



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Tajikistan and welcome the constructive engagement of the Government of Tajikistan during the 39th session of the UPR Working Group in November 2021.

As the final outcome report on the review of Tajikistan was recently adopted by the Human Rights Council at its 49th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Tajikistan – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 80 delegations and the presentation made and responses provided by the delegation of Tajikistan. I have also considered the actions taken by the Government of Tajikistan to implement the 153 recommendations fully supported as well as those that were partially supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome, among other developments, the adoption of the Medium-Term Development Programme 2021–2025, the 2018–2028 Legal Policy Framework, and the Human Rights Education Programme for 2021–2026 and encourage Tajikistan to continue implementing the action plans effectively in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to implement national action plans in close consultation and cooperation with all stakeholders, including the Parliament, the judiciary, the Human Rights Ombudsman and all civil society organizations and, where necessary, with the support of international organizations, including my Regional Office for Central Asia and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I encourage Tajikistan to make further efforts to strengthen the national mechanism for comprehensive reporting and follow-up to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

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H.E. Mr. Sirojiddin MUHRIDDIN
Minister for Foreign Affairs
Republic of Tajikistan

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Tajikistan of submitting a mid-term report in the previous cycle and encourage the Government of Tajikistan to continue with this practice and to submit a mid-term report on follow-up to the third cycle of the review by 2024.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Tajikistan in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Mr. Muzaffar ASHURIYON
Minister of Justice
Republic of Tajikistan

Ms. Sezin SINANOGLU
United Nations Resident Coordinator
Republic of Tajikistan

Mr. Ryszard KOMENDA
Regional Representative of the United Nations High Commissioner for Human Rights
OHCHR Regional Office for Central Asia
Kyrgyz Republic

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the Convention on the Rights of Persons with Disabilities, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the Convention of the ILO No. 181, and the core human rights instruments to which Tajikistan is not yet a party.
- Implementing the recommendations of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, based on his country visits.

National human rights framework

- Establishing a national standing mechanism for the implementation of recommendations on human rights, taking into account the Sustainable Development Goal 17.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Continuing efforts to promote gender equality and combat all forms of discrimination against women.
- Introducing comprehensive anti-discrimination legislation.
- Promoting freedom of religion or belief and eliminating all forms of discrimination against people belonging to religious minorities.

Development, the environment, and business and human rights

- Continuing to implement training programmes and skills development programmes to promote and facilitate the participation of youth and women in the country's economy.
- Continuing efforts to implement the National Development Strategy for the period up to 2030.

Human rights and counter-terrorism

- Bringing current counter-terrorism and counter-extremism regulations into full compliance with the International Covenant on Civil and Political Rights.
- Harmonizing the law on fighting against extremism and the law on counteracting extremism in line with international human rights standards.

B. Civil and political rights

Right to life, liberty and security of person

- Ensuring that allegations of excessive use of force, ill-treatment and torture by law enforcement officials are promptly investigated and prosecuted, and that perpetrators are convicted and held accountable.
- Improving prison conditions in compliance with the Nelson Mandela Rules.
- Providing access to prisons by the International Committee of the Red Cross.
- Strengthening measures to prevent episodes of torture and enforced disappearances.

Administration of justice, including impunity, and the rule of law

- Carrying out thorough and impartial investigations into all deaths in custody as well as all allegations of excessive use of force, torture and ill-treatment by law enforcement.
- Implementing measures to guarantee the right to a fair trial and the independence of the judiciary.
- Taking concrete measures to guarantee the safety and independence of lawyers and to protect lawyers.

Fundamental freedoms and the right to participate in public and political life

- Ensuring freedom of expression and the freedom of the media, including on the Internet, in accordance with international human rights norms.
- Strengthening the legal framework to ensure access to information and the exercise of freedom of expression and association, particularly by civil society and human rights defenders, ensuring that they can express themselves freely, without fear of reprisals.
- Widening the context of political rights and freedoms within and outside electoral processes, particularly those related to freedom of expression and association.
- Upholding the right to participate in public and political life, including by allowing peaceful opposition groups and parties to operate freely.

Prohibition of all forms of slavery

- Continuing national efforts to prevent and combat human trafficking.
- Taking measures to prevent the sale of children for the purpose of child forced labour and enforcing the legal framework prohibiting forced labour.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Promoting formal employment.

- Enhancing the capacities of women to enter and partake in economic activities, including by widening employment access and opportunities.

Right to social security

- Continuing consolidating actions that promote the right to social security.
- Improving access to social security for persons with disabilities.

Right to an adequate standard of living

- Continuing advancing in national efforts to reduce poverty and improve the standard of living of its population.
- Continuing to promote social policies aimed at improving the living standards of its people, particularly the most vulnerable groups of society.
- Improving the means of protecting people at risk of not having access to the right to food.

Right to health

- Increasing the funding to the health sector and particularly maternal and child health-care services.
- Taking measures to ensure the right to health, including for specific groups such as women, by providing quality, affordable and accessible health services.
- Ensuring basic health care in rural areas.

Right to education

- Implementing the National Education Development Strategy (2012–2020).
- Continuing measures aimed at improving education and increasing the quality of education through the employment and continuous training of teachers.
- Adopting a draft education code on inclusive education.
- Continuing measures aimed at ensuring access to education for all, including for all children with disabilities.
- Continuing efforts to ensure inclusivity of girls and children with disabilities in the education sector, by adopting policies to enhance their inclusion in education.
- Eliminating negative stereotypes and other barriers hindering access for women and girls to education.
- Continuing efforts to eliminate all forms of child labour, protect them and prevent them from missing out on educational and awareness opportunities in schools.

D. Rights of specific persons or groups

Women

- Developing an action plan to eliminate all forms of gender-based violence against women.
- Introducing legislation to criminalize all forms of gender-based violence, including domestic violence, marital rape and sexual assault within and outside marriage, and ensuring that this legislation is enforced.
- Increasing women's representation in political life and public administration, particularly in decision-making positions.
- Implementing effectively the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) in order to address the needs of women in prison.

Children

- Continuing efforts to protect children from all forms of violence.
- Ensuring that all children are registered at birth regardless of their status or ethnicity.

Minorities

- Eliminating all forms of discrimination against people belonging to religious or ethnic minorities.

Refugees

- Developing regulations on refugee status determination.