



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### Fifty-sixth session

30 September – 18 October 2013

Item 4 of the provisional agenda

### Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

## List of issues in relation to the combined fourth and fifth periodic reports of Tajikistan

### Note by the Committee

The pre-session working group considered the combined fourth and fifth periodic reports of Tajikistan (CEDAW/C/TJK/4-5)

#### General

1. Please provide details about the process of the preparation of the combined fourth and fifth periodic reports. Please indicate whether the report was adopted by the Government and presented to the Parliament. Please also explain if and to what extent non-governmental organizations, particularly women's organizations, were involved in this process. Please indicate whether the Office of the Ombudsman was consulted in the preparation of the report.
2. The report indicates<sup>1</sup> (para.9) that according to article 10 of the Constitution, "international legal acts recognized by Tajikistan are a constituent part of the country's legal system. In the event of a conflict between domestic laws and recognized international legal acts, the provisions of the international legal acts shall apply." Please provide information on measures taken to ensure that women in the State party are aware of their rights as per the Convention and are able to invoke those rights including through lodging of complaints through the legal system when their rights have been violated. Please also provide information on cases brought before the courts on discrimination against women, the outcome of these cases and indicate whether the Convention has been invoked before the courts.

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<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the combined fourth and fifth periodic reports of the State party (CEDAW/C/TJK/4-5).

### **Constitutional, legislative and institutional framework**

3. The report indicates (para.35) that in 2009 a draft national strategy to promote the role of women in Tajikistan for the period 2011–2020 was presented for consideration by the Government. Please provide updated information on the status of this national strategy, financial resources allocated, activities undertaken and degree of implementation.

4. Please provide information on the mandate, powers and resources of the Human Rights Ombudsman (Commissioner for Human Rights), established in March 2008. Is the Ombudsman able to receive complaints regarding discrimination against women, were any complaints received, and, if so, what has been the outcome of such cases. Please also provide information: on the role and mandate of the Special Department on Citizens Rights; how its mandate relates to the mandate of the Human Rights Ombudsman and provide examples of cases the Department has received on discrimination against women and the outcomes of such cases.

### **National machinery**

5. In its previous concluding observations (CEDAW/C/TJK/CO/3, para.15), the Committee expressed its concern that the State party's national machinery for the advancement of women was insufficiently resourced in terms of budget and staff and lacked coordination capacity, including coordination across ministries at the national, regional and local levels. The report indicates (para.48) that the staff of the Committee of Women and Family was increased and provides information on its budget, however, only until 2010, and provides limited information on the mandate of this body. Please provide detailed information on the mandate and the human and financial resources of the Committee for Women and the Family. Please indicate whether the Committee has the mandate and power to coordinate and monitor and evaluate government policies across all Ministries, at the national, regional and local levels.

### **Temporary special measures**

6. In its previous concluding observations (CEDAW/C/TJK/CO/3, para.18), the Committee encouraged the State party to legally clarify the application of temporary special measures in all areas covered by the Convention, and to utilise them effectively. The report mentions some quotas in education and employment, however, it does not provide a clear picture of the application of temporary special measures in the State party and indicates (para. 54) that “government determination must be accompanied by a proactive attitude on the part of women”. Please also provide concrete examples of temporary special measures established by law and their inclusion in national policies and programmes, so as to promote and accelerate the realization of substantive equality of women with men. Please indicate whether the law establishes any sanctions for non-compliance.

### **Stereotypes and harmful practices**

7. The report acknowledges the persistence of gender stereotypes in the country, however it provides little information on concrete actions taken by the State party to combat gender stereotypes, as recommended in the Committee's previous concluding observations (CEDAW/C/TJK/CO/3, para.20) including through ensuring that its policies and programmes do not perpetuate gender stereotypes. Please provide information on efforts undertaken, through awareness-raising and educational campaigns addressing religious and community leaders, parents, and teachers, to counter stereotypical attitudes towards girls and women, including those who experience multiple forms of discrimination on the ground of their ethnicity, age, disability or other characteristics.

8. Please provide information on plans to revise the school curricula to eliminate references which maintain or reinforce gender stereotypes and indicate whether the State party intends to provide training to teachers to sensitize and raise awareness on the negative impact of stereotypes and ways in which it hinders the full enjoyment by women and girls of their human rights.

#### **Violence against women**

9. The report indicates (para.45) that in 2007, the adoption of the draft Act on the social and legal aspects of protecting women from domestic violence was postponed because of required amendments to the draft Act and the absence of required resources, and that in 2010 a new working group was set up to revise it. Please provide information on the steps taken since 2010 to revise and adopt this Act and please clarify whether resources have been allocated to enable the revision and or the implementation of the Act upon its adoption.

10. In reference to Order No.271 of 17 March 2010 of the Ministry of Internal Affairs (para.38), please provide information on the mandate of inspectors to combat domestic violence. Please also provide information on the prevalence of domestic violence and other types of violence against women, mechanisms to collect such data, how violence against women in all its forms is viewed in the community and indicate whether the State party has any comprehensive plans or strategies to combat violence against women in all its forms.

#### **Trafficking and exploitation of prostitution**

11. The report indicates (para.71) that at the moment of the preparation of the report, the Comprehensive Programme to Combat Trafficking in Persons (2011 – 2013) was to be adopted. Please provide updated information on the status of this programme and its implementation. Please also provide information on the exploitation of prostitution in the State party, whether in particular the exploitation of prostitution is criminalized, and indicate any measures taken to address root causes such as poverty, and alternative programs for income generation.

#### **Participation in political and public life and decision-making**

12. The report acknowledges (paras.88 and 89) that “despite the fact that the law proclaims equal rights for women and men to political representation, women do encounter certain difficulties, because they generally have fewer political skills, political contacts, experience and education” and that “the goal to increase women’s representation in the senior staff of Government agencies will be achieved when women account for at least 30 per cent of such staff in the legislative, executive and judicial branches”. Please provide information on concrete measures taken by the State party to increase women’s political representation in elected office, including through legislated quotas and provision of training to potential candidates in accordance with the Committee’s general recommendation 23 (1997). Please indicate how the State party plans to achieve its goal of at least 30 per cent participation by women in senior staff positions in government agencies, the legislative and judicial branches. Please also provide information on concrete measures to promote women in senior positions in the Foreign Service, including as Ambassadors and Heads of Missions abroad.

#### **Education**

13. The report indicates (para.127) that at the moment of preparation of the report, a policy framework to change the existing system of general education to a new one of a 12-year system, has been submitted to the Government for consideration. Please provide

updated information on whether the current system of general education was changed and if so, whether a gender perspective has been integrated into the new system.

14. As stated in the report, stereotypes regarding the role of men and women still persist in the State party, in particular in rural areas. The report is silent about the enrolment and dropout rates for girls and the main reasons why women and girls discontinue their education. The report makes no reference to the access of girls with disabilities to education, to the challenges they are facing and to the measures taken by the State party to address these challenges. Please provide information on measures to address the gender-based stereotypes which impede women's and girls' access to education, updated information on enrolment and dropout rates for girls, gender segregation in education and information on access to education for girls and women with disabilities.

### **Employment**

15. The report acknowledges (para.152) that there are violations of women's rights with regard to the length of the working day, and where women were forced to work overtime without additional pay. The report also indicates (para.129) that according to article 35 of the Constitution, no one may be subjected to forced labour, except in cases provided by law. Please clarify what exceptions are provided by law. Please also provide information on measures that have been taken to address discrimination against women in the area of employment, including promotion of women to decision making positions in the formal labour market, job segregation, and remuneration for extra hours worked. Please indicate whether there are complaint mechanisms of which women can avail themselves and sanctions that can be applied to employers who discriminate against women and violate their rights, as well as the number of cases brought by women under these complaint mechanisms. Please also provide information on measures taken by the State party to address the situation of women being forced out the primary labour market and its consequences (para.135), women's growing unemployment (para. 137) and indicate measures taken to protect women migrant workers.

### **Health**

16. The report indicates (para.161) that the maternal mortality rate is high due to the high level of abortions (97.4 per 1,000 live births in 2009), early pregnancies and short birth intervals, as well as low level of public awareness and traditional approaches to health care in general, as well as to reproductive health. The report also indicates (para.175) that traditional stereotypes prevent women and girls from obtaining information on reproductive health. Please provide information on measures taken by the State party to address the high rate of maternal mortality, especially in relation to making available safe abortions, measures to address low use of contraceptives, such as increasing their accessibility, availability and affordability and raise awareness among women and girls on modern contraceptive methods and family planning, as well as to facilitate women's and girls' access to health services and reproductive health centres.

### **Rural women**

17. According to the information provided in the report (para.158), 73 per cent of the population in the State party live in rural areas. The report indicates (paras.189 and 190) that in 2009, the Ministry of Agriculture set up a working group on gender issues to address women's participation in different branches of agriculture and adopted over 154 sectorial programmes for rural women. Please provide information on the evaluation and the outcome of these initiatives. Please also provide information on measures taken to increase the participation of rural women in political and public life, enhance their access to justice, land ownership and management and economic opportunities.

**Marriage and family relations**

18. The report acknowledges (para.58) that there are cases of bigamy and polygamy in the State party, although it states that according to article 170 of the Criminal Code, these are criminal offences. The report also states that for various reasons women continue to agree to polygamous and bigamous marriages, although these marriages are entered into through a religious ceremony nikokh and are not recognized by civil law. Please provide information on measures taken to prevent such unions and any sanctions imposed against religious leaders who conduct the religious ceremony. Please also indicate measures taken to protect the rights of women in these relationships with regard to social security, housing, as well as on matters upon the dissolution of the relationship.

19. The report indicates (para.59) that in 2009 a proposal was submitted to the Government to set the minimum age for marriage at 18. Please provide updated information on the status of this decision and measures taken by the State party to address the prevalence of early and forced marriages.

**Optional Protocol**

20. Please indicate any progress made towards the ratification of the Optional Protocol to the Convention and the acceptance of the amendment to article 20, paragraph 1, of the Convention.

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