of torture

16. **Key issues:** In 2016-2020, more than 250 cases of alleged torture have been registered.¹⁰ Torture and deaths in custody, military units and penitentiary institutions remain a serious concern. Two violent incidents took place in prisons during 2018-2019, leading to the deaths of dozens of inmates and prison guards.¹¹
17. Tajikistan has not ratified the OPCAT and has not established an independent national preventive mechanism. The Monitoring Group under the CHR is not independent and does not have unhindered access to all places of deprivation of liberty.
18. The Government has improved the level of cooperation with the International Committee of the Red Cross but refused to grant the right of accessing prisons and other places of detention.
19. **Recommendations:** 1. Ratify the OPCAT and establish an independent national preventive mechanism; 2. Establish a system of independent medical examinations; 3. Establish an independent complaint mechanism for cases of torture and ensure thorough, effective, impartial and independent investigation of all cases of deaths in custody and military units.

Equality and non-discrimination

20. The Constitution of Tajikistan and several legislative acts enshrine principles of equality and non-discrimination. However, the legislation does not provide for the overarching definition of discrimination, complaint mechanisms and adequate remedies.
21. In 2018, the Government established an inter-agency working group, which henceforth has been developing a comprehensive anti-discrimination law that is expected to be adopted soon.
22. **Recommendations:** 1. Adopt comprehensive anti-discrimination legislation; 2. Organise awareness-raising campaigns for state officials and the public on equality and non-discrimination.

Persons with disabilities (PWDs)

23. **Key issues:** The core approach to disability is still based on charity and medical models. The outdated procedure for determining disability does not meet international standards for the definition of disability and hinders the access of PWDs to employment. Women and girls with disabilities face multiple discrimination based on gender, disability, and often poverty. A disability is not assigned to a child until the age of two, depriving of access to disability benefits.
24. In 2020, in consultation with CSOs, the Government approved a Roadmap to explore opportunities toward ratification of the CRPD. The National Programme for rehabilitation of PWDs 2017-2020 improved the procedure for determining disability and strengthened the registration procedure. The Government also adopted a state programme on ensuring accessible environment for 2021-2025 and a plan for its implementation.
25. At the same time, there is a lack of reliable disaggregated statistical data on the number of PWDs. Certification services for disabilities are still bureaucratic, inaccessible and expensive for many low-income families. Periodic re-examinations to certify disability put an unnecessary burden on PWDs and their families. Autism

related disorders are not included in the list of disorders classified as a disability.

26. The legislative acts that provide benefits and guarantees for PWDs, lack gender-sensitive approach and sufficient safeguards against discrimination, inter alia, of those with mental disorders, and effective implementation mechanisms. As an example, the State Programme on Reproductive Health for 2019-2022 applies a gender-sensitive approach following the principles of human rights, gender equity and sustainable development. Although measures have been taken to provide health facilities with trained staff and equipment to provide adequate services for women and girls with disabilities, further support from both the state and the international community is still required.
27. **Recommendations:** 1. Ratify the CRPD and apply human rights-based and gender-sensitive approaches towards disabilities; 2. Ensure compliance of the definition of disability with international standards and exclude the provisions related to working ability from the definition of disability; 3. Adopt a comprehensive mental health and safety policy; 4. Improve access to education, employment, health care and social security for PWDs; 5. Include autism-related disorders in the list of disabilities and expand the list of mental disorders.

Gender equality

28. The Government has taken several practical steps to ensure equal access of women and men to property, increase women representation in public service and support women entrepreneurs. To increase the number of women in public service, women applicants get additional points during the competitive selection processes. Presidential grants are awarded annually to support women entrepreneurs.¹²
29. **Key issues:** The above-mentioned NAPs are partially implemented, especially at the local level. The Beijing Platform for Actions is not being used effectively at the national level as a guiding document for implementing, monitoring, and evaluating gender equality throughout sectors. Tajik legislation includes discriminatory provisions that restrict women's assignment to hard, underground and hazardous works and work involving manual lifting under specific conditions. Discrimination, harassment and violence against lesbian, gay, bisexual, transgender and intersex (LGBTQI) people remain a significant concern.
30. Authorities failed to implement UN HRMs recommendations related to LGBTQI, stating that it would contradict the "moral and ethical norms of relationships among people in the country".¹³
31. The share of women in parliament has increased from 3% in 2001 to 24% in 2020. Despite some positive trends, women remain under-represented in decision-making positions.¹⁴ The share of women among civil servants decreased from 35.2 per cent in 2013 to 23.8 per cent in 2019. In 2020, women made up 19.1 per cent of all managers.
32. Tajik women faced higher share of unpaid care, while domestic work ramped up. Approximately 70 per cent of women declared that they were responsible for domestic household chores including cleaning, cooking /serving meals, and the care of children including teaching and playing, alongside elderly care.¹⁵
33. There is high level of occupational segregation of women in the labour market. Among 15 most common occupations, six are mainly "female".¹⁶ At vocational schools and higher education, women mainly selected such fields as education, health, social science studies.
34. During the pandemic, more women were working as frontline workers, such as doctors, nurses and care providers – consequently exposing them and their families to higher risks of contracting Covid-19.
35. There is no effective mechanism for inter-sectoral coordination of activities in the field of women's rights. The CHR office does not have a department for the protection

of women's rights. Laws and programmes do not consider the interests of girls and women subjected to multiple discrimination, including those with disabilities, HIV/AIDS, poor, rural, elderly women, and commercial sex workers.

36. **Recommendations:** 1. *Introduce gender expertise of draft laws and by-laws, strategies and programs;* 2. *Strengthen the collection of relevant gender-disaggregated statistical data;* 3. *Strengthen the status and authority of the Committee on Women and Family Relations and ensure its adequate funding;* 4. *Adopt a gender-responsive work arrangements to support employees to better balancing the work and family responsibilities;* 5. *Provide effective protection against all forms of discrimination and violence on the basis of sexual orientation and gender identity, both in law and in practice;* 6. *Develop a structural gender action plan to ensure gender responsive measures to emergency situations.*

Violence against women (VAW)

37. Authorities conduct regular awareness-raising campaigns on VAW with the involvement of CSOs and development partners, inter alia, during the global 16 days campaigns against VAW. Mobile clinics/public health fairs were organised to raise awareness of the population in remote rural areas on VAW, sexual and reproductive health and services.¹⁷
38. **Key issues:** Despite offering some protection to victims, existing legislation falls short of addressing domestic violence. The *Law on the Prevention of Domestic Violence*¹⁸ envisages neither implementation nor interagency cooperation mechanisms. Coordination between state bodies on providing services to domestic violence victims is not sufficient, especially in gathering reliable disaggregated data, allowing conducting comprehensive gender analysis.¹⁹ Domestic violence, including marital rape and sexual harassment in the workplace and public places, is not criminalised.²⁰ A new type of GBV, cyber-violence and cyber-harassment against women and girls, focusing on civil rights activists, revealed in 2020.²¹
39. The NAP on CEDAW does not have clear indicators to measure the progress.²² The State Programme for the Prevention of Domestic Violence 2014-2023 does not emphasise access to legal services and justice for victims of domestic violence.²³
40. Women and girls have limited options and resources to report violence and seek assistance. According to the Demographic and Health Survey of 2017 (DHS),²⁴ among married women aged 15-49 years who have experienced domestic violence, the majority (75 per cent) have never told anyone, nor have they sought help. The lack of reporting and self-censoring behaviour are caused by the fear of facing reprisals, a lack of confidence in informal/formal support mechanisms or overall sensitivity and awareness about the devastating effects of domestic violence, persistent stereotypes and victim-blaming.
41. Amendments to the Family Code of 2016²⁵ established a mandatory medical examination prior to marriage. In practice, some medical examinations have been used for virginity tests.²⁶ The National Center of forensic examination checks the virginity of about 600 girls annually.²⁷
42. Child forced marriages still exist.²⁸ According to the DHS, nine per cent of girls in Tajikistan are married before the age of 18.²⁹
43. The State Programme for the Prevention of Domestic Violence³⁰ is not funded from the state budget. In addition, the quality and availability of specialised services in for victims of domestic violence is limited. For longer-term support to survivors, there are only three shelters and 33 crisis centres in the country. These facilities are run by NGOs and are not sustainable.
44. **Recommendations:** 1. *Criminalise all forms of VAW, including those committed through internet platforms;* 2. *Transform domestic violence cases from private*

prosecution cases to public prosecution or private-public prosecution cases; 3. Ensure interagency cooperation and create a Multi-Sectoral Coordination Group to address VAW consisting of key ministries and CSOs; 4. Create a consolidated database to track data on all types of violence disaggregated by the victims of crime and perpetrators of violence; 5. Allocate sufficient funding for the implementation of the relevant laws and state programmes; 6. Exclude mandatory check-ups from the Family Code and put an end to virginity tests; 7. Ensure accountability for all child and forced marriages; 8. Conduct awareness-raising campaigns on the adverse effects of early and unregistered marriages.

Rights of people living with HIV (PLHIV)³¹

45. **Key issues:** Gender inequality significantly impacts women living with HIV/AIDS. Prevention among MSM was not presented in state programs and policies. Radicalisation of the society towards MSM is worsening and violating the rights of the marginalised group to health. Social policies do not provide for social measures to support pregnant women living with HIV. Confidentiality is not respected by healthcare professionals. Prisoners living with HIV/AIDS are subject to stigma and discrimination.³²
46. The share of women among registered cases of HIV infection in 2019, compared to 2011, increased from 30 to 40.8 per cent.³³ More than 70 per cent of children from 0-14 y.o. diagnosed with HIV do not know their HIV status and in 60 per cent, the mode of HIV transmission is "Unknown" - both parents are negative.
47. Criminal prosecution of PLHIV is another deep concern. It results in significant under-reporting and limiting access to treatment. Article 125 of the Criminal Code envisages punishment not only for intentional transmission of HIV, but also for causing the risk of contracting HIV. Thus, practically any person living with HIV and who does not know his/her HIV status and involved in any sexual contact can be prosecuted and held criminally responsible, including pregnant women who can transmit HIV to their infants.
48. The statutory right for parents or legal representatives of children born to HIV-infected mothers to receive breast milk substitutes has no implementation mechanism, and mothers feed their children with breast milk, thereby increasing the risk of HIV transmission to the child.
49. **Recommendations:** 1. *Revise Article 125 of the Criminal Code regarding criminal responsibility for HIV infection, taking into account the informed consent of partners;* 2. *Introduce amendments to the Family Code, making HIV testing voluntary and confidential;* 3. *Amend the Health Code to strengthen safeguards for PLHIV, integrating gender-sensitive approaches;* 4. *Ensure women living with HIV have equal access to medical services and psychological assistance;* 5. *Develop a mechanism for parents or legal representatives of children born to HIV-infected mothers to receive breast milk substitutes;* 6. *Combat all forms of discrimination and violence against PLHIV, including by providing appropriate training to law enforcement, penitentiary staff and other officials.* 7. *Strengthen the capacity of local authorities and primary health care managers in HIV-related budget management and procurement.*

Rights of refugees and asylum seekers

50. **Key issues:** Since 2000, Government Resolutions 325 and 328³⁴ have been prohibiting refugees and asylum-seekers from residing in designated urban areas, including the two main cities of Dushanbe and Khujand. The Resolutions severely restrict the freedom of movement and choice of residence of refugees and asylum-seekers in Tajikistan, and negatively affect access to the labour market, health care, education,

housing and other services. Non-compliance results in the rejection of asylum applications, and de-facto revocation of refugee status with administrative penalties. The Resolutions target refugees and asylum-seekers exclusively, with no reference to other foreign nationals.

51. There is still a discrepancy between the Refugee Law and the Criminal Code regarding the non-penalisation clause. The Criminal Code includes provisions on detention and deportation for illegal border crossing, even for asylum seekers. At the same time, the Refugee Law, amended in 2014, contemplated the non-penalisation of asylum seekers for illegal entry. Thus, access to territory still implies the possession of valid travel documents and entry visa for Tajikistan.
52. **Recommendations:** 1) Lift the restrictions imposed under Resolutions 325 and 328, which prohibit refugees and asylum-seekers from living in certain urban areas 2) Amend Article 335(1) of the Criminal Code ensuring non-penalisation for illegal entry for persons seeking asylum.³⁵

Rights of the child

53. The Commissioner for Children's Rights (CCR) was established in 2016. The CCR adopted the Strategic Plan for 2018-2020, focussing on the access of children with disabilities (CWDs) to education. In 2017, the National Commission on Child Rights approved the NAP on CRC for 2018–2022.

a) Education

54. The Government made progress in improving access to primary and secondary education and established mechanisms to ensure that all children are enrolled and stay in schools. A number of stipends for children were launched to improve their access to general secondary and higher education.
55. In line with SDG 4, the National Strategy for Education Development for the period until 2030 (NSED) aims at ensuring that all CWDs have access to compulsory education. To define its path for progressive transition to inclusive education, the Ministry of Education and Science (MEAS) is currently developing a concept, a roadmap and courses on inclusive education with the broad engagement of civil society, including organisations of people with disabilities.
56. **Key issues:** Lack of sufficient resources to the education system impeded access to education for low-income families and CWDs. The segregated approach to education of children with disabilities in special institutions is still predominant.
57. The country has one of the most rapidly growing populations globally, with its total fertility rate at 3.064 in 2015 and a nominal population increase at 2.1 per cent between 2010 and 2016.³⁶ This puts additional pressure on the education system to invest significant resources in new educational facilities.
58. The coverage rate of children aged 3-6 years with preschool education remained at 15.9 per cent in 2020,³⁷ while the level of participation in organised types of education (one year before reaching the official age of school entry) is at 24 per cent.
59. Officially, primary and secondary education is free. However, there are allegations of widespread corruption. It includes renting textbooks, additional payments to teachers, compulsory subscriptions for newspapers, class and school repair works, etc. Corruption in the education sector increases the burden on low-income families and creates barriers to access education.
60. Although at the national level, the country promotes the development of inclusive education for CWDs, many educational facilities, especially in rural areas, do not have adequate infrastructure for reasonable accommodation, teaching aids, approved methodologies and qualified personnel to ensure access to education for CWDs. The state budget supports boarding schools for CWDs and does not allocate resources to

scale the pilot interventions on mainstreaming inclusive education.³⁸

61. **Recommendations:** 1. Improve data collection on out of school children; 2. Develop alternative programmes and mechanisms to ensure out of school children have access to education; 3. Improve the state social assistance system to ensure low-income families have adequate support to give their children quality education; 4. Strengthen the mechanisms for the provision of low-cost alternative early childhood education; 5. Create adequate conditions in mainstream schools to enrol and provide quality education to all children, including CWDs and children from low-income families.

b) Prevention from exploitation

62. The Ministry of Labour, Migration and Employment (MLME) set up a unit for the Monitoring of Child Labour and the Inter-Agency Coordination Council for Elimination of the Worst Forms of Child Labour. The Council monitors the implementation of the National Programme for 2015-2020 to Eradicate the Worst Forms of Child Labour (NPCL). The MLME also created a child labour monitoring system in 12 districts.
63. **Key issues:** Child labour monitoring has been limited only to 12 districts. Responsible state bodies are dramatically understaffed and underfunded and have no capacity to monitor the situation at the district level. The NPCL ended in 2020, and no further steps were taken to develop a new programme.
64. **Recommendations:** 1. Provide support to families whose children are at risk of being involved in child labour, including the worst forms of child labour; 2. Reinforce the capacity of the child labour monitoring system to identify children involved in the worst forms of child labour and take necessary measures for their protection, rehabilitation and reintegration through services and benefits required for them and their caregivers.

c) Sexual violence against children

65. **Key issues:** In 2020, the Commissioner for Child Rights has registered only 10 cases of sexual violence against minors.³⁹ However, the actual scale of sexual violence against children is unknown. Legislative gaps, lack of statistical data and reluctance of the authorities to comment on and publicly discuss such cases significantly downgrade the actual scale of the problem.⁴⁰
66. The Criminal Code contains a gap in establishing a lower age limit for expressing consent to having sex (voluntary) without the instigation of violence. In cases of sexual violence committed against 11–12-year-old children, courts applied article 141 of the Criminal Code (sexual intercourse with a person under the age of 16) to punish perpetrators and convict to corrective labour or other lenient punishments, which are subject to amnesty.⁴¹
67. There are no special procedures for the investigation of sexual offences, including those against children. Minor victims are not entitled to a mandatory defence lawyer.⁴²
68. There are no cross-sectoral policies to prevent violence against children, especially girls, based on the principle of the best interests of the child and prevention programmes focusing on sexual violence against children.
69. **Recommendations:** 1. Develop a national policy to prevent violence against children, especially girls; 2. Establish a minimum age for presumed consent⁴³ to engage in non-violent sexual intercourse in the Criminal Code. Qualify any sexual intercourse with a person below the minimum age as a rape; 3. Eliminate the possibility of applying amnesty and pardon for sexual crimes against children; 4. Develop a separate procedure for investigating sexual offences against children; 5. Establish state rehabilitation centres that provide free and confidential services to victims of sexual violence; 6. Introduce a separate investigation course on sexual crimes focusing on

children, especially girls, in the training programmes of law enforcement bodies and judges.

d) Birth registration

70. **Key issues:** Under the national legislation, a birth certificate confirming the birth of a child can be issued at the Civil Registry Offices when parent(s) present their identity documents, along with a copy of the child's birth notification issued by medical facilities. In practice, parent(s) might face difficulties in registering the birth of their child if either of the parents lacks identity documents. Also, the birth is not registered and certified if parent(s) lacks prove of nationality or has no documents.
71. **Recommendations:** 1) *Amend the Law on Civil Registration contemplating safeguard for universal birth registration of all children born on the territory of Tajikistan regardless the legal status of parents and availability of identity documents;* 2) *Raise awareness of the importance of birth registration and birth certificates, especially in rural areas.*

Migrant workers

72. The Government has strengthened the protection of the rights of migrant workers. Migration services for providing information about safe migration have been introduced at national and district levels. Migration authorities maintain offices in the Russian Federation to review complaints from migrant workers in relation to labour exploitation and provide the necessary assistance.
73. In 2018, Tajikistan joined the Global Compact for safe, orderly and regular migration. Amendments to the *Law on Migration* from 2018 strengthened the capacity of the migration authorities. The NDS until 2030 contains measures to reintegrate returning migrants and support their full-time employment. The National Employment Strategy for the period 2020-2022⁴⁴ contains a separate section on "Social support to returning citizens".
74. **Key issues:** Tajikistan has yet to adopt a labour migration strategy. A draft law on *Labour Migration* has been under elaboration since 2010 without civil society engagement. During the reporting period, the Government failed to adopt a return and reintegration strategy of migrant workers and support their families, addressing the impact of the Covid-19 pandemic.
75. There is no mechanism to coordinate the reintegration of returning migrant workers or collect data on the extent and forms of the reintegration. Measures developed to diversify external labour migration, including in terms of gender, are poorly implemented. Abandoned wives of migrant workers become responsible for generating family income despite limited access to education, resources, microcredits, social protection, or employment. The Covid-19 pandemic has significantly affected the situation, leading to the return of migrant workers and a decrease of remittances.⁴⁵ Reduced remittances are expected to lead to an increase in the poverty level.⁴⁶
76. **Recommendations:** 1. *Adopt a comprehensive labour migration strategy based on human rights and gender approaches;* 2. *Adopt a law on Labour Migration in consultation with civil society;* 3. *Establish a monitoring and evaluation system to analyse the impact of migration policies on the rights of migrant workers and their families.* 4. *Secure effective practical implementation of measures for the reintegration of returned migrant workers.* 5. *Expand the financial support mechanism and the provision of microcredits and grants for women.* 6. *Increase women's participation as wives of migrant workers, including abandoned wives/families and widows, in decision-making that affects their interests and rights.*

Right to Health

77. The Government achieved some progress in healthcare. Funding allocated to the healthcare sector and social protection has been gradually increasing. The State Program on Reproductive Health for 2019-2022 and the Program for the training of medical personnel for the period until 2030 have been adopted. The Government established a system of national, regional and city reproductive health centres that provide consulting services to the population. Infant and child mortality rates have been reduced, although the trend has been flat for the last three years.
78. **Key issues:** Budgetary constraints, a shortage of medical professionals and poor infrastructure significantly restricted access to healthcare services, especially for the most vulnerable groups (mothers, children, and rural population).
79. The country's child mortality indicators - 20 neonatal and 37 infant mortality cases per 1,000 born are still above the SDGs.⁴⁷ Despite the efforts made, there is a high level of unplanned pregnancies. One of five women does not have access to birth control means.⁴⁸
80. As per the outcomes of the DHS survey conducted in 2017⁴⁹ (29%), since 2012 (28%) percentage of married women using modern contraceptive means has not significantly changed which needs further analysis. However, the Government recognizes family planning as one of the cost-effective public health interventions. This recognition is presented through a dedicated budget line established for procurement of contraceptives and agreement to increase funding annually through the newly developed State SRH Programme for 2019-2022.
81. Cancer cases among women,⁵⁰ especially those diagnosed with breast and cervical cancer, have risen significantly, requiring Government efforts to develop and implement relevant strategies according to health system resources.
82. **Recommendations:** 1. Increase financing to the health sector, especially Maternal and Child Health Care services; 2. Conduct gender analysis of various types of morbidity and access of various subgroups of women and men to healthcare services; 3. Mainstream gender aspects of health and impact of gender factors on access to medical services in the curricula for the professional development of medical personnel; 4. Strengthen awareness-raising on the use of modern contraception and family planning as well as breast and cervical cancer; 5. Support the capacity building of health workers, provision of essential equipment, and increasing awareness of parents and caregivers on childcare practices.

Freedom of Expression

83. **Key issues:** Enjoyment of the right to freedom of expression, especially access to information, continued to deteriorate. The authorities continued to reinforce their control over communications and blocked some independent news websites and social networks without a court order. Several news agencies suspended their activities due to the "lack of appropriate conditions" for independent media⁵¹.
84. Insulting state officials, the President and the 'Leader of the Nation' is still a crime under articles 137-137 (1) and 330 of the Criminal Code. Several foreign media journalists saw their accreditation suspended for raising issues of public interest. Several journalists and civil society activists were accused, inter alia, of extremism-related crimes for discussing social problems.
85. On 7 July 2020, authorities amended the Code of Administrative Offences with a new offence to punish people for the spread of "false information" about Covid-19.⁵² CSOs underlined that these changes violated the right to freedom of expression.
86. **Recommendations:** 1. Decriminalise insult of the officials; 2. Ensure pluralism and free expression of opinion by all (through legislation and enforcement measures); 3. Investigate harassment, intimidation, hate speech and threats against journalists, political opponents and human rights defenders and prosecute the perpetrators; 4.

*Review licensing and accreditation procedures to align them with international freedom of expression standards.*⁵³

Freedom of Religion or Belief

87. Amendments to the *Law on Freedom of Belief and Religious Organisations* adopted in 2018 further strengthened the State's regulatory power over religious groups and organisations. The amendments allow the authorities to control religious education and prayers in mosques. Tajik citizens are allowed to receive religious education abroad only with the permission of the Religious Committee and Ministry Education and after receiving religious education in Tajikistan.
88. All 'madrassahs' (religious schools for children) have been closed. Furthermore, based on the *Law on Parental Responsibility* of 2011, children are prohibited from attending mosques. According to the Code of Administrative Offences,⁵⁴ teaching Islam without state permission is an administrative offence.
89. There were cases of forced removal of hijab from women, banning women with hijab from entering public offices, clinics, kindergartens, and other spaces, and jailing conscientious objectors.
90. Activities of Jehovah's Witnesses remained banned in the country. During the reporting period, several members were sentenced to imprisonment for inciting hatred and conscientious objection to military service.
91. In January 2020, more than a hundred members of the Muslim Brotherhood,⁵⁵ including 20 university professors, were arrested under the *Law on Countering extremism*.⁵⁶ In August 2020, 20 defendants were sentenced to imprisonment at closed trials, violating fair trial standards.
92. Due to the pandemic, the Government selectively restricted mass gatherings and movement of people in public places. In April 2020, it was decided to close mosques and prayer houses, while other public entities were allowed to operate without limitations. In February 2021, mosques and prayer houses were reopened.
93. **Recommendations:** 1. *Bring the Law on Freedom of Belief and Religious Organisations, on Parental Responsibility and Code of Administrative Offences in compliance with international standards;* 2. *Allow children to pray in mosques and receive religious education;* 3. *Ensure women wearing hijab are not discriminated;* 4. *Recognise the right to conscientious objection to military service.* 5. *Bring anti-terrorism and extremism legislation into conformity with international human rights standards.*

Freedom of Peaceful Assembly

94. **Key issues:** The *Law on Meetings, Rallies, Demonstrations and Processions (2014)* puts undue restrictions on the right to freedom of peaceful assembly, including the requirement to notify local/regional authorities fifteen days prior to holding assemblies; the limitations related to areas and time of assemblies, and ban on certain individuals from organising and participating in assemblies, including those with a record of certain administrative offences and foreign nationals.
95. UNCT does not have information about any peaceful assemblies authorised by the authorities. In 2020-2021, more than ten people were charged with hooliganism⁵⁷ or public calls for violent change of constitutional order⁵⁸ and convicted to imprisonment or fines for organising or calling for peaceful assemblies.
96. **Recommendations:** 1. *Bring the Law on Meetings, Rallies, Demonstrations and Processions in compliance with international standards;*⁵⁹ 2. *Review criminal and administrative cases against those who organised or called for peaceful assemblies.* 3. *Allow peaceful opposition groups to enjoy the right to freedom of assembly and refrain from prosecuting them for participation in assemblies.*

¹ To prepare this submission, UNCT established a Working Group consisting of representatives of OHCHR, UNDP, UNRCCA, UNICEF, UNHCR, UNESCO, RCO, UNWOMEN, UNFPA, WHO and UNAIDS.

² Three more pneumonia-linked deaths reported, health ministry denies this information as baseless. Available at: <https://asiaplustj.info/en/news/tajikistan/society/20200423/three-more-pneumonia-linked-deaths-reported-health-ministry-denies-this-information-as-baseless>

³ <https://asiaplustj.info/en/news/tajikistan/society/20210224/tajikistans-excess-mortality-data-belie-covid-19-denialism>

⁴ Tajikistan has recognized the competence of the Human Rights Committee and the Committee on the Elimination of Discrimination against Women to receive individual communications.

⁵ Chairman of the Supreme Court: ex-Minister of Industry will stay in prison, Internet Media "Dialogue", 5 February 2019, available at: <https://www.dialog.tj/news/glava-vs-tadzhikistana-byvshij-glava-minpromazajd-saidov-ostanetsya-v-tyurme> [accessed 8 February 2021]

⁶ https://www.bhr.tj/sites/default/files/articles/2020-10/analiz_ispolneniya_rekomendaciy_na_dizayn_i_verstku.pdf

⁷ HRCtee (2019), CMW (2019), CAT (2018), CEDAW (2018), CRC (2017) and CERD (2017).

⁸ See recommendations of HRCtee (2019), CAT (2018) and CEDAW (2018).

⁹ Adopted in November 2015.

¹⁰ www.notorture.tj.org

¹¹ Report of the Working Group on Enforced or Involuntary Disappearances. A/HRC/45/13/Add.1, para.10.

¹² The third alternative report of public associations of Tajikistan on the implementation of CEDAW, 2018.

¹³ Радио Озоди (Radio Freedom). "Ombudsman: Tajikistan Rejected Recommendations Regarding The Rights Of Sex Minorities", 2019. <https://rus.ozodi.org/a/29744170.html>.

¹⁴ Statistics on the number of women in high level positions of the civil service is not collected centrally. Among 18 Ministers, only two posts are occupied by women: the Minister of Labour, Employment and Migration and the Minister of Culture. A post of the Head of the Presidential Administration is occupied by a woman. As to women holding management positions in the civil service, women made up 19.1 percent of all managers in 2020. At the local level, women made up 26.7 percent of all civil servants. As to management positions at the local level, women made up 21.5 percent of all managers.

¹⁵ Rapid Care Assessment (UN Women, June 2020) - survey conducted throughout Tajikistan on the situation of women and men's livelihood during the ongoing COVID-19 pandemic.

¹⁶ Among cleaners, maids in hotels, women made up 97.3 percent of all workers; among sewers, embroiders and related workers, women made up 95.6 percent of workers. 63.6 percent of unskilled workers were women. Among teachers of secondary schools and vocational schools, women made up 57 percent of workers.

¹⁷ UNFPA implementing partner reports.

¹⁸ Adopted in 2013.

¹⁹ Human Rights workshop for civil society representatives. Practical application of principles for gender equality in Tajikistan. Workshop report, 24-25 April 2018.

²⁰ The third alternative report of public associations of Tajikistan on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, 2018. Alternative report of the coalition of public associations of the Republic of Tajikistan "From legal equality to actual equality" on the implementation of the Beijing Platform for Action +25, 2019, Country gender assessment, Asian Development Bank, 2016.

²¹ <https://rus.ozodi.org/a/30385311.html>

²² The third alternative report of public associations of Tajikistan on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, 2018. Alternative report of the coalition of public associations of the Republic of Tajikistan "From legal equality to actual equality" on the implementation of the Beijing Platform for Action +25.

²³ Analysis of the implementation of the recommendations of the UN Human Rights Council member states in the framework of the second cycle of the Universal Periodic Review (2016-2020), NGO "Bureau on Human Rights and Rule of Law", Dushanbe, 2020.

²⁴ 2017 Tajikistan Demographic and Health Survey.

²⁵ Article 15 of the Family Code.

²⁶ An alternative report of the coalition of public associations of the Republic of Tajikistan "From legal equality to actual equality" on the implementation of the Beijing Platform for Action +25, 2019.

²⁷ <https://rus.ozodi.org/a/31077326.html>

²⁸ According to the media, law enforcement reported about 29 illegal marriages with minors in 2018. <https://rus.ozodi.org/a/29852532.html>

²⁹ Tajikistan Demographic and Health Survey 2017.

³⁰ Adopted on 3 May 2014.

³¹ Source: Country Gender Assessment, Asian Development Bank, 2016; Alternative thematic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women against Women Living with HIV and Women from Affected Groups (women, ex-prisoners, women using injection drugs, women sex workers), Tajikistan Network of Women Living with HIV, 2018; Alternative report of the coalition of public associations of the Republic of Tajikistan "From legal equality to actual equality" on the implementation of the Beijing Platform for Action +25, 2019.

³² Alternative thematic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, Women Living with HIV and Women from Vulnerable Groups, Tajikistan Network of Women Living with HIV, 2018.

³³ Source: An alternative report of the coalition of public associations of the Republic of Tajikistan "From legal equality to actual equality" on the implementation of the Beijing Platform for Action +25, 2019.

³⁴ Government regulations 325 and 328 adopted in 2000 and 2004 respectively.

³⁵ Bringing the Criminal Code provisions in the line with Articles 31 and 33 of the 1951 Refugee Convention.

³⁶ Education Sector Analysis 2018 (UNESCO, UNICEF for the NSD 2030).

³⁷ NSD until 2030.

³⁸ There are still 13 boarding schools by type of disability. While there are around 8000 children with disabilities enrolled in mainstream schools (as opposed to 2400 in boarding schools), they are placed in segregated classes and mainstream schools do not receive any financial or technical support in providing these children with quality education. Source: EMIS 2019, Education Sector Analysis 2018

³⁹ <https://www.dialog.tj/news/detskij-ombudsmen-v-tadzhikistane-obsuzhdaetsya-vopros-khimicheskij-kastratsii-pedofilov>

⁴⁰ Appeal of the civil society to protect children from sexual violence in Tajikistan, December 2020.

⁴¹ According to the Tajik legislation, perpetrators convicted of rape are not subjected to amnesty.

⁴² Article 51 of the Criminal Procedure Code contains provision on mandatory participation of the defence in the criminal proceeding only if a minor is suspected, accused or a defendant.

⁴³ Article 141 of the Criminal Code.

⁴⁴ Approved by the Resolution of the Government of the Republic of Tajikistan № 644 as of 3- December 2019.

⁴⁵ <https://asiaplustj.info/ru/news/tajikistan/economic/20210210/denezhnie-perevodi-migrantov-v-tadzhikistan-v-2020-godu-sokratilis-na-63>

⁴⁶ <http://pubdocs.worldbank.org/en/260951602731231966/Listening2Tajikistan-COVID19-August2020-ru.pdf>

⁴⁷ <https://www.adb.org/ru/news/adb-grant-improve-maternal-and-child-health-care-tajikistan>,
<https://tj.sputniknews.ru/country/20190812/1029635587/ABR-Tajikistan-borbu-detskoy-smernostyu.html>

⁴⁸ https://tajikistan.unfpa.org/sites/default/files/pub-pdf/SWP2018-RUSSIAN-web_0.pdf

⁴⁹ The survey was conducted by the Agency on Statistics under the President of RT and Ministry of Healthcare and Social Protection of the Population of RT: [http://stat.wv.tj/storage/TjDHS%202017%20KIR%2004Apr2018%20\(RUS\).pdf](http://stat.wv.tj/storage/TjDHS%202017%20KIR%2004Apr2018%20(RUS).pdf)

⁵⁰ 16,300 cancer patients were registered in Tajikistan in 2019, 15,250 patients were registered in 2018
<http://news.tajweek.tj/view/tadzhikskiy-onkolog-rak-ne-prigovor-esli-obraschatsya-k-profilnym-vracham/>

⁵¹ These include among others, Ozodagon and TojNews.

⁵² Article 3741 of the Code of Administrative Offences.

⁵³ Licensing should be overseen by an independent regulatory body and should be purely technical in nature. It should not allow for any discretion to refuse registration.

⁵⁴ Article 474 (3) of the Code of Administrative Offences

⁵⁵ The Muslim Brotherhood was declared a terrorist group and officially banned in 2006.

⁵⁶ The Law on Countering extremism came into force on 2 January 2020.

⁵⁷ <https://www.ozodi.org/a/31093779.html>

⁵⁸ <https://www.ozodi.org/a/31074191.html>

⁵⁹ See para 49 of the HRCtee Concluding observations (CCPR/C/TJK/CO/3): "49. The Committee is concerned about undue restrictions on the exercise of freedom of peaceful assembly, including those set out in the Meetings, Rallies, Demonstrations and Processions Act (2014), such as the requirement of prior authorization for holding assemblies (15 days' advance notice), the limitation of assemblies to certain areas and hours of the day, the ban on night protests, the ban on persons with a record of certain administrative offences from organizing assemblies, and restrictions on the participation of foreign nationals in assemblies (art. 21)."