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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of  
the initial report of Tajikistan concerning the rights referred to in articles 1-15 of the  
International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.68)**

**I. GENERAL FRAMEWORK WITHIN WHICH THE  
COVENANT IS IMPLEMENTED**

1. Please indicate whether the Covenant can be directly invoked before the courts in the State party. Please provide any case-law on the application of the Covenant.
2. Please indicate what effective measures the State party has taken to raise awareness among judges, policy-makers, law-enforcement agents and other officials and teachers on the rights recognized in the Covenant.
3. Please provide information on any plan of action adopted by the State party to combat the problem of corruption, especially in the judiciary and in access to free-of-charge studies at the university level.
4. Please indicate whether the State party has adopted a national plan for the promotion and protection of human rights in accordance with the Vienna Declaration and Programme of Action of 1993, particularly in the field of economic, social and cultural rights and, if so, please describe the main features of such a plan.
5. Does the State party intend to ratify a number of relevant conventions, including the Slavery Conventions of 1926 and 1956, the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages of 1964, and conventions of the International Labour

Organization, including the Survivors Insurance Convention of 1933 (No.39), the Minimum Age Convention of 1973 (No.138), and the Freedom of Association and Protection of the Right to Organise Convention of 1948 (No. 87)?

6. Please provide information on the case-law of the Constitutional Court and other courts concerning claims in relation to violations of economic, social and cultural rights.
7. Please provide information about the present state of the land reform policy and the impact of that reform in the enjoyment of the Covenant rights, especially with regard to the prohibition of any form of discrimination.
8. Please provide information on the steps that the State party has taken to ensure that the judiciary is independent. Please indicate the procedure for the appointment and removal of judges from office.
9. Please provide information on any plan of action in the State party to combat the influence of former pro-governmental and opposition war-lords in the national economy and in the social life of the State party.
10. Does the State party ensure that its obligations under the Covenant are taken fully into account when it enters into negotiations concerning international assistance, technical co-operation and other arrangements with international organizations, in particular with the international financial institutions?

## II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (ARTS. 1-5)

### **Article 2.2: Non-discrimination**

11. Please indicate what measures the State party has adopted and implemented to combat discrimination against refugees, asylum seekers, internally displaced persons and children belonging to those groups in relation to Tajik citizenship, health and education services.

### **Article 3: Equality of men and women**

12. Please indicate what measures, legislative or otherwise, the State party has taken to promote gender equality in the State party, in particular in relation to access to religious practice and to the persistence of negative stereotypical attitudes relating to the roles and duties of women, including widows.

### **III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (ARTS. 6-15)**

#### **Article 6: The right to work**

13. It is reported that the unemployment rate in the State party is high. Please indicate whether there is a national plan of action to combat unemployment, in line with General Comment 18 and, if so, whether such a plan is being implemented and with what results.
14. Please provide information about delays in paying employees their wages in the public and private sectors. Are there any effective legislative, judicial or other measures to deal with this problem?
15. Please provide statistical data on Tajik nationals who migrated to find work outside the State party during the period 2000-2005. What measures has the State party adopted and implemented to protect the rights of those migrants, including through concluding bilateral agreements with countries of destination.

#### **Article 7: The right to just and favourable conditions of the work**

16. Please provide information on the independence and effectiveness of the State Inspection of Labour in the State party.
17. Please indicate what measures, legislative or otherwise, the State party has adopted and implemented to ensure equal wages for work of equal value for men and women.
18. Please provide information on the number of labour accidents and on preventive measures adopted and implemented and sanctions imposed on companies that have been liable for these accidents during the period 2000-2005.

#### **Article 8: Trade union rights**

19. Please provide information on whether the domestic law of the State party allows trade unions to establish other federations or confederations, apart from the Federation mentioned in the State party's initial report. Does a trade union have the right not to join the Federation? Please indicate whether in the State party employers may deny their employees the right to join trade unions.
20. Please provide information on any case-law relating to collective disputes between employers and trade unions, as well as on the number of strikes, if any, that took place in the State party during the period 2000-2005.
21. Please provide information on whether in the State party there are any restrictions on the right of militia officers to form trade unions.

### **Article 9: The right to social security**

22. What steps does the State party intend to take to address the problem of extremely low pensions, especially of single and elderly persons?

### **Article 10: Protection of the family, mothers and children**

23. Please provide information on measures, legislative or otherwise, adopted by the State party to address the problem of kidnapping of young girls, forced marriages and de facto polygamy.

24. Please provide information on the extent to which economic, social and cultural rights of divorced women and their children are protected under domestic law.

25. Please provide information on measures, legislative or otherwise, taken by the State party to protect children against all forms of exploitation and to prevent them from being employed in hazardous work or work harmful to their health and development. Please indicate why children at the age of 15 are allowed to work to the detriment of their education and development and whether this is compatible with international human rights standards (page 29 of the statistical appendix to the initial report).

26. Please provide information on effective measures taken by the State party to deal with the problem of domestic violence, especially against women. Please indicate the number of women killed or injured as a result of domestic violence during the period 2000-2005. Please indicate whether there are any specialized domestic violence militia patrols in the State party and whether such patrols comprise women officers.

27. Please provide statistical data on the extent of the problem of abandoned children in the State party and explain how this problem is being addressed.

28. Please indicate what effective measures the State party has adopted and implemented to combat the problem of trafficking in persons, especially in women and children, from the Middle East region and from some Commonwealth of Independent States (CIS) countries. Please provide statistical data on this problem.

### **Article 11: The right to an adequate standard of living**

29. Please provide information on measures taken by the State party to address the high rate of poverty in the State party. Does the State party have a plan of action to combat poverty which integrates economic, social and cultural rights, in line with the statement adopted by the Committee on 4 May 2001 on Poverty and the International Covenant on Economic, Social and Cultural Rights?

30. Please provide information on the housing situation, particularly of victims of the civil war who fled to the capital, as well as on the homeless people and on forced evictions in the State party.

### **Article 12: The right to physical and mental health**

31. Please provide information on access to prisons, as well as to psychiatric hospitals, for humanitarian and human rights NGOs. In this connection, please provide information on measures taken by the State party, especially in relation to the prevention of deaths of inmates from hunger and of the spread of tuberculosis in prisons and psychiatric hospitals.
32. Please indicate the percentage of the State party's budget allocated to the health services.
33. Please provide information on paid public health services and on the extent to which those services ensure the enjoyment of the right to health in the State party, especially by the poor and the disadvantaged and marginalized individuals and groups.
34. Please provide statistical data on alcohol and drug abuse. What measures has the State party taken to combat those phenomena?
35. Please explain the reasons why one percent of the population in the State party is placed in psychiatric hospitals (40,139 persons; see page 71 of the initial report).
36. Please provide information on the measures taken by the State party to combat HIV/AIDS and to provide medical assistance to victims of this disease.
37. Please provide information on the adoption by the State party of a plan of action to ensure access to safe drinking water for all inhabitants of Dushanbe. In this connection, please provide information as to whether the State party has taken into consideration the Committee's General Comment 15 when adopting such a plan of action.
38. Please provide information on the number of medical doctors and dentists in Dushanbe and in the provinces during the period 2000-2005, as well as on the number of medical doctors who have emigrated from the State party since 1990.
39. Please provide information on the extent of the problem caused by land mines that were placed in the State party during the civil war. Please indicate what measures the State party has taken to address this problem.
40. Please provide information on education regarding sexual and procreative health, as well as on the number of deaths of women caused by frequent pregnancies.
41. Please explain the high rate of infant and maternal mortality in the State party and provide information on the measures taken to address these problems.
42. Please indicate what measures the State party has adopted to make essential medicines affordable for everyone.

### **Article 13 and 14: The right to education**

43. Please indicate the reasons why in classes 5 to 9 almost 48 percent of the pupils are girls, whereas in classes 10 to 11 the percentage of girls drops to 37 percent and to 25 percent in high school. What measures has the State party taken to ensure that girls have equal access to education at all levels? Please provide information on female teachers employed at all levels

of education. Please indicate whether the State party has taken into consideration General Comments 11 and 13 in implementing its national plan of action with regard to the right to education.

44. Please explain the reasons why corporal punishment is still being tolerated in schools and provide information on the measures taken by the State party to combat this practice.

#### **Article 15: Cultural rights**

45. Please provide information on the measures, legislative or otherwise, adopted and implemented by the State party to guarantee freedom of information on the rights recognized in article 15 of the Covenant.
46. Please provide information on the procedure for the registration of a newspaper.
47. Please provide information on the number of newspapers that have been seized in the State party during the period 2000-2005 and on the legal basis for such seizures. Does the State party intend to put an end to this practice?