

Appendix A

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: +1-212-290-4700
Fax: +1-212-736-1300; 917-591-3452

EUROPE AND CENTRAL ASIA DIVISION

Hugh Williamson, *Director*
Rachel Denber, *Deputy Director*
Benjamin Ward, *Deputy Director*
Philippe Dam, *Advocacy Director*
Tanya Lokshina, *Associate Director*
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Judith Sunderland, *Associate Director*
Damelya Aitkhodzina, *Researcher*
Lydia Gall, *Researcher*
Yulia Gorbunova, *Researcher*
Mihra Rittmann, *Senior Researcher*
Steve Swerdlow, *Researcher*
Eva Cosse, *Researcher*
Kartik Raj, *Researcher*
Vladislav Lobanov, *Research Assistant*
Anahit Chilingaryan, *Research Assistant*
Oksana Antipova, *Associate*
Viktoria Kim, *Senior Coordinator*
Catherine Filishvili, *Senior Associate*
Elida Vikić, *Associate*
Aichurek Kurmanbekova, *Research Assistant*

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May 16, 2018

Reference # T-001/18-0516

Aslov Sirodjidin Muhridinovich
Minister of Foreign Affairs of the Republic of Tajikistan

Ministry of Foreign Affairs of the Tajik Republic
33 Sheroz St., Dushanbe 734001
Republic of Tajikistan
Tel: (992 37) 2210551, (992 37) 2277556 (992 37) 2211808

Via facsimile: (992 37) 221-02-59

Via email: info@mfa.tj

Dear Minister Aslov:

Please accept my regards on behalf of Human Rights Watch.

I am writing to kindly ask your assistance in organizing meetings for my colleagues, Mr. Steve Swerdlow and Ms. Viktoria Kim, during the weeks of June 18 and 25, 2018, with representatives of various government agencies to continue a discussion of the research Human Rights Watch is conducting on domestic violence in Tajikistan since 2015, and in providing information and collecting data from relevant government ministries and state agencies related to this research.

As you may know, Human Rights Watch is a nongovernmental organization that monitors human rights in more than 90 countries worldwide. We have been monitoring human rights in Central Asia for over 20 years and have researched and reported on violations of the rights of women in the United Arab Emirates, India, Tanzania, United Kingdom, Nepal, Hungary, Kyrgyzstan in the past years.

Human Rights Watch greatly appreciates the engagement of governments and an exchange of views on this topic.

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My colleagues, Mr. Swerdlow and Mrs. Kim, have travelled to Tajikistan on multiple occasions since 2015 to conduct research on domestic violence and to meet with relevant experts and Tajik government officials. We appreciate having had the opportunity in September 2016 to meet with representatives of numerous Ministries and state agencies tasked with implementing the Family Violence Law, including the Ministry of Internal Affairs, the Women's Committee for Family Affairs, the Ministry of Health, the Prosecutor-General's office, the Ministry of Justice, the Ministry of Foreign Affairs, the Office of the Ombudsman for Human Rights, and the State Committee for Religious Affairs. We would appreciate an opportunity to have a follow up discussion with aforementioned ministries and state agencies.

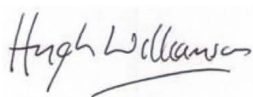
Human Rights Watch makes every effort to ensure that our findings and subsequent report include the Tajik government's perspective and accurately reference the government's efforts to prevent and address family violence against women and girls. To this end, we respectfully ask your Ministry's assistance in liaising with relevant Ministries and state agencies and collecting the information and data specified in the attached document within their mandates. We look forward to receiving your response, as well as any additional comments or materials you and other ministries wish to provide on these issues. We thank you in advance for your assistance in gathering the information.

In order to allow Human Rights Watch adequate opportunity to reflect Tajik government's relevant responses in our report and other materials, we respectfully request your written response to our questionnaire by June 15, 2018.

Please send your response to Ms. Viktoriya Kim at kimv@hrw.org. Feel free to contact me of course, on +49 30 259 30616 or williaa@hrw.org.

Thank you for your attention to this matter.

Yours sincerely,

A handwritten signature in dark ink, reading "Hugh Williamson". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Hugh Williamson
Director, Europe and Central Asia Division
Human Rights Watch

SECTION I

We kindly ask you to provide answers to the following Questions:

- Could you kindly describe measures being taken by the key relevant ministries, implementers and bodies to ensure that survivors of domestic violence have access to adequate services and support, including shelter, health, psychosocial, and legal services? Please include any information on efforts to ensure that survivors in rural areas and marginalized groups such as ethnic or religious minorities, former prisoners, alcohol or drug abusers, and HIV-positive women have access to such services.
- Could you kindly describe what referral systems exist in Tajikistan to ensure that survivors of domestic violence are referred to shelter, health, psychosocial, and legal services, including in rural areas? Please also describe any action being taken by the Ministries and state agencies to put such referral systems in place and ensure their implementation and effectiveness. Please list those agencies.
- Could you kindly explain if you are aware of any obstacles survivors of domestic violence may face in accessing state funded services, including shelters, crisis centers, medical care, and legal aid?
- Could you kindly detail the role of relevant Ministries in training government employees, including law enforcement, judicial, medical, and social service personnel, in responding to complaints or allegations of domestic violence? Please describe any such training, and for which employees such training is obligatory. For the government employees for whom the training is not obligatory, please describe under what circumstances they may participate in such training.
- Could you kindly describe any measures being taken and by which Ministries to support the investigation and prosecution of domestic violence cases in accordance with Tajikistan national law? Please explain with specific reference to (1) the Administrative Code and (2) the Criminal Code.
- Could you kindly describe the social benefits to which female survivors of domestic violence—including women divorcees, women living apart from their husbands or partners, and single mothers—are entitled? Please also explain the process through which they can claim such benefits, and any limitations to such benefits.

- Could you kindly explain the policy regarding referral of domestic violence cases reported at medical facilities to police? In particular, could you kindly clarify whether medical personnel are obligated to report cases of domestic violence to police? Are medical personnel obligated to report cases of suspected (but unconfirmed) domestic violence to police? Please specify which policies, directives or memorandums of understanding dictate reporting of domestic violence cases or sharing of information about domestic violence cases between medical personnel and police.
- Could you kindly explain under what circumstance and on what basis it is determined that cases of domestic violence will be reported to police? Do medical personnel request victims' consent prior to informing police? If a victim withholds consent to inform police, how do medical personnel proceed?
- Please describe the steps that are taken after medical personnel inform police about a case of domestic violence. How do medical personnel and police approach and follow up with patients after the case is reported to the police?
- Please describe any plans to train health personnel on these guidelines and the inclusion of domestic violence in such training.

SECTION II

Please provide the data specified in the information request below:

For each of the following questions, please provide the most recent data available:

1. Total number of complaints filed (with police) or cases reported (with other agencies) for each of the following types of violence separately.
 - a. Physical violence in a family
 - b. Psychological violence in a family
 - c. Sexual violence in a family
 - d. Economic violence or deprivation of freedom of movement, shelter, food, clothes, and other normal conditions of life
 - e. Marriage under the age of 18
 - f. Coercion into marriage or forced marriage

Please provide the information for questions 2-13 for each of the following forms of violence:

- Physical violence in a family
- Psychological violence in a family
- Rape / sexual coercion by spouse/partner

- Other sexual violence in a family
 - Economic violence or deprivation of freedom of movement, shelter, food, clothes, and other normal conditions of life in the family
 - Marriage under the age of 18
 - Forced/coerced marriage
2. *Number of complaints filed in which victim is:*
- Female
 - Male
3. *Number of complaints where the victim is:*
- Ages 0-17
 - Ages 18-30
 - Ages 31-40
 - Ages 41-50
 - Age 51 or older
4. *Number of complaints where the victim has a physical or mental disability.*
5. *Number of complaints where perpetrator is:*
- a. Spouse, living in the same house
 - b. Spouse, not living in the same house
 - c. Unregistered marriage partner, living in the same house
 - d. Unregistered marriage partner, not living in the same house
 - e. Former spouse, living in the same house
 - f. Former spouse, not living in the same house
 - g. Former partner, living in the same house
 - h. Former partner, not living in the same house
 - i. Parent (mother, father)
 - j. Sibling (brother, sister)
 - k. Other immediate family member (aunt, uncle, cousin, grandparent)
 - l. Mother- or father-in law
 - m. Brother- or sister-in law
 - n. Other family member of spouse or former spouse
 - o. Other family member of partner or former partner
6. *Total number of complaints that resulted in investigation.*
7. *Total number of complaints that resulted in initiation of criminal case.*
8. *Total number of complaints that resulted in arrest of perpetrator.*
9. *Total number of complaints that resulted in indictment of perpetrator.*
10. *Total number of complaints that resulted in conviction of perpetrator.*
11. *Total number of complaints that resulted in acquittal of perpetrator.*
12. *Total number of physical forensic examinations conducted on victims of domestic violence.*

13. Total number of psychological and psychiatric examinations conducted on victims of domestic violence.
14. Total number of support centers and departments of medical and social rehabilitation for victims of family violence in Tajikistan, including shelter facilities and crisis centers.
15. Total number of support centers and departments of medical and social rehabilitation, including shelter facilities and crisis centers, for victims of family violence receiving support from the government of Tajikistan. Please also list the facilities receiving such support.
16. Total number of support centers and departments of medical and social rehabilitation, including shelter facilities and crisis centers, funded by others. Please also list the facilities receiving such support and their funders.
17. Total number of female police officers in Tajikistan.
18. Total number of female neighborhood police officers in each oblast, separated by oblast.

Legal Measures

Complaints Filed

19. Total number of complaints filed and then withdrawn by the victim of domestic violence
20. Number of complaints dismissed due to lack of evidence.

Protection Orders

21. Number of protection orders requested due to family violence.
22. Number of protection orders granted due to family violence.
23. Number of protection orders granted that were then appealed by the perpetrator.
24. Number of protection orders revoked or revised on basis of such an appeal.

Cases Prosecuted under the Code of Administrative Responsibilities

Cases prosecuted under Article 93 (1) and (2) of the Code of Administrative Responsibilities (Domestic Violence and Violation of a Protection Order)

25. Number of cases prosecuted under Article 93, part 1 and 2 of the Administrative Code.
26. Number of these cases resulting in convictions, administrative fines and/or administrative detention.

Cases prosecuted under the Criminal Code

Cases prosecuted under Article 104 of the Criminal Code (Killing)

27. Number of cases of family violence prosecuted under Article 104 of the Criminal Code.
28. Number of these cases resulting in convictions.
29. Number of these cases resulting in sentences.

Cases prosecuted under Article 106 of the Criminal Code (Homicide Committed in a State of Sudden Strong Mental Agitation)

30. Number of cases of violence in the family prosecuted under Articles 106 of the Criminal Code.

31. Total number of these cases in which woman is accused of killing or injuring her partner or spouse in self-defense.

Cases prosecuted under Article 109 of the Criminal Code (Reducing to Suicide)

32. Number of cases of family violence, in which a victim of domestic abuse was driven to commit suicide, prosecuted under Article 109 of the Criminal Code.

Cases prosecuted under Article 116 of the Criminal Code (Beatings)

33. Number of cases of family violence prosecuted under Article 116 of the Criminal Code

34. Number of these cases resulting in convictions

Cases prosecuted under Article 117 of the Criminal Code (Torture)

35. Number of cases of family violence prosecuted under Article 117 of the Criminal Code.

36. Number of these cases resulting in convictions.

37. Number of these cases resulting in sentences of imprisonment.

Cases prosecuted under Article 138 of the Criminal Code (Rape)

38. Number of cases of sexual violence in the family prosecuted under Article 138(1) of the Criminal Code (Rape).

39. Number of these cases resulting in convictions.

40. Number of these cases resulting in sentences of imprisonment.

Cases prosecuted under Article 170 of the Criminal Code (Bigamy and Polygamy)

41. Number of cases prosecuted under Article 170 of the Criminal Code (Bigamy and Polygamy).

42. Number of these cases resulting in convictions.

Cases prosecuted under Article 168 of the Criminal Code (Giving in marriage of a girl below the minimum age of marriage)

43. Number of cases prosecuted under Article 168 of the Criminal Code

Cases Involving the Family Code

Article 13 (Marriage Age)

44. Total number of requests to the court to permit marriage of those below the age of 18.

45. Total number of these requests granted by the court.

Article 22 (Dissolution of marriage by an order of a court if one of the spouses does not agree to the dissolution)

- 46. Number of women who filed for divorce on grounds including family violence and were granted divorce.*
- 47. Number of victims of family violence who filed for divorce and were instructed to observe a waiting period prior to granting divorce.*

Article 24 (Conflicts resolved by a court in a marriage dissolution legal procedure)

- 48. Number of cases in which court determined that the woman was not entitled to joint property due to lack of civil registration of marriage.*
- 49. Number of cases in which the court determined that the woman was entitled to alimony payments due to dependence on spouse or inability to work.*
- 50. Number of cases in which court determined that the woman was not entitled to alimony due to lack of civil registration of marriage.*

Referral to Services

- 51. Total number of victims filing complaints for family violence with police who were referred by police to crisis centers, shelters or safe spaces, health services, and/or legal services.*
- 52. Total number of victims filing complaints for family violence with police who were referred by police for a forensic examination.*
- 53. Total number of cases of domestic violence registered at health facilities (health centers, polyclinics, hospitals, other medical clinics) and were then referred to police and/or crisis centers, shelters, legal services.*
- 54. Number of cases in which court ordered perpetrator to provide payment or reimbursement for cost of victim's medical expenses.*

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DIVISION**

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March 26, 2019

Minister of Foreign Affairs
Sirojiddin Muhriddin
Ministry of Foreign Affairs of the Republic of Tajikistan
33 Sheroz street
Dushanbe 734001
Republic of Tajikistan

Tel: (992 37) 2210551, (992 37) 2211808

Fax: (992 37) 221-02-59

E-mail: info@mfa.tj, dio@mfa.tj

Dear Honorable Minister Muhriddin,

Please accept my highest regards on behalf of Human Rights Watch.

I am writing to request your assistance in facilitating the visit of a Human Rights Watch delegation, composed of my colleagues, Hugh Williamson, Europe and Central Asia Director, Mr. Steve Swerdlow, Human Rights Watch's Tajikistan Researcher, and Ms. Viktoriya Kim, Assistant Researcher, in order to meet with you and the Ministry of Foreign Affairs, and other relevant agencies of the government of Tajikistan in Dushanbe in June 2019.

I want to thank you for having a high-level delegation of your Ministry and other government agencies meet with Mr. Hugh Williamson and Mr. Steve Swerdlow on September 12, 2018 on the sidelines of the Human Dimension Implementation Meeting (HDIM) of the Organization for Security and Cooperation in Europe (OSCE). My colleagues Steve Swerdlow and Viktoriya Kim also earlier met with your Ministry's International Organizations Department in September 2016 in Dushanbe.

At the meetings we would like to discuss human rights and the opportunities for Human Rights Watch and your government to cooperate more closely in Tajikistan.

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For example, Human Rights Watch is pleased to note the steps the Government of Tajikistan has taken to improve the protection of women and girls, including the passage in 2013 of the Law on the Prevention of Violence in the Family. We would like to have the opportunity to discuss these efforts by the government so that we may reflect them in Human Rights Watch's upcoming report on this topic in addition to other topics of mutual interest.

As you know, Human Rights Watch is an independent organization dedicated to protecting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change. We are committed to producing material that is well-informed and objective. Our work spans a range of issues, including economic, social, cultural, civil, and political rights issues.

Human Rights Watch has conducted research on Tajikistan for over two decades, establishing one of our organization's first field offices in Dushanbe in 1996, which operated until 2000. The Ministry of Foreign Affairs, along with several agencies of the government, plays an important role in fulfilling the government's international human rights obligations. We would appreciate your support in facilitating meetings between our delegation and your Ministry, the Ombudsperson for Human Rights, the Committee on Women and Family Affairs, the Ministry of Internal Affairs, and the General Prosecutor's office and to discuss our desire to work in Tajikistan.

Some of the topics to be discussed in our meetings would include: statistical information on how crimes related to domestic violence have been prosecuted and methods through which the government is implementing the 2013 law on the prevention of violence in the family; recommendations regarding international human rights commitments on torture, freedom of expression and freedom of religion; and examples of successful cooperation and constructive dialogue between Human Rights Watch and governments in Central Asia, Russia, and the wider region of Europe and Central Asia. While we understand that we may not always agree on every issue, we seek the opportunity to engage in a constructive, regular dialogue with the government of Tajikistan, as we have successfully been able to do with the government in previous years.

We would like to visit Tashkent beginning on June 7, 2019. We kindly ask you to issue Steve Swerdlow a business visa to visit Tajikistan between June 6 and June 23. During his travels to Tajikistan, Mr. Swerdlow will be accompanied by Hugh Williamson, who has already received his visa. As Mr. Swerdlow is the country representative for our work in Tajikistan, his presence on this and future missions is of critical importance to our work. I

kindly ask for your assistance in facilitating the issuance of his visa. Ms. Kim is a national of Kazakhstan and does not require a visa.

We believe it is very important to have a constructive dialogue with the government of Tajikistan and we sincerely hope the government will issue the visa to Mr. Swerdlow.

Please do not hesitate to contact me with any questions by phone at +1-212-616-1801 or by email at rothk@hrw.org. Mr. Williamson can be contacted in Berlin at +49-30-259-306-16 or by email at williaa@hrw.org. Mr. Swerdlow can be contacted by email at swerdls@hrw.org or +1-917-535-0375.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Roth', with a stylized, cursive script.

Kenneth Roth