



**International Covenant on
Civil and Political Rights**

Distr.: General
8 September 2021

Original: Russian
English and Russian only

Human Rights Committee

**Information received from Tajikistan on follow-up to the
concluding observations on its third periodic report***

[Date received: 20 July 2021]

* The present document is being issued without formal editing.



I. Introduction

1. The Government of Tajikistan has taken specific action to implement the recommendations contained in paragraphs 42, 48 and 55 of the Human Rights Committee's concluding observations under the International Covenant on Civil and Political Rights, including the measures detailed below.

II. Follow-up information

A. Follow-up information relating to paragraph 42 of the concluding observations (CCPR/C/TJK/CO/3)

2. Under article 23 of the Constitution of Tajikistan, the privacy of correspondence, telephone conversations and telegraphic and other personal communications is guaranteed, except in such cases as may be provided for by law.

3. The collection, storage, use and dissemination of a person's private information without his or her consent is prohibited.

4. Personal data protection consists of a series of technical and organizational measures for protecting information relating to an identified or identifiable natural person (data subject).

5. In Tajikistan, the legal and organizational framework for activities involving the collection, processing and protection of personal data is defined by the Personal Data Protection Act.

6. Under article 1 of the Act, "personal data" means information about facts, events and circumstances of the life of the data subject from which his or her identity can be determined.

7. The Personal Data Protection Act does not apply to:

- The processing and protection of personal data by the data subject solely for personal and family purposes, provided that the rights of other individuals and/or legal entities are not infringed thereby
- The creation, storage, registration and use of documents of the National Archive of Tajikistan that contain personal data and other archival documents in accordance with the law of Tajikistan
- The processing and protection of personal data classified as State secrets under the law of Tajikistan

8. In accordance with article 4 of the Act, the collection, processing and protection of personal data are based on the following principles:

- Respect for civil and human rights and freedoms
- Lawfulness
- Fairness
- Openness and transparency
- Confidentiality of personal data with restricted access
- Equality of rights of data subjects, holders and operators
- Protection of individual, public and national security

9. The protection of personal data is guaranteed by the State. In addition to the relevant provisions of the Constitution, article 5 of the above-mentioned sectoral law provides for such protection. The collection and processing of personal data are contingent on the issuance of a certificate of compliance by the competent State body on personal data protection and information security. To ensure the protection of personal data, measures must be taken to safeguard it against inadvertent or unauthorized leakage, copying, theft, loss, alteration (falsification), disclosure or destruction.

10. By Presidential Decree No. 1537 of 16 May 2020, the Communication Service of the Government of Tajikistan was designated as the competent body for personal data protection.

11. Under article 7 of the aforementioned Act, the Communication Service has the following powers:

- Implementing State policy on personal data protection
- Drafting laws and regulations on personal data protection for consideration and approval by the President of the Republic
- Approving the list of types of personal data deemed necessary and adequate for the purposes of data holders, data operators and third parties
- Approving the procedure for implementation of personal data protection measures by data holders, data operators and third parties
- Considering submissions from individuals and legal entities on personal data protection issues
- Drawing up the list of persons responsible for compliance with the laws of Tajikistan on personal data protection and taking measures to hold them accountable

12. It should be noted that the law enforcement agencies of Tajikistan respect the legitimate rights and interests of the public with regard to the privacy of correspondence, telephone conversations and postal and telegraphic communications, as well as personal and family privacy, and that unauthorized access to personal data is not allowed.

13. During preliminary investigations, the rights and interests of victims are protected in accordance with article 42 of the Code of Criminal Procedure and all measures provided for in the Code are taken to compensate them for material damage found to have been caused in the follow-up investigation and criminal proceedings.

B. Follow-up information relating to paragraph 48 of the concluding observations

14. The Press and Other Media Act currently in force provides State guarantees of media freedom. The Act contains provisions for strengthening the independence of the media and the accountability of officials for failure to provide information to journalists in a timely manner or obstruction of access to information.

15. Under article 23 (3) of the Act, government agencies and organizations and their officials are required to provide the media with necessary official information and to respond to criticism or analysis within three working days after an enquiry has been made or the relevant material has been published or broadcast. Urgent information that is in the public interest must be disclosed by government agencies and organizations and their officials without delay if it is not included in the list of State secrets and other legally protected information and does not require further study.

16. Under the Act, the media are subject to only such restrictions as are provided by law for the purposes of maintaining public order or national security, protecting the rights and freedoms of others or preserving the honour, dignity and business reputation of individuals.

17. It should be noted that all government agencies provide the necessary information to the media in a timely manner. No cases of obstruction of access to human rights information available to government agencies have been recorded.

18. In addition, government agencies have created official websites on which information available to all segments of society is posted.

19. These websites contain information on the activities of government agencies, the protection of citizens' rights and legitimate interests, and other relevant information.

20. The Commissioner for Human Rights, pursuant to the strategy of the Commissioner's Office for 2015–2020 and the new strategy for 2021–2025 and in accordance with decisions

on the public availability of information, monitors the activity on government agencies' websites.

21. One of the Commissioner's functions, according to the Commissioner for Human Rights Act, is to facilitate access to information and to consider and act on submissions from individuals concerning the right of access to information. The right of access to information is also addressed in the Commissioner's annual report, which is submitted to the President of the Republic, the Majlis-i Milli and the Majlis-i Namoyandagon of the Majlis-i Oli (upper and lower houses of the legislature), the Government, the Constitutional Court, the Supreme Court, the Supreme Economic Court and the Procurator General.

22. Furthermore, in accordance with Presidential Decree No. 622 of 7 February 2009 on officials' response to criticism and analysis in the media, government agencies hold press conferences with representatives of the media every six months.

23. At these press conferences the heads of ministries and departments report extensively on their activities, the exercise of civil rights and freedoms and the preventive measures taken to eliminate conditions or means for the commission of violations and offences, provide answers to journalists in accordance with the legislation in force and communicate messages to the press in the form of press releases. The press conferences receive wide coverage on television, radio and the websites of ministries and departments.

24. Under article 30 of the Constitution, everyone is entitled to freedom of speech, freedom of the press and the right to use the media. Everyone has the right to freedom of expression; this right consists in the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media at his or her discretion.

25. Article 19 of the International Covenant on Civil and Political Rights establishes that everyone has the right to freedom of expression. This right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his or her choice.

26. This right is also enshrined at the constitutional level by the Information Act, the Protection of Information Act, the Press and Other Media Act, the Publishing Act and other sectoral laws.

27. The laws in force in Tajikistan are thus entirely consistent with the State's international obligations in relation to freedom of speech.

28. The State ensures respect for the rights and legitimate interests of the media. State support for the media is provided through earmarked allocations, financial assistance and other forms of State support in the manner prescribed by law.

29. Round-table discussions and, as mentioned above, press conferences with the participation of media representatives are held periodically to analyse the current legislation.

30. The country's Safina television channel, the local television channels in Kūhistoni Badakhshon Autonomous Province and the provinces of Sughd and Khatlon, Radio Tajikistan and other radio stations broadcast analytical and critical reporting on shortcomings in various areas, including social protection and human rights.

31. Programmes on a variety of topics have been broadcast and discussions, talks and round tables with the participation of sectoral experts have been held.

C. Follow-up information relating to paragraph 55 of the concluding observations

32. Government ministries and departments regularly hold round tables on various legal and topical issues such as "Preventing violence", "Strengthening interreligious tolerance" and "The flag as a symbol of independence", as well as nationwide conferences and other similar events.

33. The analysis of the current legislation of Tajikistan has shown that it fully meets the requirements of the Covenant.
34. In accordance with the Laws and Regulations Act, the system of laws and regulations consists of the Constitution, the laws adopted by national referendum, international legal instruments recognized by Tajikistan and other legal and regulatory instruments. Limitations on the right to stand for election to the office of President of the Republic or to the Majlis-i Oli are set forth in the Constitution adopted by national referendum and in the Constitutional Act on the Election of the President and the Constitutional Act on Elections to the Majlis-i Oli. These provisions are compatible with the International Covenant on Civil and Political Rights.
35. Under the Constitution and election laws, citizens of Tajikistan are fully entitled to take part in political life and State governance, either directly or through representatives.
36. The most recent elections to the Majlis-i Oli and to the presidency of the Republic, held in March and October 2020 with the active participation of voters, were a demonstration of the genuine exercise of electoral rights by the citizens of Tajikistan.
37. For the information of voters, the Central Commission for Elections and Referendums regularly published articles in newspapers and magazines to explain the content of election laws to the electorate. Members and staff of the Commission, professionally trained experts, political scientists and experienced legal scholars, including in the field of election law, were involved in this work.
38. For the elections to the Majlis-i Oli, 49 campaign videos and 508 information materials in the form of news items, stories, interviews, conversations, reports and features in the Tajik, Russian and Uzbek languages were produced and broadcast on the Tajikistan, Safina and Jahonnamo television channels and Radio Tajikistan and were published in local newspapers. A mobile application on the 2020 legislative elections was developed and made available.
39. To make use of public platforms, workshops were held for voluntary associations of youth, persons with disabilities, women and the Public Council of Tajikistan.
40. To mobilize the electorate for the presidential election, articles, television and radio spots and information materials were prepared and disseminated through the media, including the television channels Tajikistan, Safina, Jahonnamo, Sinamo, Dushanbe, Khatlon, Sughd and Badakhshon, Radio Tajikistan and local newspapers.
41. In 36 television spots and 22 radio spots, voters were familiarized with the content of election laws and informed about the presidential candidates and about voting rights and voting procedures.
42. Articles on election laws, the key role of presidential elections in the development of society and voters' rights, as well as information on the Central Commission for Elections and Referendums, were published regularly in the national publications *Jumhuriyat*, *Sadoi Mardum*, *Narodnaya Gazeta* and *Khalk Ovozi* and in local publications; citizens were given timely information about the electoral process.
43. Openness is regarded as one of the most important principles for ensuring the transparency of elections. Accordingly, information on all aspects of the activities of the Central Commission for Elections and Referendums was posted on its website during the preparation and conduct of the elections. More than 40 acts were posted on the website for voters to read. Observance of this principle was also ensured through the development of a mobile application on the 2020 presidential election. It contained election laws, Central Commission instructions and instruments on the stages of the election process and the participants in elections, and information on the Central Commission, all of which were used by voters.
44. A separate Facebook page on the 2020 presidential election was also created. It remained in operation for two months, during which over 1,500,000 users visited the site, accessed the election materials and exchanged views on their content.

45. Direct electronic communication was established with district election commissions for the purpose of sharing information.
46. The Khovar national information agency created a special news section on the 2020 presidential election, which covered the entire election process in the country.
47. To make use of public platforms in the preparation and conduct of elections, the Central Commission established fruitful cooperation with voluntary associations of youth, women and persons with disabilities. Awareness-raising activities on election laws were conducted for the general public, and 170,000 information leaflets and booklets were printed and distributed to voters.
48. Workshops have been held with young people and women on the topics “Women and elections”, “Youth and elections”, “Know your voting rights”, “The right to vote as a tool for implementing gender policy” and “Active participation in elections as a sign of legal and political maturity”.
49. Regarding the revision of legislation that provides for a blanket denial of the right to vote to all convicted prisoners, which does not meet the requirements of article 10 (3), read in conjunction with article 25, of the Covenant and for denial of the right to vote to any person declared incompetent by a court, the following information is provided.
50. Some convicted persons (those who are fined or sentenced to perform unpaid labour and others who are not incarcerated) are not deprived of the right to vote. Under the Constitution, adopted by national referendum, citizens who have been declared legally incompetent by a court or are being held in places of deprivation of liberty under sentence by a court are deprived of voting rights. This provision has been in force since 1994.
51. The laws of Tajikistan provide for equal electoral campaigning conditions for all candidates. For example, article 27 of the Constitutional Act on the Election of the President stipulates that candidates for the office of President, from the time of their registration by the Central Commission, are to participate in election campaigns on an equal basis and have equal rights to make use of media opportunities, including radio and television in Tajikistan. The same conditions are provided for in the Constitutional Act on Elections to the Majlis-i Oli.
52. For example, in the elections to the Majlis-i Namoyandagon, there was pre-election campaigning through the media in 41 single-member constituencies and campaigning by political parties in Dushanbe, Kūhistoni Badakhshon Autonomous Province, the provinces of Khatlon and Sughd and the centrally administered districts; in total, more than 2,000 meetings with voters were held.
53. In accordance with election laws, during pre-election campaigning the Agrarian Party of Tajikistan used 37 minutes of free broadcast time, the Democratic Party of Tajikistan used 35 minutes, the Economic Reform Party used 32 minutes, the Communist Party of Tajikistan used 32 minutes, the Socialist Party of Tajikistan used 33 minutes, the Social Democratic Party of Tajikistan used 39 minutes and the People’s Democratic Party of Tajikistan used 40 minutes. They presented their election platforms and campaign videos to voters for a total of four hours and 18 minutes.
54. In addition, political party-endorsed candidates for election to the Majlis-i Namoyandagon and self-nominated candidates from single-member constituencies used a total of seven hours and 20 minutes of free broadcast time on the television channel Tajikistan and the television channels in Kūhistoni Badakhshon Autonomous Province and the provinces of Sughd and Khatlon to present their election platforms.
55. According to the laws in force, all candidates in single-member districts are allowed up to 20 minutes of free broadcast time on State television and radio, and political parties are allowed up to 40 minutes.
56. In the presidential election, to create equal conditions for all registered candidates, the Central Commission approved a procedure for the organization and conduct of the election campaign, which was promptly put into practice.

57. In addition to the rules on campaigning, the Central Commission approved uniform information posters with photos of the candidates and their biographical data.

58. The Central Commission printed over 75,000 copies of these posters and distributed them to 68 districts and 3,375 polling stations. Candidates and their authorized representatives held a total of over a thousand meetings with voters in the Kūhistoni Badakhshon Autonomous Province, the provinces of Khatlon and Sughd, the city of Dushanbe and the centrally administered districts.

59. In accordance with election laws, the Central Commission decided to allocate 40 minutes of free broadcast time to each candidate for the presentation of election platforms and 20 minutes to their authorized representatives on the television channels Tajikistan, Safina, Jahonnamo, Sinamo and Dushanbe and on Radio Tajikistan.

60. Candidates for the office of President and their authorized representatives presented their election platforms to the citizens by means of the free broadcast time allocated to them and in the pages of national newspapers.
