The third round monitoring report on Tajikistan was adopted at the Istanbul Anti-Corruption Action Plan monitoring meeting in April 2014. This document contains the progress update on the implementation of recommendations to Tajikistan and the assessment of progress made adopted at the 16th ACN Istanbul Action Plan meeting on 7-9 October 2015.
PILLAR 1. ANTI-CORRUPTION POLICY

Recommendation 1

To work out very specific measurable criteria of assessment of achievement of the goals and performance of the measures for implementation of the Anticorruption Strategy for 2013–2020 of the Republic of Tajikistan and add them to the Strategy providing information (data) sources, on the basis of which achievement of the Strategy’s goals will be assessed, as well as agencies responsible for collection of such information.

To ensure most active participation of all state power bodies (republican and local) in development, implementation, assessment of implementation of the national anticorruption strategy, allowing the state authorities to submit proposals on changing and amending the Anticorruption Strategy for 2013-2020 of the Republic of Tajikistan.

To ensure effective monitoring of implementation of the Anticorruption Strategy for 2013-2020 of the Republic of Tajikistan, guaranteeing that the agency, which is authorized to carry out monitoring and control functions, have sufficient powers and resources to take decisions or to initiate solution of problems related to non-implementation or insufficient implementation of the Strategy, to perform quality analysis and assessment of information on implementation of the Strategy, have the right to receive information related to implementation of the Strategy from all executing organizations of the Strategy, and also that this right is supported with the respective obligation of the executing organizations of the. Also to stipulate more regular monitoring (every half-year) in order to quickly react to non-implementation or insufficient implementation of the Strategy. To ensure that in the course of assessment of implementation of the Anticorruption Strategy for 2013–2020 of the Republic of Tajikistan (monitoring) there should be considered the results of comprehensive research of the nature of corruption and its penetration into the state power bodies.

To continue disseminating information on the Anticorruption Strategy for 2013–2020 of the Republic of Tajikistan and its implementation and to pay more attention to the results of implementation of the Strategy, so that every executing organization of the Strategy could feel its responsibility towards the society and the society would know its right to request from the state authorities effective implementation of the Strategy.

To continue engaging the civil society into all related processes: implementation, monitoring and control over implementation, analysis and update of the Strategy; to use best efforts so that these processes could become a joint work of the state authorities and non-governmental structures.

To ensure necessary financing of implementation of the Anticorruption Strategy for 2013–2020 of the Republic of Tajikistan by providing for the respective funds for realization of measures, which cannot be performed at the expense of the state executing organizations of the Strategy (i.e. measures which are not directly connected with the functions of the state body or which require additional financing) in the Strategy itself or to stipulate for obligation of all state authorities to perform measures for implementation of the Strategy in their intradepartmental plans for two years and to allocate relevant financing.
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**Measures taken to implement the recommendation**

The Anti-Corruption Strategy 2013-2020 was developed in line with the Law on «О государственных прогнозах, концепциях, стратегиях и программах социально-экономического развития Республики Таджикистан». According to this Law, the Strategy is a middle-term policy planning document and a legal act and has to reflect tasks, principles, ways to achieve the goals set. This document shall include specific measures. For changing of such documents it is necessary to change the legislation.

According to point 4 of President’s Decree «О Стратегии по противодействию коррупции в Республике Таджикистан на 2013-2020 годы» questions related to monitoring of Strategy’s implementation are entrusted to the Agency and according to this Decree every 2 years as of adoption of the Strategy it is necessary to conduct a comprehensive monitoring of the overall status of implementation of Strategy and present information on results to the President. Besides, this Decree stipulates that ministries and state and local organs have to develop and adopt 2-years institutional plans, conduct awareness raising activities about goals and meaning of this policy planning document.

For studying and analysis of the implementation of the Strategy, in line with the above Decree point 4, members of Main Department of Prevention conducted checks in ministries, state and local organs. As a result, ministries, state and local organs received written advice and recommendations about defects found in relation to implementation of the Strategy, the consideration of which is mandatory and about the results information should be provided to the Agency.

Besides, as a result of monitoring for failing of implementing above advice and recommendations on time 5 officials of state bodies were found administratively liable.

Extracts from results of above checks and meetings are available on Agency’s website.

In accordance with the above Decree point 4, Agency presented information about results of monitoring the overall status of implementation of the Anti-Corruption Strategy to the President of Tajikistan.

**Assessment of Progress - 16th Plenary**

**PROGRESS**

Tajikistan failed to develop assessment criteria for the Anti-Corruption Strategy 2013-2020. The information on the proposals and amendments to the Strategy is lacking. At the same time, the development of agency-level plans and models of anti-corruption measures carried out by the agencies, which is observed by the civil society as well, denote more active participation of the public authorities in the fight against corruption that was recommended. Since the previous report, the major positive step was the conduction of the Strategy monitoring implementation by the Agency of Financial Control and Fight against Corruption of Tajikistan achieved through the audits in the ministries, agencies, and local public authorities. As it was mentioned during the plenary session, more than 100 institutions had been covered since March. The Agency provided the President with a result report. Unfortunately, the report is not made available to the public and, as the civil society pointed out, not a single reference has been made public by the Agency for Strategy Monitoring. The fact that the Agency identified shortcomings and, as a result, suggested proposals while conducting the monitoring can be considered as a positive step towards fulfilment of the "problem-solving initiation" recommendation by an authorized agency.
It is positive that Tajikistan has again reported the steps taken to disseminate the strategy and the meetings/explanatory seminars with the agencies. According to the civil society, the said measures are now conducted more actively. The information on the involvement of civil society is lacking, which is criticized by the civil society. The information on funding of the Strategy implementation hasn’t been provided either.

In general, the monitoring conducted and stepped-up work on the sector level give grounds for the conclusion that there is PROGRESS in the implementation of this recommendation.

**Recommendation 2**

*Ensure that comprehensive sociological surveys of corruption in all branches of power and the public service are conducted periodically at least every third year and their results are used in the development of the anticorruption policies. Such survey should be based on a methodology which will cover all relevant state and local authorities and will ensure comparability of the results. Such surveys should not only cover the attitude of population towards corruption, but also its actual experience with corruption.*

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In total, there will be interviewed 3000 respondents by sampling, representing both the urban and the rural population. The field operations have been conducted in Gorno-Badakhshan Autonomous Region and Sogd Region. Currently, the researches are being conducted in the Districts of Republican Subordination, in Khatlon Oblast and Dushanbe. In general, the direct questioning of respondents will have been carried out by the end of September this year, respectively, the research outcome resulted in an analytical report will have been prepared and submitted by the end of the year. The target groups of the survey in question are the population, public officials, and businessmen. The specifics of the survey in 2015 are as follows:

- The survey will cover all branches of power and local authorities,
- The survey will investigate not only the perception of corruption, but also the population’s practical experience in facing corruption and combating it,
- Within the framework of the survey, there will be measured the corruption risks in certain economic sectors, focusing on the social sectors and business activity.

Thus, the study in 2015 will allow:

- Compare the results of the previous surveys and assess the dynamics (in this regard, the methodology is subject rather to widening than to change),
- Highlight the situation in terms of penetration of corruption into the governmental authorities.

**PROGRESS**

Tajikistan reported that in August 2015, the Center for Strategic Studies under the President of the Republic of Tajikistan launched a comprehensive corruption survey. This is considered to be a positive step. The civil society confirms this. One may also welcome the fact that the survey is funded by the government and will be made available to the public. The survey is planned to cover all branches of power and local public authorities. As stated in the recommendation, not only the attitude of the population towards corruption will be monitored but also the people’s practical experience of corruption. According to the National Coordinator Report, the survey is conducted by expanding the proven research methodology. The methodology, as was discovered at the plenary session, is the same as the one used by a similar report in 2011, so these reports will be comparable. The Action Plan
for 2013-2020 intended to develop a new methodology and it was criticized in the third round report, as the methodology has already been developed in cooperation with the OSCE in 2011. Tajikistan achieved PROGRESS in the implementation of this recommendation.

Recommendation 3

Further enhance public participation in the fight against corruption encouraging and entering into constructive dialogue with a wide range of representatives of civil society at national and local levels and involve civil society in the work of the National Presidential Anticorruption Council.

Ensure establishment and effective functioning of the Public Commissions for Corruption Prevention by all local authorities as foreseen in the Strategy for the Fight against Corruption in Tajikistan in 2008-2012.

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Меры, предпринятые для осуществления данной рекомендации (предоставленное Национальным координатором краткое резюме о мерах, предпринятых для осуществления данной рекомендации):

В соответствии с Решением Председателя Национального совета по противодействию коррупции в Республике Таджикистан от 8 июля 2014 года №4 принят Типовое положение Общественной комиссии по предотвращению коррупции при местных исполнительных органах государственной власти.

Для проведения комплексного мониторинга в соответствии с пунктом 4 Указа Президента Республики Таджикистан «О Стратегии по противодействию коррупции в Республике Таджикистан на 2013-2020 годы» сотрудниками Агентства по государственному финансовому контролю и борьбе с коррупцией Республики Таджикистан были проведены проверки в местных органах государственной власти. Проведенные проверки исполнения Стратегии в местных органах государственной власти показали, что во всех регионах нашей страны согласно данного документа образованы общественные комиссии по предотвращению коррупции при местных исполнительных органах государственной власти, в состав которых входят как и представители государственных структур так и частный сектор и гражданское общество.

Данные комиссии утвердили двухгодичные планы и занимаются исключительно вопросами предотвращения коррупции, в частности проведение встреч, анализ текущего состояния в регионах, общественной экспертизой нормативно правового акта общеобязательного характера местных исполнительных органов и пропагандой и просвещением антикоррупционного мировоззрения.

Председателя общественных комиссии по предотвращению коррупции при областей, городов и районов каждые полгода представляют отчет о проделанной работе Национальному совету по противодействию коррупции в Республике Таджикистан.

Assessment of Progress - 16th Plenary

LACK OF PROGRESS

Tajikistan failed to provide any new information regarding the promotion of civil society participation in the fight against corruption. According to the civil society information the situation has not improved. The examples of involvement of the civil society representatives haven’t been provided to
the National Council. As far as the establishment and effective work of public commissions for the prevention of corruption are concerned, Tajikistan reports that the public commissions for the prevention of corruption are nominally established in all regions, areas, and cities beginning this year. The said commissions have developed two-year plans; they report to the National Council every six months. At the same time, according to the civil society, information on these commissions and on how they work in reality is lacking; their work is not covered by the media. The civil society recommends strengthening the role of public councils and involving representatives of the nongovernmental sector (although technically they comprise civil society representatives). This issue should be analysed through case studies during the next round of monitoring. Tajikistan LACKS PROGRESS in the implementation of this recommendation.

Recommendation 4

Further extend the practice of strategic planning in anticorruption education and awareness raising activities conducted by public authorities and base it on the analysis of the current situation.

Identify target groups for anticorruption education and awareness raising, including the most vulnerable groups to corruption and the groups with the highest risk of corruption, and develop specific programs and messages for each group, stressing in the program practical aspects and concrete tools to fight and prevent corruption, and the rights of the citizens in their interaction with public institutions.

Develop and conduct assessment of efficiency and effectiveness of anticorruption education and awareness raising.

Employ specialists with anti-corruption education and awareness raising skills and experience in anticorruption area and continuously improve their qualification.

Develop joint anticorruption education and awareness raising actions with non-governmental partners.

16th plenary, 7-9 October 2015:

According to the work schedule of the Agency for State Financial Control and Fight Against Corruption of the Republic of Tajikistan for the 1st and 2nd half of year 2015, for the purposes of strategic planning in the field of anti-corruption education in the public authorities, the Agency’s employees verified the fulfillment of the interdepartmental anti-corruption programs. By results of the inspections, a series of awareness-raising meetings was carried out, involving both the Agency’s employees and the public authority staff, where the target groups were brought to their attention to focus on the anti-corruption education and awareness raising events. Besides, in pursuance of the Strategy for Fight Against Corruption in Tajikistan for 2013-2020, the actions on anti-corruption education and awareness of society are carried out in cooperation with the NGOs.

Therewith, based on the joint Action Plan for the Ministry of Education and Science of the Republic of Tajikistan and the Agency for State Financial Control and Fight Against Corruption of the Republic of Tajikistan for 2015, a series of meetings on the prevention of corruption is held in the higher education institutions each month.

The website of the Agency for State Financial Control and Fight Against Corruption of the Republic of Tajikistan contains information about the meetings held.

Assessment of Progress - 16th Plenary
LACK OF PROGRESS

Tajikistan didn’t provide information that would show progress in implementing this recommendation. It may be noted that the Agency had more meetings and seminars with public authorities where the participants communicated on different matters, including education. The Agency also ran checks that make it possible to track educational efforts of the authorities, but this cannot be considered as the implementation of the recommendation.

Tajikistan LACKS PROGRESS in this area.

Recommendation 5

Establish all-national Anticorruption Council which should include representatives of all stakeholders. This Council should be dealing with strategic issues of fight with corruption and assisting with development and implementation of the anticorruption Strategy and measures taken in Tajikistan. The Council should include the representatives of all three branches of power, relevant public authorities and civil society as equal partners.

16th plenary, 7-9 October 2015:

On July 8 2014, a regular meeting of the National Anti-Corruption Council in the Republic of Tajikistan was held. At the meeting, the Council adopted the Minutes No. 2c/4, where it entrusted to the Secretariat of the National Council, with the concurrence of the Agency for State Financial Control and Fight Against Corruption, State Committee for National Security, Ministry of Justice, Ministry of Culture, and Committee on Religious Affairs, Customs and National Ceremonies, to expand the composition of the National Council from among the civil society representatives. For the time being, two civil society organizations are represented in the National Council, namely the Center for Anti-Corruption Education and Advocacy, and the Social Organization on Legal Assistance. The search and selection of worthy candidates for the Council membership continues.

Assessment of Progress - 16th Plenary

LACK OF PROGRESS

Tajikistan provided no information on the Council’s activities, including on how the Council performed its functions and how the composition of the Council was changed. Therefore, it is difficult to assess how the recommendation is being implemented and there is an impression that the establishment of the Council was the only step.

Therefore, during the plenary session Tajikistan was urged to practically involve the Council and demonstrate that the Council dealt with strategic issues and contributed to the implementation of the Strategy, as recommended. It is important to disseminate information about the Council’s work and more actively engage the civil society.
Recommendation 6

- To conduct a detailed comparative evaluation of the Criminal Code, the Law “On combat against corruption” and other appropriate legislative acts of the Republic of Tajikistan and, based on the findings, to harmonize the domestic criminal anticorruption law with the administrative one.
- To incorporate in the criminal law the classification of “demand for”, “solicitation” or “request of” an undue advantage and “acceptance of offering/promise” of such an advantage as an individual corpus delicti.
- To incorporate in the criminal law the classification of intentional “offering” and “promise of” an undue advantage to the public official as an individual corpus delicti.
- To revise the existing wordings of bribe with a mandatory reference to their implying “any undue advantage”.
- To provide for liability for passive bribery and the one “in favor of third parties” upon consent or with the knowledge of the public official.
- To set effective and efficient liability of legal entities for corruption offences with proportionate sanctions, which will be balanced with the committed offence. Liability shall arise both for commission of an offence by certain officials and for improper control on the part of the managing bodies / persons of such legal entity, which makes commission of such offence possible.
- To consider a possibility for adoption of appropriate legislative norms for the sake of sanction of illicit enrichment.
- To criminalize “trading in influence”.
- To bring Article 279 of CC in line with the norms provided for in Article 21 of the UN Convention against Corruption.
- To clarify in the frame of CC the notion of «the person performing executive functions in the commercial or other organization».
- To delineate corpus delicti elements provided for in Articles 279 and 324 of CC to avoid their duplication.
- To introduce a uniform notion of “solicitation”.

16th plenary, 7-9 October 2015:

...
Таджикистан после разработал и направил на рассмотрения в соответствующие органы проект Закона Республики Таджикистан «О внесении изменений и дополнений в Уголовный кодекс Республики Таджикистан» и проекты других законодательных актов.

Ожидаемым результатом является введение: единого понятия "должностного лица", "незаконное преимущество" как предмета взятки, определение предельного размера стоимости подарков, привлечение государственного служащего к уголовной ответственности в случае, если он получил подарок, стоимость которого превышает этот размер, уголовной ответственности за "вымогательство и или требование" взятки в случае получения взятки и за "предложение", "обещание", а также "дачу" взятки (в пользу третьего добросовестного лица).

Данные законопроекты находятся на рассмотрении соответствующих органов в следующем виде:

**Draft**

**Criminal Code (Amendment) Law of the Republic of Tajikistan**

Статья 1. Внести в Уголовный кодекс Республики Таджикистан, принятый Законом Республики Таджикистан от 21 мая 1998 года (Ахбори Маджлиси Оли Республики Таджикистан 1998 г., № 9, ст. 68; ст. 69; №22, ст. 306; 1999 г., №12, ст. 316; 2001 г., № 4, ст. 149; ст. 167; 2002 г., №11, ст. 675; ст. 750; 2003 г., № 8, ст. 456; ст. 468; 2004 г., №5, ст. 346; №7, ст. 452; ст. 453; 2005 г., №3, ст. 126; №7, ст. 399; №12, ст. 640; 2007 г., №7, ст. 665; 2008 г., №11 ч. 1, ст. 3; №6, ст. 444; ст. 447; №10, ст. 803; №12, ч. 1, ст. 986; №12 ч. 2, ст. 992; 2009 г., № 3, ст. 80; №7-8, ч. 1, ст. 501; 2010 г., № 3, ст. 155; №7, ст. 550; 2011 г., №3, ст. 161; №7-8, ст. 605; 2012 г., №3, ст. 258; №7, ст. 694; 2013 г., №6, ст. 403; ст. 404; Законы Республики Таджикистан от 12 ноября 2013 года, №1028 и 28 декабря 2013 года, №1028), следующие изменения и дополнения:

1. В статье 314, положение Субстатьи (1) заменить следующим словом: 

1) деньги, ценные бумаги, другие предметы, блага, преимущества или выгоды незаконно предоставленные лицу, которое действует в качестве менеджера в коммерческом или иной организации независимо от ее юридической формы, государственные предприятия исключены, либо лично или через третье лицо, непосредственно или косвенно, с целью незаконного влияния на государственного служащего для получения определенного решения в пользу лица, которое их предоставило или третьему лицу.

2) Каждому, кто предоставил или предложил деньги, ценные бумаги, другие предметы, блага, преимущества или выгоды незаконно полученные лицом, которое действует в качестве менеджера в коммерческом или иной организации независимо от ее юридической формы, государственные предприятия исключены, либо лично или через третье лицо, непосредственно или косвенно, с целью незаконного влияния государственного служащего для получения определенного решения в пользу лица, которое их предоставило или третьему лицу.

2. После статьи 279, вставить статью 279 как следует:

279 1. Обещание, предложение, или настаивание на предоставление коммерческой взятки.

(1) Обещание или предложение о предоставлении денег, ценных бумаг, других предметов, благ, преимуществ или выгод лицу, которое действует в качестве менеджера в коммерческом или иной организации независимо от ее юридической формы, государственные предприятия исключены, либо лично или через третье лицо, непосредственно или косвенно, в целях незаконного влияния на государственного служащего для получения определенного решения в пользу лица, которое их предоставило или третьему лицу.

(2) Обещание, предложение, или настаивание на предоставление коммерческой взятки лицу, которое действует в качестве менеджера в коммерческом или иной организации независимо от ее юридической формы, государственные предприятия исключены, либо лично или через третье лицо, непосредственно или косвенно, в целях незаконного влияния на государственного служащего для получения определенного решения в пользу лица, которое их предоставило или третьему лицу.

3. В статье 279, положение Субстатьи (3) заменить следующим словом:

1) Обещание, предложение, или настаивание на предоставление коммерческой взятки лицу, которое действует в качестве менеджера в коммерческом или иной организации независимо от ее юридической формы, государственные предприятия исключены, либо лично или через третье лицо, непосредственно или косвенно, с целью незаконного влияния на государственного служащего для получения определенного решения в пользу лица, которое их предоставило или третьему лицу.

2) Обещание, предложение, или настаивание на предоставление коммерческой взятки лицу, которое действует в качестве менеджера в коммерческом или иной организации независимо от ее юридической формы, государственные предприятия исключены, либо лично или через третье лицо, непосредственно или косвенно, в целях незаконного влияния на государственного служащего для получения определенного решения в пользу лица, которое их предоставило или третьему лицу.

2. В статье 279, положение Субстатьи (4) заменить следующим словом:

(1) Обещание или предложение о предоставлении денег, ценных бумаг, других предметов, благ, преимуществ или выгод лицу, которое действует в качестве менеджера в коммерческом или иной организации независимо от ее юридической формы, государственные предприятия исключены, либо лично или через третье лицо, непосредственно или косвенно, в целях незаконного влияния на государственного служащего для получения определенного решения в пользу лица, которое их предоставило или третьему лицу.

(2) Обещание, предложение, или настаивание на предоставление коммерческой взятки лицу, которое действует в качестве менеджера в коммерческом или иной организации независимо от ее юридической формы, государственные предприятия исключены, либо лично или через третье лицо, непосредственно или косвенно, в целях незаконного влияния на государственного служащего для получения определенного решения в пользу лица, которое их предоставило или третьему лицу.

3. В статье 279, положение Субстатьи (5) заменить следующим словом:

(1) Обещание или предложение о предоставлении денег, ценных бумаг, других предметов, благ, преимуществ или выгод лицу, которое действует в качестве менеджера в коммерческом или иной организации независимо от ее юридической формы, государственные предприятия исключены, либо лично или через третье лицо, непосредственно или косвенно, в целях незаконного влияния на государственного служащего для получения определенного решения в пользу лица, которое их предоставило или третьему лицу.

(2) Обещание, предложение, или настаивание на предоставление коммерческой взятки лицу, которое действует в качестве менеджера в коммерческом или иной организации независимо от ее юридической формы, государственные предприятия исключены, либо лично или через третье лицо, непосредственно или косвенно, в целях незаконного влияния на государственного служащего для получения определенного решения в пользу лица, которое их предоставило или третьему лицу.

Annotation 1. Если лицо, которое предоставило или предложило взятку или блага, названное в статье 279, будет освобождено от уголовной ответственности в результате угроз или угроз, названные в статье 279, следующие изменения и дополнения:
3. In Article 314, annotation 1 substitute with the following wording -

‘1. For the purposes of this Code a public official is anyone, whether appointed or elected, serving in a public capacity regularly, temporally, or by a special authority, i.e. an individual, invested with the regulatory powers with regard to the ones who act in a non-subordinate capacity, in an order, provided for by the laws of the Republic of Tajikistan, as well as an individual who carries out organizational or administrative powers and holds an office or a position in the governmental agencies or local authorities, whether gratis or for a remuneration, or a registered candidate for a public elective office, or a member of a public elective body, including the government-owned companies and the companies where the government holds a controlling stake’.

After the annotation insert paragraphs (4) and (5) as follows -

‘(4) ’organizational powers’ means the personnel management, supervision of allotment of work and employees, staff recruiting, organization of work of the subordinates, work performance monitoring and verification, maintenance of discipline, and giving incentives and imposing disciplinary actions,

(5) ‘administrative powers’ means the authority to manage the use and disposal of property’.

4. In Article 319, disposition of Subarticle (1) substitute with the following wording -

‘(1) Receipt of money, securities, other property, advantages, favours or benefits as a bribe by a public official, foreign public official or a public official of an international organization, whether personally or through a third party, directly or indirectly, in an effort to illegally cause a public official to take particular decisions, as well as to get an overall protection and connivance in the service in favour of the briber or a third party’.

5. After Article 319, insert Article 3191 as follows -

3191 Request, acceptance of offer or promise of bribe

A request, acceptance of offer or promise of money, securities, other property, advantages, favours or benefits as a bribe by a public official, foreign public official or a public official of an international organization, whether personally or through a third party, directly or indirectly, in an effort to illegally cause a public official to take particular decisions, as well as to get an overall protection and connivance in the service in favour of the briber or a third party -

shall be punishable by a fine not exceeding three hundred and fifty indicators used for the calculations, or imprisonment of up to two years, with disqualification from serving in prohibited capacities or positions of up to 3 years’.

6. In Article 320, after annotation 2, insert annotation 3 as follows -

‘the valuables and benefits, i.e. material values exceeding 10 indicators used for the calculations, as well as the intangibles, advantages and other benefits expressed in services, violation of the order of priority, or of any other order prescribed by law, in favour of a bribe-taker, where he gave his specific consent’.

7. After Article 320, insert Article 3201 as follows -

‘(1) An offer or promise to a public official, foreign public official or a public official of an international organization, whether personally or through a third party, of property or favours, named in Article 319, as a bribe, for the purposes prescribed in the same Article -

shall be punishable by a fine not exceeding three hundred and fifty indicators used for the calculations, or imprisonment of up to two years, with disqualification from serving in prohibited capacities or positions of up to 3 years.

Annotation 2. A person who offered or promised the property or favours, named in Article 319, shall be exempt from criminal liability if he was extorted the property or favours or gave himself up, without knowing that the criminal prosecution authorities are aware of the committed crime’.

8. In Article 324, in disposition of Subarticle (1), omit ‘i.e. the requirement’, after ‘benefits’ insert ‘intangible benefit’, after ‘that is’ insert ‘by a person who performs functions of a manager or’, in the text in Russian after ‘employee’ insert ‘,’ and omit ‘regardless of legal structure’ and after ‘companies’ insert ‘regardless of legal structure’.

9. After Article 324, insert Article 3241 as follows -

324 (1) Request, acceptance of offer or promise of remuneration
A request, acceptance of offer or promise of remuneration by the persons, i.e. a request, acceptance of offer or promise of material or immaterial remuneration - property or favours, named in Article 324, for the purposes prescribed in the same Article, whether personally or through a third party - shall be punishable by a fine from three hundred and fifty up to three hundred and sixty indicators used for the calculations or imprisonment of up to two years, with disqualification from serving in prohibited capacities or positions of up to 3 years'.

2. The present Law shall come into force upon its promulgation.

Assessment of Progress - 16th Plenary

LACK OF PROGRESS

The Government of Tajikistan announced the development of a package of draft laws to fulfil certain elements of Recommendation 6. At the time of the progress assessment, the draft laws were submitted for endorsement to various authorities whereupon they are to be submitted to the Government and registered in the Parliament. The monitoring group takes into account that amendments to the criminal procedure are a large array of work, however none of the developed draft laws has been registered in the Parliament since 2013, which is a cause for concern to the monitoring group. In this regard, the plenary meeting noted that Tajikistan should conduct more active work on the adoption of the developed draft laws.

Tajikistan LACKS PROGRESS in in the implementation of this recommendation.

Recommendation 7

- Introduce a single concept of “official” ensuring that this definition covers all categories of persons mentioned in the UN Convention against Corruption, including any person who performs a public function, including for a public agency or public enterprise, or provides a public service.
- Identify all categories of persons committing corruption offences due to the nature of their activity but not recognised as subjects of such offences by the Criminal Code either as public officials or as persons performing management functions in a commercial or other organisation, and eliminate the existing gaps.
- Supplement the concept of “foreign public official” with the note that this category of persons shall include persons who perform any public function, including for a public enterprise.

16th plenary, 7-9 October 2015:

According to this recommendation, the Agency for State Financial Control and Fight Against Corruption of the Republic of Tajikistan has developed and laid before the relevant authorities the Draft Law On Civil Service (Amendment) Law and other draft laws, where the term ‘official’ has been unified.

Draft

Law On Civil Service (Amendment) Law of the Republic of Tajikistan

Статья 1. Внести в абзац 10 статьи 1 Закона Республики Таджикистан от 5 марта 2007 года «О государственной службе" (Ахбори Маджлиси Оли Республики Таджикистан, 2007 г.,№3, ст.166;
A public official is anyone, whether appointed or elected, serving in a public capacity regularly, temporally, or by a special authority, i.e. an individual, invested with regulatory powers with regard to the ones who act in a non-subordinate capacity, in an order, provided for by the laws of the Republic of Tajikistan, as well as an individual who carries out organizational or administrative powers and holds an office or position in the governmental agencies or local authorities, whether gratis or for a remuneration, or a registered candidate for an public elective office, or a member of a public elective body, including government-owned companies and the companies where the government holds a controlling stake, or anyone carrying out some portion of a government’s sovereign powers’.

2. The present Law shall come into force upon its promulgation.

Draft

Law On Combating Corruption (Amendment) Law of the Republic of Tajikistan


Subarticle (4), substitute with the following wording -

‘a corruption-related offender is anyone, whether appointed or elected, serving in a public capacity regularly, temporally, or by a special authority, i.e. an individual, invested with regulatory powers with regard to the ones who act in a non-subordinate capacity, in an order, provided for by the laws of the Republic of Tajikistan, as well as an individual who carries out organizational or administrative powers and holds an office or position in the governmental agencies or local authorities, whether gratis or for a remuneration, or a registered candidate for an public elective office, or a member of a public elective body, including government-owned companies and the companies where the government holds a controlling stake, and others carrying out some portion of a government’s sovereign powers’.

Omit Subarticle (5).

Consider Subarticle (6) as Subarticle (5).

In Subarticle (5), for ‘authorized to perform public functions’ substitute ‘corruption-related offenders’.

Omit Subarticle (7).

2. The present Law shall come into force upon its promulgation.

Draft

Administrative Offences Code (Amendment) Law of the Republic of Tajikistan

Subarticle (2), substitute with the following wording -

‘(1) For the purposes of this Code a public official is anyone, whether appointed or elected, serving in a public capacity regularly, temporarily, or by a special authority, i.e., an individual, invested with regulatory powers with regard to the ones who act in a non-subordinate capacity, in an order, provided for by the laws of the Republic of Tajikistan, as well as an individual who carries out organizational or administrative powers and holds an office or position in the governmental agencies or local authorities, whether gratis or for a remuneration, or a registered candidate for an public elective office, or a member of a public elective body, including government-owned companies and the companies where the government holds a controlling stake’.

In Subarticle (3), after ‘organizations’ insert ‘regardless of legal structure’.

2. This Law shall enter into force upon its promulgation.

Draft

Criminal Code (Amendment) Law
of the Republic of Tajikistan


3. In Article 314, annotation 1 substitute with the following wording -

‘1. For the purposes of this Code a public official is anyone, whether appointed or elected, serving in a public capacity regularly, temporarily, or by a special authority, i.e., an individual, invested with regulatory powers with regard to the ones who act in a non-subordinate capacity, in an order, provided for by the laws of the Republic of Tajikistan, as well as an individual who carries out organizational or administrative powers and holds an office or position in the governmental agencies or local authorities, whether gratis or for a remuneration, or a registered candidate for an public elective office, or a member of a public elective body, including government-owned companies and the companies where the government holds a controlling stake’.

After the annotation insert paragraphs (4) and (5) as follows -

‘(4) ‘organizational powers’ means personnel management, supervision of allotment of work and employees, staff recruiting, organization of work of the subordinates, work performance monitoring and verification, maintenance of discipline, giving incentives and imposing disciplinary actions,

(5) ‘administrative powers’ means the authority to manage the use and disposal of property’.

2. The present Law shall come into force upon its promulgation.

Assessment of Progress - 16th Plenary

The Government of Tajikistan provided information on a package of draft laws that would help Tajikistan in bringing its laws in line with international standards and implementing Recommendation 7. At the time of the progress assessment, the draft laws (a single package of draft laws along with the amendments under Recommendation 6) were submitted for endorsement to different public authorities and were not registered in the Parliament. Tajikistan should further promote these draft laws and the experts will assess the final text adopted by the Parliament to draw their final
conclusions. Thus, the plenary meeting notes the LACK OF PROGRESS.

Recommendation 8

*Change the existing confiscation regime, to ensure that the instrumentalities and proceeds of all corruption offences are confiscated irrespective of the level of seriousness attached to the offence by the legislation of the Republic of Tajikistan; as well as, to allow confiscation of property or monetary equivalent of the value of proceeds of corruption offence.*

*Consider introducing the statutory mechanism of confiscation of the mala fide third party owners of corruption proceeds.*

*Introduce sustainable review mechanism to evaluate the effectiveness of the provisional measures (procedural coercion measures at the pre-trial stage) aimed at securing confiscation.*

16th plenary, 7-9 October 2015:

Меры, предпринятые для осуществления данной рекомендации (предоставленное Национальным координатором краткое резюме о мерах, предпринятых для осуществления данной рекомендации):

According to the recommendation No. 3 of the FATF, an issue on confiscation of property is stipulated in Article 57 of the Criminal Code of the Republic of Tajikistan, and an issue on freezing the assets of the individuals thought to be involved in terrorism under the Terrorist Asset-Freezing Regulations before instituting criminal proceedings is prescribed in paragraphs 3, 4, 5 and 7 of the annotation to Article 262 of the Criminal Code of the Republic of Tajikistan.

УК РТ
Статья 57. Конфискация имущества
1) Конфискация имущества это принудительное безвозмездное изъятие и обращение в собственность государства на основании обвинительного приговора следующего имущества:
   б) денег, ценностей и иного имущества, в которые имущество, полученное в результате совершения хотя бы одного из преступлений, предусмотренных статьями, указанными в пункте а) настоящей части, и доходы от этого имущества были частично или полностью превращены или преобразованы;
   в) денег, ценностей и иного имущества, используемых или предназначенных для
финансирования терроризма, организованной группы, незаконного вооруженного формирования, преступного сообщества (преступной организации);
  г) орудий и (или) средств совершения преступления, принадлежащих виновному.

2) Если имущество, полученное в результате совершения преступления и (или) доходы от этого имущества были приобщены к имуществу, приобретенному законным путем, конфискация подлежит та часть этого имущества, которая соответствует стоимости приобщенных имущества и доходов от него.

3) Имущество, указанное в частях 1 и 2 настоящей статьи, переданное виновным другому лицу (организации), подлежит конфискации, если лицо, принявшее имущество, знал или должно было знать, что оно получено в результате преступных действий.

4) Если конфискация определенного предмета, входящего в имущество, указанное в частях 1 - 3 настоящей статьи, на момент принятия судом решения о конфискации данного предмета невозможна вследствие его использования, продажи или по иной причине, суд выносит решение о конфискации денежной суммы, которая соответствует стоимости данного предмета.

5) При решении вопроса о конфискации имущества в соответствии с частями 1 - 4 настоящей статьи в первую очередь должен быть решен вопрос о возмещении вреда, причиненного законному владельцу.

6) При отсутствии у виновного иного имущества, на которое может быть обращено взыскание, кроме указанного в частях 1 и 2 настоящей статьи, из его стоимости возмещается вред, причиненный законному владельцу, а оставшаяся часть обращается в доход государства.

7) не подлежит конфискации имущество, необходимое осужденному или лицам, находящимся на его иждивении, согласно перечню, предусмотренному кодексом исполнения уголовных наказаний Республики Таджикистан. (Закон №965 от 13.06.13г.).

It is also adopted the Terrorist Asset-Freezing Regulations regarding the individuals thought to be involved in terrorism.

Assessment of Progress - 16th Plenary

PROGRESS

As follows from the data presented by Tajikistan in relation to the implementation of this recommendation, on July 26, 2014, Tajikistan adopted a law amending Article 57 of the Criminal Code (confiscation of property). These amendments partly comply with the requirements of Recommendation 8, therefore, as well as when considering this recommendation in March 2015, we can ascertain PROGRESS.

Recommendation 9

- Depart from the practice of initiating criminal cases of bribery exclusively on the basis of applications. To facilitate detection and investigation of complex corruption offences:
  (i) enhance the proactive capacity of the Agency for State Financial Control and the Fight against Corruption and representatives of other law enforcement and prosecution agencies, inter alia, by wider use of analytical methods;
  (ii) make active use, in addition to intelligence information gathered by law enforcement agencies, of other investigation methods, including more thorough examination of mass media reports, information received from other jurisdictions, reports from tax inspectors, auditors and FIU, as well as complaints received through government websites and hotlines, embassy reports and
information obtained through other complaints channels, as grounds for launching an investigation.

- Provide for the possibility of listening to telephone and other conversations in all cases of corruption offences.
- Use such special techniques as strategic infiltration and sting operations for detection and investigation of corruption offences.

16th plenary, 7-9 October 2015:

In accordance with Article 140 of the Criminal Procedure Code of the Republic of Tajikistan, the grounds for instituting criminal proceedings are as follows:
- A statement of crime,
- A giving-oneself-up-statement,
- A notice of an official of the company, institution, or organization,
- Information about a crime in the media,
- Disclosure by an investigator or prosecutor of data indicating on a crime.

In accordance with Article 5 of the Law of the Republic of Tajikistan On Investigation and Search Operations, the investigation and search operations are carried out exclusively to achieve the goals and objectives established by this Law. An agency, when conducting the investigation and search operations, must ensure the observance of human rights, such as the rights to personal privacy, personal and family secrets, privacy of communication and correspondence, immunity of residence.

2. A person who believes that an investigation and search operations agency violated his rights and freedoms, has the right to lodge a complaint against that agency with a higher authority, prosecutor or court.

In addition, in accordance with Article 6 of the Law in question, the investigation and search operations related to the operational control of mailing, telegraph and other communications, phone-tapping with the connection to the station equipment of companies, institutions and organizations regardless of their legal structures, legal entities and individuals providing services and communications facilities with producing call data records, are to be carried out with the use of operational and technical means and resources of the national security agency, divisions under the Ministry of Home Affairs, drug control agency, and state agency for financial control and combatting corruption in the manner determined by this Law, interagency regulations and (or) agreements between the agencies engaged in the investigation and search operations.

Moreover, in accordance with Article 7 of the Law, the grounds for carrying Law are as follows -
1) criminal proceedings commenced,
2) information became known to the investigation and search operations agencies regarding:
   - the prepared or committed criminal act, as well as the individuals that prepared or committed, if there are no sufficient grounds for the commencement of criminal proceedings,
   - events or actions (inaction) that threaten the social, political, military, economic, informational and ecological safety of the Republic of Tajikistan,
   - the persons fleeing from prosecution and justice,
   - the missing persons, unidentified bodies discovered,
3) orders of the agency of immediate inquiry, investigator, prosecutor, court or judge in the criminal cases they conduct,
4) requests from other agencies carrying out investigation and search operations on the grounds specified in this Article,
5) an order on the application of security measures in respect of the protected persons, carried out by the authorized government agencies in accordance with the laws of the Republic of Tajikistan,

6) requests of the foreign country law enforcement agencies or international law enforcement agencies in accordance with the international treaties of the Republic of Tajikistan.

Assessment of Progress - 16th Plenary

Tajikistan failed to give information that would illustrate progress in the implementation of this recommendation. Instead, certain legislative provisions have been provided showing no steps taken to improve and expand the practice in detection of corruption crimes. LACK OF PROGRESS

Recommendation 10

Continue the adoption of measures aimed at conducting joint and separate trainings for officers of all law enforcement bodies, including the prosecution agencies and the courts.

- Develop a training mechanism ensuring regular training events based on a formalised curriculum promptly reacting to all changes in the legislation.
- Develop an evaluation mechanism of the special training.
- Ensure implementation of an effective and transparent multilevel mechanism of competitive selection of personnel to the Agency for State Financial Control and the Fight against Corruption and the prosecution bodies on the basis of transparent procedures.
- Ensure objective evaluation of contenders’ qualifications and skills by an independent commission participating at least at the stage of preliminary selection, and establish a procedure of appeals against the selection results.

16th plenary, 7-9 October 2015:

Меры, предпринятые для осуществления данной рекомендации (предоставленное Национальным координатором краткое резюме о мерах, предпринятых для осуществления данной рекомендации):

It should be noted that the workshops on pretrial criminal practice in cases involving embezzlement of public funds were held in the Refresher Training Center for Public Prosecution Bodies, Chief Military Prosecutor’s Office, and regional prosecutor’s offices with the participation of the prosecutors, investigators, and assistant prosecutors.

However, at the end of each month, on the basis of the joint Plan of the Council of Justice, Supreme Court and High Economic Court of the Republic of Tajikistan, with the participation of judges, trainee judges, and court staff, there are held the seminars to prevent the corruption acts when considering the cases. Appropriate measures are taken to prevent the similar incidents.

In May 2015, on the basis of and with the support of the OSCE Office in Tajikistan, there was held a 3-day training on the methodology of the anti-corruption expert examination for the law enforcement authorities.

Besides, in July and August 2015, in the premises of and with the support of the OSCE Office in Tajikistan, with the participation of the government agency employees, law enforcement agencies, NGOs and media, there were held the 4-day trainings on methods of developing the anti-corruption strategies and working schedules, and on methods of monitoring the implementation of anti-corruption strategies and working schedules.

In the first half of year 2015, the Institute of Public Administration under the President of the Republic of Tajikistan held 11 refresher courses for the civil servants, where 6 of which were held in the
premises of the Institute, and 5 were off-site ones. Attending the courses were more than 462 civil servants from the central and local public authorities. The courses in question mainly examined the laws of the Republic of Tajikistan on combating corruption, conflict of interests in the public service, code of ethics of a civil servant, etc.

There were conducted the State Policy in Fight Against Corruption in Tajikistan Refresher Course, with the participation of civil servants of the central public authorities in charge for the prevention of corruption acts, the Legal Framework of Civil Service in Tajikistan Refresher Course, with the participation of civil servants of the central public authorities that hold their offices in 2013, and a refresher course under the National Financial and Economic Policy in Tajikistan and its Implementation in local Governments Program, with the participation of the deputy chairmen on economy and finance of GBAO, oblasts, Dushanbe, cities and districts of republican subordination.

Besides, there were carried out the off-site trainings under the Legal Basis for Civil Service and Anti-Corruption Policy in Tajikistan Program, with the participation of the dzhamoats’ chairmen of the towns and villages of Khatlon Oblast, Nurabad District, cities and districts of Istaravshan, Ayni, Kukhistoni Mastchokh, Zafarobod, Kayrokom, Chkalovsk, Dzh. Rasulova, Mastchokh, Asht, Pendzhikent, Khonchi, Spitamen, Shahruston of Sogd Oblast.

The training included the Rules of Professional Conduct Refresher Course and the Ethics and Integrity in Civil Service Refresher Course.

On May 2, 2014, based on paragraph 30 of the Regulation of the Government of the Republic of Tajikistan On Results of Social and Economic Development in Tajikistan in 2012 and Tasks for 2013, dated January 19, 2013 No. 23, the Public Service Agency and Public Administration Institute developed the Training Plan for the offices of personnel of the central and local authorities, administrative apparatus of the chairmen of oblasts, cities and districts. The Training Plan was developed under the Local Authority in Public Administration System Program to improve the skills and knowledge of the civil servants.

Involved in the interagency trainings were the employees of administrative apparatus of the chairmen of GBAO, Sogd and Khatlon oblasts, Dushanbe, cities and districts of republican subordination. At the trainings, there were considered the anti-corruption laws, professional ethics, and conflict of interest in the fight against corruption issues.

On August 17, 2015, the Agency announced via the media a vacancy for 48 offices. The announcement was made in line with Article 26 of the Law of the Republic of Tajikistan On Agency for State Financial Control and Fight Against Corruption of the Republic of Tajikistan dated March 20, 2008, No.374, and the Regulations On Procedure on Selecting Candidates for Vacancies for Administrative Offices of Public Service, approved by the Decree of the President of the Republic of Tajikistan on May 20, 2009, No.659. Out of 48 vacancies in office, 17 referred to the state financial control, while 31 were in the law-enforcement departments of the Agency. More than 800 candidates filed the documents for participation in the public competition.

It should be noted that to implement the principles of transparency and openness in the activities of the Agency, the competition is held in three stages.

The first stage includes the check and examination of the documents of candidates.

The second stage includes testing. For the first time the Agency conducts testing, where a candidate may obtain his results immediately after taking a test.

At the third stage, a competition committee interviews a candidate for the vacant position in the Agency.

Assessment of Progress - 16th Plenary

PROGRESS

Tajikistan has provided information on a series of trainings and staff development measures that
shows a certain progress in the implementation of this recommendation. At the same time, the content of trainings does not allow to fully assess whether the trainings contributed to the improvement of skills of the investigators and prosecutors in the investigation of complex corruption offenses. To conduct a more complete progress assessment it will be necessary to carry out a more detailed review of training programs, materials, staff development methods, participant profiles, and frequency and quality of teaching. This is to be done within the framework of the fourth round of monitoring.

Based on the experience of the conducted trainings, Tajikistan should apply more efforts to design an education mechanism that would enable such measures on a regular basis in accordance with a formalized curriculum. The practice of holding joint trainings for the officers of the law enforcement agencies, including courts, should also be introduced.

As far as the part of recommendation for the personnel selection is concerned, the techniques applied by the Agency are a step in the right direction. The use of public competition procedures should be further continued through the improvement and application of similar procedures at other agencies (namely, the prosecutor’s offices). However, to carry out a more in-depth progress assessment it will be necessary to get more detailed information about how the competition was conducted, under which criteria, who developed the tests for professional knowledge, how the interviews were conducted, etc.

The information on the implementation of elements 3 and 5 of this recommendation was not provided, therefore progress in their implementation is not known.

On the whole, Tajikistan has achieved PROGRESS in implementing this recommendation.
PILLAR 3. PREVENTION OF CORRUPTION

Recommendation 11

- Continue developing and strengthening the preventive functions of the Agency for State Financial Control and the Fight against Corruption, ensuring that a more significant part of resources is allocated to this area of its work;

- Continue specialisation of staff members of the Agency for State Financial Control and the Fight against Corruption in prevention of corruption;

- Ensure effective coordination of activities of staff members (of structural units) of corruption prevention in regional offices of the Agency for State Financial Control and the Fight against Corruption;

- Ensure effective coordination of activities of staff members (of structural units) of corruption prevention of other state bodies.

16th plenary, 7-9 October 2015:

Меры, предпринятые для осуществления данной рекомендации (предоставленное Национальным координатором краткое резюме о мерах, предпринятых для осуществления данной рекомендации):

In accordance with the Decree of the President of the Republic of Tajikistan as of September 4, 2014 No. 275, amending the Decree of the President of the Republic of Tajikistan On Agency for State Financial Control and Fight Against Corruption of the Republic of Tajikistan dated January 10, 2007 No.143, the Office on Prevention of Corruption has been transformed into the General Directorate of Prevention of Corruption. According to the said Decree the staff of the departments in charge for the prevention of corruption increased by 16 people on the whole in the republic.

It should also be noted that a new modern website of the Agency was created and put into operation in cooperation with the Technological University of the country.

Also, according to the educational program, implemented with the support of the Agency and the Minister of Education of the Republic of Tajikistan, the Matters of Investigation and Prevention of Corruption Special Course has been introduced in all higher educational institutions of the republic.

Twice a year, the Personnel Department of the Agency draws a schedule On Conducting Trainings and Seminars with Staff of Central Apparatus of Agency for State Financial Control and Fight Against Corruption of the Republic of Tajikistan. The schedule is subject to approval by the Director of the Agency. Besides, every Friday, lectures on Prevention of Corruption as Effective Method of Combating Corruption Issues are delivered. The lectures are given according to the Agency Work Schedule and cover all departments of the Agency.

In addition, it should be noted that annually, the oblast and city directorates, Agency’s departments in Rasht Area and Gisar Valley, and other units of the Agency draw the Conducting Trainings and Seminars with Staff Study Programme. The copies of the above mentioned programme of the local directorates and departments of the Agency are kept for further supervision in the Personnel Department of the Agency.

Once a week, the theoretical and practical trainings are carried out in accordance with these programmes of study. At the end of the year of study, the employees of the Agency take tests and exams...
according to the programme of study.

It should also be noted that the activities of departments in charge of prevention of corruption are coordinated by the General Directorate of Prevention of Corruption of the Agency.

In accordance with paragraph 4 of the Decree of the President of the Republic of Tajikistan On Strategy for Fight Against Corruption in Tajikistan for 2013-2020, the employees of the General Directorate of Prevention of Corruption, together with the local units in charge of the prevention of corruption of the Agency for State Financial Control and Fight Against Corruption of Tajikistan carried out a number of inspections of the local authorities.

It is worth noting that from January to August 30, 2015, there were conducted more than ______ meetings in the ministries, other public agencies, and among the different sections of the population. The meetings were carried out according to the Action Plan of the Agency for State Financial Control and Fight Against Corruption of the Republic of Tajikistan and the Action Plan of other departments of the Agency to improve legal knowledge of people.

**Assessment of Progress - 16th Plenary**

Steps have been taken to develop the Agency’s preventive functions, and the Department for the Prevention of Corruption was elevated to the status of Central Department with the corresponding staff increase. This indicates a certain shift in implementing the first part of Recommendation 11. To further improve specialization, the training sessions are just one of the possible steps and HR development is not enough. It is necessary to strengthen the Agency’s expertise in the field of prevention and carry out further structural changes in the Agency.

In general, there is some PROGRESS in implementing this recommendation.

**Recommendation 12**

**Legal framework and prevention of conflict of interest**

*Establish legal regulations in the area of conflict of interests in civil service in a systematic manner. In addition, modify, in terms of extension of the volume of regulation, the following definitions stipulated in the Law: conflict of interests, public interest and personal interest.*

*Foresee in the law declaration of personal (private) interests by all public officials, including political civil servants, as well as specific procedures of exclusion of private interests from the decision-making process, and identify procedures for resolution of cases associated with possible conflicts of interests or accusations of involvement in a conflict of interests.*

**Code of ethics**

*Include in the new Code of Ethics of Civil Servant fundamental principles of the public service, as well as detailed definitions of expected ethical conduct from civil servants. Improve mechanisms of management of civil servants’ compliance with ethical standards. Develop and disseminate special codes of ethics for jobs exposed to greater corruption risks, such as police, tax, customs and border guard officers, prosecutors, etc.*

**Recruitment in the public service**

*Introduce procedure which would ensure objectiveness and non-bias during the process of recruitment for the civil service.*

**Practical training for civil servants, elected officials, judges and heads of public institutions**

*Improve the system of training in the area of ethics and conflict of interest prevention for civil servants. Ensure such training is systematic and permanent. Design a separate special training course*
on departmental ethics and regulation of conflict of interests, which should be made compulsory for policy makers, judges and heads of public institutions.

**Asset declarations**

Make public the assets declarations, especially those filed by politicians and high-ranking public officials. Introduce a permanent monitoring mechanism over the submission of declarations, their completeness and accuracy of provided information. Introduce declaration of personal (private) interests. Extend the obligation of declaring income and assets to public officials’ spouses and children. Improve the format of declarations taking into account the future transition to the electronic format of the whole process of declaring.

16th plenary, 7-9 October 2015:

Generally, the rules governing conflict of interest are provided in the Law of the Republic of Tajikistan “On fight against corruption”, which envisages special requirements for persons applying for government posts, and for persons authorized to perform public functions (Article 7), the financial control measures in relation to civil servants in order to avoid a conflict of interest (Article 8), as well as it specifies the obstacles to the appointment (election) to public office (Article 10).

The issue of conflict of interest is also governed in other regulations. For example, paragraph 14 of the Regulations on the procedure and conditions for certification of administrative civil servants, approved by Decree of the President of the Republic of Tajikistan on May 30, 2008, No. 468, established that the Certification Commission when carrying out its activities shall not create the conditions for a conflict of interest that could influence the decision of the Certification Commission.

Another positive example of strengthening regulation of the conflict of interest rules refers to the provisions stipulated in the Rules of the development of job descriptions of the civil servants, in Section “Responsibility”. This section provides for the establishment of the following types of liability:

- In case of a failure to provide reliable information at admission to the civil service;
- in case of constraints as to the appointment and holding an office set by the Law of the Republic of Tajikistan “On fight against corruption”;
- in case of violation of restrictions imposed by the laws of the Republic of Tajikistan “On fight against corruption” and “On civil service”;
- in case of failure to file an income tax and property status of civil servant in a timely manner.

Legislation of the Republic of Tajikistan, on the whole, establishes the responsibility for violation of requirements for the prevention and elimination of conflicts of interest and provides for criminal, administrative and disciplinary responsibility in accordance with Articles 11 and 12 of the Law “On fight against corruption”.

Prosecution of public officials for violations of the Law as to the conflict of interest is provided, in general, in Articles 11 and 12 of the Law “On fight against corruption”. These articles provide for disciplinary penalty in the form of admonition, reprimand or dismissal from office, as well as for administrative punishment and criminal liability in case of a crime.

The provisions establishing requirements for the declaration of private interests of public officials (Article 8 of the Law “On fight against corruption” and Article 31 of the Law “On civil Service”) also provide that failure to provide information or providing false or inaccurate information that should be disclosed, constitute the grounds for refusal for appointment (election) of the person to the position or dismissal of the office.

Chapter 38 of the Code of administrative violations of the Republic of Tajikistan as of December 31, 2008, No. 455 provides for administrative penalties for offences related to corruption.
In order to fulfil the requirements set out in the recommendations of the OECD, there was developed the Law “On amendments to the Law of the Republic of Tajikistan “On civil service”, which was further adopted on March 11, 2010, registered with No. 603.

The Law defines the notions “conflict of interests”, “public interest”, “personal interest” as follows:

- conflict of interests is a situation when during the execution of his / her duties, the civil servant acts under the influence of his / her personal interests, so that makes decisions that are contrary to the public interest;

- public of interest is a general public interest, which is fulfilled by the adoption of fair and lawful decisions by persons holding public office in the performance of their duties;

- personal interest is a financial or other benefit that a public servant seeks or receives, directly or indirectly, for his or her interests or those of third parties as a result of performing his / her duties”.

Article 28 of the aforementioned Law, paragraph 10, part 1 reads as follows: “- if the personal interests of a civil servant interfere with the proper performance of his / her duties or are inconsistent with the public interest, or may lead to other cases of conflict of interest, he or she shall so inform the official authorized for his or her appointment and removal from office”.

The conflict of interest is also regulated by the following paragraphs of the Code of Ethics of civil servants of the Republic of Tajikistan, approved by the Decree of the President of the Republic of Tajikistan on September 15, 2010, No. 932:

6) A civil servant shall carry out his / her professional activities so as not to cast doubt on his / her ability to act impartially and incorruptibly, not discrediting the good name of the civil servant.

7) A civil servant shall use only legitimate and ethical ways of promotion.

16) Civil servant shall exclude activities related to the effect of any personal or property (financial), commercial and other interests that interfere with the conscientious performance of his / her official (service) duties.

17) Civil servant must avoid receiving various gifts for the execution of his or her duties both in the financial (money, gifts) and intangible (services) form, except as required by law.

18) The civil servant shall refuse to participate in a case where his / her impartiality may be questioned or when there are other circumstances that give reason to believe that he or she is directly or indirectly interested in the outcome of this case.

21) Control over compliance with this Code in the state bodies shall be carried out by the Commission on Ethics.

31) The objectives of the Ethics Commission are:

- Studying and providing suggestions for improvement of the regulatory instruments governing the issues of ethics and conflict of interest;

- carrying out official investigations to determine the facts of violation of this Code, and conflicts of interest.

32) The powers of the Ethics Commission include:

- to examine materials on violations of this Code and allowing the conflict of interest by civil servants;

- to receive information from citizens and other civil servants about violation of ethics and conflict of interest by a public official and report to the head of the state body;

- clarify situations permitting the conflict of interest in case of disagreement.

According to the results of the second round of monitoring, it was recommended to finalize the following definitions in order to be further applied in the legislation of the Republic of Tajikistan: a conflict of interest, public interest and personal interest.

These definitions from March 4, 2010 were introduced in the Law “On civil service”. In addition, the draft Law “On prevention of conflict of interests in the state bodies and public organizations of the Republic of Tajikistan”, as requested by the Head of the Executive Office of the President of the Republic of Tajikistan in the Instruction as of April 7, 2014, No. 572/17 is currently being reviewed by the Agency
for State Financial Control and Combating Corruption of the Republic of Tajikistan.

The draft Law also provides the following concepts: “conflict of interest”, “public interest”, “personal interest” and other concepts related to the regulation of conflict of interest, as follows:

“Article 3. Basic Terms and Definitions

This Law applies the following basic concepts:

- legally protected interest refers to the right for interests not contrary to the law, which is to some extent guaranteed by the state as a legal permissibility;
- public of interest is a general public interest, which is fulfilled by the adoption of fair and lawful decisions by persons holding public office in the performance of their duties;
- personal interest is a financial or other benefit that a person holding public office, seek or receive, directly or indirectly, for him-/herself or a third party (except for persons falling into the category of risk) as a result of their official duties;
- private interest is an interest protected by law inherent for individuals and legal entities to meet their individual needs;
- conflict of interests refers to a situation in which a person holding public office, his (her) spouse, close relatives or in-laws affect or may affect the proper execution by a person holding public office, of his / her official (employment) duties when taking decision or participating in decision making or taking other actions in the service (work);
- de facto conflict of interest involves a situation in which a person holding public office, has his / her private interests (or economic interests of another kind, including a friendship or family ties), which serves as a sufficient basis for affecting his or her public duties;
- potential conflict of interest occurs when a person holding public office has the private interests that could lead to a conflict of interest if such official is to perform the appropriate official duties in the future;
- situation perceived as a conflict of interest refers to the development of an opinion that the private interests of a person holding public office, can unduly influence the performance of his / her functional duties, but which does not happen in reality;
- situations of a high risk refer to those circumstances and relationships that can lead to situations of conflict of interest;
- honesty is the desire to implement generally accepted standard of service and good conduct, good governance, the presence of good intentions, cleanliness, prevention of conflict of interests, corrupt practices, shady agreements, the use of material and money and power as intended and for other purposes for the common good, loyalty to the oath of office, reflecting the credibility of a public authority”.

The Code of Ethics of civil servants of the Republic of Tajikistan was adopted by the Decree of the President of the Republic of Tajikistan, on June 14, 2004. It sets the ground rules, standards of conduct for civil servants in the field of their official and off-duty activities as well as responsibility of civil servants for violation of provisions of the Code.


The Code of Ethics is a set of rules of conduct of civil servants of central and local executive authorities, local self-government authorities of small towns and villages, expressing the moral character of his / her professional activity, arising from the regulations of the Republic of Tajikistan, the universally recognized values of human morality and the moral demands of society as to civil service.

This Code applies to the political and administrative civil servants holding civil service positions in state bodies of the civil service in accordance with the Law of the Republic of Tajikistan “On Civil Service” and other laws and regulations.
This Code is based on the principles of civil service and requirements for the conduct of civil servants, stipulated by the laws of the Republic of Tajikistan “On Civil Service”, and “On fight against corruption”, as well as on the following ethical principles of civil service:
- legality;
- respect and protection of human rights;
- fairness;
- tolerance.

As part of these recommendations, the draft Presidential Decree on the approval of the Code as amended was developed and sent for approval to the ministries and state departments.

It is proposed to entrust the Agency for Civil Service with the President of the Republic of Tajikistan with control over the execution of this Decree, as well as coordination and control over the activities of the commissions on ethics at the public authorities.

It provides for the development and approval of industry codes for the state bodies. It is established that the citizens, who joined the civil service for the first time, are required to read this Code and respect it.

The draft Code provides for an explanation of the principles of loyalty, humanity and social justice, transparency, tolerance, integrity, patriotism, selflessness, professionalism and competence of civil servants, respect and mutual support, professional advancement of civil servants on the basis of their skills and performance evaluation. It also envisages additional responsibility of civil servants as well as standards of behaviour as to prevention of conflict of interest, and settlement of any conflict of interest.

The draft proposes the creation of the ethics commission composed of 3-7 members from the government officials, staff, members of the trade union committee, employees of structural divisions within the Government who are not civil servants, members of the respective local Councils of People’s Deputies, members of Jamoat. Commissions on ethics will function in the manner prescribed by this Code and the Regulation on Ethics Commission, approved by the head of the relevant state authority.

Law of the Republic of Tajikistan “On amendments to the Law of the Republic of Tajikistan “On civil service” was adopted on July 26, 2014, No. 1128, where Article 7 of the Law provides for the development of specific codes for other state bodies of the civil service.

Today, the Resolution of the Majlisi NamoyandAGON of the Majlisi Oli of the Republic of Tajikistan No. 909 from February 27, 2008, approves rules of ethics for deputies of the Majlisi Namoyandagon of the Majlisi Oli of the Republic of Tajikistan; the Order of the Minister of Internal Affairs on July 19, 2011, No. 11, approves the Professional code for staff and servicemen of the internal affairs bodies of the Republic of Tajikistan; the Order of the Chairman of the Tax Committee at the Government of the Republic of Tajikistan on May 31, 2011 No. 160 approves the Rules of conduct for the tax authorities; the Order of the Head of the Customs Service at the Government of the Republic of Tajikistan on November 4, 2008, No. 175 approves the Code of ethics for customs officers of the Republic of Tajikistan.

The General Prosecutor’s Office, the National Bank of Tajikistan, the Chamber of Accounts of the Republic of Tajikistan have their own codes of ethics for the sectors’ employees.

Decree of the Minister of Foreign Affairs of the Republic of Tajikistan on August 7, 2014, No. 386 approved the Code of professional ethics of the diplomatic personnel; Regulation of the Minister of Education and Science on June 26, 2014, No. 1304 approved the Rules of conduct for employees in education and science sector; Regulation of the Minister of Economic Development and Trade of the Republic of Tajikistan on April 22, 2014, No. 32 approved the Code of ethics for civil servants of the Ministry of Economic Development and Trade; Regulation of the Minister of Agriculture of the Republic of Tajikistan from April 16, 2014, No. 72 approved the Code of ethics for civil servants of the Ministry of Agriculture; the Order of the Director of the Agency for Statistics with the President of the Republic of Tajikistan from April 16, 2014 approved the Professional code for civil servants of the Agency for Statistics with the President of the Republic of Tajikistan; the Order of the Director of the Agency for Information and Communication Technologies of the Government of the Republic of Tajikistan on September 16, 2014, No. 367 approved the Code of information ethics of civil servants of the Agency for Information and Communication Technologies of the Government of the Republic of Tajikistan.

Sector’s codes of ethics are also being developed in other ministries and departments.

The procedure for the admission to the civil service is provided for in Article 18 of the Law “On civil service” and in the Regulations of the tender procedure for filling vacant posts of administrative civil service, approved by the Decree of the President of the Republic of Tajikistan on May 20, 2009, No. 659.

For purposes of implementation of this recommendation to ensure the objectivity and impartiality in assessing candidates, effective and transparent competition, amendments were developed to be included into the Regulation “On the procedure of the competition for vacant administrative posts in the civil service”, which takes into account the recommendations provided. This envisages conducting a competition in an open form, publication and posting of information as to the competition on the web site of the authorized civil service body, enabling the candidates to provide documents in electronic form, recording of interviews using technical means, etc.

These amendments to the Regulations were submitted to the relevant ministries and agencies for examination and provision of their opinion.

In the first half of 2015, the Institute of Public Administration with the President of the Republic of Tajikistan held 11 training courses for civil servants. Of these, 6 courses were organized at the Institute and 5 courses were arranged off-site involving more than 462 civil servants from central and local government bodies. These courses mainly included topics related to legislation of the Republic of Tajikistan on the fight against corruption, conflict of interests in the civil service, code of ethics of civil servants and others.

Advanced training courses were held on the following topics: “State policy in the fight against
corruption in the Republic of Tajikistan” with participation of the responsible persons for the prevention of corrupt acts of central executive bodies, “Legal Framework of Civil Service of the Republic of Tajikistan”, covering public servants of central public authorities, which were admitted for the civil service in 2013; program “State financial and economic policy in the Republic of Tajikistan and its implementation in local government” covering the vice-chairmen of the economy and finance sector of Gorno-Badakhshan Autonomous Region, regions, Dushanbe city, cities and districts of republican subordination.

There were implemented offsite trainings on the program “Legal basis for the civil service and anti-corruption policy in the Republic of Tajikistan” for chairmen of Jamoat towns and villages of the Khatlon region of the Nurabad area, cities and districts of Istaravshan, Ayni, Kuhistoni Mastchoh district, Zafarobod, Qayraqqum, Chkalovsk, J. Rasulova, Mastchoh, Asht, Panjakent, Ghonchi, Spitamenes, and Shahrston in Sughd Region.

During the training courses, the following topics were also studied: “Official communication behaviour” and “Ethics and integrity in civil service”.

In order to improve the level of knowledge and expertise of civil servants and on the basis of paragraph 30 of the decision of the Government of the Republic of Tajikistan as of January 19, 2013 No. 23 “On the results of socio-economic development of the Republic of Tajikistan in 2012 and tasks for 2013”, the Agency for Civil service and Public Management Institute on May 2, 2014 developed a training plan for personnel departments of central and local government bodies, administrations of heads of regions, cities and districts under the program “Local state executive body in the system of public government”.

Interagency trainings covered employees of structural subdivisions of administrations of heads of of Gorno-Badakhshan Autonomous Region, Sughd and Khatlon regions, Dushanbe city, cities and districts of republican subordination. Topics presented were related to anti-corruption legislation, compliance with professional ethics, strengthening the prevention of conflict of interest in the fight against corruption.

In accordance with the current legislation of the Republic of Tajikistan, political and administrative civil servants when being admitted to work and, shall submit annually before April 1 an income tax declaration to the tax authorities at the place of residence or a declaration of their property status in the workplace.

Article 8 of the Law “On fight against corruption” also provides as follows:

1. Persons applying for government posts, when being appointed (elected) to the position, and persons authorized to perform state functions, shall in accordance with the legislation of the Republic of Tajikistan submit each year their income statements to the tax authorities at the place of residence.

2. The state body authorized to appoint (elect) and terminate public office has the right to require annually the following information when appointing (electing) a person for the position, as well as to the persons holding public office:

- income received from all sources;
- real estate and valuable movable property, the value of which separately exceeds two thousand figure for the calculation, including outside the Republic of Tajikistan, or placed in temporary possession of others, indicating the appraised value and the address;
- deposits in banks, including foreign banks, securities that a person has the right to dispose of individually or jointly with others;
- direct or indirect participation as a shareholder or participant in firms and companies, dehkan (private) farms and other businesses and assets with an indication of the forms of participation and the percentage of ownership therein;
- debt of over 500 figures for the calculation and on other financial obligations, including abroad;
- information on the property of the family.

3. Failure to submit or submission of incomplete or unreliable data listed in paragraph 2 of this
Article, if such actions do not contain evidence of criminal offence, shall be the ground for denial of
appointment (election) to the position or termination of the office.

4. Information provided shall not be disclosed, except as required by law.”

In addition, Article 13 of the Law “On civil service” of the Republic of Tajikistan provides:
- When entering the administrative civil service, the citizens in addition to the documents provided
for in Article 32 of the Labour Code, shall provide the following documents:
  - information from the relevant authority as to the income tax and property status of a civil servant.

Also, Article 31 of the Law “On civil service” of the Republic of Tajikistan provides:
1. A citizen when being admitted to the civil service and civil servants are required to submit annually
to the tax authorities at the place of residence the declaration of income tax and declaration of their
property status to the state authority in the workplace.

2. Type of income, type and name of the property, as well as the procedure and deadline for
declarations envisaged in the first part of this Article shall be established by the Government of the
Republic of Tajikistan.

3. Failure to submit declarations or providing false information therein shall be the grounds for
refusal of a citizen to be admitted to the civil service and to revoke the civil servant therefrom.

4. The content of the declaration shall not be disclosed, except in cases provided by law”.

According to paragraph 4 of the Procedure for the check of information submitted at the
appointment for public civil service positions, approved by the Resolution of the Government of the
Republic of Tajikistan on 30 December, 2009, No. 700, examination of the information submitted at the
appointment to political and administrative positions of the highest category of civil service, appointed
(elected) by the President of the Republic of Tajikistan and the Government of the Republic of Tajikistan
shall be carried out by the relevant department of the Executive Office of the President of the Republic
of Tajikistan.

Also, in accordance with paragraph 5 of this Procedure, the examination of information submitted for
appointment to the highest administrative positions of the first, second, third, fourth, fifth, sixth and
seventh categories of civil service shall be carried out by the personnel service of the state body.

It should be noted that under paragraph 4 of the Rules of inspection of activity of state bodies of the
Republic of Tajikistan as to compliance with legislation in the sphere of civil service, approved by the
Decree No. 578 of the President of the Republic of Tajikistan on December 19, 2008, the examination
covers the issues of reliability of the information submitted by a citizen when applying for civil service,
the availability of information on the income and property status of a civil servant.

Resolution of the Government of the Republic of Tajikistan as of August 1, 2005, No. 289 approved
the form of the income tax declaration and the Declaration on the property status of civil servant.

According to paragraph 8 of the Regulation on the Agency of Civil Service with the President of the
Republic of Tajikistan as of March 15, 2014, No. 179, the Agency carries out monitoring and analysis
of the status of the income tax declaration and the declaration of property status of civil servants.

In accordance with Article 31 of the Law “On Civil Service”, the Agency each year, not later than April
1 of the year, conducts monitoring of the declarations of income tax and the declarations of property
status of civil servants.

Also, in order to improve the mechanism of control over the timely submission of declarations and
fair presentation of the data, the Law “On amendments to the Law of the Republic of Tajikistan “On civil
service” from July 26, 2014, No. 1128, the Law of the Republic of Tajikistan “On civil service” was
amended as follows:

“Article 177: Special inspection in the civil service.

Special inspection in the civil service shall be conducted on the basis of a written request of the head
of the state body by the relevant government authority, if it was discovered that a person holding state
civil service position, or an applicant for civil service position deliberately provided false information in
As to the issue of the requirements for completing the declarations of income and property being also related to the spouses and children of officials, it should be noted that with the purpose of improvement of the legal mechanism for declaring income of civil servants, the draft Law “On amendments and additions to the Law “On civil service” was developed, which provides to read Article 31 of the Law “On civil service” in the new edition as follows:

“Article 31. Information on the income and property status of a civil servant and members of his / her family

1. An applicant for a civil service position is required before being appointed (elected) to the position, to present to the head of the authority that has appointed him / her to the position, a declaration of his / her income tax and financial status, as well as that of the family members.

2. Persons who change their civil service positions are also required to provide once a year declaration on their income tax, as well as of the family members to the tax authorities at the place of residence.

3. The list of information, including the type of income, assets and other financial liabilities, the procedure and the deadline for provision of the declaration referred to in paragraphs 1 and 2 of this Article shall be determined by the Government of the Republic of Tajikistan.

4. Failure to submit declarations or submitting false information therein shall be the grounds for denial of appointment and removal from office or civil service.

5. The content of the declarations, except as otherwise provided by legislation of the Republic of Tajikistan, shall not be disclosed”.

This draft law is currently at the approval by the relevant ministries and departments.

A draft of the Law “On prevention of conflict of interests in the state bodies and public organizations of the Republic of Tajikistan” was developed, which regulates the process of declaring personal interests. This draft law laid the rules for the declaration of personal interests of officials and decision of cases of conflict of interest in accordance with the legislation of the Republic of Tajikistan.

The draft applies the following terms as the basic concepts: “personal interest”, “private interest”, “other personal interests”. This draft law provides for the mandatory declaration of personal interests of persons holding public office, both when being appointed to and also when holding the public office. Also, the requirement to declare personal interests shall be included in all contracts or procedures that govern the labour relations of persons holding public office. This draft law envisages regulation of the procedure for submission of the declaration, deadlines for declaration of personal interest, form and content thereof.

This draft law is currently at the approval by the relevant ministries and departments.

Regarding the recommendations for improvement of existing forms of declarations considering the use of an electronic format of the declaration in the future, we inform that to speed up the execution of the 2nd paragraph of the decision of the Government of Tajikistan as of August 1, 2005, No. 289 “On approval of the income tax declaration and the declaration on the property status of civil servants”, the Tax Committee at the Government of the Republic of Tajikistan, on January 13, 2014 held a conference engaging government representatives on the procedures of submitting declarations on their property status and income electronically.

In this regard, on February 6, 2014, by the Letter the No. 1218 / 5.1, the ministries and agencies were informed about the new procedure for filling in forms on the user registration at the portal of taxpayers of public authorities.

Civil servants have filled in the questionnaire in written and electronic forms, which were submitted to the Tax Committee.

The website of the Tax Committee under the Government uses a separate insert to provide a declaration on the property status and income electronically.
With the purpose of fulfilling the recommendations of the 12th Istanbul Action Plan for Combating Corruption, the Agency of civil service sent a letter No. 01\3-728 to the Executive office of the President of the Republic of Tajikistan on July 14, 2015, on the establishment of an interagency working group of experts from the ministries and relevant agencies to develop regulations, which should improve the procedure for the submission of declarations of public servants.

Assessment of Progress - 16th Plenary
Tajikistan has informed about various draft laws concerning integrity in civil service, including the draft new code of ethics for civil servants, Draft Law On Prevention of Conflict of Interest in Public Authorities (that was to regulate the process of declaring personal interests or conflicts of interest), and Draft Amendments to the Law On Civil Service. However, these have already been announced before, and these draft laws have not been submitted to the Parliament yet. It is also reported that in the first half of 2015, the Institute of Public Administration conducted 11 refresher-training courses for civil servants, including those on the fight against corruption and ethics. The same trainings in those areas were conducted at the agency level. In July 2015, a step was taken toward the establishment of an inter-agency working group on submission of declarations of civil servants that may help in the implementation of Recommendation 12 in the future.
In view of these steps little PROGRESS may be observed.

Recommendation 13

- Take measures for guaranteeing protection of public servants against disciplinary reprisals or official harassments in cases when they report their suspicions of corruption or other unlawful actions in their organisations to law enforcement or prosecution authorities by adopting (special basic) rules for the protection of persons reporting possible cases of corruption or other unlawful actions and ensure that the public officials are aware of their duty to report suspicions of corruption or other unlawful actions and of these rules of protection of persons who report suspicions of corruption or other unlawful actions.
- Fully decriminalise defamation.

16th plenary, 7-9 October 2015:
Меры, предпринятые для осуществления данной рекомендации (предоставленное Национальным координатором краткое резюме о мерах, предпринятых для осуществления данной рекомендации):

In accordance with Article 6 of the Law “On fight against corruption”, any person that informed of the offence of corruption or in any other way assisted in the fight against corruption, is under state protection. This protection shall be provided by the public body responsible for the fight against corruption. Article 672 of the Code of Administrative Offences stipulates that the failure to provide information to law enforcement agencies about violations related to corruption constitutes violation of the law and is punishable by a fine. Article 163 of the Criminal Code prohibits the prosecution of a person in connection with his / her notification of law enforcement agencies.

Article 34 of the Law “On civil service” provides safeguards to civil servants, including the guarantee of protection of the civil servant, his / her family members and relatives from violence, threats and other misconduct relating to the performance of official duties.

On this issue, we inform that the Law the Republic of Tajikistan “On state protection of participants in
criminal proceedings” No. 644 was adopted on December 29, 2010, which provides for a set of organizational, legal and social measures to ensure protection of persons contributing to the prevention and detection of crime, including of a corruption nature.

**Assessment of Progress - 16th Plenary**

The information that has been provided contains no data on the measures taken to comply with the recommendations since the adoption of the latest monitoring report. **LACK OF PROGRESS.**

**Recommendation 14**

- *Introduce and ensure effective operation of the system of anticorruption screening of legal acts and their drafts, clearly preventing duplication of functions of bodies entrusted to conduct such screening.*

- *Develop and approve the methodology(-ies) of anticorruption screening of legal acts and their drafts for all types of anticorruption screening stipulated by the legislation of Tajikistan, taking into consideration differences between internal and external anti-corruption screening.*

- *In order that the anticorruption screening provided for in the legislation of Tajikistan is efficient, ensure the necessary training for specialists and their regular capacity-building.*

**16th plenary, 7-9 October 2015:**

Article 19 of the Law “On the Agency for state financial control and combating corruption” as one of the rights of the Agency provides the right to examine legal acts, as well as draft regulations, to determine the provisions that promote corruption, and to this end are assigned with a research unit. The Strategy of combating the corruption in the Republic of Tajikistan for 2008-2012 also emphasized the need for analysis of the current legislation to identify uncertainties that contribute to the growth of corruption and provide for appropriate action, executed by the Agency for state financial control and combating corruption, Ministry of Justice, General Prosecutor’s Office, Tax Committee at the Government of the Republic of Tajikistan and others.

In accordance with Article 8 of the law “On the anti-corruption expertise of legal acts and draft laws and regulations”, State anti-corruption expertise of regulatory instruments and draft legal acts shall be carried out by a state body on financial control and combating corruption of the Republic of Tajikistan; the state anti-corruption expertise of binding regulatory instruments of ministries, state committees, other state agencies, local governments of towns and villages shall be conducted by the Ministry of Justice of the Republic of Tajikistan, and intradepartmental anti-corruption assessment of regulatory instruments shall be carried out by the law-making bodies. The anti-corruption expertise will engage the specialists, who did not participate in the development of a draft legal act.

This provision separates the powers of the Agency and the Ministry of Justice for the anti-corruption expertise. Since the Ministry of Justice conducts anti-corruption expertise of only those regulatory acts that are registered in the ministry and agreed with the Agency. Only part 2 of this Article of the Law states that the Agency is entitled to carry out inspection of regulatory acts which are registered in the Ministry of Justice.

Resolution of the Government of the Republic of Tajikistan as of June 3, 2014 No. 355 approved “The procedure of anti-corruption expertise of regulatory instruments and binding regulatory instruments of the ministries, state committees and other state bodies, local authorities, local governments of towns and villages and their projects, intradepartmental anti-corruption assessment of draft laws and
regulations” which governs issues of anti-corruption expertise and methodology of its implementation.

### Assessment of Progress - 16th Plenary

**LACK OF PROGRESS**

The information on the established procedures for carrying out an anti-corruption assessment has been provided again, but it was already taken into account while conducting the assessment the previous time. In addition, the information obtained from the civil society indicates that the assessments are carried out formally. The next round of monitoring should assess whether this system works in practice, including the availability of information on the assessments carried out and their influence on the legislative process.

### Recommendation 15

- **Continue the development of the Audit Chamber of the Republic of Tajikistan** staffing it with highly qualified personnel with a high level of moral qualities and integrity.
- **Reconsider the functions of the Agency for State Financial Control and the Fight against Corruption and the Audit Chamber** in connection with the formation and development of the new external audit institution in order to avoid duplication in the work of these two institutions.
- **Envisage joint and separate trainings for officers of the Audit Chamber, the Agency for State Financial Control and the Fight against Corruption, internal audit departments of other institutions and law enforcement bodies** on matters of detection of facts of fraud and corruption, transfer of such information to law enforcement bodies, analysis of causes and factors conducive to development of corruption and fraud in the sphere of public finances management, and methods of their elimination.
- **Ensure practical implementation of the Audit Chamber’s obligations to prepare, present and publish independent annual reports, except information protected by law, and ensure maximally broad distribution and discussion of the published reports.**

### 16th plenary, 7-9 October 2015:

**Pursuant to the first part of this recommendation**, the Chamber of Accounts of the Republic of Tajikistan with the direct support of the country’s leadership has completed certain work to improve the structure, increase the staffing of the workers and recruit the most experienced, mentally stable and trained professionals to work in the new conditions of practical implementation of the independent external audit to assess the state budget and extra-budgetary funds.

Thus, only during 2014, two times by the Decree of the President of the Republic of Tajikistan the staffing level of workers has been increased by 90 units; there was also the work carried out to select experts through officially announced competitions among the proposed employees of the Agency for State Control and Combating Corruption of the Republic of Tajikistan and experts from other ministries and departments of the economic unit, who wished to participate in the selection. At the present, the number of employees of the Chamber of Accounts is 110 persons.

As part of the preventive measures to further strengthen the staffing of the employees of the state audit system of the Chamber of Accounts, specialists with a high level of training, moral and ethical principles, honesty and patriotism in the further implementation of measures for the promotion and development, under the guidance of the Chamber of Accounts planned the attestation of workers and rotation of the management personnel in accordance with the legislation of the Republic of Tajikistan.
In the second part of the recommendation, we inform that joint efforts and coordination of the activities of the Chamber of Accounts and the Agency for Financial Control and Combating Corruption in order to separate the functions, has developed new plans for the annual audits for 2015-2016, which were approved by the President of the Republic of Tajikistan. This plan sets the directions of activities of the Chamber and the Agency for Financial Control and Combating Corruption, provides a clear separation of the scope of activities and eliminates the possibility of duplication of activities of the two bodies.

Also, the Chamber of Accounts of the Republic of Tajikistan has prepared a draft of the Law “On amendments to the Law “On the Chamber of Accounts of the Republic of Tajikistan”, which envisages changes and improvements of the laws of the Republic of Tajikistan “On State Financial Control in the Republic of Tajikistan” and “On State Finance of the Republic of Tajikistan”. This draft law was submitted for review to the interdepartmental commission on combating the phenomenon of corruption and financial control at the Ministry of Justice of the Republic of Tajikistan for subsequent submission of proposals to the President of the Republic of Tajikistan.

For the purpose of the third part of the recommendation, we inform that at the moment, with the support of the World Bank and the Swiss Cooperation Office in Tajikistan, as a part of the next phase of the Program for improvement of public financial management as to the component of Support of the Chamber of Accounts of the Republic of Tajikistan, it is planned to issue a grant for training seminars, conferences and study tours to exchange experience, separate training on how to identify fraud and corruption, communication of this information to law enforcement agencies, as well as analysis of the causes and factors contributing to corruption and fraud in the area of public finance management and methods of its elimination.

In accordance with the Law “On the Chamber of Accounts of the Republic of Tajikistan,” the Chamber of Accounts through its IT-resources quarterly meetings with the media and the publications and interviews already implements the program on raising awareness as to results of its activity for less than three years of its existence.

In the long term, the option on expanding relations with the media and the public is considered for the distribution and detailed discussion of published reports on the activities and on specific issues of concern as to implementation of fiscal policy, public financial management and fighting corruption in the economy through special programs on radio and state television as well as resonant publications in parliamentary and governmental printed media.

Assessment of Progress - 16th Plenary

LACK OF PROGRESS

Recommendation 16

- To revise the Law “On the Public Procurement of Goods, Works and Services” and other related legal acts of the Republic of Tajikistan in order to ensure compliance of the legislative base with the international requirements and standards.

- To ensure that all purchases of goods, works and services, which are made fully or partly at the expense of the public funds of the Republic by all state power bodies or other legal entities, which are fully or partly financed with the public funds of the Republic, are made in accordance with the requirements of the Law “On the Public Procurement of Goods, Works and Services”.
• To ensure effective functioning of the system of accountability, control and dissemination of information on public procurement as envisaged in the Law “On the Public Procurement of Goods, Works and Services”.

• To regulate public procurements falling outside of the scope of regulation of the Law “On the Public Procurement of Goods, Works and Services” (public procurements securing national defence, national security, state secrets, etc.) and to establish control over funds spent on such purchases without prejudice to the state secrecy and other conditions typical for such purchases.

• To separate functions of supervision over the public procurement system and carrying out of public procurement on behalf of purchasing organizations not having the status of “qualified purchasing organization” delegating them to other bodies and allocating necessary resources for effective performance of such functions.

16th plenary, 7-9 October 2015:

Development of the new Law “On public procurement of goods, works and services”, continued with the participation of experts under the WTO Agreement on Government Procurement and the UNCITRAL Model Law, 2011 within the framework of the technical assistance of the European Bank for Reconstruction and Development.

The final version of the new draft Law “On public procurement of goods, works and services” was introduced at the beginning of this year by an international consultant hired under a grant from the World Bank. The Agency prepared its comments on the draft Law, which had been previously discussed by video conference with the European Bank for Reconstruction and Development on February 24, 2015. It was agreed that the draft law should be submitted to the next session of the WTO Government Procurement Agreement to be held in June in Geneva.

In August this year, a two-day discussion of the third version of the draft Law with the head of the Legal Department of the Bank was held in Dushanbe. The discussion raised the questions on the conformity of the draft law to the WTO Government Procurement Agreement, where Tajikistan is an observer as of June 2014. Head of the Legal Department of the Bank, Ms. Niewiadomska noted the need for a detailed reconciliation of the draft Law and the WTO Agreement on Government Procurement in order to facilitate the possible accession of Tajikistan to the Agreement.

Also, participants were discussing the draft law in terms of establishment and future structure of an independent body to handle complaints in the field of public procurement, the appropriateness of further decentralization of procurement authority and tasks of the Agency as a regulatory and supervisory body, excessive use of a large number of procurement methods in the national procurement system in Tajikistan and a more complete presentation of the provisions on e-procurement.

As a result of the agreements that were reached and the work completed, the fourth version of the draft Law was presented to the EBRD team. This version of the law will be presented to the Agency and the Ministry of Economic Development and Trade for the period from 13 to 15 September at the regular quarterly plenary session of Members of the Agreement, in Geneva. In accordance with the regulations, a certain time after the reading, responses and requests from member countries of the Agreement are expected to which the Republic of Tajikistan should provide an explanation.

In addition to that, by order of the First Deputy Prime Minister of the Republic of Tajikistan as of August 17, 2015 No. 27599 No. (22-8), the Working Group on a comprehensive study and consultation on the draft Law will be established composed of the representatives of the Ministries of Finance, Justice, Economic Development and Trade, Industry and New Technologies, the State Committee on Investments
and State Property Management and the Agency. Since the last review, in addition to the OJSC “Agroinvestbank”, public procurement procedures engaged OSHC “Barki Tojik” on the principles of independence of the procurement, based on the decision of the Qualification Commission on designation of the status of qualified procuring entity No. 0209 / 2-31 as of July 9, 2015. Pursuant to the decision of the Qualification Commission of the Agency, certificate No. 0036 was issued.

Information on public procurement envisaged by the Law “On public procurement of goods, works and services” is published on the portal of public procurement www.zakupki.gov.tj.

In particular, information on forthcoming procurement is published in the Register of orders, electronic procurement – the main page; the contracts concluded – in the Register of contracts, regulations – in the “Legislation”.

The published information includes all information envisaged by the Law on public procurement. Moreover, information on the e-procurement request quotations is published on the main page, protocol for unsealing and determining the winner are available to all without exception, without authorization.

Invitations to tender are also published in print media.

Since the last review, an agreement was signed between the Ministry of Finance and the World Bank as to the Grant of the Institutional Development Fund (IDF) to implement and strengthen the capacity for e-procurement IDF No. TF016491-TJ. The Grant will be implemented by the Agency for Public Procurement in two phases, the expected implementation period is 3 years.

In August this year, based on the advertisement in the media, candidates for the coordinator of the project were separately obtained. The assessment report is submitted for approval to the World Bank. There was also a foreign currency account opened, which should soon be credited with the first tranche of 50,000 USD.

Since the beginning of this year, regional offices of the Agency were connected to the electronic system of accounting data on purchases, which should improve transparency and the daily monitoring of procurement procedures at the local level.

Regulation of procurement is an exception to the Law “On public procurement of goods, works and services”, and the control over spending such funds is envisaged in the new draft law on public procurement.

Article 2 of the new draft law, “Scope of this Law,” provides that the Law applies to all purchases. At the same time, it stipulates that regulations will provide as to such procurement an adequate set of procedures and procurement methods recognizing exclusivity of such procurement procedures as well as providing the right to use a method of procurement from a single source for standardized products.

Since the last review, as a part of the grant of the World Bank to improve capacity in the field of public procurement, provide knowledge and skills by civil servants, starting from May and until today, 2-day and 10-day pilot courses for civil servants were held. The pilot course was conducted by the preliminary trained trainers, under the supervision of experts.

Subsequently, according to approved modules, the trainers held training courses for civil servants in the city of Dushanbe, Sughd region and Gorno-Badakhshan Autonomous Region for 370 people. Also, there was one training course for 25 suppliers.

Institute of Public Administration, the Agency and the World Bank agreed the terms of reference for electronic certification of civil servants who were trained. The World Bank in its a letter dated July 16, 2015 approved by the Agency’s comments and suggestions as to the procedure of examinations and certification, as well as the finalization of the terms of reference.
Recommendation 17

- To revise the existing legislation on access to information in order to limit the volume of information, which is not subject to disclosure and powers of heads of the state authorities and organizations to restrict access to information.

- To delegate the function of monitoring of observance of the requirements of the Law “On the Right to Access to Information” (consideration of claims in connection with violation of the right to access to information and performance of relevant investigations, prescriptions on elimination of barriers for access to information, preparation of reports on observance of the requirements of the Law “On the Right to Access to Information”, recommendations, etc.) to the office of the Human Rights Commissioner or other state body and to grant necessary rights and resources to such body.

- To take measures for elimination of problems related to access to information in the judicial system.

- To confirm uniform requirements for the information, which has to be published by the state authorities, and web-sites of the state authorities and organizations specifying information which has to be presented on these web-sites and to ensure observance of these requirements.

- To ensure free unlimited free-of-charge access to all legal acts, including draft legal acts, which have to be updated on a timely basis.

16th plenary, 7-9 October 2015:

Pursuant to the recommendation of the Council for Economic Cooperation and Development, submitted by the Republic of Tajikistan within the framework of the Istanbul Action Plan of the Network on fight against corruption for Eastern Europe and Central Asia as to the establishment of an special independent office on handling the applications under the law on access to information in accordance with the Law of the Republic of Tajikistan No. 1101 as of July 26, 2014, changes were made to Article 11 of the Law “On the Commissioner for Human Rights in the Republic of Tajikistan”.

According to the amendments made, the basic functions of the Ombudsman also include the promotion of access to information, examination and verification of citizens’ right of access to information.

In accordance with the above law, the Commissioner when investigating on the complaint is entitled to:
- have unimpeded access to public authorities, self-government bodies in towns and villages, institutions, organizations and enterprises regardless of their organizational and legal forms, public associations, military units, penitentiary facilities and other military units and institutions in the territory of the Republic of Tajikistan;
- request and receive the necessary information, documents and materials from the directors and officers of the public authorities, local authorities in towns and villages, institutions, organizations and enterprises;
- receive explanations from senior officers and officials of public authorities;
- carry out, independently or jointly with the competent authorities, officials or civil servants an inspection of public authorities, institutions, enterprises and organizations.

As a result of consideration of complaints, the Commissioner may address the competent public authorities with a request to initiate disciplinary or administrative proceedings or criminal proceedings in respect of official acts and decisions which violate human rights.
The Commissioner shall annually submit to the relevant authorities reports on the state of human rights; he may also submit special reports on specific issues of violations of human rights and freedoms.

In order to improve the legislation, the Commissioner has the right to submit to the subject of legislative initiative proposals to improve the legislation, to take part in the development of regulations and apply to competent state bodies and officials with a proposal for the adoption of regulatory instruments.

Assessment of Progress – 16th Plenary
LACK OF PROGRESS

Recommendation 18

- To improve legislation regulating financing of political parties and political (election) campaigns in accordance with the relevant international standards, including by setting the requirements and limitations for donations as well as the procedure for making donations in order to ensure transparency of donations and their sources, to prevent conflicts of interests and illegal influence on political parties and political officials, to limit financing of political parties and political (election) campaigns by legal entities and to ensure effective accounting and control over such financing, to specify the requirements for accounting and substantiating documents of political parties and political (election) campaigns, etc.

- To ensure effective control over financing of political parties and political (election) campaigns and public availability of information on financing of political parties and political (election) campaigns as well as the results of control over the respective financing.

- To familiarize the Parliament’s deputies and public with the Rules of Ethics and Conduct of the Parliament’s Deputies and to ensure that these Rules are implemented in practice. To adopt a legal act regulating the rules of ethics and conduct of the self-government deputies and to ensure that the deputies and public are familiarized with the provisions of that document as well as to ensure effective implementation of that document.

- To ensure that the Code of Ethics of Public Servants is effectively implemented with respect to politically appointed officials and politically appointed officials and members of the Government.

- To develop legislation for prevention of and control over conflicts of interests of political official and to introduce practical mechanisms for prevention of conflicts of interests and settlement of ethics dilemma by political officials.

16th plenary, 7-9 October 2015:

Funding of political parties in Tajikistan is regulated by the Law “On political parties”. According to Article 11 of the Law “On political parties”, political parties are required to publish annual data on financial position of the party. But no mechanism of control over the financing of the party in order to ensure the transparency and legitimacy of the political parties’ financing is yet in place.

According to this recommendation, the Ministry of Justice prepared a draft law “On amendments to the Law of the Republic of Tajikistan “On political parties”, which was adopted on August 8, 2015, No. 1209 as follows:
ЗАКОН РЕСПУБЛИКИ ТАДЖИКИСТАН
"О ВНЕСЕНИИ ИЗМЕНЕНИЙ И ДОПОЛНЕНИЙ В ЗАКОН РЕСПУБЛИКИ ТАДЖИКИСТАН "О ПОЛИТИЧЕСКИХ
ПАРТИЯХ"

Статья 1. Внести в Закон Республики Таджикистан от 13 ноября 1998 года "О политических партиях"
(Ахбори Маджлиси Оли Республики Таджикистан, 1998 г., № 22, ст. 300) следующие изменения и
dополнения:

2. В статье 4:
- часть первую изложить в следующей редакции:
"Запрещается создание и деятельность политических партий, цели или действия которых направлены на
экстремистско-террористическую деятельность, насильственное изменение конституционного строя и
организацию вооруженных групп или пропаганду расовой, национальной, социальной, местнической и
религиозной вражды.";
- в части третьей слова "средних школах и высших учебных заведениях" заменить словами
"образовательных учреждениях общего среднего и высшего профессионального образования".

3. Часть третью статьи 5 дополнить вторым предложением следующего содержания:
"Член партии должен иметь партийный билет.".

4. В части первой статьи 6 нумерацию пунктов заменить знаком дефис ".

5. Статью 8 дополнить частью третьей следующего содержания:
"Местные структуры политических партий в районах, городах и областях ежегодно до 20 марта
представляют в местные исполнительные органы государственной власти информацию о продолжении
своей деятельности, адресе, руководителе структуры, количестве членов партии на местах.".

6. В статье 10:
- абзац тринадцатый изложить в следующей редакции:
"открывать расчетные счета в кредитных организациях Республики Таджикистан.";
- дополнить частью второй следующего содержания:
"Политическая партия обязана в порядке, предусмотренном законодательством Республики
Таджикистан:
- соблюдать требования Конституции Республики Таджикистан, других нормативных правовых актов
Республики Таджикистан, международных правовых актов, признанных Таджикистаном;
- ежегодно до 20 марта представлять в регистрирующий орган сведения о своей деятельности в форме и
в порядке, установленными Министерством юстиции Республики Таджикистан;
- представлять в налоговые органы отчеты в определенном порядке.".

7. В статье 13:
- часть первую после слов "негосударственных лиц" дополнить словами ", при условии, что эта
материальная помощь документально подтверждена и указан её источник.";
- часть вторую дополнить абзацем пятым следующего содержания:
"коммерческих организаций, осуществляющих финансовую деятельность менее одного года;";
- дополнить частями третьей, четвертой, пятой, шестой, седьмой, восьмой, девятой и десятой
следующего содержания:
"Материальная помощь политическим партиям в виде денежных средств оказывается путем
перечисления на расчетный счет политической партии. В случае внесения физическими и юридическими
лицами наличных денежных средств, в порядке, установленном законодательством Республики
Таджикистан, они перечисляются на расчетный счет политической партии после обязательного оформления
официальных документов.
В платежном документе или документе о перечислении средств указывается информация о
юридическом лице, идентификационном номере налогоплательщика, наименовании и банковских
реквизитах юридического лица.
Гражданам Республики Таджикистан вправе оказывать материальную помощь в виде денежных средств
за счет собственных средств, перечисляя их на счет политической партии, либо в бухгалтерию районных,
городских, областных и центральных органов политической партии. При перечислении денежных средств
представляется документ, удостоверяющий личность гражданина Республики Таджикистан, документ об
уплате налогов за три последних месяца, а в платежном документе или документе о перечислении средств
указываются фамилия, имя, отчество, идентификационный номер налогоплательщика.

Общая сумма ежегодной материальной помощи от одного физического лица политическим партиям не должна превышать 300 (трехсот) показателей для расчетов, от одного юридического лица - 1500 (тысяч пятьсот) показателей для расчетов.

Материальная помощь политической партии, оказанная субъектами, предусмотренными в части второй настоящей статьи, а также ежегодная материальная помощь, поступившая сверх суммы, указанной в части шестой настоящей статьи, возвращается в течение месяца оплатившему лицу. В случае невозможности возврата средств, незаконно перечисленных на счет политической партии, они передаются (перечисляются) в государственный бюджет.

Использование средств, не предусмотренных настоящим Законом, а также денежные перечисления политическим партиям через посредников, запрещаются.

В случае, если материальная помощь или подарки оказаны в виде имущества, политическая партия в соответствии с законодательством Республики Таджикистан, оценивая их в денежном выражении, вносит соответствующие данные в финансовый отчет политической партии.

Прием материальной помощи политической партии от физических и юридических лиц осуществляется районными, городскими, областными и центральными органами политических партий.

8. Статью 14 дополнить частями третьей и четвертой следующего содержания:

"Политическая партия вправе осуществлять следующие виды предпринимательской деятельности:
- информационная, рекламная и издательская деятельность для пропаганды своих взглядов и идей, целей, задач и обнародования результатов своей деятельности;
- изготовление и продажа сувенирной продукции с символикой и (или) наименованием политической партии;
- сдача в аренду своего движимого и недвижимого имущества (за исключением денежных средств и ценных бумаг).

Политическая партия не вправе осуществлять предпринимательскую деятельность, не указанную в части третьей настоящей статьи.".

9. Статью 16 изложить в следующей редакции:

"Статья 16. Контроль финансовой деятельности политической партии
Руководящий орган партии обязан опубликовать финансовый отчет об источниках, размерах и расходовании средств, поступивших в партийную кассу в течение отчетного года, а также об имуществе партии с указанием его стоимости и сведениях о государственной регистрации и уплате налогов в средствах массовой информации.

Проверка финансового отчета политической партии, сведений о поступлении и расходовании средств политических партий, соблюдения правил легализации имущественных активов осуществляется соответствующим государственным органом.

Сведения о результатах проверки финансовых отчетов политических партий доводятся до сведения соответствующих политических партий и ежегодно публикуются в средствах массовой информации, а также дополнительно за месяц до предвыборной кампании.".

10. Текст статьи 20 после слов "Министерством юстиции Республики Таджикистан" дополнить словами "выносится предупреждение" и слово "предупреждение" заменить словами "письменное предписание".

Статья 2. Настоящий Закон ввести в действие после его официального опубликования.

В этой связи было внесено изменения и дополнения в Закон Республики Таджикистан «Об общественных объединениях» в следующей редакции:
2. В статье 27:
- текст статьи считать частью 1 и пронумеровать;
- дополнить частью 2 следующего содержания:
"2. Добровольные и благотворительные взносы, гранты, имущество, поступившие в общественные объединения от иностранных государств, иностранных юридических лиц, юридических лиц, учрежденных с участием иностранных субъектов, международных организаций и международных общественных движений, а также посредством иных физических и "юридических лиц, подлежат регистрации регистрирующими органами в Реестре гуманитарной помощи общественным объединениям Республики Таджикистан, порядок ведения которого определяется Правительством Республики Таджикистан. Проекты, финансируемые указанными субъектами, осуществляются общественными объединениями после извещения регистрирующих органов. Форма извещения определяется Министерством юстиции Республики Таджикистан.".

3. Часть 2 статьи 34 дополнить вторым предложением следующего содержания:
"Порядок проверки уставной деятельности общественных объединений утверждается Министерством юстиции Республики Таджикистан.".

Как мы выше уже упомянули Указом Президента Республики Таджикистан от 15 сентября 2010 года утвержден Кодекс этики государственного служащего Республики Таджикистан.

Действие настоящего Кодекса распространяется на политических и административных государственных служащих, занимающих государственные должности государственной службы в государственных органах системы государственной службы в соответствии с Законом Республики Таджикистан "О государственной службе" и другими нормативными правовыми актами.

Во исполнение данной рекомендации и обеспечение действенности данного Кодекса по отношению к политическим назначенным должностным лицам и членам правительства:

В проекте Указа Президента Республики Таджикистан «О Кодексе этики государственного служащего Республики Таджикистан» предлагается возложить на Агентство государственной службы при Президенте Республики Таджикистан контроль исполнения данного Указа, координация и контроль деятельности комиссии по этике государственных органов. Также предлагается дополнить пункт 47 Кодекса следующего содержания:

«47. Материалы о нарушении правил этики и допущении конфликта интересов в отношении политических государственных служащих, государственных служащих высшей категории, членов комиссии из числа политических государственных служащих государственных служащих высшей категории рассматриваются Президентом Республики Таджикистан или Правительством Республики Таджикистан.».

Existing rules governing conflict of interest are introduced by the Constitution and laws of the Republic of Tajikistan “On fight against corruption” – Art. 1 (Subjects of offences related to corruption), Art. 3 part 1 (Scope of this Law), Art. 51 (Subjects of combating corruption), Art. 52 (National anti-corruption council of the Republic of Tajikistan), Art. 7 (Prevention of corruption), Art. 8 (Financial control measures), Art.9 (Obstacles to the appointment (election) to the public position or to the equivalent position), Art. 10 (Limitations associated with the public or equivalent positions), Art. 11 (Offences creating conditions for corruption and responsibility for them), Art.12 (Administrative offences related to corruption), Art. 13 (Liability for the collegial decisions related to corruption); “On Civil Service” – Art. 6 (Scope of this Law), Art. 16 (Circumstances precluding admission of citizens to the civil service and holding a civil service position), Art. 25 (Resignation of a political civil servant), Art. 28 (Main duties of civil servants), Art. 30 (Restrictions related to the civil service), Art.31 (Information on the income and property status of civil servants), Art. 33 (Attitude of public servants to illegal orders and instructions); the Regulations on the procedure and conditions for certification of administrative civil servants (p. 14), the Code of administrative violations of the Republic of Tajikistan (Chapter 38) and the Code of ethics for civil servants of the Republic of Tajikistan.

Finalization and adoption of this project should resolve existing problems set out in the Report of the OECD monitoring.
Assessment of Progress - 16th Plenary
PROGRESS
The progress is related to the adoption of amendments to the Law of Tajikistan On Political Parties on August 8, 2015. The amendments concern the sources and procedures for political party funding, obligation to publish financial statements in the media, and specify that an authorized agency must audit these statements and publish the audit results.

Recommendation 19

• To specify the criteria of selection and dismissal of judges.
• To publish information on available vacancies of judges of all levels as well as on date and terms of competition on the official web-site of the Council of Justice.
• To provide for automatic prolongation of the labour agreement of judges for another 10-year term if the judges have been performing their obligations in good faith.
• To provide for obligatory publication of the decisions of the Supreme Court and the Higher Economic Court.
• To arrange for a mechanism of consideration of cases in courts observing the principle of their random distribution between the judges.
• To continue improving the existing ethical norms for the judicial bodies in order to ensure their practical implementation.
• To reform the Council of Justice so that it would not depend on any other branches of power and would be the guarantor of independence of the judicial power.
• To envisage necessary guarantees ensuring independence of advocates in the new Law on Advocacy.

16th plenary, 7-9 October 2015:

As to the recommendations to clarify the criteria for selection and dismissal of judges, the publication of information about available vacancies for the post of judge at all levels, as well as the date and conditions of the competition on the official web-site of the Council of Justice of the Republic of Tajikistan in the Internet, as well as to the automatic renewal of the employment contract of a judge for the next ten year period, if the judge performed in his / her obligations in good faith, it should be noted that the legislation of the Republic of Tajikistan establishes the procedure for the election, appointment, and the requirements imposed on the judge.

Thus, in accordance with Article 85 of the Constitution of the Republic of Tajikistan, lawyers not younger than 30 and no older than 65 years old who have worked as a judge for at least 5 years can be appointed and elected as the judges of the Supreme Court, Supreme Economic Court, the Court of Gorno-Badakhshan Autonomous Region, the regional courts and the court of Dushanbe. As to the judges of municipal and district courts, the military court, the Economic Court of Gorno-Badakhshan Autonomous Region, the regions and Dushanbe city, they are appointed from among the persons not younger than 25 and no older than 65 years old who has least 3 years of professional experience.

According to Article 86 of the Constitution, a judge of the military court, the judge of the Court of Gorno-Badakhshan Autonomous Region, the regional courts, courts of Dushanbe city, cities and districts,
judges of the Economic Court of Gorno-Badakhshan Autonomous Region, the regions and Dushanbe city are appointed and dismissed by the President of the Council of Justice.

Also, the Constitution of the Republic of Tajikistan provides that the organization and functioning of the courts shall be determined the Constitutional law.


According to Article 12 of the Constitutional Law (Requirements for candidates for the post of judge), a judge must comply with the Constitution of the Republic of Tajikistan and other regulatory instruments of the Republic of Tajikistan to use his knowledge and experience to perform the tasks assigned to him, to fulfil their obligations in a professional manner and worthy of the title of judge. The judge in administering the justice, as well as in off-duty relationship should avoid anything that might detract the authority of the judicial power, the honour and dignity of a judge or call into question his / her impartiality, fairness and objectivity. The judge is obliged to observe the restrictions provided for in the Law of the Republic of Tajikistan “On fight against corruption”. A judge may not hold any other position, be a delegate of representative bodies, member of political parties or organizations or support them financially, to pursue any business, except for the research, creative and teaching activities. A judge shall not:

- make public statements and comments on the merits before the entry into force of judicial instruments taken by him / her;
- receive gifts related to the performance of official duties. Gifts received by the judge in connection with protocol events, business trips and other formal occasions, shall be handed over by him / her to the court where he / she works according to the special act;
- disclose information obtained in the performance of his / her duties. Confidential information acquired by a judge in the performance of duties cannot be used or disclosed to any other person for purposes not related to the performance of judicial duties. Every two years, a judge shall take an advanced training upon which he / she is issued a certificate of a registered form.

Article 15 of the Constitutional Law (The term of office of judges) states that judges are elected or appointed for a term of 10 years. In the election or appointment of a judge during his / her term from one court to another, a ten-year term of office shall run from the date of the new election or appointment.

Article 16 (Election and appointment of judges) provides that judges of the Supreme Court and the Supreme Economic Court of the Republic of Tajikistan shall be elected by the National Assembly of the Supreme Assembly of the Republic of Tajikistan upon recommendation of the President of the Republic of Tajikistan. Judges of the Court of Gorno-Badakhshan Autonomous Region, the courts of regions, Dushanbe city, military courts of garrisons, cities and districts of the courts, the Economic Court of Gorno-Badakhshan Autonomous Region, the economic courts of the regions and the city of Dushanbe are appointed by the President of the Council of Justice of the Republic of Tajikistan.

In accordance with Article 18 (Revoking and office termination of judges), revoking and office termination of the judge shall be carried out in the following cases:

- approval of the judge’s written statement of resignation;
- upon the judge’s own will;
- in connection with the retirement;
- in connection with his / her transfer to another job;
- in connection with the change of residence;
- in connection with the departure from the Republic of Tajikistan;
- carrying out activities incompatible with his / her position;
- entry into force of a conviction judgment rendered against a judge;
- entry into force of a court decision recognizing the judge incapable or partially capable;
- violation of procedure for traditions, celebrations and ceremonies in the Republic of Tajikistan established by laws of the Republic of Tajikistan;
- inability to perform his / her duties for health or other valid reasons for a long period (at least four consecutive months);
- the loss of citizenship of the Republic of Tajikistan;
- restructuring of the court (s), or reducing the number of judges;
- death of a judge;
- entry into force of a court decision declaring him / her missing or dead;
- violations of the law in considering the cases or committing an act discrediting the honour and dignity of a judge;
- violations of labour legislation of the Republic of Tajikistan;
- expiration of his / her term of office;
- non-compliance with the qualification requirements to the position of a judge.

For the reasons stipulated in paragraph 1 of this Article, the judges of the Supreme Court, Supreme Economic Court shall be revoked and dismissed by the Milli Majlis and the Majlis-i Oli of the Republic of Tajikistan on the proposal of the President of the Republic of Tajikistan and the judges of the Court of Gorno-Badakhshan Autonomous Region, courts of the regions, Dushanbe city, military courts of garrisons, cities and districts of the courts, the Economic Court of Gorno-Badakhshan Autonomous Region, the economic courts of the regions and Dushanbe city – by the President of the Republic of Tajikistan upon recommendation of the Council of Justice of the Republic of Tajikistan.

Transfer of judges from one court to another is allowed only with his / her consent.

The Program for legal reform of the Republic of Tajikistan for 2011-2013 provided for a comprehensive study of the issue of qualification requirements for judges (including the age for the appointment or election of judges, availability of appropriate seniority, indefinite appointment or selection to the post of judge who has worked for more than 10 years), upon results of which proposals have been submitted to the relevant authorities.

Decree of the President of the Republic of Tajikistan as of January 5, 2015 approved a program of judicial and legal reform in the Republic of Tajikistan for 2015-2017.

This program is a continuation of previous programs of judicial reforms, designed to meet the learning experience of developed countries, the analysis of structures and activities of the courts examining the activities of other law enforcement agencies related to judicial activities. This program is the third phase of judicial and legal reform, which is scheduled to introduce a series of measures to improve the legislation and activities of the courts of the Republic of Tajikistan. It provides for the further development of procedural legislation, improvement of the structure and activities of the Supreme Court and the Higher Economic Court, regional, city and district courts, the reform of the system of juvenile justice, measures to ensure the execution of judicial decisions, improving the structure and activities of bailiffs, enhance the provision of legal care, improving the quality of judicial and legal expertise, logistical support ships, social protection of judges and court officials, as well as other activities of the judiciary.

According to Article 99 of the Constitutional Law of the Republic of Tajikistan “On the courts of the
Republic of Tajikistan” dated July 26, 2014, the selection and training of candidates for judges and judges-in-training, training of judges and judges-in-training, selection and presentation of candidates for judicial office and dismissal of judges, organization of qualifying examinations are assigned to the Council of Justice of the Republic of Tajikistan.

As to the recommendations on the need to provide for mandatory publication of the Supreme Court’s decisions and provide a mechanism for review of compliance with the principle of random allocation, we inform that information activities of the Supreme Court is implemented by the media and information centre. Resolution of the Plenum of the Supreme Court, the judicial acts and case law analysis in civil, family, criminal and administrative cases are published in the Bulletin of the Supreme Court and posted on the website of the Supreme Court of the Republic of Tajikistan. In accordance with Articles 77 and 83 of the Constitutional Law of the Republic of Tajikistan “On the courts of the Republic of Tajikistan”, distribution of cases between judges is carried out according to the established procedure and entrusted to the heads of regional, city and district courts. In our view, the principle of random distribution of cases is not acceptable, as the cases are distributed by the president of the court between the judges taking into account the load of judges, their experience and qualifications.

In order to ensure correct and uniform application of the law, the Supreme Court of the Republic of Tajikistan adopted the Resolution of the Plenum of the Supreme Court of the Republic of Tajikistan “On judicial practice in criminal cases on the receipt, offering bribery and commercial bribery” No. 11 as of December 19, 2008, whereby the courts are provided with guidelines for the comprehensive explanations, proper consideration of the cases in this category.

The recommendations also invited to continue improving existing ethics for the judiciary in order to ensure their practical application.

In this regard, in order to strengthen the judiciary, ensuring the principles of judicial activities, compliance with the rules of professional ethics and moral and ethical standards in the administration of justice, an honest and conscientious attitude to their activities, increase the personal responsibility of the judges to the execution of their duties and respect for human values, on November 29, 2013 at the Conference of Judges, the Code of Ethics of Judges of the Republic of Tajikistan was adopted, the study of which is provided in the curriculum of the Training Centre at the Council of Justice.

According to Articles 6 and 7 of the Code of ethics, a judge in all cases shall strictly abide by the Constitution of the Republic of Tajikistan, constitutional laws and other laws, as well as respect high moral and ethical standards of behaviour, to use his / her knowledge and expertise in the performance of duties assigned to be worthy of his / her rank, to perform the authority in a professional manner, be honest and conscientious in all situations to preserve dignity, to avoid anything that would detract from the authority of the judiciary and cause damage to the reputation of the judge. The judge must conscientiously exercise his / her civil rights and perform civil duties. He / she must not use his / her position to obtain personal benefits in civil legal relations. A judge should not be allowed to enter into contracts, entailing a financial liability to the persons who are in the service dependence from him / her, as well as to the persons involved in case in his / her proceedings. A judge shall not use his / her status to obtain any goods, services, commercial or other benefits for him- / herself, his / her family, friends, acquaintances (such as a loan, contract on terms other than those provided in respect of other persons); demand or accept privileges, payments and benefits not provided by the legislation of the Republic of Tajikistan, (e.g., interest-free loans, services, payment for entertainment, recreation, transportation costs, etc.) and must take steps to ensure that these privileges, payments and benefits could not be taken by members of his / her family, if the this is caused by the actions of the judge that he / she committed or intends to commit or not to commit in connection with the performance of his / her duties.

The judge should be aware of his / her personal property and sources thereof, as well as property and financial interests of members of his / her family. When administering justice, and outside service the
The judge shall not take any action, or give rise to others to commit such acts, which would allow to conclude that the judge used his / her authority and to question his / her independence and impartiality. The judge can accept honorary and special titles, awards and other distinctions, including from foreign governments, political parties, public associations and other organizations, as well as to receive gifts only in cases and in the manner prescribed by law.

With regard to the recommendations made on reforming the Council of Justice so it would not depend on other branches of government and be the guarantor of the independence of the judiciary, in accordance with paragraph 14 of the National Plan of the Republic of Tajikistan on the implementation of the recommendations of the Council of the United Nations in the Universal Periodic Review of the Republic of Tajikistan on Human Rights for 2013-2015, approved by the decree No. РП-2200of the President of the Republic of Tajikistan on April 3, 2013, it is provided to introduce the necessary measures and legislation to reform the judicial system in accordance with international standards of justice, in particular, conducting analysis of the legislation and the development of an action plan to expand the composition and powers of the Council of Justice of the Republic of Tajikistan, with the purpose to strengthen its independence and its role in the judicial system, through the removal of the Council of Justice of the Republic of Tajikistan from the structure of the executive branch and its transfer to the judiciary.


1. Interference with the attorney’s activities carried out in accordance with the legislation of the Republic of Tajikistan, or obstruction of such activities in any way is prohibited.

2. Attorney may not be subject to any liability (including upon suspension or termination of the his / her status of attorney) for the opinion expressed in the exercise of his professional activity, except for the views having elements of a crime. In accordance with this Law, these requirements do not apply to obligations of attorney before his / her principal.

3. Demanding from attorneys, law firms, and employees of the union of lawyers of information related to the provision of legal aid in individual cases shall not be permitted.

4. The attorney, his / her family and property in accordance with the laws of the Republic of Tajikistan are under state protection. In the case of threat to life, health and property, the authorities providing state protection are obliged to take the necessary measures to ensure the safety of the lawyer, his / her family and property.

5. Summoning and interrogation of an attorney, paralegal or a trainee - attorney as a witness of the circumstances which have become known to them in connection with the provision of legal aid shall be prohibited.

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As noted in the previous progress report, on July 26, 2014, Tajikistan adopted Amendments to the Law On Courts of the Republic of Tajikistan. At the same time, no information was provided on how it contributed to the implementation of Recommendation 19, so this issue should be studied during the next round of monitoring. It is positive that on March 18, 2015, the Law On the Bar and Legal Practice No. 1182 was adopted. The law in question sets out guarantees of lawyer’s independence that comply with one of the parts of this recommendation. The civil society has also pointed to the Law On the Bar and Legal Practice, therefore PROGRESS in the implementation of this recommendation may be noted.
Recommendation 20

- **To continue dialogue with the business sector by conducting informational and clarifying work with the companies on issues of corruption risks and practical solutions related to these problems.**

- **To engage companies in comprehensive consultations on issues of encouragement of bona fide business, for example, on such issues as introduction of corporate responsibility for corruption, accounting and audit, corporate governance, simplification of the state regulation of entrepreneurship, targeted measures oriented at the most corrupted sectors, etc.**

- **To introduce the requirements for information disclosure and transparency and also anticorruption programs at the state-owned enterprises – either being owned or controlled by the state.**

- **To support business associations in their efforts aimed at facilitation of integrity of business (especially this relates to local companies, small and medium enterprises as well as organization of collective anticorruption actions of companies and associations.**

16th plenary, 7-9 October 2015:

State Committee on Investments and State Property Management of the Republic of Tajikistan to continue the dialogue with the private sector on issues of corruption risks, and develop practical solutions to these problems, has completed the following:

- Members of the Committee conducted outreach activities among business people and public institutions in cities and districts of Khatlon, Sughd provinces and districts of republican subordination concerning the adoption of regulatory instruments;

- employees of the Committee provided to the media information that in July - August 2014 with the purpose of raising and supporting the private sector, meetings were held with businessmen of cities and districts of the Rasht Valley, where explanations were given as to the regulatory instruments in the field of business support, including a permit system and a moratorium on inspections of businesses in the manufacturing sector.

It is also necessary to strengthen the position and rights of businesses not only in conducting the dialogue, but also take into account their interests in anti-corruption policy of the state. It must be emphasized that at the request of the President of the country in all regions and cities the process of establishing local advisory councils under the chairmanship of the districts and towns of the republic was launched.

In order to simplify state regulation of business activity, a working group was formed to develop a new edition of the draft law of the Republic of Tajikistan “On inspections of business entities”. At the moment, the project has been developed and submitted to the Government of the Republic of Tajikistan for examination.

This Law establishes the legal framework of inspections, the rights and obligations of business entities and officials of inspection bodies; it regulates public relations connected with the inspection procedures. This law is aimed at protecting the legitimate rights and interests of citizens, the environment, security of the state and protection of activities of entities under the audit.

In order to ensure further development of entrepreneurship in the areas of production, increase the production of local goods and to create favourable conditions for attracting investments, as well as to increase the incentives and timely and quality performance of their professional tasks and goals, on September 30, 2011 Presidential Decree “On the declaration of a moratorium on all kinds of inspections
of businesses in the areas of production” No. 1146 was signed.

Upon expiration of the moratorium in the current year, a monitoring will be conducted as to the activity of the entities identified for the application of the moratorium to invoke the Procedure for incentives for business entities in the fields of production, which achieved significant results in the period of the moratorium on all kinds of inspections of business entities in the areas of production.

Encouragement is carried out through the issuance of certificates “The Best Entrepreneur in the Sphere of Production”, by providing preferential state loan from the state institution “National Entrepreneurship Support Fund with the Government of the Republic of Tajikistan”, nomination of a businessman as the candidate for membership in the Consultative Council on Improvement of Investment Climate with the President of the Republic of Tajikistan as a representative of the private sector and recommendation of the entrepreneur for state awards of the Republic of Tajikistan.

List of business entities that are subject to regulatory instruments in the area of the moratorium is provided on the official website www.ijozat.tj of the State Committee on Investments and State Property Management of the Republic of Tajikistan.

The issue of reforming the permit system was considered on December 18, 2008 during the second session of the Consultative Council with the President of the Republic of Tajikistan to improve the investment climate. As a result of the study and consideration of this issue, the Decree of the President of the Republic of Tajikistan No. 633 “On reforming the permit system in the Republic of Tajikistan” was approved on March 7, 2009. In order to implement this decree, the Government of the Republic of Tajikistan approved the resolution “On measures to implement the Decree of the President of the Republic of Tajikistan “On reforming the permit system in the Republic of Tajikistan” No. 305 as of May 28, 2009 which became the basis for establishment of the Commission to revise the regulatory instruments concerning the issue of permits for business entities.

As a result of the Commission’s activities, more than 200 types of permits issued by the authorities responsible for issuing permits were analysed and assessed. As a result, it was found that only 86 authorization documents meet the requirements of reform, due to which the Law of the Republic of Tajikistan “On licensing system” No. 751 was adopted and entered into force on August 2, 2011.

This law defines the legal, institutional and economic framework for the licensing system, exclusive list of activities that are carried out upon permission of the authorized state body, the procedure for issuing permits to business entities; it also establishes the types of permits and protects the legitimate rights and interests of citizens, environment and national security.

In addition, the Law specifies that the permitting document can be issued in the form of permits, certificates, conclusions, statements, approval, report, authentication, qualification certificate, permit labels, authorization document, and certificate of assessment, accreditation and other types of permits, with the exception of the license.

Pursuant to the requirements of the Law “On licensing system”, according to the decision of the Government of the Republic of Tajikistan as of May 31, 2012 No. 286, the State Committee on Investments and State Property Management of the Republic of Tajikistan is determined as an authorized state body in the field of regulation of the licensing system. Simultaneously, the structure of the central apparatus of the Committee presumes the Agency for administration of the licensing system, which aims at maintaining the permit system in the country, observance of a moratorium on inspections of business activity in the manufacturing and other sectors.

Also, the State Committee on Investments and State Property Management of the Republic of Tajikistan is introducing a single electronic system for application for permits within the structure of the ministries of transport, health and social protection.

The main objectives of the introduction of e-licensing system is the creation of an effective state permitting system through introduction of electronic forms for application and related documents, expedite the passage of licensing procedures for starting or continuing business activities, reducing the
administrative burden, as well as to create a transparent and efficient permitting system.

In order to inform the private sector about the achievements in reforming the permit system in the country, there is a website www.ijozat.tj available, which details all the necessary information about the types of permits, the responsibility structure, and procedures for obtaining permits.

In order to attract investment and improve the investment climate in the country, a number of laws were adopted, including the laws “On investments”, “Production Sharing Agreements”, “On concessions”, “On free economic zones”, “On credit records”, “On state private partnership”. In addition, after adoption of the new law “On investment agreements”, investors with large projects got an opportunity depending on the characteristics of their projects and the anticipated risks to receive from the State special additional benefits and guarantees.

On July 26, 2014, the Law of the Republic of Tajikistan “On state protection and support for business” No. 1107 was adopted. This Law regulates social relations pertaining to state protection, support and development of entrepreneurship in the Republic of Tajikistan and provides for a state guarantee for business entities.

State protection and support of entrepreneurship is ensured by the Government of the Republic of Tajikistan, public authorities, the authorized state body and local state executive bodies. State support of business is carried out in the legal, organizational, property, financial, information and other forms, and is based on the improvement of the business environment of the following systems: registration of enterprises, taxation; licensing and issuing permits; inspection of business entities, property registration, reporting and antitrust regulation.

On March 31, 2014, the Law “On amendments and additions to the Law of the Republic of Tajikistan “On licensing” No. 223 was adopted. Prior to amendments to this law, there were in general 86 permits being issued, as a result of changes another 3 were added resulting in 89 permits in total.

It is safe to say that the Republic of Tajikistan created a sufficient legal basis for the development of entrepreneurship. Policy of the Government of the Republic of Tajikistan in reforming the permit system and the adoption of a number of regulatory instruments that is being implemented now for the purpose of state support for entrepreneurship is estimated by the domestic and foreign entrepreneurs, investors and professionals as effective and economic benefits.

In 2008, the Coordination Council was established with the President of the Republic of Tajikistan in order to improve the investment climate in the country. In 2011-2014, there were established coordinating councils to improve the investment climate under the chairmanship of the regions, cities and districts of the republic, which will ensure a dialogue between the Government and the private sector for the purpose of transparency and integrity in business.

Also, the Law of the Republic of Tajikistan “On Public Private Partnership” was adopted in the same area as well as regulatory instruments governing this field; the State Institution “Centre of implementation of public private partnership” was opened at the State Committee on Investments and State Property Management of the Republic of Tajikistan.

With a view to preventing acts of corruption, the Government of the Republic of Tajikistan implemented and continues to implement a number of measures in the following areas:

- maintaining a dialogue with the business sector, and strengthening the position of the private sector in discussions and adoption of regulatory instruments;
- in stages, distinguishing in a legal framework the functions and obligations of government bodies and their reporting system to Majlisi Namoyandagon of the Majlisi Oli of the Republic of Tajikistan;
- gradually ensuring freedom of the judiciary;
- improving the “raw” laws and regulations that create conditions for corruption and need to be improved;
- reform of licensing;
Carrying out appropriate reforms and complete elimination of the above problems will contribute to improving the investment and business climate, as well as will result in reduction of corruption offences committed in the Republic of Tajikistan.

At present, a Union for the development of the private sector operates in the country, bringing together more than 35 associations and public organizations.

It should be noted that development of regulations on business engages heads of business associations along with representatives of relevant ministries and departments. This is how the new edition of the draft Law of the Republic of Tajikistan “On protection and state support of entrepreneurship” was developed as well as the Action Plan of the second phase of implementation of the “Strategy of fight against corruption in the Republic of Tajikistan for 2013-2020”.

Also, in preparation for the meeting of the President of the Republic of Tajikistan with the entrepreneurs in the regions, cities and districts of the republic in accordance with the Action Plan, meetings were held with local associations and entrepreneurs. Employees of the State Committee on Investments and State Property Management of the Republic of Tajikistan presented to businessmen information as to the laws on elimination of factors contributing to corruption.

**Assessment of Progress - 16th Plenary**

**LACK OF PROGRESS**

*Tajikistan provided the same information on the recommendation as in the previous report.*