



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the fourth periodic report of Tajikistan*

A. General information

1. With reference to the information provided by the State party (E/C.12/TJK/4, paras. 4 and 5), please specify the training courses that are focused on the provisions of the Covenant and their justiciability and clarify whether such courses are included in the curricula of the judicial training centre of the Supreme Court. Please also provide information on cases in which provisions of the Covenant are applied or invoked by courts, including their numbers and examples. Furthermore, please also provide information on the measures taken to strengthen the judicial remedies in case of violation of Covenant rights and, in particular, on the steps taken to extend the coverage of free legal aid to civil cases.
2. With reference to the information provided by the State party regarding the independence of the judiciary (E/C.12/TJK/4, paras. 13–18), please provide information on the effects of the third phase of the judicial reform programme for 2015–2017. Please also specify the status of implementation of the continued programme for 2019–2021, including on the adoption of the Enforcement Proceedings Act; the adoption of the Act on access to information on the work of the courts; and the reform of the selection process for judges. Please also indicate any steps taken to guarantee the independence of the Qualification Commission of the Union of Lawyers.
3. Please clarify whether the mandate of the Commissioner for Human Rights covers the rights enshrined in the Covenant. Please also provide information on the measures taken or envisaged, including through the national human rights strategy that is under development, to strengthen the mandate, powers and independence of the Commissioner for Human Rights to effectively protect and promote all the rights enshrined in the Covenant.
4. In light of the Committee's previous concluding observations (E/C.12/TJK/CO/2-3, para. 10), please indicate the measures taken to ensure that the amendments to the Public Associations Act are not misinterpreted or abused to obstruct the activities of civil society organizations. Please also provide information on the application of article 14 of the Law on non-governmental associations, and on the measures taken not to abuse or misinterpret the article to impede the registration of civil society organizations, especially those working for the rights of lesbian, gay, bisexual, transgender and intersex persons. Furthermore, please provide information on the status of a draft law on non-commercial organizations, and indicate the measures taken to ensure that civil society organizations and human rights defenders can work without fear of reprisals.
5. Please provide information on the measures taken, and the effectiveness of such measures, to mitigate the impact of the coronavirus disease (COVID-19) pandemic on disadvantaged and marginalized individuals and groups. Please also provide information on the financing of the measures and on the steps taken to ensure transparency in the use of

* Adopted by the pre-sessional working group at its sixty-seventh session (19–23 October 2020).



funding. Please also indicate the efforts made to provide accurate and accessible information about the pandemic to the public and the steps taken to develop the responses to the pandemic, on the basis of the best available scientific evidence, to protect public health. Please also provide information on the extent to which protective personal equipment against the contagion are provided to all health-care workers; the availability and accessibility of testing for COVID-19; and the coverage of costs related to the testing for and treatment of COVID-19 through public funding. Furthermore, please indicate the measures specifically taken to address the reportedly significant increase in domestic violence during the pandemic.

6. Please provide information on the national emission reduction targets adopted by the State party under the Paris Agreement and the progress towards achieving climate neutrality by 2050. Please also provide information on the measures taken within its adaptation framework to address the adverse effects of climate change on the enjoyment of economic, social and cultural rights, particularly the rights to food, to housing and to work in the agriculture sector, by disadvantaged and marginalized individuals and groups, especially those living in disaster-prone zones.

B. Issues relating to the general provisions of the Covenant (arts. 1–5)

Maximum available resources (art. 2 (1))

7. In order for the Committee to assess whether the State party is using the maximum available resources to realize the rights recognized in the Covenant, please provide information on the evolution over the past 10 years of:

(a) The proportion of the population below the poverty line as defined at the national level and the levels of inequality, defined as the ratio of the total income accruing to the richest decile of the population and the total income of the poorest 40 per cent of the population;

(b) The proportion of public revenue that is financed through taxes;

(c) Tax rates levied on corporate profits and on personal income, value-added tax (exclusive of value-added tax on luxury items, tobacco, alcohol, sugary drinks and snacks, and petrol and diesel) and the percentage of total revenue from personal income tax that is collected from the richest decile of the population;

(d) Public expenses as a percentage of gross domestic product (GDP) and, within total public expenses, the proportion of the public budget that is dedicated to social priorities, including employment, education, food, health, water and sanitation, social security, housing and culture;

(e) Inflation-adjusted absolute levels of social spending;

(f) Debt as a percentage of GDP, and debt service as a percentage of GDP and of total public expenses;

(g) Remittance as a percentage of GDP.

8. Please provide information on:

(a) Measures taken, and the effectiveness of such measures, to tackle the widespread practice of bribery in accessing justice system and public services, including health-care services, and to combat corruption in the areas relating to economic, social and cultural rights, particularly in the procurement process;

(b) Progress made in strengthening anti-corruption legislation, enhancing the enforcement of anti-corruption legislation, encouraging the reporting of corruption and bribery, and protecting whistle-blowers;

(c) Efforts undertaken to combat high-level corruption and the outcomes thereof.

Non-discrimination (art. 2 (2))

9. With reference to the information provided by the State party (E/C.12/TJK/4, para. 44), please clarify whether the bill on protection against discrimination provides for a

definition of direct, indirect, multiple and intersectional discrimination, as noted by the Committee, and whether it gives a comprehensive list of prohibited grounds of discrimination, including age, birth, disability, sexual orientation and gender identity, and other status, and indicate the timeline for the adoption of the bill. Please also provide information on the progress made by the interministerial working group in harmonizing non-discrimination provisions in legislation relating to economic, social and cultural rights. Furthermore, please indicate any steps taken to adopt legislation and procedures for legal recognition of gender of transgender persons and the efforts made to combat social stigma, misconceptions and discrimination against lesbian, gay, bisexual, transgender and intersex persons.

10. With reference to the information provided by the State party (E/C.12/TJK/4, para. 45), please provide detailed information on the strengthened legal protection for persons with disabilities and their enjoyment of economic, social and cultural rights, through the review and harmonization of relevant laws and regulations with the Convention on the Rights of Persons with Disabilities. Please also specify the progress made in improving reasonable accommodation of persons with disabilities and its impact on the enjoyment of Covenant rights by persons with disabilities. Furthermore, please provide information on the measures taken to address the reported abuse of persons with disabilities, including forced abortions, forced administration of drugs and the denial of the right to family life in semi-closed institutions.

11. In light of the Committee's previous concluding observations (E/C.12/TJK/CO/2-3, para. 15), please provide information on any steps taken to repeal Presidential resolutions No. 325 (2000) and No. 328 (2004). Please also provide information on the measures taken to improve access of asylum seekers to the labour market, health care, education, housing and other services, and the steps taken to operationalize the Temporary Accommodation Centre for asylum seekers. Please also provide information on the prevalence of statelessness, including persons with undetermined nationality, and on the efforts made by the State party to prevent situations in which persons are denied access to basic services owing to a lack of identity documents. Furthermore, please clarify whether the measures taken to respond to the COVID-19 pandemic cover refugees, asylum seekers and stateless persons.

Equal rights of men and women (art. 3)

12. Please provide information on:

(a) Implementation of Law No. 89 of 2005, on State guarantees of equal rights for men and women and equal opportunities in the exercise of such rights, including key findings and recommendations, and the measures taken to follow up on them;

(b) Progress made in ensuring equal opportunities and treatment for women in the labour market, in particular in terms of labour market participation, employment, vocational education and training, pay and working conditions, and addressing occupational segregation and sexual harassment in the workplace;

(c) Women's representation in decision-making positions in the public and private sectors, and on the measures taken to improve the situation.

C. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to work (art. 6)

13. In light of the measures taken by the State party to strengthen vocational education and training and to promote employment (E/C.12/TJK/4, paras. 58–66), please explain the main challenges faced in improving employment among young people and the measures taken or envisaged to overcome them. Please also provide information on the measures taken to improve the employment of persons with disabilities and on the implementation of employment quotas for persons with disabilities. Please also indicate any progress made in providing a legal definition of the informal economy and in protecting the economic and social rights of workers in the informal economy. Furthermore, please provide annual statistical data, disaggregated by sex, age, disability and region, on labour market participation, employment, unemployment and underemployment, for the last five years.

Right to just and favourable conditions of work (art. 7)

14. Please clarify whether the Labour Code of 2016 covers all workers, including those in the informal economy and in non-traditional forms of employment. If it does not, please indicate what measures have been put in place to protect those workers and what steps have been taken or are envisaged to expand the coverage of the Labour Code. Given the labour inspection scheme of the State party, composed of the State Inspection Service and the inspectorate established by the Federation of Independent Trade Unions, please indicate whether these two groups of inspectors have the same powers and mandate; how the independence of the labour inspectors is ensured, considering that the funding for trade union inspectors comes from employers; and how the labour inspections carried out by both groups are supervised and coordinated. Furthermore, please provide information on the steps taken to review legislation relating to labour inspection, with a view to enhancing its effectiveness, including Law No. 1,505 of 21 February 2018 and the Law on inspections of economic entities, adopted by Government Decision No. 518 of 2007, which provides for a moratorium on inspections in industrial workplaces and imposes various restrictions on inspections, respectively.

15. Please specify the situation of wage arrears, including the number of workers affected and the duration, and the measures taken to address the issue and protect those workers who are paid in arrears. Please provide information on the minimum wage, including its coverage and amount and the determinants of minimum wage, and the measures taken or envisaged to ensure that the minimum wage provides workers and their families with an adequate standard of living. Please also provide information on occupational safety and health, including the prevalence of occupational accidents and diseases, and on the areas of concern identified through labour inspections or complaints brought by workers. In light of the adoption of the Labour Code of 2016, which repealed the Occupational Safety and Health Act of 24 December 1991, please indicate the efforts made to provide enhanced protection for occupational safety and health and the legislative and policy framework governing occupational safety and health.

Trade union rights (art. 8)

16. Please provide information on: any steps taken to review section 323 (2) of the Labour Code, which requires a threshold, considered excessive, to declare a strike; the categories of workers whose rights to strike are restricted or prohibited and the alternatives of the same nature provided to those workers; and the application of section 323 (5) of the Labour Code. Please clarify reports that the Government exercises influence over organized labour, including over the selection of labour union leaders. Please also clarify the efforts made by the State party to ensure the independence of trade unions and their confederations. Please clarify whether representatives other than trade unions, regardless of the existence of a trade union at an establishment, can represent workers in collective bargaining.

Right to social security (art. 9)

17. In light of the Committee's previous concluding observations (E/C.12/TJK/CO/2-3, para. 22), please provide updated information on: the coverage, eligibility and amount of social security benefits, including pension, disability allowance, child allowance and unemployment benefits; the measures taken to ensure that social security benefits provide recipients with a decent living; and the efforts made to eliminate any discriminatory effects on women within the pension system. Please also explain what gaps and obstacles exist in the effective implementation of the existing social protection programmes, identified through the national dialogue on social protection, and what measures are included in the national social protection strategy for the period 2019–2025 to address them; and provide information on the implementation of the strategy to date. Furthermore, please specify the progress made in establishing the nationally defined social protection floor and on the envisaged financing for implementation and sustainability.

Protection of the family and children (art. 10)

18. Please indicate the legislative framework prohibiting the labour exploitation of children and regulating the conditions of work of working children. Please also provide information on the findings of the study carried out by the child labour monitoring committees (E/C.12/TJK/4, para. 88) and the measures taken to address them. Please also

indicate the progress achieved and challenges faced through the implementation of the national action programme to eliminate the worst forms of child labour for the period 2015–2020. Furthermore, please provide information on the situation of child workers, including updated statistical data, disaggregated by age and sex, on the number of such child workers, school attendance status and prevalence in the worst forms of labour. In addition, please indicate any linkage to the dropout rates in schools and the trend of children joining the informal labour market at the expense of school hours.

Right to an adequate standard of living (art. 11)

19. Please provide detailed information on the implementation of the targeted social assistance programme, including the number of regions and people, in particular children, covered by the programme; the amount of financial benefits and other support provided; and the progress made and challenges faced to date in implementing the programme. Please specify the progress made in improving the situation of food and nutrition security through the measures indicated by the State party (E/C.12/TJK/4, paras. 114–119), including the national development strategy for the period 2016–2030, the agriculture sector reform and school meal programmes. Please also indicate the framework legislation and policy on food and nutrition security. Furthermore, please provide information on the measures taken to address the challenges reportedly faced in the land management sector, including the ambiguous regulations relating to land use; the unlimited discretion exercised by local authorities in making decisions, in particular relating to the granting of land plots and the price for their use; and the absence of information on available land plots.

20. Please indicate the steps taken to ensure compliance of the new draft housing code with the Covenant, and provide information on its current status and on the adoption of a comprehensive policy on housing. In light of the Committee's previous concluding observations (E/C.12/TJK/CO/2-3, para. 27), please also provide information on the measures taken to address the serious housing shortage and the deteriorating conditions of residential buildings; and on the provision of social housing, including the allocation of public funding, groups of persons eligible for social housing and the number of social housing units provided annually. Furthermore, please provide information on the definition of homelessness, its prevalence and the legal protection afforded to homeless persons.

21. Please provide information on legal protection against forced evictions. Please also provide information on the forced evictions carried out during the reporting period, including the number of evictions carried out, the number of affected persons and the alternative accommodation or compensation provided to them. In this context, please clarify how the resettlements of residents for the implementation of the Rogun Hydropower Plant Project were carried out in compliance with the Covenant and relevant international norms, including as regards the participation of and consultation with affected persons, prior human rights impact assessment, procedural protection during the resettlement process and the provision of alternative accommodation and livelihood to the resettled persons.

22. In light of the observations of the Special Rapporteur on the human rights to safe drinking water and sanitation (A/HRC/33/49/Add.2, paras. 5, 13, 14, 17 and 28), please provide information on:

(a) Any progress made with regard to the revision of the Water Code of 2000, the reform of the fragmented water and sanitation services system, and the establishment of an independent regulatory mechanism and of a policy on water and sanitation tariffs;

(b) Measures taken, and the outcomes of such measures, to improve access to safe drinking water and adequate sanitation, in particular targeting disadvantaged and marginalized individuals and groups, and to narrow the large regional and socioeconomic disparities in availability, accessibility, affordability and quality of safe drinking water and adequate sanitation;

(c) Efforts undertaken to mitigate the health risks caused by inadequate access to water and sanitation during the COVID-19 pandemic;

(d) Measures taken, and the effectiveness of such measures, to address the severe shortage of energy – i.e., electricity and heating energy – during winter and to improve access to energy by the population, in particular disadvantaged and marginalized persons.

Right to physical and mental health (art. 12)

23. Please provide information on:

(a) Implementation of the guaranteed medical services programme, in particular as regards its coverage, the scope of health-care services provided, financing and co-payment by patients, and the steps taken to expand the programme;

(b) Progress made through the programme to date in terms of the availability, accessibility, affordability and quality of health-care services;

(c) Status of implementation of a compulsory medical insurance scheme, and the main obstacles faced to date and the measures taken to address them.

24. Please provide information on:

(a) Progress made in:

(i) Developing the framework legislation and policy on mental health;

(ii) Improving mental health-care services, in particular those targeting young people;

(iii) Improving the public perception and awareness of mental health;

(b) Statistical data, disaggregated by region, relating to specialized facilities and medical professionals in the mental health sector;

(c) Measures taken for the prevention of suicide and for early intervention, and related statistical data on an annual basis, disaggregated by sex, age and region (urban and rural), during the reporting period.

25. Please provide information on:

(a) Measures taken to improve sexual and reproductive health education and services, including the use of modern contraceptives;

(b) Any steps taken to review legislation relating to the transmission of HIV/AIDS and to persons with HIV/AIDS, including article 125 of the Criminal Code and article 162 of the Health Code, which reportedly have a significant adverse impact on the enjoyment of Covenant rights by persons with HIV/AIDS, particularly rights to employment, family life, health care and education;

(c) Provision of harm reduction programmes, and on the health-care and support services provided for drug users, especially those living with HIV/AIDS and tuberculosis;

(d) Efforts undertaken to combat discrimination against persons with HIV/AIDS, persons who inject drugs and homosexual persons, particularly by medical professionals.

Right to education (arts. 13–14)

26. Please provide information on:

(a) Progress made in:

(i) Reducing the numbers of students out of school at primary and secondary education levels, particularly among disadvantaged and marginalized children;

(ii) Improving the rates of completion of education and the transition to upper-secondary education;

(iii) Narrowing gender disparities in education;

(b) Efforts made to provide children with disabilities with inclusive education and to phase out residential schooling;

(c) Progress made in increasing access to preschool education through the implementation of measures taken within the framework of the national education development strategy for the period 2012–2020;

(d) Measures taken to mitigate the impact of the COVID-19 pandemic on education at all levels, especially compulsory education.

27. Please provide information on the resources allocated and received by the State party, including from its development partners, to fulfil its obligations under article 13 of the Covenant. Please also indicate the measures taken to enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups. In this context, please specify any steps taken, including through the school curriculum, to counter attempts by extreme groups to radicalize society.

Cultural rights (art. 15)

28. Please provide information on:

(a) Status of education in minority languages, the number of students being educated in minority languages and the measures taken to secure a sufficient number of teachers who can teach in minority languages;

(b) Any steps taken to adopt multilingual education programmes in the education system;

(c) Any steps taken to guarantee equal rights and access to culture and cultural activities to disadvantaged and marginalized individuals and groups, regardless of nationality, religion, gender, disability and age;

(d) Measures taken to ensure access to the Internet to all, especially disadvantaged and marginalized individuals and groups.
