



REFERENCE:KF/fup-115

10 December 2015

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the examination of the second periodic report of Tajikistan.

At the end of its 108th session, the Committee transmitted its concluding observations to your Permanent Mission. You may recall that, in paragraph 27 of the concluding observations, the Committee requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 16, 18 and 23 of the concluding observations.

On 30th March 2015, the Committee received the reply of the State party. At its 115th session, held in October 2015, the Committee analysed this information and adopted the following decisions:

- **Paragraph 16 [C1]:** The Committee notes the Supreme Court's ruling of July 2013 which clarifies the legal provisions regulating detention, the imposition of preventive measures and the procedures for examining such cases. Additional information is required regarding the moment a person is considered a detainee and is entitled to the legal guarantees established under the Code of Criminal Procedure, as well as reports that administrative detention is used by the police to avoid detainee protections. Additional information is also required regarding implementation of the July 2013 Supreme Court ruling and whether the recommendations of the court are applied in all cases. Additional information is also required regarding the efforts of law enforcement bodies to ensure that detainees are informed of their rights and the grounds for their detention, to streamline registration of persons in detention and provide detainees with immediate access to a lawyer and doctor, and whether these practices are applied in all cases.

[C1]: The Committee requests further information from the State party on measures taken to establish an independent mechanism for inspection of all detention facilities by relevant international humanitarian organisations and/or independent national human rights nongovernmental organisations, including access by the International Committee of the Red Cross.

His Excellency Mr. Jamshed Khamidov
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- **Paragraph 18 [C1]:** The Committee requests further information on the adoption of the Judicial Reform Programme for 2014-2016 and its content and expected accomplishments. Additional information is required on specific measures taken, since the adoption of the Committee's recommendations, to reform the judiciary and to guarantee the competence, independence and tenure of judges.

[D1]: The Committee regrets that no information was provided on measures taken to ensure that conditions of membership of the Bar do not compromise the independence of lawyers. The Committee reiterates its recommendation.

[C1]: The Committee notes the initiative of the Ministry of Justice to draft a policy framework for the provision of legal aid and the bill on lawyers and the legal profession, but considers that the Committee's recommendation is not yet implemented. The Committee requests further information on the progress of the draft policy framework for the provision of legal aid and any relevant legislative efforts.

- **Paragraph 23 [C2]:** The Committee regrets that the State party has not provided any information on efforts to amend its law governing the registration of NGOs in line with the Covenant. Information is required on the draft Law on Public Associations and its compatibility with the Covenant, and the Committee reiterates its recommendation.

[C2]: The Committee also regrets that no information was provided with regard to measures taken to reinstate NGOs which were unlawfully shut down. The Committee reiterates its recommendation.

The next follow-up report of the Human Rights Committee will be adopted in July 2016. If the State party wishes the information referred to be taken into account on that occasion, the reply should be sent in Word electronic version to the Secretariat of the Human Rights Committee by **11 April 2016** (Kate Fox: kfox@ohchr.org and Fernanda Santana: fsantana@ohchr.org).

The Committee looks forward to pursuing its constructive dialogue with the Tajik authorities on the implementation of the Covenant.

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

pp. Sarah Cleveland
Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee