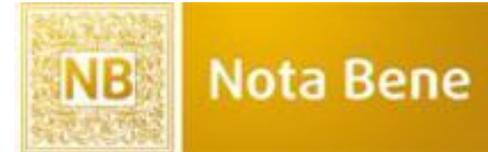




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UNITED NATIONS RECOMMENDATIONS TO END TORTURE IN TAJIKISTAN (2010-2015) A QUESTIONNAIRE FOR HUMAN RIGHTS GROUPS AND ACTIVISTS TO ASSESS IMPLEMENTATION



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INTRODUCTION

WHY THIS QUESTIONNAIRE?:

This questionnaire was designed to simplify evaluation of whether Tajikistan has fully, partially or not at all implemented recommendations on the issue of torture or other ill-treatment issued by UN human rights bodies, procedures and under the Universal Periodic Review (UPR) since 2010. Human rights groups can fill in information from their monitoring in the relevant sections of the chart below. Their information will form the basis of future shadow reports to UN institutions as well as other advocacy documents that will be prepared by the NGO Coalition against Torture in Tajikistan.

SHORT INSTRUCTIONS FOR USE:

In the chart below you find all recommendations issued by relevant United Nations (UN) human rights institutions to Tajikistan since 2010 on the topics of torture and other forms of ill-treatment. With regard to the UPR this document only includes those recommendations that were accepted by the government of Tajikistan. The recommendations are sorted by topic (refer to the table of contents) and, within these broad categories, by sub-topic. For example, under the topic **safeguards at arrest** you will find sub-headings such as **Moment of arrest** and **Registration**. Under each sub-heading you find all UN recommendations relevant to the respective topic. You will also find a section featuring **indicators for implementation** under each sub-heading that will help evaluate whether the authorities have fully, partially or not at all implemented recommendations on this particular topic. Where applicable, the indicators are separated into those relating to a) **institutional change/procedures/mechanisms/strategies**, b) **legislation** and c) **practice**. In the section **Space for replies** NGOs can fill in their own information.

Note: Text that is underlined and in bold in the chart below is highlighted by the author of this document.

UN RECOMMENDATIONS AND CONCLUDING OBSERVATIONS INCLUDED IN THIS DOCUMENT

In **bold** you find how each of the following UN documents is referred to in the chart below. The documents are listed in chronological order.

- CRC/C/TJK/CO/2: Concluding observations of the Committee on the Rights of the Child on the second periodic report of Tajikistan, adopted on 29 January 2010, published on 5 February 2010.¹ (**CRC**)
- A/HRC/19/3: Report of the Working Group on the Universal Periodic Review. Tajikistan, published on 12 December 2011.² (**UPR**)
- A/HRC/19/3/Add.1: Report of the Working Group on the Universal Periodic Review. Tajikistan. Addendum, published 27 February 2012.³ (**UPR Addendum**)
- CAT/C/TJK/CO/2: Concluding observations of the Committee against Torture on the second periodic report of Tajikistan, adopted on 20 November 2012 and published on 21 January 2013.⁴ (**CAT**)
- A/HRC/22/53/Add.1: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, Addendum. Mission to Tajikistan, published on 28 January 2013.⁵ (**SR 1**)

¹ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTJK%2fCO%2f2&Lang=en

² This questionnaire for human rights groups and activists to assess implementation of UN recommendations reflects only those recommendations contained in the Report of the UPR Working Group that were accepted by Tajikistan (Recommendations 88.1. to 89.4.). <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/TJSession12.aspx>

³ This questionnaire for human rights groups and activists to assess implementation of UN recommendations reflects only those recommendations that the authorities of Tajikistan accepted in the UPR Addendum, not those that the authorities did not accept. The UPR Addendum can be found on: <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/TJSession12.aspx>

⁴ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fTJK%2fCO%2f2&Lang=en

⁵ http://www.ohchr.org/Documents/Issues/SRTorture/A-HRC-22-53-Add1_en.pdf

- CCPR/C/TJK/CO/2: Concluding observations on the second periodic report of Tajikistan, adopted on 23 July 2013 and published on 22 August 2013.⁶ **(HRC)**
- CEDAW/C/TJK/CO/4-5: Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined fourth and fifth periodic reports of Tajikistan, adopted on 9 October 2013 and published 29 October 2013.⁷ **(CEDAW)**
- A/HRC/28/68/Add.2: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, Addendum. Follow up report: Missions to the Republic of Tajikistan and Tunisia, published on 27 February 2015.⁸ **(SR 2)**

⁶ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fTJK%2fCO%2f2&Lang=en

⁷ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTJK%2fCO%2f4-5&Lang=en

⁸ This document includes a chapter, entitled “Conclusions and Recommendations”. In the chart below recommendations from this chapter are referred to as “SR 2, Recommendation (number inserted)”. Recommendations made to the authorities of Tajikistan in other chapters of the report are referred to as “SR 2, Paragraph (number inserted)”. <http://www.refworld.org/docid/550826644.html>

**QUESTIONNAIRE FOR HUMAN RIGHTS GROUPS AND ACTIVISTS
TO ASSESS IMPLEMENTATION OF UN RECOMMENDATIONS ON TORTURE**

GENERAL RECOMMENDATIONS REGARDING TORTURE AND OTHER FORMS OF ILL-TREATMENT

General

UN recommendations:

- Strengthen measures to combat and prevent torture and other cruel and degrading treatments (Brazil). (**UPR**, Recommendation 88.25).
- Take concrete actions to eradicate the use of torture, including through strengthening relevant provisions in national legislation (United Kingdom of Great Britain and Northern Ireland). (**UPR**, Recommendation 88.28).
- Adopt and implement efficient measures to prevent torture and other forms of ill-treatment (Slovakia). (**UPR**, Recommendation 88.26).
- As a matter of urgency, the State party should take immediate and effective steps to eradicate and prevent acts of torture and ill-treatment throughout the country, particularly in police custody and in temporary and pretrial detention facilities run by the State Committee of National Security and the Department for the Fight Against Organized Crime. (**CAT**, Recommendation 9).
- Unambiguously reaffirm the absolute prohibition of torture and publicly warn that anyone committing such acts or otherwise complicit or acquiescent in torture will be held personally responsible before the law for such acts and will be subject to criminal prosecution and appropriate penalties. (**CAT**, Recommendation 9(d)).
- Unambiguously reaffirm the absolute prohibition of torture and publicly warn that anyone committing such acts or otherwise complicit or acquiescent in torture will be held personally responsible before the law for such acts and will be subject to criminal prosecution and appropriate penalties. (**CAT**, Recommendation 9(d)).
- With regard to institutional reform, the Special Rapporteur recommends that the Government (h)ave the highest authorities, in particular those responsible for law enforcement activities, declare unambiguously that they will not tolerate torture or ill-treatment by their subordinates and that perpetrators will be held to account. (**SR 1**, Recommendation 102(a)).
- The Special Rapporteur calls on the Government to continue pursuing the vigorous and accelerated implementation of the Action Plan and its recommendations (...) He urges the Government to incorporate concrete measures and to designate timelines, authorities responsible for oversight, as well as measurable standards for implementation and accountability. In line with overall OHCHR policy, the Government may consider incorporating the recommendations of the Special Rapporteur into one comprehensive national human rights action plan that could ensure holistic implementation of the recommendations of all United Nations human rights mechanisms, including those of the future Universal Periodic Review scheduled for early 2016. (**SR 2**, Paragraph 8).
- (The Special Rapporteur) urges the Government to continue working to ensure that improved laws and policies result in concrete changes in practice. (**SR 2**, Recommendation 54).

Indicators of implementation:

- 1) Briefly give your assessment of whether the authorities have made significant progress toward eradicating torture since 2010. (You do not have to answer this question. A short answer to this question will later be added based on the replies of all NGOs to the questions below.)
- 2) Have legislative amendments been made since 2010 aimed at preventing torture? If so, please list the most significant ones.
- 3) Have the authorities adopted a comprehensive National Action Plan to implement UN recommendations against torture? What time period does the Action Plan

Space for replies:

<p>entail? Does the Plan include concrete measures, timelines, relevant authorities responsible for oversight and measurable standards for implementation and accountability?</p> <p>4) Does the Plan envision that new recommendations adopted by UN organs are added? For example, were the 2015 recommendations of the Special Rapporteur on torture added to the National Action Plan?</p> <p>5) Does the Action Plan envision a procedure that provides for monitoring of its implementation? Is information about the implementation of the Plan publicly accessible?</p> <p>6) Have officials of the Ministry of Internal Affairs or the General Prosecutor's Office or other senior government officials made any public statements in recent years condemning torture and highlighting that perpetrators will be brought to justice? Provide quotes.</p>	
<p>Statistics</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • The State party should compile statistical data relevant to the monitoring of the implementation of the Convention at the national level, including data on complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment, trafficking and domestic and sexual violence, as well as of means of redress, including compensation and rehabilitation provided to the victims. (CAT, Recommendation 22). • The Committee requests that the State party provide comprehensive updated information on all reported cases of deaths in custody, including location, cause of death and results of any investigations conducted into such deaths, including punishment of perpetrators and compensation provided to relatives of victims. (CAT, Recommendation 10). 	
<p>Indicators of implementation (practice):</p> <p>1) Have the authorities set up a system to compile statistics of torture cases regarding their registration, investigation, court decisions, compensation and rehabilitation?</p> <p>2) Have the authorities compiled and published comprehensive statistics on the registration of complaints, investigations, prosecutions and convictions of cases involving torture and other forms of ill-treatment, including those resulting in the death of the victim, and disaggregated by the respective government agency?</p> <p>3) If not, what figures have been made public regarding complaints, investigations, prosecutions and convictions and detail whether they are comprehensive?</p> <p>4) Have the authorities compiled and published comprehensive statistics on redress, including cases of compensation and rehabilitation to the victims or, in cases of death in custody, their families? If not, what figures have been made public with regard to redress (particularly compensation and rehabilitation).</p>	<p>Space for replies:</p>

5) If possible, provide your own statistics on complaints, investigations, prosecutions, convictions and redress.	
PROHIBITION IN LAW AND NO EXEMPTIONS FOR PERPETRATORS	
<p>Definition of torture</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> Bring the definition of torture in domestic law into line with the definition in article 1 of CAT (Czech Republic). Incorporate a definition of torture into its domestic law, in line with article 1 of CAT (Australia). Establish a legal definition of torture in line with article 1 of CAT, and independent mechanisms to investigate and prosecute related cases (Canada). (UPR, Recommendations 88.23., 88.24). 	
<p>Indicators of implementation (legislation):</p> <p>1) Is the definition of torture in domestic legislation fully in line with the definition contained in the Convention against Torture?</p>	<p>Space for replies:</p>
<p>Gravity of sanctions</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> The Committee recommends that the State party amend article 143-1 of the Criminal Code to ensure that sanctions for the offence of torture reflect its grave nature, as required by article 4 of the Convention. (CAT, Recommendation 6). (Ensure that) perpetrators are punished with appropriate penalties. (CAT, Recommendation 14(d)(iii)). Amend article 143 1 of the Criminal Code to ensure that torture is defined as a serious crime in accordance with article 1 of the Convention against Torture, sanctioned with penalties commensurate with the gravity of the crime. (SR 1, Recommendation 99a). If convicted, (the State party should) punish (perpetrators) with commensurate sentences. (HRC, Recommendation 14). (T)he punishment for torture and ill-treatment must be increased in accordance with the severity of these acts. (SR 2, Recommendation 54). 	
<p>Indicators of implementation (legislation):</p> <p>1) Has Article 143-1 of the Criminal Code been amended to ensure that sanctions for torture reflect its grave nature?</p> <p>Indicators of implementation (practice):</p>	<p>Space for replies:</p>

<p>2) If sentences are often not commensurate with the crime committed, provide a case example/s.</p>	
<p>Abolishing exemptions for perpetrators in the Criminal Procedure Code</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • Revoke provisions in the CPC allowing termination of criminal proceedings and exemption of the defendant from criminal liability whenever the case concerns allegations of torture and ill-treatment. (CAT, Recommendation 11(c)). • Revoke the legal provisions of the Code of Criminal Procedure allowing the termination of criminal proceedings and exempting defendants from criminal liability by reason of repentance, conciliation with the victim, change in circumstances or expiration of the statute of limitations for criminal prosecution, whenever the case concerns allegations of torture and ill-treatment. (SR 1, Recommendation 99(d)). 	
<p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> 1) Has the statute of limitations regarding the crimes of torture or other ill-treatment been abolished? 2) Have provisions of the Criminal Procedure Code (CPC) been abolished that allowed for termination of criminal proceedings based on repentance, conciliation with the victim or change in circumstances? <p>Indicators of implementation (legislation):</p> <ol style="list-style-type: none"> 3) Is the above legislation applied in practice? If not, please provide examples. 	<p>Space for replies:</p>
<p>Excluding perpetrators from amnesty laws</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • The State party should ensure that the Law on Amnesty contain clear provisions stipulating that no person convicted for the crime of torture will be entitled to benefit from amnesties, and that such prohibition is strictly complied with in practice. (CAT, Recommendation 7). • Include in the Law on Amnesty that no person convicted for the crime of torture may benefit from an act of amnesty. (SR 1, Recommendation 99(a)). • (A)mnesty for (the crimes of torture or other ill-treatment) must be specifically prohibited in the applicable legislation. (SR 2, Recommendation 54). 	
<p>Indicators of implementation (legislation):</p> <ol style="list-style-type: none"> 1) Have amnesty laws been amended to exclude perpetrators of torture or other ill-treatment? <p>Indicators of implementation (practice):</p>	<p>Space for replies:</p>

<p>2) Have any perpetrators of torture or other ill-treatment benefitted from prisoners amnesties or legislation on conditional early release (in Russian: Условно-досрочное освобождение) in recent years? Provide case example/s.</p>	
SAFEGUARDS UPON ARREST AND OTHER FORMS OF DEPRIVATION OF LIBERTY	
<p>General</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • Ensure that administrative detention is subject to the same right to challenge the lawfulness of detention as other forms of detention (Canada). (UPR, Recommendation 90.32.) Tajikistan's response: Tajikistan accepts this recommendation, which is being implemented. The complaints procedure for administrative detention set out in articles 753, 755, 782 and 812 of the Code of Administrative Offences is fully identical with the complaints procedure established for criminal detention. A person who is arrested or detained under administrative law has the right to appeal against the arrest or detention in court, to benefit from the services of a lawyer, to challenge the court proceedings and to appeal against the court's verdict by filing a complaint with a higher court. (UPR Addendum). • The State party should guarantee the registration of detainees within the legal time frame, and ensure that all arrested persons, including minors, fully enjoy their rights as required by the Covenant, including access to a lawyer, family members and medical personnel. (HRC, Recommendation 16). • (T)he Special Rapporteur reminds the Government that any improvement in legislation (relating to legal safeguards) must be accompanied by meaningful practical implementation of guarantees. (SR 2, Paragraph 12). • The Government must additionally ensure that the failure to comply with and implement existing legal provisions is considered a severe fault and accompanied by appropriate sanction, and not mere disciplinary measures. (SR 2, Paragraph 12). • In terms of safeguards against torture and ill-treatment, the State must, in legislation and practice, guarantee detainees' access to independent legal counsel and medical services and ensure the exclusion of evidence obtained through torture in all proceedings and in any form. (SR 2, Recommendation 55). 	
<p>Indicators of implementation (general):</p> <ol style="list-style-type: none"> 1) Has legislation been adopted to strengthen basic safeguards for detainees? If yes, please list the most significant ones since 2010. 2) Are these safeguards implemented in practice? (You do not have to answer this question. A short answer to this question will later be added based on the replies of all NGOs to the questions below.) <p>Indicators of implementation (legislation):</p>	<p>Space for replies:</p>

<p>3) Does domestic legislation provide the same level of protection to all individuals who are deprived of liberty (e.g. on administrative charges) as to those detained on criminal charges? If not, detail the differences.</p> <p>4) State in particular whether domestic legislation provides those held on administrative charges with the right to challenge the lawfulness of detention?</p> <p>Indicators of implementation (practice):</p> <p>5) Have the authorities taken measures to ensure that legal amendments aimed at strengthening basic safeguards are implemented in practice? How do you assess the effect of these measures?</p> <p>6) Are officials violating legal safeguards in detention subjected to appropriate sanctions rather than mere disciplinary measures? Give case examples, if possible.</p>	
<p>Moment of arrest</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • Amend the CPC to ensure that arrest starts from the moment of de-facto apprehension. (CAT, Recommendation 8 (a)). • The Committee urges the State party to take prompt and effective measures to ensure, in law and in practice, that all detainees are afforded all legal safeguards from the very outset of their apprehension. (CAT, Recommendation 8). • Amend the Code of Criminal Procedure to ensure that the time of arrest starts from de facto apprehension and delivery to a police station. (SR 1, Recommendation 99(e)). • Clarify the status of suspects, accused persons and witnesses in the law on detention procedures and conditions of suspects, accused persons and defendants by providing them with the same procedural safeguards at the time of apprehension. (SR 1, Recommendation 100 (b)). • The Special Rapporteur reminds the Government that deprivation of liberty must be understood to begin at the moment of a suspect's apprehension, regardless of location, and that detainees must be entitled to procedural safeguards from the moment of actual arrest, even before their registration, in both legislation and practice. (SR 2, Paragraph 13). 	
<p>Indicators of implementation (legislation):</p> <p>1) Has the CPC been amended to define that arrest starts from the moment of <i>de facto</i> apprehension?</p> <p>2) If not: What other documents/guidelines have been drawn up to define arrest? Are they public? Are they legally binding?</p> <p>3) Has the law on detention procedures and conditions of suspects, accused persons and defendants been amended to clarify the status of suspects, accused persons and witnesses?</p> <p>Indicators of implementation (practice):</p>	<p>Space for replies:</p>

<p>4) The CPC provides for a number of procedural safeguards and, in some cases, specifies the maximum period of time within which detainees are entitled to these safeguards. In practice, does the “clock start ticking” at the actual moment of arrest or, for example, when the detention record is completed? Provide case example/s illustrating the lack of access to legal safeguards as of the moment of apprehension.</p> <p>5) Are suspects, accused persons and witnesses provided with the same procedural safeguards as of the moment of deprivation of liberty? If not, provide case examples.</p>	
<p>Informing suspects of rights</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • Ensure that suspects are informed of their rights at the very moment of apprehension as well as reasons for their detention. (CAT, Recommendation 8 (c)). 	
<p>Indicators of implementation (legislation):</p> <p>1) Under domestic legislation, when do suspects have to be informed of their rights und when do they have to be informed of the reasons of the arrest?</p> <p>Indicators of implementation (practice):</p> <p>2) In practice, when are detainees usually informed of their rights? What information is given to them? When are they informed of the grounds of the arrest?</p> <p>3) Can you provide case examples, if detainees are not (always) informed of their rights at the very moment of apprehension.</p>	<p>Space for replies:</p>

Registration

UN recommendations:

- Amend the Criminal Procedural Code to the effect that detention records have to record the identity of the officers involved in detaining a person, in line with Principle 12 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Czech Republic). (**UPR**, Recommendation 90.30).
- Establish an official, central register in which the arrest is scrupulously and immediately recorded, including at the minimum: (i) the time of arrest; (ii) the reason for arrest; (iii) the names of the arresting officer(s); (iv) the location where they are detained and any subsequent transfers; and (v) the names of the officers responsible for them in custody. Responsible officers who fail to record such information should be held accountable. (**CAT**, Recommendation 8 (b)).
- (Amend the Code of Criminal Procedure to ensure) that arrest is scrupulously recorded, reflecting the name of the arresting officer and the detainee's state of health upon arrival at the detention centre. (**SR 1**, Recommendation 99(e)).
- Ensure strict adherence to registration from the very moment of actual arrest; that police station chiefs and investigating and operative officers are held criminally accountable for any unacknowledged detention. (**SR 1**, Recommendation 100 (a)).
- Proper registration should include details regarding the names of all the officers involved in the detention, the circumstances of the arrest, and the physical condition of the detainee. (**SR 2**, Paragraph 14).

Indicators of implementation (institutional change/procedures/mechanisms/strategies):

- 1) Is there a mechanism or a system in place that regularly and diligently checks whether registration is carried out immediately and scrupulously?
- 2) Have the authorities set up a central register? If not, how is the registration done in practice and what information is taken down for registration?

Indicators of implementation (legislation):

- 3) Has the CPC been amended to the effect that the identity of arresting officer/s has to be included in the detention record?
- 4) Does domestic legislation require that all transfers the detainee is subjected to be recorded?
- 5) Does domestic legislation require that the names of all officers responsible for a detainee be recorded?

Indicators of implementation (practice):

- 6) Is the central register used in practice?
- 7) Is the arrest scrupulously and immediately recorded from the very moment of apprehension? By whom?
- 8) Is the exact time of arrest recorded?
- 9) Are the reasons for arrest recorded?

Space for replies:

<p>10) Are the name/s of the arresting officer/s recorded?</p> <p>11) Are the location where the arrest took place and any subsequent transfers recorded?</p> <p>12) Are the names of all officers responsible for the detainee in custody recorded?</p> <p>13) Is the detainee's state of health recorded?</p> <p>14) Do you have statistics on how frequently the detention record has not been filled in correctly? Or can you provide case examples?</p> <p>15) Are you aware of any cases where officers who failed to record vital information were held accountable? What penalties did they face?</p> <p>16) Are you aware of any cases where police station chiefs and investigating and operative officers were held criminally accountable for any unacknowledged detention?</p>	
<p>Arrest warrant and time limit of bringing charges</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • (E)stablish the rule that arrests will proceed only by judicial warrant, except in cases of <i>in flagrante delicto</i>; and, where persons are held for initial inquiry, guarantee that the maximum duration of three hours for detention pending formal arraignment is respected. (SR 1, Recommendation 99(e)). 	
<p>Indicators of implementation (legislation):</p> <p>1) Is legislation in place to the effect that arrests only take place with a judicial warrant, except in cases of <i>in flagrante delicto</i>?</p> <p>Indicators of implementation (practice):</p> <p>2) Do you have statistics – based on officials figures or your own monitoring – documenting in how many cases, except for cases of <i>in flagrante delicto</i>, people have been arrested without a judicial warrant in recent years?</p> <p>3) Are you aware of cases where the duration of initial inquiry pending formal arraignment exceeded three hours? Provide case detail/s.</p>	<p>Space for replies:</p>

FURTHER SAFEGUARDS: CONTACT WITH THE OUTSIDE WORLD (AND VIDEO SURVEILLANCE)

Notifying family members

UN recommendations:

- Ensure detainees have prompt access to (...) family members from the time that they are taken into custody (Turkey). (UPR Recommendation 90.35.).
- Amend the CPC to repeal the 12-hour period for notification of arrest by law enforcement officers to family members. (CAT, Recommendation 8 (g)).

Indicators of implementation (legislation):

- 1) Has the CPC been amended to repeal or reduce the 12-hour limit for police notification of family members of the arrest?

Indicators of implementation (practice):

- 2) If so, are these laws implemented in practice? If they are frequently not implemented, provide case example/s.

Space for replies:

Access to a lawyer

UN recommendations:

- Ensure detainees have prompt access to a lawyer (Turkey). (UPR Recommendation 90.35.).
- Guarantee the right to access lawyers of their choice from the moment of apprehension and to hold consultations in private, including through the adoption of legal provisions in this respect. (CAT, Recommendation 8 (d)).
- Ensure (...) that access to lawyers of the suspect's own choosing is granted from the moment of apprehension, through amendments to legislation, where necessary. (SR 1, Recommendation 100 (a)).
- (The Special Rapporteur) also urges the State to provide indigent defendants with pro bono legal service, when necessary. (SR 2, Paragraph 18).
- The Special Rapporteur urges the Government to remove all legal and practical obstacles to detainees' unimpeded access to independent and adequate legal representation. He recommends that measures to achieve these ends be included, in specific detail, in the revised National Action Plan or a future comprehensive national human rights action plan. (SR 2, Paragraph 19).

Indicators of implementation (institutional change/procedures/mechanisms/strategies):

Space for replies:

<p>1) Is a system in place that ensures provision of independent pro bono legal service to indigent defendants, when necessary?</p> <p>2) Have measures to remove all legal and practical obstacles to detainees' unimpeded access to independent and adequate legal representation been included in the revised National Action Plan or in a comprehensive national human rights action plan?</p> <p>Indicators of implementation (legislation):</p> <p>3) Have any legal measures been adopted to ensure provision of unimpeded access to independent and adequate legal representation to all detainees?</p> <p>Indicators of implementation (practice):</p> <p>4) Are detainees able to chose a lawyer themselves? If this is frequently not the case, provide case example/s.</p> <p>5) Are they able to see their lawyer right after they are apprehended as well as at later stages of detention? If this is frequently not the case, provide case example/s and cite what reasons officials have given to prevent lawyers from seeing their clients.</p> <p>6) Are they able to consult with the lawyer in private? If this is frequently not the case, provide case example/s.</p>	
<p>Video recordings</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> Maintain video recordings of all interrogations and install video surveillance in all areas of custody facilities where detainees may be present, except in cases where detainees' right to privacy or to confidential communication with their lawyer or a doctor may be violated. Such recordings should be kept in secure facilities and be made available to investigators, detainees and their lawyers. (CAT, Recommendation 9(c)). 	
<p>Indicators of implementation (legislation):</p> <p>1) Has legislation been adopted to the effect that all interrogations should be video recorded?</p> <p>Indicators of implementation (practice):</p> <p>2) If so, are all interrogations video recorded in practice?</p> <p>3) Has video surveillance been installed in all areas of detention facilities where detainees are present, except in cases where detainees' right to privacy or to confidential communication with their lawyers or a doctor may be violated?</p>	<p>Space for replies:</p>

<p>4) If not, has any video surveillance been installed in detention facilities in recent years? Do you know of any examples of how it has worked, whether it has functioned as a deterrent from torture?</p> <p>5) If video surveillance has been installed, who has access to the recordings? Are there kept in secure facilities?</p>	
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FURTHER SAFEGUARDS: ACCESS TO INDEPENDENT MEDICAL EXAMINATION

General

UN recommendations:

- (C)onsider the establishment of an independent health service to conduct examinations of detainees upon arrest and release (Turkey). (UPR Recommendation 90.35.).
- (A)llow access to independent medical examination without interference or the presence of law enforcement agents or prosecutors. (SR 1, Recommendation 100 (d)).
- (E)nsure that medical staff in places of detention are truly independent from law enforcement. (SR 1, Recommendation 100 (e)).
- (The Special Rapporteur) urges the Government to ensure that all medical personnel are in practice under the authority of the Ministry of Health, rather than the Ministry of Justice, and to further ensure that the law is amended so that non-State medical experts are also permitted to provide expertise in court, which is currently not provided for in legislation. (SR 2, Paragraph 22).

<p>Indicators of implementation (institutional change/procedures/mechanisms/strategies):</p> <p>1) Are all medical personnel examining detainees in detention facilities independent of the institution running the detention facility, i.e. is their employer independent of and has no hierarchical relationship with the institution running the facility? Specify where this is the case and where it is not.</p> <p>Indicators of implementation (legislation):</p> <p>2) Is there legislation stipulating that medical examinations should be conducted in private, without presence and interference of law enforcement officers or prosecutors?</p>	<p>Space for replies:</p>
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<p>3) Is there a law on independent forensic experts? Give details, particularly on whether they have equal rights within the criminal justice system compared to state forensic experts.</p> <p>Indicators of implementation (practice):</p> <p>4) When medical examinations are conducted in police custody, SIZOs, prisons, are they conducted in private, without interference or the presence of law enforcement agents or prosecutors?</p> <p>5) Do you know of cases where law enforcement agents put pressure on medical personnel/interfered in their work? Provide details.</p>	
<p>Prompt medical examination</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • Ensure detainees have prompt access to (...) a doctor (Turkey). (UPR Recommendation 90.35.). • Establish regular medical examinations of persons deprived of their liberty (Austria). (UPR, Recommendation 90.34). Tajikistan's response: "Tajikistan accepts the recommendation to hold regular medical examinations of persons deprived of their freedom and to set up an independent complaint mechanism for torture allegations, as this is already called for in the country's legislation." (UPR Addendum). • Ensure that anyone arriving at a detention facility undergoes a routine medical examination, and that access to independent doctors is provided when requested by the detainee without conditioning such access on the permission or request of officials. (CAT, Recommendation 8 (e)). • Enact legislation establishing a minimum time within which medical examination is to be provided without delay. (SR 1, Recommendation 100 (e)). • (E)nsure timely access to independent medical check-ups at the time of arrest and upon transfer to another place of detention. (SR 1, Recommendation 100 (d)). • (A)uthorities must ensure timely access to independent medical examinations, including psychological evaluations, at the time of arrest and upon transfer to and between places of detention, for all detainees. (SR 2, Paragraph 21). • (The Special Rapporteur) urges the Government to ensure that appropriate amounts of funding and resources are used to endow prison medical personnel and facilities, and that a lack of resources cannot be used as a reason for failing to comply with the relevant international and domestic legal obligations. (SR 2, Paragraph 21). 	
<p>Indicators of implementation (legislation):</p> <p>1) Is there legislation entitling detainees to access independent doctors upon their request? At which stage of his/her detention? Under what circumstances?</p> <p>2) Is there legislation that establishes a minimum time within which medical examination has to be provided?</p> <p>Indicators of implementation (practice):</p>	<p>Space for replies:</p>

<ol style="list-style-type: none"> 3) Does every detainee arriving at and returning to police detention facilities, SIZOs and prisons undergo a routine medical examination, including psychological evaluation? 4) If not, list the main problems that detainees encounter with regard to medical examination. Indicate what government agencies these problems refer to. 5) Are these examinations carried out by qualified medical doctors? 6) Do detainees have prompt access to medical doctors on their own request, without permission by an official? 7) Do prison medical services and facilities receive appropriate amounts of funding and resources? 	
<p>Training on standards of the Istanbul Protocol</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • Increase the number of qualified health personnel in temporary and pretrial detention facilities and ensure that medical staff in places of detention are (...) trained in the Istanbul Protocol. (SR 1, Recom. 100 (d)). • (P)rovide forensic medical services with training in the medical investigation of torture and other forms of ill-treatment. (SR 1, Recom. 100 (e)). • The Government should develop, in consultation with the civil society, appropriate Medical Clinical Protocols for the identification of torture cases in line with Istanbul Protocol requirements, and ensure their use by all relevant medical personnel, including those at primary healthcare facilities, emergency doctors and medical personnel in all detention facilities. (SR 2, Paragraph 23). 	
<p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> 1) Are all medical personnel as well as medical staff working in detention facilities and forensic medical experts routinely trained in the Istanbul Protocol during their studies/further qualification? Provide details and separate your information by region, number of people trained, length of training and how systematically they have been trained. 2) What measures are taken to train psychologists in conducting psychological examinations in line with standards contained in the Istanbul Protocol? 3) Have Medical Clinical Protocols been devised for the identification of torture cases that are in line with requirements under the Istanbul Protocol and are they used by all relevant medical personnel? 4) Are you aware of cases where medical personnel/forensic medical experts did not apply standards of the Istanbul Protocol in practice? How often is this the case? Provide case example/s. 	<p>Space for replies:</p>

FURTHER SAFEGUARDS: THE REMAND HEARING

Time limits

UN recommendations:

- Mandate that a detainee be brought promptly before a judge, in line with international standards, and reduce the 72-hour period of police custody. (**CAT**, Recommendation 8 (f)).
- Reduce the 72-hour period of police custody and mandate that a detainee must be brought promptly before a judge, in accordance with international standards. (**SR 1**, Recommendation 100 (c)).
- The State party should ensure that persons in police custody are brought before a judge within a maximum period of 48 hours. (**HRC**, Recommendation 17).
- The Special Rapporteur urges the Government to reduce the period of lawful precharge detention to 48 hours in line with acceptable international standards. (**SR 2**, Paragraph 16).

Indicators of implementation (legislation):

- 1) Has legislation been adopted to reduce the 72-period of police custody before detainees are brought before a judge?

Indicators of implementation (practice):

- 2) How many hours after the moment of arrest are detainees usually brought before a judge? Give case examples of instances in excess of the limit prescribed by and provide statistics or an assessment of whether this happens frequently or in rare cases.

Space for replies:

Authorizing pre-trial detention

UN recommendations:

- Amend the CPC to ensure that pretrial detention is not authorized by courts based only on the gravity of the alleged crime, and that periods of pretrial detention cannot be extended when the prosecution has failed to present well-founded grounds for the person to remain in custody. (**CAT**, Recommendation 8 (h)).
- The State party should ensure (...) that the judge's decision on pretrial detention is based on individual circumstances, such as risk of flight, and not solely on the ground of the gravity of the crime. (**HRC**, Recommendation 17).

Indicators of implementation (legislation):

- 1) Has the CPC been amended to clarify that pre-trial detention should not be based on the gravity of the alleged crime only, but also on individual circumstances, such as risk of flight or harm to public safety or interference with the course of justice?
- 2) Has the CPC been amended to the effect that judges at remand hearings cannot extend pre-trial detention when the prosecution has failed to present well-founded grounds for the person to remain in custody?

Indicators of implementation (practice):

- 3) If such legislation (see above) has been adopted, is it implemented in practice? If not, provide statistics and/or case example/s.
- 4) Are detainees still remanded in custody based on the gravity of the alleged crime only? If so, provide statistics or case examples documenting this ongoing practice.

Space for replies:

INDEPENDENT INSPECTIONS

Ombudsman's office: Paris Principles

UN recommendations:

- Ensure that the structures and functions of the Human Rights Ombudsman Institution are in accordance with the Paris Principles (Poland). Ensure that its NHRI accords in full with the Paris Principles (Australia). (**UPR**, Recommendation 88.5. and similar 88.4, 88.6, 88.7).
- The State party should bring the Office of the Commissioner into full compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and provide it with the necessary financial and human resources to ensure that it can effectively and independently implement its mandate. (**HRC**, Recommendation 5).

Indicators of implementation (legislation):

- 1) Is the independence of the Ombudsman's Office guaranteed by constitutional provisions, legislation or other internal documents? If not, what limitations are envisaged?
- 2) Is the Ombudsman's Office entitled to publicize reports, statements, opinions whenever he deems necessary?
- 3) Does the Ombudsman have defined powers to investigate on its own initiative situations and cases of reported human rights violations?
- 4) Is the Ombudsman authorized to investigate the conduct of the police and the security forces throughout the national territory?

Indicators of implementation (practice):

- 5) Explain whether the Ombudsman is involved in monitoring detention facilities and/or if there are discussions that a National Preventive Mechanism might be established in the Ombudsman's Office.
- 6) In practice, does the Ombudsman's Office lack independence? Is the Ombudsman subject to pressure from government authorities? If so, provide details.
- 7) Is the Ombudsman's Office funded adequately and does it have sufficient human resources to ensure it can carry out its mandate? Provide details.
- 8) Is the Ombudsman's Office subject to financial control that could affect its independence?
- 9) Are members selected on the basis of proven expertise, knowledge and experience in the promotion and protection of human rights?

Space for replies:

Independent inspection: NPM

UN recommendations:

- (The State party should) (t)ake concrete steps, as a matter of priority, to ratify the Optional Protocol to the Convention and establish an effective National Preventative Mechanism which is resourced and permitted to conduct regular, independent, unannounced and unrestricted visits of inspection to all places of deprivation of liberty, with opportunity for inspectors to speak privately with individual detainees. (CAT, Recommendation 14(c)).
- Take concrete measures to **speed up the ratification of the Optional Protocol to the Convention against Torture, and subsequently establish an effective national preventive mechanism** and ensure budgetary allocations to equip the mechanism with human and other resources sufficient to enable it to inspect all places of detention regularly, receive complaints, initiate prosecutions and follow them through to their conclusion. (**SR 1**, Recommendation 100 (h)).
- (The Special Rapporteur) encourages the Government to engage with the United Nations Sub-Committee on the Prevention of Torture (SPT), which has extensive experience with assisting Governments in implementing their obligations to prevent torture, even prior to the ratification of OPCAT. (**SR 2**, Paragraph 51).
- In the case that the Government opts for an Ombudsman-Plus model, the Special Rapporteur recommends that the functions related to the monitoring of places of detention be conducted by an entirely independent and qualified section of the Ombudsman's Office. (**SR 2**, Paragraph 53).
- (The Special Rapporteur) recommends that Tajikistan ratify the OPCAT as a matter of priority and ensure the implementation of an NPM, as well as independent monitoring by civil society alongside the NPM. (**SR 2**, Recommendation 55).

Indicators of implementation (institutional change/procedures/mechanisms/strategies):

- 1) What measures has Tajikistan taken for the ratification of OPCAT? How do the authorities relate to the question of ratifying OPCAT?

Indicators of implementation (practice):

- 2) Have the authorities involved NGOs in discussions or working groups on the ratification of OPCAT and the NPM or have they provided other ways for NGO input? Give details.
- 3) Have the authorities engaged with the UN Sub-Committee on the Prevention of Torture, as part of their preparation to ratify OPCAT?

Space for replies:

Independent inspection: International or national NGOs

UN recommendations:

- In the meantime (i.e. before ratifying OPCAT and setting up an NPM; added by author of this document), grant unimpeded access to the ICRC and independent non-governmental organizations to all places of detention, and ensure that the Ombudsman undertakes regular, unannounced visits to all places of deprivation of liberty, accompanied by medical professionals, including to places of police custody, and that the findings are made available publicly. (CAT, Recommendation 14(c)).
- Grant ICRC and independent non-governmental organizations unimpeded access to all places of detention, and ensure regular inspection of places of detention. (SR 1, Recommendation 100 (i)).
- (The State party) should also institute an independent mechanism for inspection of all detention facilities by relevant international humanitarian organizations and/or independent national human rights non-governmental organizations (NGOs). (HRC, Recommendation 16).
- (The Special Rapporteur) encourages the Government to (...) engage with the ICRC to better understand how Tajikistan can benefit from their collaboration. (SR 2, Paragraph 50).
- (C)ivil society should also have unimpeded access to make unannounced visits to places of detention, independently of an NPM or other Government-sponsored monitoring group, as recommended by the SPT Guidelines on NPMs. (SR 2, Paragraph 53).
- Tajikistan further needs to increase its efforts to develop an effective and independent prevention apparatus, including ensuring independent oversight of its places of detention and access by local and international civil society groups. (SR 2, Recommendation 55).
- (The Special Rapporteur) recommends that Tajikistan ratify the OPCAT as a matter of priority and ensure the implementation of an NPM, as well as independent monitoring by civil society alongside the NPM. (SR 2, Recommendation 55).

Indicators of implementation (practice):

- 1) Is the ICRC able to monitor detention facilities?
- 2) Do NGOs have unimpeded access to all detention facilities?
- 3) If not, do NGOs have access to some detention facilities? Which ones? Is this access unimpeded? Or how is this access conditioned?
- 4) Does the Ombudsman/the Monitoring Group conduct regular, unannounced visits to all places of deprivation of liberty?
- 5) Are medical professionals part of the Monitoring Group when visiting detention facilities?
- 6) Does the Monitoring Group conduct unannounced visits? Does it have access to all places of detention and to all internal documents? Can its members talk to detainees/prisoners in confidential circumstances?
- 7) How many detention facilities/detainees are visited by the Ombudsman/Monitoring Group per year?
- 8) Are the findings of the Ombudsman's/Monitoring Group's visits to detention facilities made public? How frequently?

Indicators of implementation (legislation):

Space for replies:

<p>9) Does domestic legislation provide civil society organizations with access to detention facilities in order to conduct independent monitoring?</p>	
<p>BLOCKING THE USE OF EVIDENCE EXTRACTED UNDER TORTURE</p>	
<p>General</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • Harmonize domestic legislation in order that statements obtained under torture are not used as evidence in legal proceedings (Mexico). (UPR, Recommendation 89.1). (<i>Tajikistan supports this recommendation but considers it already implemented. See p. 17 in UPR</i>). • The Committee urges the State party to guarantee, in practice, that statements obtained by torture are not invoked as evidence in any proceedings. (CAT, Recommendation 13). • The State party should ensure that in any case in which a person alleges that a confession was obtained through torture, the proceedings are suspended until the claim has been thoroughly investigated. (CAT, Recommendation 13). • The Committee urges the State party to review cases of convictions based solely on confessions. (CAT, Recommendation 13). • Ensure that article 88 (3) is brought into line with the provisions of article 15 of the Convention against Torture in order to exclude explicitly any evidence or extrajudicial statement obtained under duress. (SR 1, Recommendation 99(b)). • (The State party) should also guarantee the exclusion by the judiciary of evidence obtained under torture as provided by law. (HRC, Recommendation 14). • To strengthen this safeguard, (the Special Rapporteur) recommends that the Government act to exclude not only evidence obtained from torture and ill treatment, but also evidence obtained in violation of due process guarantees. Moreover, the Government should ensure that confessions are only admissible when given in presence of a lawyer and ratified before a judge, and there should be a presumption against evidence obtained in the absence of a lawyer or before a detainee is brought to a judge. In fulfilling their responsibility to protect the integrity of the criminal procedure, judges and prosecutors should take an active role in ensuring compliance with this protection measure. (SR 2, Paragraph 25). • The Special Rapporteur urges the Government to implement legislation prescribing measures to be taken by Courts should evidence appear to have been obtained unlawfully, and insist that formal complaints by victims should not be required for the necessary investigations. (SR 2, Paragraph 26). 	
<p>Indicators of implementation (institutional change/procedures/mechanisms/strategies):</p> <p>1) Is there a mechanism whereby judges exclude evidence extracted under duress? If so, provide details.</p> <p>Indicators of implementation (legislation):</p>	<p>Space for replies:</p>

<p>2) Is there legislation (including guidance) stipulating that judges should suspend proceedings when a detainee or defendant alleges he or she has been subjected to torture or other ill-treatment until the claim has been investigated?</p> <p>3) Is there legislation stipulating that investigations take place whenever evidence appears to have been obtained unlawfully, including in those cases where no formal complaint was submitted?</p> <p>4) Is there legislation (including guidance) to the effect that all evidence obtained in violation of due process guarantees be excluded from court proceedings?</p> <p>Indicators of implementation (practice):</p> <p>5) Did you conduct trial monitoring and do you have statistics on how judges addressed allegations by the defendant or her or his lawyer that he or she was subjected to torture or ill-treatment in pre-trial detention or that procedural safeguards were violated in the course of obtaining evidence? Please provide your statistics.</p> <p>If you do not have statistics:</p> <p>6) Are you aware of any cases where judges excluded evidence allegedly extracted under torture from the trial proceedings? If so, give case details. If possible, provide an assessment whether this happens routinely, frequently or rarely.</p> <p>7) Are you aware of any cases where judges suspended the proceedings until claims of torture or ill-treatment have been investigated? If so, provide case example/s. If possible, provide an assessment whether this happens routinely, frequently or rarely.</p> <p>8) Are you aware of cases where judges during trials ignored allegations that evidence was extracted under torture? If so, give case example/s. If possible, provide an assessment whether this happens routinely, frequently or rarely.</p>	
<p>Confession in front of a judge</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • (Ensure) that statements or confessions made by a person deprived of liberty other than those made in the presence of a judge and with the assistance of a lawyer have no probative value in court against the declarant. (SR 1, Recommendation 99(b)). 	
<p>Indicators of implementation (legislation):</p> <p>1) Has legislation been adopted to the effect that statements or confessions made by a person deprived of liberty other than those made in the presence of a judge and with assistance of a lawyer have no probative value in court against the declarant?</p>	<p>Space for replies:</p>

<p>Indicators of implementation (practice):</p> <p>2) In practice, do judges use evidence in trials that was provided by the defendant outside the presence of the judge or a lawyer? Do you have statistics regarding this practice? Or provide case example/s.</p>	
<p>Shifting the burden of proof to the prosecution</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • (Ensure) that the burden of proof is shifted to the prosecution, to prove beyond reasonable doubt that the confession was not obtained by any unlawful means, including torture and ill-treatment. (SR 1, Recommendation 99(b)). 	
<p>Indicators of implementation (legislation):</p> <p>1) Has legislation been adopted to the effect that the burden of proof is shifted to the prosecution, to prove that a confession was not obtained under duress?</p> <p>Indicators of implementation (practice):</p> <p>2) Is this legislation implemented in practice? If not, provide statistics and/or case examples.</p>	<p>Space for replies:</p>
<p>RECEIVING ALLEGATIONS OF TORTURE, CONDUCTING EFFECTIVE INVESTIGATIONS AND BRINGING PERPETRATORS TO JUSTICE</p>	

Receiving complaints

UN recommendations:

- Establish an independent complaints mechanism for persons held in custody (Poland). (UPR, Recommendation 88.49).
- (The State party should) (e)stablish an effective, accessible and confidential system for receiving and processing complaints regarding torture or ill-treatment in all places of detention, and ensure that (...) every detainee has unimpeded and unsupervised access to the prosecutor upon request. (CAT, Recommendation 14(d)(i)).
- Introduce independent, effective and accessible complaint mechanisms in all places of detention by means of the installation of telephone hotlines or confidential complaints boxes, and ensure that every detainee has unimpeded and unsupervised access to the prosecutor upon request and that complainants are not subject to reprisals. (SR 1, Recommendation 100 (f)).
- (The Special Rapporteur) reminds the Government that each detainee must also be granted unimpeded and unsupervised access to prosecutors upon request. (SR 2, Paragraph 36).

Indicators of implementation (institutional change/procedures/mechanisms/strategies):

- 1) Have the authorities set up independent, effective and accessible complaint mechanisms in all places of detention?

Indicators of implementation (practice):

- 2) Have the authorities increased means for detainees to submit complaints? What have they done? Provide details on telephone hotlines, confidential complaint boxes and specify what detention facilities are concerned.
- 3) Are the available means to submit complaints independent, effective, accessible, confidential? Provide details, possibly case examples highlighting problems, such as reprisals against complainants.
- 4) Does every detainee have unimpeded and unsupervised access to a prosecutor upon his or her request?

Space for replies:

Ex-officio investigations

UN recommendations:

- The State party should launch ex officio investigations and should mandate judges in pretrial detention hearings to examine such allegations and refer for investigation. (**HRC**, Recommendation 14).
- (Ensure) that any allegation of torture and ill-treatment made in court is promptly addressed by the judicial authorities without the need for a written complaint. (**SR 1**, Recommendation 99(b)).
- (I)nstitute procedures for the automatic investigation of any case of torture or ill-treatment brought to the attention of the authorities by any means, even when victims have not lodged a complaint through the prescribed legal channels. (**SR 1**, Recommendation 99(d)).
- (T)he Special Rapporteur calls on the Government to increase efforts to ensure that all complaints of torture and ill treatment are duly investigated. He reiterates the obligation of authorities to initiative (sic) ex officio investigations whenever there are reasonable grounds to believe that torture or ill-treatment have been committed, and to order an independent medical examination if it is suspected that a detainee has been subjected to torture or ill-treatment. (**SR 2**, Paragraph 34).

Indicators of implementation (legislation):

- 1) Is there legislation providing for ex officio investigations?
- 2) Is there legislation/guidance instructing judges at remand hearings to examine allegations of torture or other forms of ill-treatment and refer such cases for investigation?

Indicators of implementation (practice):

- 3) If there is legislation (including guidance) as outlined above, is it implemented in practice? Provide case example/s.
- 4) If there is no such legislation (including guidance), how have judges reacted to torture allegations? Provide case example/s.

Space for replies:

Prompt, thorough, impartial and independent investigations into all allegations

UN recommendations:

- The Committee further recommends that the State party investigate the allegations of torture and ill-treatment of children, particularly of children in residential institutions, ensure the systematic and routine investigation and prosecution of reported cases and take all necessary measures to bring the alleged perpetrators to justice. (**CRC** Recommendation 38).
- (E)nsure prompt and credible investigations into all allegations of torture including deaths in custody (Slovakia). (**UPR**, Recommendation 88.26).
- Conduct independent, impartial and transparent investigations into all human rights allegations, such as those raised by the Human Rights Committee and Special Rapporteur mandate holders, with a view towards ensuring against impunity (Thailand). (**UPR**, Recommendation 90.36).
- Promptly, effectively and impartially investigate all incidents and allegations of torture and ill-treatment. (**CAT**, Recommendation 9(a)).
- (The State party should) (e)xpeditate prompt, impartial and thorough investigation into all allegations of torture and ill-treatment (**CAT**, Recommendation 11(b)).
- (Ensure that) all complaints are promptly, impartially and effectively investigated. (**CAT**, Recommendation 14(d)(ii)).
- Take effective measures to prevent police inquiry officers from mistreating children, including by investigating such acts. (**CAT**, Recommendation 20(d)).
- (E)xpeditate a prompt, impartial and thorough investigation into all allegations of torture and cruel, inhuman or degrading treatment or punishment. (**SR** 1, Recommendation 100 (g)).

Indicators of implementation (legislation):

- 1) Is there legislation (including guidance) stipulating that investigations must be instigated as soon as allegations of torture or other ill-treatment come to their attention, no matter whether a formal complaint has been submitted? What time lines does the law envisage?
- 2) Is there legislation necessitating the conduct of an independent medical examination if it is suspected that a detainee has been subjected to torture or ill-treatment?

Indicators of implementation (practice):

- 3) In practice, do the authorities launch investigations only when they receive a formal complaint or in all cases that come to their attention?
- 4) If they only take action upon receipt of a formal complaint, provide a suitable case example.
- 5) Do the authorities launch investigations promptly? Give case example/s showing how long it can take to start an investigation, e.g. a case where injuries were already not visible anymore.
- 6) Are investigations conducted impartially? Who carries out the investigations? If they are not conducted impartially, provide case example/s.

Space for replies:

7) Are investigations conducted thoroughly? If not, give case example/s.	
<p>Investigating deaths in custody</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • Ensure prompt, impartial and full investigations into all complaints and all instances of deaths in custody (Czech Republic 4). Ensure impartial investigations into all instances of death in custody (Poland). (UPR, Recommendation 88.48). • The Committee urges the State party to promptly, impartially and effectively investigate all deaths of detainees. (CAT, Recommendation 10). • The State party should ensure that all deaths in custody are fully and promptly investigated. (HRC, Recommendation 9). 	
<p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> 1) Do the authorities promptly launch investigations into deaths in custody? What time lines does the law envisage? Give case example/s showing how long it takes to start an investigation. 2) Are investigations conducted impartially? Who carries out the investigation? If it is not conducted impartially, provide case example/s. 3) Are investigations into deaths in custody conducted thoroughly? If not, give case example/s. 	<p>Space for replies:</p>
<p>Investigation into the 2012 security operation</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • The Committee urges the State party to accelerate its efforts in finalizing the investigation surrounding the killing and wounding of civilians in the 2012 security operation, while ensuring its adherence to international standards of investigation. In this regard, the State party should establish accountability for perpetrators and compensate victims and their families. (HRC, Recommendation 10). 	
<p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> 1) Have the authorities published information about the current state of the investigation into the killing and wounding of civilians during the 2012 security operation? 2) If not, do you have information about the conduct of the investigation? 3) Have perpetrators been brought to justice? 4) Have victims or victims' families received compensation? 	<p>Space for replies:</p>

Independent investigation mechanism

UN recommendations:

- Establish (...) independent mechanisms to investigate and prosecute (...) cases (related to torture) (Canada). (**UPR**, Recommendation 88.24.).
- Take concrete steps to establish an effective and independent criminal investigation mechanism with no connection to the body prosecuting the case against the alleged victim. (**CAT**, Recommendation 11(a)).
- The Committee urges the State party to establish a fully resourced, effective, independent and accessible mechanism to investigate and facilitate the submission of complaints by victims and witnesses of torture and ill-treatment to public authorities, as pledged by the State party following the universal periodic review in March 2012. (**CAT**, Recommendation 15).
- Establish an effective and independent criminal investigation and prosecution mechanism with no connection to the body investigating or prosecuting the case against the alleged victim. (**SR 1**, Recommendation 100 (g)).
- The State party (...) should investigate effectively all allegations of torture or ill-treatment through an independent mechanism. (**HRC**, Recommendation 14).

Indicators of implementation (institutional change/procedures/mechanisms/strategies):

- 1) Have the authorities taken any steps to set up an independent investigation mechanism? Is there any relevant draft legislation and have any budgetary discussions taken place? Detail what steps have been made.
- 2) Have the authorities involved NGOs in discussions on this topic?
- 3) Are you aware of any working groups dealing with setting up an independent investigative mechanism?

Space for replies:

PROTECTING COMPLAINANTS, WITNESSES, LAWYERS AND HUMAN RIGHTS ACTIVISTS FROM REPRISALS

General

UN recommendations:

- (The State party) should also ensure in practice that complainants and civil society organizations are protected against any ill-treatment, intimidation or reprisals as a consequence of their complaint, and that appropriate disciplinary, or where relevant, criminal measures, are taken against law enforcement officials for such actions. (CAT, Recommendation 15).
- (Ensure that) complainants do not suffer any reprisals. (CAT, Recommendation 14(d)(iv)).
- The Special Rapporteur expresses deep concern about allegations of reprisals that took place after his visit in 2012 against people who spoke with him or complained about mistreatment (...) The Special Rapporteur reminds the Government that (...) serious efforts need to be made to ensure that these allegations are properly investigated and punished. (SR 2, Paragraph 37).
- (The Special Rapporteur) urges the Government to take urgent and immediate measures to ensure that effective mechanisms are established and used in practice to protect complainants from (sic) reprisals. (SR 2, Paragraph 38).
- Regarding allegations of reprisals against two inmates who witnessed the torture of Hamza Ikromzoda: (The Special Rapporteur) urges the Government to conduct a thorough and independent investigation into these serious allegations of reprisals, to adopt and ensure, in practice, all necessary mechanisms and measures to protect victims of torture, their relatives, witnesses, and all other persons willing to testify or denounce acts of mistreatment, from reprisals. (SR 2, Paragraph 39).

Indicators of implementation (legislation):

- 1) Have the authorities adopted legislation or has guidance been issued to protect those that complain about torture or other ill-treatment, their relatives, witnesses and all others willing to testify or denounce acts of mistreatment, from reprisals?

Indicators of implementation (practice):

- 2) Have you recorded cases in recent years where torture victims, lawyers or human rights defenders have been subjected to reprisals, intimidation or ill-treatment as a result of complaining about torture or other ill-treatment? Provide examples.
- 3) When such allegations were brought to the attention of the authorities, how did they react?
- 4) Were appropriate disciplinary or criminal measures taken with regard to the perpetrators?
- 5) Were allegations that some people who spoke with the Special Rapporteur on torture in 2012 were subjected to reprisals properly investigated and the perpetrators punished?
- 6) Were allegations of reprisals against two fellow inmates of Hamza Ikromzoda, who witnessed his torture, properly investigated?

Space for replies:

REPARATION

General

UN recommendations:

- The State party should ensure that there are clear provisions in the domestic legislation on the right of torture victims to redress, including fair and adequate compensation and rehabilitation for damages caused by torture. It should, in practice, provide all victims of torture or ill-treatment with redress, including fair and adequate compensation, and as full rehabilitation as possible regardless of whether perpetrators of such acts have been brought to justice, including victims of trafficking, victims of torture and/or ill-treatment during the period of 1995 to 1999, and family members, in cases of deaths in custody. (CAT, Recommendation 21).
- The Committee draws the attention of the State party to the recently adopted general comment No. 3(2012) on article 14 of the Convention which explains the content and scope of the obligations of States parties to provide full redress to victims of torture. (CAT, Recommendation 21).
- (The Committee urges the State party to) provide compensation to the families of the victims. (CAT, Recommendation 10).
- Establish appropriate enforcement mechanisms in legislation to ensure that victims obtain redress and fair and adequate compensation, including the means for the fullest rehabilitation possible; and ensure that there are effective mechanisms in practice to protect complainants from reprisal. (SR 1, Recommendation 99(f)).
- (With regard to institutional reform, the Special Rapporteur recommends that the Government) consider providing bilateral direct funding for civil society organizations assisting victims and their family members, and the establishment of specialized services within the national health system. The United Nations Voluntary Fund for Victims of Torture is invited to consider requests for assistance by non-governmental organizations that work to ensure that persons who have been tortured have access to medical care and legal redress. (SR 1, Recommendation 102(e)).
- (With regard to institutional reform, the Special Rapporteur recommends that the Government) (e)stablish mechanisms and programmes to provide all victims with rehabilitation, including relevant infrastructures within the Ministry of Health, and fund private medical, legal and other facilities, including those administered by non-governmental organizations that provide medical, psychological and social rehabilitation. (SR 1, Recommendation 102(d)).
- (The State party should ensure) that the perpetrators are brought to justice and that compensation is provided to the victims' families. (HRC, Recommendation 9).
- (The State party) should bring alleged perpetrators to justice, and if convicted, punish them with commensurate sentences **and compensate victims**. (HRC, Recommendation 14).
- (The Special Rapporteur) urges the Government to continue to ensure that appropriate enforcement mechanisms exist in legislation – and are used in practice – to ensure that victims obtain redress and fair and adequate compensation, including the means for the fullest rehabilitation possible. (SR 2, Paragraph 43).

Indicators of implementation (institutional change/procedures/mechanisms/strategies):

- 1) Have specialized services been established within the national health service that provide free services to torture victims?

Space for replies:

Indicators of implementation (legislation):

- 2) Does domestic legislation contain clear provisions on the right of torture victims to redress (restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition)?
- 3) Does domestic legislation grant redress (restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition) to all victims of torture, including in those cases where perpetrators have not been brought to justice?
- 4) Are family members in cases of deaths in custody, victims of trafficking, and victims of torture or other ill-treatment during the period of 1995 and 1999 entitled to redress (restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition)?

Indicators of implementation (practice):

- 5) To your knowledge, how many torture victims have been awarded compensation by the courts or in other procedures? Provide details.
- 6) Have officials publicly apologized for torture in specific cases?
- 7) Do you have statistics on how many torture victims have had access to rehabilitation in recent years? Who provided the services, NGOs or the authorities?
- 8) Do the authorities provide funding for NGOs assisting victims and their families, e.g. with regard to rehabilitation?
- 9) Have victims of torture or other ill-treatment during the period of 1995 to 1999 received redress?

TRAINING

General

UN recommendations:

- The Committee recommends that the State party adopt appropriate measures to combat torture and cruel, inhuman or degrading treatment, including systematic training programmes at the national and local level, addressed to all professionals working with and for children on prevention of and protection against torture and other forms of ill-treatment. (**CRC**, Recommendation 38).
- Further expand the educational activities in the field of human rights with the focus on law enforcement, civil service and vulnerable groups (Turkey). (**UPR**, Recommendation 88.11.).
- The State party should strengthen training programmes for law enforcement officials, judges, medical professionals, prosecutorial staff and prison staff on the requirements of the Convention and undertake a comprehensive assessment of the impact of such programmes. The State party should ensure that relevant officials, in particular medical professionals, receive training on the use of the Istanbul Protocol to identify and document signs of torture and ill-treatment. The State party should further ensure adequate training of law enforcement officials and medical professionals in assessing and responding to cases of domestic violence against women, including rape, violence against children, and trafficking. (**CAT**, Recommendation 19).
- (With regard to institutional reform, the Special Rapporteur recommends that the Government) (r)aise the awareness of personnel of the Office of the Prosecutor General and investigating officers of the Ministry of the Interior of their role in preventing torture and ill-treatment by means of mandatory training on international standards on the prohibition of torture, provisions governing investigations of torture and ill-treatment, and interrogation techniques; and develop training programmes, to be delivered during professional qualification courses, for health and legal professionals on detecting, reporting and preventing torture. (**SR 1**, Recommendation 102(c)).
- The State party should (...) ensure that law enforcement personnel receive training on the investigation of torture and ill-treatment by integrating the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) in all training programmes. (**HRC**, Recommendation 14).

Indicators of implementation (practice):

- 1) Do law enforcement officials, judges, medical professionals, prosecutors, prison staff and all professionals working with and for children receive mandatory training on the requirements of the Convention against Torture?
- 2) Are international human rights standards and legislation, including with regard to torture, an integral part of the curriculum for future law enforcement officials, judges, medical professionals, prosecutors and prison staff? Provide information on the training of those professions that you are most familiar with.
- 3) Is training on how to gather evidence and how to conduct interrogations without applying unlawful measures an integral part of the curriculum for future law enforcement officials and prosecutors?
- 4) Do you have information on how many law enforcement officials, judges, medical professionals, prosecutors and prison staff have received training on the requirements of the Convention against Torture in recent years?
- 5) How many still require such training?

Space for replies:

<p>6) Are relevant officials, particularly medical professionals, trained in the requirements of the Istanbul Protocol regarding the identification and documentation of torture and other ill-treatment?</p> <p>7) How many medical professionals still require training in the Istanbul Protocol?</p> <p>8) Who conducts the trainings?</p> <p>9) Can you assess the effectiveness of the trainings and/or what recommendations do you have?</p>	
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OTHER SETTINGS: TORTURE AND ILL-TREATMENT IN THE ARMED FORCES

Receiving allegations, conducting effective investigations and bringing perpetrators to justice

UN recommendations:

- The State party should reinforce measures to prohibit and eliminate hazing and ill-treatment in the armed forces and ensure prompt, impartial and thorough investigation of all allegations of such acts. Where evidence of hazing is found, it should establish the liability of direct perpetrators and those in the chain of command, prosecute and punish those responsible with penalties that are consistent with the gravity of the act committed, make the results of such investigations public. (**CAT**, Recommendation 12).

Indicators of implementation (institutional change/procedures/mechanisms/strategies):

1) Is the mechanism carrying out investigations into allegations of ill-treatment/hazing in the army independent? If not, provide evidence (e.g. legislation, case example/s).

Indicators of implementation (legislation):

2) Has any legislation been adopted in recent years or any guidance issued aimed at ending ill-treatment/hazing in the army?

3) Are there any legislative gaps that facilitate ill-treatment/hazing in the army?

4) If further legislation is needed to combat ill-treatment/hazing in the army, please provide key recommendations.

Indicators of implementation (practice):

Space for replies:

<ol style="list-style-type: none"> 5) Have senior government/army officials spoken out against hazing and ill-treatment in the army? Provide quotes indicating the date and circumstances of these comments or speeches. 6) Did the authorities publish comprehensive statistics on complaints, investigations, prosecutions and convictions regarding hazing and ill-treatment in the army? 7) If not, did they publish any figures on complaints, investigations, prosecutions and convictions? 8) How many complaints of hazing have NGOs received in recent years? 9) When complaints have been submitted to the authorities in recent years, have they instigated investigations promptly in all cases? 10) If not, in which cases have investigations not been instigated promptly? Is there a pattern indicating on what criteria investigations are opened/not opened? Provide case details. 11) Have investigations been conducted thoroughly and impartially in recent years? If you are concerned about the thoroughness and impartiality of investigations, provide case details. 12) Have perpetrators been punished with penalties that are commensurate to the crime/s committed? 13) Are you aware of perpetrators that had their sentences reduced or were released under prisoners amnesties in recent years? Provide case example/s. 	
<p>Compensation and rehabilitation</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • (P)rovide compensation and full rehabilitation to victims (of torture or ill-treatment in the armed forces), including through appropriate medical and psychological assistance. (CAT, Recommendation 12). 	
<p>Indicators of implementation (legislation):</p> <ol style="list-style-type: none"> 1) Does domestic legislation contain clear provisions on the right of victims of hazing/ill-treatment in the army to rehabilitation, and compensation (and other forms of redress such as restitution, satisfaction and guarantees of non-repetition)? <p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> 2) Have all victims of ill-treatment/hazing known to you received compensation and full rehabilitation including through appropriate medical and psychological assistance? If not, provide statistics and/or case details/s. 3) Do the authorities provide funding for rehabilitation programmes? 	<p>Space for replies:</p>

OTHER SETTINGS: VIOLENCE AGAINST WOMEN

General

UN recommendations:

- The State party should strengthen its efforts to prevent, combat and punish violence against women and children. (**CAT**, Recommendation 16).
- The State party should adopt a comprehensive approach to prevent and address all forms of domestic violence. (**HRC**, Recommendation 7).
- The Committee urges the State party to give priority attention to combating all forms of violence against women and girls, both within and outside the family, and to adopt comprehensive measures to tackle such violence. (**CEDAW**, Recommendation 18).
- Developing a comprehensive national action plan for the prevention of all forms of violence against women, the protection and support of victims and punishment of the perpetrators and ensuring its full implementation, monitoring and evaluation. (**CEDAW**, Recommendation 18(b)).
- Collecting statistical data on all forms of violence against women, including domestic violence, disaggregated by sex, age and relationship between the victim and the perpetrator, and undertaking or supporting studies and/or surveys on the extent and root causes of violence against women. (**CEDAW**, Recommendation 18(f)).

Indicators of implementation (institutional change/procedures/mechanisms/strategies):

- 1) Have the authorities devised a comprehensive strategy to combat domestic violence, for example by adopting a national action plan?
- 2) Have civil society and NGOs been consulted?

Indicators of implementation (practice):

Please comment on the government's strategy/the action plan to combat domestic violence. For example:

- 3) Have the authorities defined concrete actions that should be implemented in order to live up to Tajikistan's obligations under international human rights law? And do these concrete actions aim at implementing UN recommendations or are they limited to "studying" and "discussing" these recommendations?
- 4) Does the government strategy/action plan clearly designate responsibilities and timelines to carry out the set tasks?
- 5) Have any senior officials publicly spoken out against domestic violence against women or children in recent years? Provide quotes.
- 6) Have the authorities published statistics on all forms of violence against women, including domestic violence, disaggregated by sex, age and relationship between the victim and the perpetrator?

Space for replies:

7) Have the authorities conducted and published studies and/or surveys on the extent and the root causes of violence against women in Tajikistan?	
<p>Domestic violence law</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • Enact the draft bill on Social and Legal Protection against Domestic Violence and develop a national plan to prevent and eradicate violence against women (Canada). (UPR, Recommendation 88.31., and similar: 88.17, 88.18, 88.29, 88.30., 88.32., 88.34, 88.35, 88.36). • Swiftly (adopt) the draft law on “social and legal protection against domestic violence” and criminalizing such acts. (CAT, Recommendation 16(a)). • (Amend) the Criminal Code, the Criminal Procedure Code and other relevant national legislation in order to enforce, among other things, the provisions of Law No. 954 (2013) on prevention of violence in the family with a view to criminalizing all forms of violence against women. (CEDAW Recommendation 18(a)). • (The Committee remains concerned about t)he lack of a specific definition of family in the existing legislation, including that on the prevention of violence in the family, which may leave out of its scope women in de facto polygamous relations, which are quite widespread, in particular in rural and remote areas. (CEDAW, Recommendation 17(b)). 	
<p>Indicators of implementation (legislation):</p> <ol style="list-style-type: none"> 1) Have all provisions of the Law on domestic violence (Law No. 954 (2013) been included in the Criminal Code, the CPC and other relevant legislation? 2) Has a specific definition of “family” been added to existing legislation, including that on domestic violence, that includes women in de facto polygamous relationships? 3) Has further legislation/guidance been devised, such as a code of conduct for law enforcement officials on best practices in responding to domestic violence? <p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> 4) Assess the implementation of the law on domestic violence. For example, has the number of female suicides connected to domestic violence gone down? 	<p>Space for replies:</p>

Protection and redress

UN recommendations:

- Providing victims of domestic and sexual violence with immediate protection and redress, including separation from perpetrators, provision of shelters, and rehabilitation. (CAT, Recommendation 16(d)).
- The State party should guarantee (...) that victims are adequately compensated. (HRC, Recommendation 7(c)).
- The State party should (e)nsure the availability of a sufficient number of adequately resourced shelters. (HRC, Recommendation 7(d)).
- (Provide) free legal aid, adequate assistance and protection to women victims of violence by establishing an adequate number of shelters, especially in rural areas, in cooperation with non-governmental organizations. (CEDAW, Recommendation 18(e)).

Indicators of implementation (institutional change/procedures/mechanisms/strategies):

- 1) Is there a sufficient number of shelters accessible to victims of domestic violence throughout Tajikistan? Provide details on capacities of existing shelters.
- 2) Who runs these shelters and does the government provide any funding?
- 3) Do women victims of domestic violence have access to free legal aid?
- 4) Are there sufficient rehabilitation programmes for survivors of domestic violence? If not, provide information on available services.
- 5) Who runs them and who funds them?

Indicators of implementation (practice):

- 6) Have the authorities published statistics on the application of administrative measures against perpetrators of domestic violence? Provide details.
- 7) Are you aware of cases where administrative measures were applied against perpetrators of domestic violence?

Space for replies:

Police inspector

UN recommendations:

- The State party should (r)einforce the post of the police inspector in charge of combating domestic violence by allocating adequate resources. (HRC, Recommendation 7(b)).

Indicators of implementation (practice):

- 1) Has the budget of the police inspector in charge of domestic violence been raised in recent years to an adequate level? Do you have figures?
- 2) If the budget is not sufficient, what would additional money be needed for?

Space for replies:

Receiving allegations, conducting effective investigations and bringing perpetrators to justice

UN recommendations:

- Taking effective measures to ensure that victims of violence against women and children, including domestic violence, can exercise their right to make complaints, and that such complaints are thoroughly investigated and perpetrators prosecuted and punished with appropriate penalties. (CAT, Recommendation 16(b)).
- The State party should guarantee that cases of domestic violence are thoroughly investigated ex officio, regardless of the severity of the harm; that the perpetrators are brought to justice and, if convicted, punished with commensurate sanctions. (HRC, Recommendation 7(c)).

Indicators of implementation (institutional change/procedures/mechanisms/strategies):

- 1) Are there sufficient points of access for victims of domestic violence to make complaints, such as hotlines covering all regions of Tajikistan and staffed by sufficiently trained personnel including legal experts and psychologists?
- 2) If not, describe what exists and what is urgently needed.

Indicators of implementation (practice):

- 3) Have the authorities published reliable and accurate statistics disaggregated by sex and indicating the family relationship of victim/s and perpetrator/s on complaints, investigations and prosecutions of domestic violence against women and children?
- 4) Please provide the figures published by the authorities and add your own statistics.
- 5) When the authorities receive complaints of domestic violence, do they instigate investigations promptly and conduct them thoroughly and impartially? If not, provide statistics or case example/s.
- 6) When perpetrators are punished, are the penalties commensurate to the crimes committed? If not, provide case example/s.

Space for replies:

Awareness raising

UN recommendations:

- Organizing awareness-raising campaigns on (...) domestic and sexual violence. (CAT, Recommendation 16(f)).
- (The State party should (i)ntensify its awareness-raising campaigns targeting particularly community and religious leadership, men and women, on the adverse impact of domestic violence on women (HRC, Recommendation 7(a)).

<ul style="list-style-type: none"> • (Raise) public awareness of Law No. 954 (2013) on prevention of violence in the family and other legislation relating to violence against women through the use of media and educational programmes, as well as raising the awareness of law enforcement personnel, health service providers and teaching staff regarding all forms of violence against women and girls. (CEDAW, Recommendation 18(d)). 	
<p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> 1) Have the authorities initiated or collaborated with NGOs to conduct awareness raising campaigns on domestic and sexual violence and on Law No. 954 (2013) and related legislation? 2) How often and how were such campaigns conducted in recent years? Did they reach large parts of the population? 3) Have these campaigns been conducted in a sensitive way and promoted principles of relevant UN human rights treaties and standards? 4) Are brochures and posters disseminated at hospitals, primary health care centres and courts providing information on how to lodge complaints, how to access shelters etc.? 5) If not, do you have suggestions for improvements? 	<p>Space for replies:</p>
<p>Trainings</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • Training law-enforcement officials, judges and prosecutors on how to receive, monitor and investigate complaints of domestic and sexual violence, trafficking and violence against children in a sensitive manner that respects confidentiality. (CAT, Recommendation 16(e)). • (Provide) mandatory training for judges, prosecutors and police officers on the strict application of legal provisions criminalizing violence against women. (CEDAW, Recommendation 18(c)). 	
<p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> 1) What training courses are conducted on the above-mentioned questions for law enforcement officers, judges and prosecutors, who work on cases of domestic violence or sexual violence, trafficking and violence against children? 2) Are these issues an integral part of the core curriculum of future law enforcement officials, judges and prosecutors? Or are these trainings conducted at a later stage, as part of further professional training? Who conducts the trainings? How long are the trainings? What issues are addressed? 3) Are doctors, nurses, midwives, medical students and forensic medical practitioners given training in identifying and responding to family violence? Who carries out the trainings? How long are the trainings? What issues are addressed? 	<p>Space for replies:</p>

OTHER SETTINGS: VIOLENCE AGAINST CHILDREN

Receiving allegations of torture or ill-treatment, conducting effective investigations and bringing perpetrators to justice

UN recommendations:

- The Committee further recommends that the State party investigate the allegations of torture and ill-treatment of children, particularly of children in residential institutions, ensure the systematic and routine investigation and prosecution of reported cases and take all necessary measures to bring the alleged perpetrators to justice. (**CRC** Recommendation 38).
- Prosecute those who are found to be responsible, and report publicly on the outcomes of such prosecutions. (**CAT**, Recommendation 9(a)).
- (The State party should) bring the alleged perpetrator to justice. (**CAT**, Recommendation 11(b)).
- Take effective measures to prevent police inquiry officers from mistreating children, including by (...) ensuring that appropriate disciplinary or penal measures are taken. (**CAT**, Recommendation 20(d)).
- (E)stablish the liability of direct perpetrators and those in the chain of command. (**SR 1**, Recommendation 100 (g)).
- Moreover, (the State party) should bring alleged perpetrators to justice. (**HRC**, Recommendation 14).

Death in custody:

- (The Committee urges the State party to) assess any liability of public officials (and) ensure punishment of perpetrators. (**CAT**, Recommendation 10).
- (The State party should ensure) that the perpetrators are brought to justice. (**HRC**, Recommendation 9).

Indicators of implementation (practice):

- 1) Have the authorities published comprehensive statistics on prosecutions regarding torture or other ill-treatment, disaggregated by age and sex of the victims?
- 2) Are there statistics on prosecutions/convictions of perpetrators or can you provide information from your own monitoring?
- 3) What types of punishment are usually applied to perpetrators of such violence?
- 4) Specify whether women and children have been subjected to torture or other ill-treatment in recent years and whether perpetrators have been brought to justice in these cases.

Space for replies:

Corporal punishment: general

UN recommendations:

- Conduct a study on prevalence of corporal punishment in all settings. (**CRC**, Recommendation 40(a)).
- Enact legislation in order to explicitly prohibit all forms of corporal punishment in all settings. (**CRC**, Recommendation 40(b)).
- Investigate reported cases of corporal punishment and apply adequate sanctions. (**CRC**, Recommendation 40(d)).
- Adopt legislation to explicitly prohibit all forms of corporal punishment everywhere. (**UPR**, Recommendation 89.4, and similar: 89.3, 90.28) (*Tajikistan supports this recommendation but considers it already implemented*: see p. 17 of **UPR** and in **UPR Addendum**).
- Adopting legislation to explicitly prohibit corporal punishment in all settings. (**CAT**, Recommendation 16(c)).
- The State party should also take practical steps to put an end to corporal punishment in all settings. (**HRC**, Recommendation 15).
- The State party should pursue its intention as stated during the dialogue and amend the Education Act (2004) to explicitly prohibit corporal punishment in schools. (**HRC**, Recommendation 15).

Indicators of implementation (legislation):

- 1) Has legislation been adopted to prohibit corporal punishment in all settings?

Indicators of implementation (practice):

- 2) Did the authorities conduct and publish a study on the prevalence of corporal punishment in all settings?
- 3) Were NGOs consulted in the course of the study? Was it widely disseminated and discussed with relevant stakeholders? Provide details.
- 4) Have the authorities published statistics on complaints, investigations and penalties in cases involving corporal punishment of children?
- 5) If not, are you aware of any complaints, investigations, penalties?

Space for replies:

Corporal punishment: awareness raising

UN recommendations:

- Organize awareness campaigns on the negative impact of corporal punishment on children. (**CRC**, Recommendation 40(c)) .
- Launch awareness-raising campaigns on the negative impact of corporal punishment in children; and provide training to teachers, parents, community leaders and penitentiary institutions officers. (Uruguay). (**UPR**, Recommendation 89.4, and similar Brazil and Romania: 89.3) (*Tajikistan supports this recommendation but considers it already implemented*. See p. 17 of **UPR**).
- Organizing awareness-raising campaigns on the negative impact of corporal punishment of children. (**CAT**, Recommendation 16(f)).
- The State party should (...) conduct public information campaigns to raise awareness about (the) harmful effects (of corporal punishment). (**HRC**, Recommendation 15).

Indicators of implementation (practice):

- 1) Have the authorities initiated or collaborated with NGOs to conduct awareness raising campaigns on the adverse effects of corporal punishment in all settings?
- 2) How often and how were such campaigns conducted in recent years? Did they reach large parts of the population?
- 3) Have these campaigns been conducted in a sensitive way and promoted principles of relevant UN human rights treaties and standards?
- 4) If not, do you have suggestions for improvements?

Space for replies:

Corporal punishment: training

UN recommendations:

- (P)rovide teachers, parents, community leaders, and personnel working in penal institutions with training. (**CRC**, Recommendation 40(c)).
- (P)rovide training to teachers, parents, community leaders and penitentiary institutions officers. (Uruguay). (**UPR**, Recommendation 89.4, and similar Brazil and Romania: 89.3) (*Tajikistan supports this recommendation but considers it already implemented*. See p. 17 in **UPR**).
- The State party should (...) encourage non-violent forms of discipline as alternatives to corporal punishment. (**HRC**, Recommendation 15).

Indicators of implementation (practice):

- 1) Are there training programmes for teachers, parents, community leaders and personnel working in penitentiary institutions encouraging non-violent forms of discipline as alternatives to corporal punishment?
- 2) Provide details on whether such programmes are offered throughout Tajikistan and whether these campaigns have been conducted in a sensitive way and promoted principles of relevant UN human rights treaties and standards?

Space for replies:

OTHER SETTINGS: NON-REFOULEMENT, EXTRADITION, RENDITIONS

General

UN recommendations:

- (The State party should clearly establish in law and respect its non-refoulement obligations under article 3 of the Convention, including the right to appeal the issuance of an extradition warrant, and refrain from seeking and accepting diplomatic assurances from a State where there are substantial grounds for believing that a person would be at risk of being subjected to torture. It should provide detailed information to the Committee on all cases where such assurances have been provided. **(CAT, Recommendation 18(a))**).
- Amend the Code of Criminal Procedure to ensure that it takes into account the principle of non-refoulement contained in article 3 of the Convention against Torture. **(SR 1, Recommendation 99(g))**.
- The State party should scrupulously respect the principle of non-refoulement. **(HRC, Recommendation 11)**.
- The State party should strictly apply the absolute principle of non-refoulement under articles 6 and 7 of the Covenant, and ensure that decisions on expulsion, return or extradition accord with the due process of the law. In this regard, the State party should exercise the utmost care in evaluating diplomatic assurances, and should refrain from relying on such assurances where it is not in a position to effectively monitor the treatment of such persons after their return and take appropriate action when assurances are not fulfilled. **(HRC, Recommendation 12)**.
- The Special Rapporteur strongly recommends that the Government amend its legislation to ensure that the obligation not to extradite or deport or expel a person to a country where he or she faces a risk of torture or ill-treatment is duly recognized and that appropriate legal recourse, including access to legal counsel, are guaranteed to ensure compliance with Tajikistan's obligation under Article 3 of the Convention Against Torture. **(SR 2, Paragraph 41)**.

Indicators of implementation (legislation):

- 1) Does domestic legislation require that the arrest warrant accompanying extradition requests must be sanctioned by a judicial authority? Provide details.
- 2) Does legislation provide for the possibility to appeal the issuance of an extradition warrant?
- 3) Has legislation (including guidance) been adopted that prohibits extraditions to countries where those extradited would be at risk of torture?

Indicators of implementation (practice):

- 4) Have the authorities compiled and published comprehensive statistics on extraditions from Tajikistan in recent years?
- 5) Are you aware of case/s where a person was extradited to another country and subjected to torture or other ill-treatment there? Give case example/s.

Space for replies:

Ending abductions

UN recommendations:

- (The State party should cease the practice of abducting and forcibly returning individuals to Tajikistan from other States and subsequently holding them in incommunicado detention, and ensure that they are not subjected to acts of torture and ill-treatment. (**CAT**, Recommendation 18(b)).
- (The State party should disclose the whereabouts of Abdulvosi Latipov and ensure that he is not subjected to torture or ill-treatment and that his fundamental rights are fully guaranteed, including timely access to an independent lawyer. (**CAT**, Recommendation 18(c)).
- The State party should investigate all allegations of abductions and illegal returns of Tajik citizens, and avoid any involvement in such renditions. The State party should also investigate all related allegations of torture, ill-treatment and arbitrary detention, bring perpetrators to justice, and compensate victims. (**HRC**, Recommendation 13).

Indicators of implementation (practice):

- 1) Provide information on all cases that have come to your attention in recent years where Tajikistan abducted people from other countries and forcibly returned them to Tajikistan. If available, include evidence of torture or other ill-treatment upon return to Tajikistan.
- 2) To your knowledge, have any investigations taken place and has anybody been brought to justice for subjecting to torture or other ill-treatment anybody abducted and forcibly returned to Tajikistan in recent years?

Space for replies:

Asylum

UN recommendations:

- (The State party) should ensure that access to asylum procedures is not barred and applications are not turned down because refugees have entered the country irregularly or their cases were referred belatedly to competent authorities. The State party should guarantee that restrictions on freedom of movement under Presidential Resolutions Nos. 325 and 328 are never used as a basis for exposing any person to a risk of violation of articles 6 or 7 of the Covenant. (**HRC**, Recommendation 11).

Indicators of implementation (legislation):

- 1) Is the expulsion of asylum seekers and those who have been granted refugee status in Tajikistan unequivocally prohibited in domestic legislation?
- 2) Are there any legislative loopholes that allow for the expulsion of asylum seekers and refugees, thus potentially putting them at risk of torture in their countries of origin? (e.g. could a refugee or asylum seeker be returned to the country of origin for violating the rules of residency in Tajikistan (Art. 499, part 3 of the Administrative Code)?)

Space for replies:

<p>3) Does domestic legislation require the decision of a judicial authority when expelling foreign citizens or stateless people who commit an administrative violation upon entering Tajikistan?</p> <p>Indicators of implementation (practice):</p> <p>4) Are you aware of cases where access to asylum procedures was barred and applications turned down because refugees have entered the country irregularly or their cases were referred to the competent authorities belatedly? Provide case details.</p> <p>5) Are you aware of any cases where restrictions on freedom of movement under Presidential Resolutions Nos. 325 and 328 were used as a basis for exposing a person to violations of his or her right to life and the right not to be subjected to torture or other ill-treatment?</p>	
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CONDITIONS IN DETENTION

<p>General</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • That substantive reform of the penal system is pursued as a priority by the Government (United Kingdom of Great Britain and Northern Ireland). (UPR, Recommendation 88.46.). • Implement the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, otherwise known as the “Bangkok Rules” and seek appropriate assistance in its implementation from relevant UN agencies in order to further improve treatment of female offenders. (Thailand). (UPR Recommendation 90.31.); Tajikistan’s response: “Tajikistan will implement the United Nations Rules for the Treatment of Women Prisoners and Non- Custodial Measures for Women Offenders, otherwise known as the Bangkok Rules, to the extent possible using planned national budget appropriations and on the basis of other assistance provided.” (UPR Addendum). • The State party should gradually improve prison conditions. (HRC, Recommendation 9). • (The Special Rapporteur) urges additional renovations in places of pre-trial and temporary detention throughout the country. (SR 2, Paragraph 49). 	
<p>Indicators of implementation (practice):</p> <p>1) What is your overall assessment?: Have prison conditions gradually improved in recent years or have they remained on a similar level or have they deteriorated? Provide evidence/examples.</p>	<p>Space for replies:</p>

<p>2) Has there been progress in the implementation of the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules) since 2011? Specify which rules have since been implemented and which ones have not. Give examples.</p>	
<p>Statistics</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • (The State party should) (m)ake the number, location, capacity, and the number of detainees in detention facilities available publicly, taking note of the statement made by the delegation to consider doing so in the future. (CAT, Recom. 14(e)). • The State party should (...) publish statistics on the number of prisoners held. (HRC, Recom. 9). 	
<p>Indicators of implementation (practice):</p> <p>1) Have the authorities published comprehensive statistics on the location and capacity of detention facilities as well as on the actual number of detainees in each detention facility, both pre- and post-trial?</p>	<p>Space for replies:</p>
<p>Transferring authority over detention facilities to Ministry of Justice</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • (With regard to institutional reform, the Special Rapporteur recommends that the Government t)ake measures to transfer authority for temporary and pretrial detention facilities from the Ministry of the Interior and the State Committee for National Security to the Ministry of Justice. (SR 1, Recommendation 102(b)). • (The Special Rapporteur) reiterates his recommendation for all detention facilities to be moved from the administration of the Ministry of the Interior to the Ministry of Justice. (SR 2, Paragraph 49). 	
<p>Indicators of implementation (institutional change/procedures/mechanisms/strategies):</p> <p>1) Has the authority for temporary and pre-trial detention facilities been moved from the Ministry of Internal Affairs and the State Committee for National Security to the Ministry of Justice?</p> <p>2) If not, are you aware of any steps taken by the authorities towards this aim, such as drafting legislation or budgetary considerations?</p>	<p>Space for replies:</p>

<p>Allocating sufficient financial resources</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> The State party should (a)llocate sufficient budgetary resources to improve conditions in all places of detention. (CAT, Recom. 14(a)). Allocate sufficient budgetary resources to provide adequate health care, improve food quality. (SR 1, Recom. 101(a)). 	
<p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> Have the authorities published figures on financial resources spent on improving prison conditions, health care and food? Do you have evidence demonstrating that budgetary allocation for improving prison conditions, health care and food has increased/remained the same/decreased in recent years? 	<p>Space for replies:</p>
<p>Separation of categories of prisoners</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> (E)nsure the separation of minors from adults and pretrial prisoners from convicts. (SR 1, Recommendation 101(a)). 	
<p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> Are minors separated from adults and pre-trial detainees separated from convicts in all institutions across Tajikistan? If not, provide details. 	<p>Space for replies:</p>
<p>Tuberculosis</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> The State party should also take effective measures to address deaths in custody due to tuberculosis and take appropriate measures to eradicate this phenomenon. (HRC, Recommendation 9). 	
<p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> Have the authorities compiled and published comprehensive statistics on the causes of death in custody, including tuberculosis? Do you have evidence demonstrating whether tuberculosis in prisons has increased/remained the same/decreased in recent years? Do detainees suffering from tuberculosis have access to adequate medical care? Please provide details and what improvements are urgently needed. 	<p>Space for replies:</p>

Rehabilitation and reintegration, with special focus on juveniles and lifers	
UN recommendations:	
<ul style="list-style-type: none"> • Introduce a separate system of juvenile justice, with particular emphasis on rehabilitation and reintegration activities, stop the application of isolation measures on juveniles and ensure that the minimum age of fourteen for criminal liability in domestic and international law is respected without exceptions. (Austria). (UPR Recommendation, 90.37). • (The State party should) (e)liminate the complete isolation of prisoners serving life imprisonment, improve their living conditions, and repeal legislation limiting their contacts with lawyers and family members. (CAT, Recommendation 14(b)). • Eliminate the complete isolation of inmates sentenced to life imprisonment, repeal legislation limiting their contacts with lawyers, medical personnel and family, and move them to open or semi-open facilities. (SR 1, Recommendation 101(b)). • (D)esign a system of execution of sentences that aims at rehabilitating and reintegrating offenders. (SR 1, Recommendation 101(a)). • (With regard to institutional reform, the Special Rapporteur recommends that the Government) (r)eform the policy and practices of execution of sentences to take into account rehabilitating and reintegrating offenders; in particular, abolish restrictive prison rules and regimes for persons serving long prison terms, and afford them reasonable contact with the outside world. (SR 1, Recommendation 102(f)). • (A)bolish restrictive regimes and create work opportunities and recreational activities for inmates. (SR 1, Recommendation 101(a)). 	
Indicators of implementation (institutional change/procedures/mechanisms/strategies): <ol style="list-style-type: none"> 1) Have there been any institutional changes due to the authorities' effort to reform the penitentiary system, in particular aimed at rehabilitating and reintegrating juveniles and other offenders? 	Space for replies:
Indicators of implementation (legislation): <ol style="list-style-type: none"> 2) Have restrictive prison rules and regimes applying to persons serving long prison terms, including lifers, been abolished? 3) Has legislation been repealed that used to limit contacts of lifers with lawyers, medical personnel and family? 4) Has legislation been adopted granting those serving long terms of imprisonment reasonable contact with the outside world? 	
Indicators of implementation (practice): <ol style="list-style-type: none"> 5) If the above legislative changes were made, are they implemented in practice? If not, provide case example/s. 6) Have the authorities eliminated the complete isolation of lifers? 7) Have lifers been moved to open or semi-open facilities? 	

<p>8) Have the authorities improved the living conditions of those serving life imprisonment? (e.g. are lifers able to have at least one hour of exercise in the open air per day?; does each cell have a window large enough to provide sufficient light to read and constructed in such a way that fresh air can enter the room?; are they able to bath or take a shower at least once a week?; do they have access to water and toilet articles necessary for health and cleanliness? For additional criteria, refer to the UN Standard Minimum Rules for the Treatment of Prisoners: http://www.un.org/ru/documents/decl_conv/conventions/prison.shtml and the Basic Principles for the Treatment of Prisoners http://www.un.org/ru/documents/decl_conv/conventions/prisoners_treatment.shtml).</p> <p>9) Have the authorities created work opportunities and recreational activities for inmates?</p> <p>10) Has the practice of isolating juvenile offenders been stopped? If not, provide a (recent) case example.</p> <p>11) Is the minimum age of 14 for criminal liability adhered to in all cases? If not, provide a (recent) case example.</p>	
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INDEPENDENCE OF THE JUDICIARY

General⁹

UN recommendations:

- Establish the necessary measures and legislation to reform the judicial system in conformity with international standards on justice, including a juvenile justice system (Mexico). (**UPR**, Recommendation 88.45.).
- The State party should take measures to ensure the full independence and impartiality of the judiciary in the performance of its functions. (**CAT**, Recommendation 17).

<p>Indicators of implementation (institutional change/procedures/mechanisms/strategies):</p> <p>1) Have the authorities devised a strategy/a national action plan aimed at ensuring full independence and impartiality of the judiciary?</p>	<p>Space for replies:</p>
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⁹ This chapter only includes concluding observations and recommendations by UN institutions that issued concluding observations or recommendations to Tajikistan with direct relevance to torture since 2010. Other UN structures have issued further recommendations on the broader topic of the independence of the judiciary.

<p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> 2) If so, please comment on the implementation of the government's strategy/the action plan. For example: 3) Have the authorities defined concrete actions that should be implemented in order to live up to Tajikistan's obligations under international human rights law? And do these concrete actions aim at implementing UN recommendations or are they limited to "studying" and "discussing" these recommendations? 4) Does the government strategy/action plan clearly designate responsibilities and timelines to carry out the set tasks? 	
<p>Strengthening the position of judges</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • (G)uarantee the tenure of judges and magistrates (Mexico). (UPR, Recommendation 88.45.). • (The State party should) review the regime of appointment, promotion and dismissal of judges in line with the relevant international standards, including the Basic Principles on the Independence of the Judiciary (endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985). (CAT, Recommendation 17). • The State party is urged to intensify its efforts in reforming the judiciary and take effective measures to guarantee the competence, independence and tenure of judges, including by extending their tenure, providing for adequate salaries, and reducing the excessive powers of the Prosecutor's Office. (HRC, Recommendation 18). 	
<p>Indicators of implementation (institutional change/procedures/mechanisms/strategies):</p> <ol style="list-style-type: none"> 1) Has the position of judges been strengthened in recent years, for example, by guaranteeing tenure until a mandatory retirement age or the expiry of their term of office; by ensuring that judges are subject to suspension or removal only for reasons of incapacity or behaviours that renders them unfit to discharge their duties; providing for adequate salaries? (For other criteria, refer to the Basic Principles on the Independence of the Judiciary: http://www.un.org/ru/documents/decl_conv/conventions/indep.shtml) 2) Have the excessive powers of the Prosecutor's Office been reduced? <p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> 3) Provide recent case examples that illustrate undue pressure on the judiciary by other branches of power. 4) Were there cases in recent years where judges were promoted, suspended or dismissed in order to put undue pressure on them? 	<p>Space for replies:</p>

Lawyers	
<p>UN recommendations:</p> <ul style="list-style-type: none"> The State party should also ensure that the procedures and criteria for access to and conditions of membership of the Bar do not compromise the independence of lawyers. The State party should create a State-subsidized legal aid system for persons in need. (HRC, Recommendation 18). 	
<p>Indicators of implementation (institutional change/procedures/mechanisms/strategies):</p> <ol style="list-style-type: none"> 1) Have the authorities set up a functioning state-subsidized system of legal aid for persons in need? 2) Do the procedures and criteria for access to and conditions of membership to the Bar compromise the independence of lawyers? <p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> 3) Provide case details demonstrating that lawyers defending clients under the state-subsidized system of legal aid often do not put up a strong defence and frequently collude with investigators. 	<p>Space for replies:</p>
<p>COOPERATION WITH THE UN, REPORTING REQUIREMENTS AND OBLIGATIONS</p>	
Application of treaties in Tajikistan's justice system	
<p>UN recommendations:</p> <ul style="list-style-type: none"> The State party should take appropriate measures to raise awareness about the Covenant and its applicability in domestic law among judges, lawyers and prosecutors to ensure that its provisions are taken into account before domestic courts. (HRC, Recommendation 4). 	
<p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> 1) Are you aware of any rulings by judges invoking provisions of the Convention against Torture or decisions on individual cases issued by the Committee against Torture? Provide example/s. 	<p>Space for replies:</p>

<ol style="list-style-type: none"> 2) Are you aware of any references made by prosecutors in criminal proceedings to provisions of the Convention against Torture or decisions on individual cases issued by the Committee against Torture? Provide example/s. 3) Are you aware of lawyers' referring to the Convention against Torture or decisions on individual cases by the Committee against Torture? How have judges and prosecutors reacted? 4) Do the authorities take measures to raise awareness about the Convention against Torture and its applicability in domestic law among judges, lawyers and prosecutor, such as trainings? Provide statistics on what proportion of them has been trained. 5) What further recommendations do you have to increase awareness of the Convention against Torture among judges, lawyers and prosecutors? 	
<p>Implementing Views of the Human Rights Committee</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • (The State party) should take all the necessary measures, including legislative, to establish mechanisms to give full effect to the Committee's Views (under the Optional Protocol). (HRC, Recommendation 4). 	
<p>Indicators of implementation (legislation):</p> <ol style="list-style-type: none"> 1) Has legislation been adopted to establish mechanisms that give full effect to the Views of the Human Rights Committee on individual cases? <p>Indicators of implementation (practice):</p> <ol style="list-style-type: none"> 2) What obstacles have NGOs, lawyers, torture victims and their families faced when seeking implementation of the Committee's Views? 3) Specify which conclusions of the Human Rights Committee on individual cases that involve allegations of torture have been implemented by Tajikistan and which ones have not. 	<p>Space for replies:</p>

Disseminating treaty-related documents and engaging with civil society

UN recommendations:

- The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring. **(CRC Recommendation 77)**.
- Engage civil society in the UPR follow-up process (Poland). **(UPR, Recommendation 88.9.)**.
- The State party is requested to disseminate widely the report submitted to the Committee and the Committee’s concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations. **(CAT, Recommendation 25)**.
- The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of the second periodic report, the written replies it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations with a view to increasing awareness among the judicial, legislative and administrative authorities, civil society and NGOs operating in the country, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into the other official language of the State party. The Committee also requests the State party, when preparing its third periodic report, to broadly consult with civil society and NGOs. **(HRC, Recommendation 26)**.
- The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers’ associations, trade unions, human rights and women’s organizations, universities and research institutions and the media. It further recommends that its concluding observations be disseminated in an appropriate form at the local community level so as to enable their implementation. **(CEDAW, Recommendation 38)**.
- (The Special Rapporteur) encourages the Government to ensure greater consultations with civil society in the development and implementation of future measures designed to combat and prevent torture and ill-treatment. Cooperation with civil society should be institutionalized through inclusion of representatives of independent organizations as full-fledged members of the Commission on the Implementation of International Obligations in the Field of Human Rights, which should play an active role in coordinating and monitoring the progress of implementation of recommendations made by United Nations human rights mechanisms. **(SR 2, Paragraph 6)**.

Indicators of implementation (institutional change/procedures/mechanisms/strategies):

- 1) Has civil society cooperation on the development and implementation of future measures aimed at preventing and combating torture been institutionalized? Have NGO representatives been included as full-fledged members of the Commission on the Implementation of International Obligations in the Field of Human Rights?

Indicators of implementation (practice):

- 2) Did the authorities widely disseminate – in appropriate languages – their own report to the Committee of the Rights of the Child?

Space for replies:

<ol style="list-style-type: none"> 3) Did the authorities engage civil society in following up on the recommendations issued by the UPR in 2011 and those accepted by Tajikistan in 2012? 4) Did the authorities widely disseminate – in appropriate languages -- their own report to the Committee against Torture as well as the Committee’s concluding observations? In what way were they published? 5) Did the authorities widely disseminate – in appropriate languages -- the ICCPR, the two Optional Protocols, the text of the second periodic report to the Human Rights Committee, its written replies to the list of issues, and the Committee’s concluding observations? 6) Did the authorities widely disseminate – in appropriate languages -- the Convention on the Elimination of Discrimination against Women, the two Optional Protocols, the text of Tajikistan’s second periodic report to CEDAW, its written replies to the list of issues, and the Committee’s concluding observations? 7) Did the authorities broadly consult with civil society and NGOs when preparing their next periodic reviews to UN Committees? 	
<p> Ratifying further treaties</p> <p>UN recommendations:</p> <ul style="list-style-type: none"> • Tajikistan will in future consider the question of whether to ratify the <u>Optional Protocol to the Convention against Torture</u>. Owing to financial limitations, it cannot now accept the recommendation to accede to the Optional Protocol. (UPR Addendum, Recommendation 90.1). • The Committee recommends that the State party consider ratifying the <u>Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</u> and the <u>Second Optional Protocol to the International Covenant on Civil and Political Rights</u> as soon as possible. It also invites the State party to consider ratifying the other core United Nations human rights treaties to which it is not yet party, namely the the <u>International Convention for the Protection of All Persons from Enforced Disappearance</u>, the <u>Convention on the Rights of Persons with Disabilities and its Optional Protocol</u>, <u>Optional Protocol to the Convention on the Elimination of Discrimination against Women</u>, and the <u>Optional Protocol to the International Covenant on Economic, Social and Cultural Rights</u>. (CAT, Recommendation 23). • Take concrete measures to speed up the ratification of the <u>Optional Protocol to the Convention against Torture</u>, and subsequently establish an effective national preventive mechanism and ensure budgetary allocations to equip the mechanism with human and other resources sufficient to enable it to inspect all places of detention regularly, receive complaints, initiate prosecutions and follow them through to their conclusion. (SR 1, Recommendation 100 (h)). • (The Special Rapporteur) further recommends that Tajikistan ratify the <u>OPCAT</u> as a matter of priority and ensure the implementation of an NPM. (SR 2, Recommendation 55). 	
<p>Indicators of implementation (general):</p> <ol style="list-style-type: none"> 1) Has Tajikistan ratified these treaties? 2) If not, have steps been taken in preparation of ratification, such as setting up dedicated working groups? How do you assess the effectiveness of these steps? 	<p>Space for replies:</p>

Making a declaration under articles 21 and 22 of the Convention against Torture	
UN recommendations: <ul style="list-style-type: none"> The Committee also recommends that the State party consider making the declarations under articles 21 and 22 of the Convention, in order to recognize the competence of the Committee to receive and consider communications. (CAT, Recommendation 24). 	
Indicators of implementation (general): <ol style="list-style-type: none"> Has Tajikistan made relevant declarations? If not, have steps been taken in preparation? 	Space for replies:
Standing invitations to Special Procedures	
UN recommendations: <ul style="list-style-type: none"> Consider issuing a standing invitation to Special Procedures (Brazil). Extend a standing invitation to all Special Procedures (Spain). Issue a standing invitation to all special procedures of the United Nations Human Rights Council (Romania). Consider extending a standing invitation to all Special Procedures of the Human Rights Council (Latvia). (UPR, Recommendation 88.1.). 	
Indicators of implementation (general): <ol style="list-style-type: none"> Has Tajikistan issued a standing invitation to UN Special Procedures? 	Space for replies:
Seeking assistance from the international community	
UN recommendations: <ul style="list-style-type: none"> Continue to seek assistance from the international community, with the support of the UN Country Team and particularly the OHCHR, in strengthening its human rights policies, including ratification of the remaining key human rights conventions and implementation of the UPR recommendations that Tajikistan will accept (Thailand). (UPR, Recommendation 88.70.). 	
Indicators of implementation (general): <ol style="list-style-type: none"> Do you have comments on Tajikistan's cooperation with the international community regarding strengthening its human rights policies? 	Space for replies:

SUPPORT FROM THE INTERNATIONAL COMMUNITY

General

UN recommendations:

- The Special Rapporteur requests the international community to support Tajikistan in its efforts to implement the above-mentioned recommendations, in particular to reform its legal system, to establish a preventive framework against torture and ill-treatment and an effective national preventive mechanism, and to provide appropriate training for police and prison personnel. (**SR 1**, Recommendation 103).

Indicators of implementation (practice):

- 1) How do you assess the role of the international community in supporting Tajikistan, particularly in its efforts to implement anti-torture recommendations? Has involvement by the international community helped Tajikistan make progress towards meeting its international human rights obligations, particularly regarding torture?
- 2) In recent years, has the international community had a well-coordinated approach when supporting Tajikistan to implement UN recommendations and treaty obligations with regard to the fight against torture?
- 3) Were the topics and programmes that received funding correctly selected and prioritized?
- 4) Do you have recommendations for future assistance by the international community aimed at combating torture?
- 5) Did the international community bear in mind widespread torture and related concerns when providing technical or other assistance (such as equipment for or training of law enforcement and security agents) to Tajikistan?

Space for replies: