



**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

**List of issues and questions with regard to the consideration  
of periodic reports: Tajikistan**

**Addendum**

**Replies of Tajikistan to the list of issues to be taken up in  
connection with the consideration of its combined fourth and fifth  
periodic reports\***

\* In accordance with the information transmitted to State parties regarding the processing of their reports, the present document was not edited.



In expressing its gratitude to the Committee on the Elimination of Discrimination against Women, the Government of the Republic of Tajikistan advises the following on the additional questions posed with regard to the combined fourth and fifth periodic reports (CEDAW/C/TJK/4-5).

### **General**

1. The Republic of Tajikistan, over the span of its independence, has signed and ratified all of the most important international legal acts in the sphere of human rights and freedoms, inter alia the Convention on the Political Rights of Women of 20 December 1952, the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979 and others, the recommendations and provisions of which have been methodically incorporated into national law and are a constituent part of the country's legal system.

The report was prepared on the basis of analytical material provided by all ministries and departments. Non-governmental and international organizations took part in the development of the report. The combined fourth and fifth periodic reports of the Republic of Tajikistan were approved by the Government of the Republic of Tajikistan.

On 4 March 2013, the fifty-fourth session of the Committee took place in Geneva on the eve of the forthcoming fifty-sixth session on the combined fourth and fifth reports on the Convention on the Elimination of All Forms of Discrimination against Women, in which a representative of the public associations of Tajikistan participated. A second, alternative report of the public associations of Tajikistan was presented on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. At present, more than 97 public associations for the implementation of the Convention and for cooperation with the Committee on Women and the Family and other governmental authorities of the Republic of Tajikistan exist and are in operation.

The Commissioner for Human Rights was consulted in the preparation of the report. The Chief Specialist of the Department for the State Protection of Economic, Social and Cultural Rights of the Office of the Human Rights Commissioner took part in the discussion of the National Report on the Progress in the Compliance with the International Convention on the Elimination of All Forms of Discrimination against Women.

2. Article 10 of the Republic's Constitution says that international legal acts recognized by Tajikistan are a constituent part of the Republic's legal system. In the event of a conflict between Republic law and recognized international legal acts, the provisions of the international legal acts shall apply. The country's laws are being amended and new laws are being adopted on the basis of prevailing international human rights documents and the recommendation of various UN authorities and other international organizations.

Laws protecting the rights of women in the spheres of family relations, labour, and criminal law have also been developed and adopted at the national level. The Republic of Tajikistan presidential decree on enhancing the role of women in society was issued, and the National Plan of Action for Enhancing the Status and Role of Women for the period 1998-2005 was approved, as were the State Programme "Guidelines for a State policy to ensure equal rights and opportunities for men and

women in the Republic of Tajikistan for the period 2001-2010" and its addendum "Access of rural women to land", the State Programme "Education, selection and placement of capable women and girls in leadership positions for the period 2007-2016" and an array of enactments involving programmes for the protection of the rights of mother and child, reproductive health, etc.

Various efforts have been made to inform the public, especially women, of their rights and freedoms as indicated in the Convention. In particular, in 2010, the Council of Justice Judicial Training Centre held training sessions for gender sensitivity and the prevention of violence against women in which more than 160 judges from various regions took part. At present, a working group created in the Interdepartmental Commission to Combat Trafficking in Persons, which was approved by a Republic of Tajikistan Government decision of 5 January 2005, is monitoring civil and criminal cases heard by the judges who participated in the training and, on the basis of the study, will develop a module and a permanent 16-hour programme for judges involving protection of women's rights and observance of gender equality.

Supreme Court judges are discussing legal topics via the mass media on a monthly basis to inform women and other citizens of the Republic of their rights and of the mechanisms available for protecting rights that have been violated. In live broadcasts, citizens pose interesting questions to them and received the answers immediately.

The television channel Safina and judges of the Supreme Court have organized a television programme that broadcasts from the courtroom and shows the processes associated with family, civil, labour, housing, and other cases that are of greatest relevance to daily life.

The advocacy of the advancement of the role of women in the family and in government that appears on the pages of weekly newspapers and magazines that publish various articles and implement projects to make women aware of their rights through the mass media is also making a large contribution to informing the public on the standing of women and on the elimination of discrimination against women's rights and to building public opinion against violence against women, especially in the family.

Radio and television broadcasts also regularly address women's issues that help to eradicate prejudice against women; with the aim of changing the widely accepted view of the subordination of women and stereotyped ideas of the roles of the sexes, State theatre and concert institutions stage performances and hold discussions, meetings and seminars with well-known cultural personalities and the Republic's veterans of labour to raise awareness and promote positive images of the role of women and the meaning of equality of the sexes for society as a whole.

For the purpose of promoting knowledge of the law and providing legal and psychological support for women, the Committee on Women and the Family, together with the UN, have, since 2010, in cities and rayons of the Khatlon and Soghd oblasts, as well as rayons of republic subordination, created 78 rayon information-and-counselling centres, that are financed from the budgets of local government and to which, in the first half of 2012, a total of 10,125 individuals — 8,098 of whom were women — turned for assistance. It should be noted that more

than 70% of the cases were resolved with a positive outcome. More than 92% of the women received free legal advice from specialists.

Republic of Tajikistan Presidential Decree No. 1021 of 19 February 2011 approved the policy framework for the long-range development of the country's laws, the priority directions of which are to be the improvement of the law in terms of supporting human rights and basic freedoms, ensuring the rule of law, developing democratic institutions, and promoting democratic reforms.

In January 2011, a Republic of Tajikistan presidential decree approved the Programme for Judicial and Legal Reform for 2011-2013. It involves preparing a new law on legal aid that will include the provision of free legal aid to disadvantaged segments of the population. As shown by statistical data on the provision of free legal aid to the vulnerable segments of the population in public human-rights organizations, more than 77% of those who seek assistance are women.

The governmental working group created to implement the Programme for Judicial and Legal Reform, in close cooperation with civil society, is taking specific steps to reform the existing mechanism for the provision of free legal aid, including the expansion of women's access to the courts in all regions of the country.

Criminal cases on discrimination against women that are heard by the Republic's courts were recorded in the past under the rubric of "other crimes". The Council of Justice, however, for purposes of a more accurate accounting, has kept separate statistics since 2002 on cases of this category under articles 109, 111, 116, 117, 120, 130, 1301, 133, 134 and 181 of the Criminal Code of the Republic of Tajikistan and, in 2010, incorporated addenda to relevant reporting forms, which makes it possible to track trends associated with cases heard and the measures taken to prevent such crimes.

The trend of convictions in the Republic of Tajikistan for the period 2009-2011 for crimes committed against women is as follows:

**Table No. 1**

<i>Articles of the Criminal Code of the Republic of Tajikistan</i>	<i>Years</i>			<i>Total convictions for the 3 years</i>
	<i>2010 (convictions)</i>	<i>2011 (convictions)</i>	<i>2012 (convictions)</i>	
Art. 167 (human trafficking and trafficking in minors)	29	62	22	113
Art. 170 (bigamy and polygamy)	128	72	89	289
Art. 138 (rape)	68	79	55	202
Art. 109, 110, 111, 116, 117, 120, 130, 131, 133, 134, 181 (crimes involving violence against women)	49	45	32	126
<b>TOTAL</b>	<b>274</b>	<b>258</b>	<b>198</b>	<b>730</b>

The data provided indicate that the number of crimes involving violence against women is not diminishing, but is trending upward in certain categories. Consequently, that requires wisdom in the development and adoption of integrated measures geared to suppressing and preventing crimes of this category. A top priority in the complex of measures could be the development of a separate set of

statistics for those crimes, beginning with the recording of the crime, the preliminary investigation and the examination, including the verdict.

At the same time, it should be emphasized that the legal and regulatory acts of the Republic encompass provisions of international legal enactments, particularly of this Convention, which is why, in the courts' hearing of cases on discrimination against women, the need to cite the provisions of the Convention is diminishing.

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

3. The Republic of Tajikistan Government Decision No. 269 of 29 May 2010 approved the "National strategy to promote the role of women in Tajikistan for the period 2011-2020."

The development of the strategy took into account the international criteria and norms defined in the Millennium Development Goals; the UN Declaration of Human Rights, the Declaration on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women; the Convention on the Elimination of All Forms of Discrimination against Women; the Beijing Platform for Action, etc. The basis of the strategy comprises the Constitution of the Republic of Tajikistan, the law of the Republic of Tajikistan on State guarantees of equal rights for men and women and equal opportunities in the exercise of such rights, the Family Code of the Republic of Tajikistan, the Republic of Tajikistan Presidential Decree No. 5 of 3 December 1999 on measures to improve the standing of women in society, the Republic of Tajikistan Government Decision on the State programmes of the Republic of Tajikistan "Harmonization of the family and the law", "Guidelines for a State policy to ensure equal rights and opportunities for men and women in the Republic of Tajikistan for the period 2001-2010" of 8 August 2001 No. 391 and "Education, selection and placement of capable women and girls in leadership positions for the period 2007–2016" of 1 November 2006 No. 496 and other such legal and regulatory acts.

The principal provisions of the State programmes are included in the National Development Strategy of Tajikistan (NDS) and the Poverty Reduction Strategy (PRS) and encompass all the basic spheres of activity that exert a direct influence on the standing of women in society. In 2010, the "National strategy to promote the role of women in the Republic of Tajikistan for the period 2011-2020" was adopted, and the Republic of Tajikistan Decision of 1 March 2012 adopted as No. 92 the State Programme on training specialists from among women and assisting them to find employment for the period 2012-2015.

It should be noted that the chief intent of the Strategy is to create the essential preconditions for the fullest realization of women's natural talents in all spheres of society, with a view to the latter's sustainable development.

Particular attention in the Strategy is devoted to goals, to the basic means to achieve them, to strong points and weak points, and to the performance of specific actions to improve the standing of women, as well as to the basic indicator and mechanism for its achievement in the following areas:

- the standing of women in the sociopolitical life of the country;
- promotion of the employment of women and their role on the labour market;
- support of the development of women's entrepreneurship;

- enhancement of the educational level of women;
- women and healthcare;
- means of preventing violence against women;
- factors that strength the family.

The Committee on Women and the Family in the Government of the Republic of Tajikistan is the coordinator of the country's gender policy. An international conference titled "Implementation of gender policy in the Republic of Tajikistan" was held in 2011. An action plan titled "National strategy to promote the role of women in the Republic of Tajikistan for the period 2011-2020" was developed at that conference and was approved by the chairman of the Republic of Tajikistan Government Committee on Women and the Family. In it is a separate chapter devoted to issues involving the prevention of violence against women that contains nine action items in the period 2012-2015 and is published in a special collection. For the effective implementation of the "National strategy to promote the role of women in the Republic of Tajikistan for the period 2011-2020", committee representatives, together with international organizations, are conducting training courses to strengthen the capabilities of staff members of the rayon information-and-counselling centres. Staff members who have undergone the training are staging activities to boost legal, social and economic literacy of the citizenry, including women. In addition, a permanent system for training potential female leaders who work in the State administration system has been set up in the committee. The committee is also helping to acquire facilities, equipment and other resources from international organizations to maintain the centres.

The Strategy devotes especial attention to the mechanisms for the social welfare state and civil society and to collaboration between government and non-governmental organizations with a reliance on the initiative, independent action and self-governance of citizens of both sexes in handling socio-economic problems.

The Strategy addresses huge tasks facing the State. It sets goals and identifies the basic means of achieving them through the promotion of balanced, sustainable development of society via gender mainstreaming in all spheres of life.

Democratizing public life requires the implementation of new approaches developed by the world community, namely, gender-based modernization of government and the development and implementation of gender-sensitive policy in all areas of the life of the society and the State, as well as an extensive public awareness campaign promoting the advantages of such approaches.

In connection with that, the strategy is designed to provide assistance in the training of gender-equality and gender-issues specialists who are capable of working in the following areas: formulating national policy from the standpoint of gender balance; enforcing women's rights in the context of human rights; increasing the influence of women in decision-making at all levels and in all issues; ensuring that women have equal rights on the labour market; protecting women's health; putting a stop to violence against women; and interacting with the third sector, i.e., training gender-issues specialists in the sphere of public interaction and cooperation between the Government of the Republic of Tajikistan, ministries, departments, and women's non-governmental associations on a permanent basis, thereby including them in the joint management of socially important problems.

Underlying the Strategy is the public–private principle, according to which:

- the Strategy is developed and implemented on the basis of a broad public consensus;
- the measures it calls for can be carried out on both on a public and a public–private or private basis.

To implement the Strategy, the Republic of Tajikistan Decision No. 448 of 4 September 2008 on establishing presidential grants to support women in enterprise for the period 2008-2009 has allocated 4,550,000 somoni since 2008 through 2012. The Republic of Tajikistan Government Decision No. 185 of 2 April 2011 on approving Republic of Tajikistan presidential grants to women in business for the period 2011-2015 called for 1.0 million somoni in the 2013 State budget.

In addition, in accordance with Government Decision No. 496 of 1 November 2006 on the State Programme for the education, selection and placement of capable women and girls in leadership positions for the period 2007-2016, some 354,000 somoni were allocated from the State budget over the span of 2008-2012 inclusive, and 66,000 somoni were set aside in the 2013 State budget.

4. On the basis of the Republic of Tajikistan Law on the Commissioner for Human Rights in the Republic of Tajikistan of 27 May 2009, with the consent of the Majlis-i Namoyandagon (lower house) of the Majlis-i Oli of the Republic of Tajikistan, the Republic of Tajikistan president named the Commissioner for Human Rights, and the practical work of that institution commenced at that time.

The Law on the Commissioner for Human Rights in the Republic of Tajikistan specifies that the Commissioner for Human Rights is founded for purposes of strengthening the constitutional guarantees of the protection of human and civil rights and freedoms, promoting the observance and respect of them by State administrative authorities, local self-government bodies (*jamoats*) in the villages and settlements and their officials, and the directors and officials of enterprises, institutions, and organizations, regardless of their organizational and legal form.

The formative stage of the institution of the Commissioner for Human Rights in the Republic of Tajikistan and of its development as a government human-rights agency that operates on the basis of the principles of independence, accessibility, and professionalism continues.

In accordance with Article 11 of the Law on the Commissioner for Human Rights in the Republic of Tajikistan, the primary function of the Commissioner for Human Rights is to facilitate the following:

- (a) the observance of human and civil rights and freedoms;
- (b) the restoration of human and civil rights and freedoms;
- (c) the improvement of Republic of Tajikistan law on human and civil rights and freedoms;
- (d) the education of the citizenry with regard to laws pertaining to human and civil rights and freedoms and the forms and methods of protecting such rights;
- (e) the interaction of Republic of Tajikistan State authorities in the protection of human and civil rights and freedoms;

(f) the development and coordination of international cooperation in the field of human and civil rights and freedoms.

To prevent the violation of human and civil rights and freedoms and restore those that have been violated, as well as to protect human rights and freedoms, the Commissioner for Human Rights employs the following means:

- receipt and review of citizen appeals;
- analysis of the law and the practices associated with its application;
- verification of observance of human rights, and analysis and study of cases of non-observance of rights;
- finalizing of findings and presentation of recommendations.

In reviewing appeals and identifying violations of human rights and freedoms, the institution of the Commissioner for Human Rights does the following:

- independently, or together with competent State authorities, reviews the appeals of citizens;
- forwards recommendations to the appropriate authorities and officials for restoring violated rights and freedoms;
- petitions appropriate authorities to bring disciplinary, administrative, or criminal actions against officials who have violated the rights and freedoms of citizens;
- requests the Republic of Tajikistan Constitutional Court to determine whether a legal and regulatory act involving human rights is constitutional in the Republic of Tajikistan.

Questions concerning equal rights of men and women, the protection of women against violence, and the prevention of discrimination against women constitute, according to the strategy of the Commissioner for Human Rights for the period 2011-2015, a priority area of activity of the Commissioner for Human Rights.

In accordance with the Classification of Fundamental Human and Civil Rights and Freedoms approved by the Commissioner for Human Rights in the Republic of Tajikistan, the chief specialist of the Division for State Protection of Economic, Social, and Cultural Rights of Citizens of the office of the Commissioner for Human Rights handles those issues.

No written appeals pertaining to violence or discrimination against women were filed with the office of the Commissioner for Human Rights in 2009-2012.

With regard to the role and mandate of the special department for civil rights and their connection to the mandate of the Commissioner for Human Rights, it should be noted that the Executive Office of the President of the Republic of Tajikistan has a division for constitutional guarantees of civil rights that works closely with the Commissioner for Human Rights in the Republic of Tajikistan.

The division is tasked with functions involving the coordination of the activities of ministries and departments associated with the protection of women's rights. Together with the Ombudsman and NGOs, the division regularly conducts seminars and round tables on issues involving the protection of human rights, including the protection of women's rights.

In addition, the division supports the legal organizational-and-analytical activities of the Commission adopted by the Republic of Tajikistan Government Decision No. 186 of 30 March 2010 for the implementation of Tajikistan's international human rights obligations, which is the coordinator of the activities of all State authorities for the protection of human rights.

### **National machinery**

5. For purposes of protecting and ensuring the rights and interests of women and the family, the Republic of Tajikistan Government Decision No. 98 of 23 February 1996 created the Committee on Women and the Family in the Government of the Republic of Tajikistan. The Committee facilitates comprehensive assistance in elevating the public role of women in society and fosters the creation of equal conditions for the exercise of their rights and interests and for the achievement of gender balance and the expansion of the sphere of their participation in the solution of socio-economic problems and in the management of the affairs of State and of society, as well as in the regulatory environment, the provision of State services and the management of the State property of that branch.

The Committee, within the limits of its competence, implements the policy of the Government of the Republic of Tajikistan for purposes of elevating the role of women in social and political life, specifically in the context of the following powers:

- it introduces to the Republic of Tajikistan Government draft laws and presidential and governmental regulations and other documents that require a Government decision and that pertain to issues that fall within the purview of the Committee's activities as established in paragraph 1 of this Regulation, as well as a draft action plan and projections for the Committee's activities;
- prepares for consideration by the Government proposals for ensuring gender equality in all spheres of socio-political life and for maintaining social protection of women and the family;
- together with interested structures, conducts integrated studies for further development and coordination of the execution of interdepartmental programs to improve the demographic situation and standing of women;
- organizes work to find and evaluate innovative, timely approaches to the solution of the problems of women and the family and to the formation of a positive public mindset with regard to the standing of women in society;
- employs the mass media to disseminate information regarding the standing of women, their rights, and their opportunities; the bases of gender equality; the promotion of a healthy lifestyle and ethical integrity and of a responsible approach among youth to the creation of a family;
- coordinates the activities of government structures, non-governmental organizations, and international partners in advancing gender equality and solving the problems of women and the family;
- collaborates with legislative bodies and executive structures, as well as with political parties and movements and public organizations acting within the bounds of the Constitution of the Republic of Tajikistan;

- monitors the performance of international obligations accepted by the Republic of Tajikistan in terms of the advancement of gender equality;
- invites to its meetings, when necessary, interested leaders of ministries, departments, and local executive bodies of administrative authorities of oblasts, cities, and rayons of the Republic;
- reviews letters, complaints, and suggestions of citizens with regard to its competence in a timely, thoughtful manner and informs the appropriate parties of the results of the reviews;
- within the limits of its authority, makes decisions and monitors how they are staged and carried out;
- conducts competitions in the prescribed manner and concludes State contracts for the placement of orders for the delivery of goods, the performance of work, and the provision of services for the needs of the Committee, as well as contracts for the conduct of research for State needs in the established sphere of activity;
- arranges vocational training and skill upgrades for specialists, with an eye to implementing State policy for the education, selection and placement of capable women and girls in leadership positions;
- in the manner and within the limits established by law and presidential and governmental regulations, exercises the ownership authority necessary for performing Committee functions with regard to State property;
- within its competence, protects information that constitutes a State secret;
- arranges vocational training for employees of the Committee, as well as their re-training, skill upgrades, and on-the-job training;
- in accordance with Republic of Tajikistan law, performs work involving the acquisition, storage, recording, and use of archival documents produced in course of the Committee's activities;
- arranges congresses, conferences, seminars, exhibits, and other events in the prescribed manner in the established sphere of activity;
- performs the functions of chief controller and receiver of Republic budget funds designated for maintaining the Committee and implementing the functions it is tasked with.

At the moment, the central office of the Committee consists of 15 staff members, and divisions and sectors for women and family affairs work in the oblasts, cities, and rayons.

The Committee budget has consisted of the following, in national currency:

2011 — 1,662,350 somoni

2012 — 1,866,560 somoni

2013 — 1,786,360 somoni

The UN Commission on the Status of Women is a functional commission of the UN Economic and Social Council (ECOSOC). It is the main global body for developing policy for gender equality and improvement of the standing of women.

On 25 April 2013 in New York at the resumed organizational session of the Economic and Social Council, the Republic of Tajikistan was elected by acclamation to membership in the Commission on the Status of Women for the period 2014 through 2018. To implement the National Action Plan of the Commission, the Committee on Women and the Family was included in the working group.

The Government of the Republic of Tajikistan has taken structural and financial measures to strengthen the potential of the Committee on Women and the Family.

With an eye to expanding and strengthening the institutional mechanisms for promoting gender equality at the sector level, the Committee on Women and the Family, with the support of UNIFEM, created a gender network for introducing gender-sensitive approaches to the activities of ministries and departments of the Republic of Tajikistan. In the first stage, the gender network combined ministries and departments responsible for the advancement of land reform. In April and May 2008, a trilateral agreement was signed by the Committee on Women and the Family; the Ministry of Agriculture of the Republic of Tajikistan; the Ministry of Land Reclamation and Water Management of the Republic of Tajikistan; the State Committee for Statistics; the Agency for Land Management, Geodesy and Cartography; Agroinvestbank; the National Association of *Dekhkan* Farms; the Institute for the Advanced Training of State Employees; and the regional office of UNIFEM. Later, in November 2008, the coalition of voluntary associations "From legal to actual equality" acceded to the Agreement. The ministries and departments that signed the Agreement assumed obligations to create gender groups among whose duties is the promotion of gender-sensitive approaches in department strategy and activities.

The Committee on Women and the Family, the Interdepartmental Commission to Combat Trafficking in Persons and public organizations such as the Bovari (Trust) women's crisis centre (visited annually by approximately a thousand people, most of whom are women) have been utilized in implementing the government policy to eliminate violence against women. The project titled "Support service for girls from 10 to 18 years of age who are victims of sexual abuse, cruelty, and trafficking" has been under way in the Committee on Women and the Family since 2009. Over that span of time, the project has provided 149 girls with legal, judicial, psychological, social, rehabilitation, and reintegration services. The project has a legal office and a free telephone crisis helpline.

The centre provides girls educational, medical, psychological, and legal services. The centre has been financed from the State budget since April 2012.

Committee on Women and the Family information-and-counselling centres have been set up across the entire country in women and family affairs divisions and sectors in local executive bodies of oblasts, rayons, and municipalities (78) (some 10,000 people visit them annually, most of whom are women). Those centres are funded by local *khukumats* [executive authorities] and provide free legal services. In 2010, the *khukumat* of the city of Dushanbe created the first budget-funded women's awareness centre, which engages in several types of activity to prevent violence against women: educational, organizational, judicial and psychological, etc. Created at the country's Academy of Education is a department of gender issues, at which preventive actions are also taken — measures pertaining to self-employment, raising

awareness, vocational training for girls who did not attend school, etc. In all, 14,010 persons were assisted at the information-and-counselling and crisis centres in 2011 and the first three months of 2012, and 11,309 of them were women. More than 70% of the cases had positive outcomes. More than 92% of the women received free legal advice from specialists.

On 29 and 30 April 2013, the Committee, in cooperation with UN Women, held a conference on the topic of "Equality before the law: Access to the courts in Central Asia." The purpose of the conference was to endeavor to bring national law into alignment with international rights standards and to improve access to the courts, particularly for vulnerable segments of the population. The primary target groups were rural women, children, youth, and other persons with limited opportunities.

### **Temporary special measures**

6. The Republic of Tajikistan regularly adopts State programmes, national strategies, and policy concepts to continue its observance of its international obligations in the protection of women's rights and the prevention of violence against women.

Special laws and State programmes furnish a procedural mechanism for ensuring gender equality.

Adopted on 1 March 2005 was the Law on Guarantees of Equal Rights for Men and Women and Equal Opportunities in the Exercise of Such Rights, which declares the State guarantees in terms of the provision of equal opportunities for men and women in the sphere of civil service, in the socio-economic sphere, in the exercise of the right to vote, etc.

It should be noted that in December of 2011, the Government Committee on Women and the Family submitted a report to the Government on the progress in the implementation of the Equality and Equal Opportunities for Men and Women (State Guarantees) Act, No. 89, of 5 March 2005.

For violation of international legal acts and national law that protect women's rights, the Criminal Code specifies punishment for the following acts, which discriminate against women:

- rape (Art. 138);
- sexual assault (Art. 139);
- forced sexual acts (Art. 140);
- sexual intercourse or other acts of a sexual nature with persons who have not reached the age of 16 (Art. 141);
- sexual abuse (Art. 142);
- violation of the rights of citizens (Art. 143);
- groundless refusal to hire or groundless dismissal of a woman who has a child under the age of 3 (Art. 155);
- inducement to suicide ( Art. 109);
- trafficking in minors (Art. 167);

- trafficking in persons (Art. 1301);
- entering into marriage with a person who is under marriageable age (Art. 169);
- torture (Art. 1431).

It should be noted that Republic of Tajikistan law specifies measures targeting violations of human rights, cruel physical or mental treatment, etc.

The rights of women to take part in the administration of State affairs and to elect and be elected on the basis of universal equal suffrage are also enshrined in the Civil Service Act and the constitutional laws on election to the Majlis-i Oli of the Republic of Tajikistan and on the election of representatives to local Majlis-i, which give women access to civil service and to participation in the electoral process that is equal to that of men.

The standing of women is defined by the scope of their civil rights. Under prevailing law, women have legal standing that is equal to that of men, i.e., the ability to own, use and dispose of property and to enter into contracts and exercise other civil rights. The legal standing both of women and of men — citizens of the Republic of Tajikistan — is enshrined in articles of the Civil Code of the Republic of Tajikistan and can be abridged solely in accordance with the law or a court sentence.

Women possess, equally with men, the ability to own, use and dispose of property and to enter into contracts and exercise other civil rights.

Women are given rights, equal to those of men, with regard to moving about and the freedom to choose a place to live and a place of residence. Article 19 of the Civil Code states that citizens may move about freely in the Republic, choose a place of residence and freely leave the Republic and return to it.

The Civil Code endows women with the right to compensation for harm done to them by unlawful acts, and they are therefore entitled to petition a court for property damages and compensation for moral damage.

The Criminal Code (Article 143, Part 1) of the Republic of Tajikistan specifies criminal liability for violation of a citizen's equal rights, including on the basis of sex, which is punishable by a fine that is 200-500 times the figure used for calculation or by incarceration for up to two years.

Considerable work has been done in the development of gender statistics and in the incorporation of gender indicators into statistical report forms by the Agency for Statistics under the President of the Republic of Tajikistan (formerly the State Committee for Statistics of the Republic of Tajikistan).

At present, the share accounted for by gender indicators in the statistics forms of State and departmental reports is 39.7%.

A total of 102 gender indicators gathered from various sources (State statistics reports, departmental statistics reports, and surveys) have been developed to monitor and evaluate programmes of the Millennium Development Goals (MDG), the Poverty Reduction Strategy Papers, and the NDS [New Development Strategy].

Since 2007, the Agency for Statistics under the President of the Republic of Tajikistan has released annually a compendium of statistics titled "Gender indicators

in the production activities of *dekhkan* (private) farms", which presents indicators for the growth of *dekhkan* (private) farms broken down by gender.

Several compilations titled "Men and women of Republic of Tajikistan" — which reflect gender-related practices in various spheres of society and the results of Tajikistan's compliance with international obligations in the field of gender equality under the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Platform for Action, and the Millennium Development Goals (MDG) — were released in the period 2007 through 2010.

In July 2009, the State Committee for Statistics of Republic of Tajikistan, with the support of the UN Economic Commission for Europe, the World Bank and UNIFEM, held a national seminar titled "Enhancement of the role of gender statistics and measurement of gender-based violence".

### **Stereotypes and harmful practices**

7. The State devotes a great deal of attention to the level of knowledge of spiritual leaders and to the enhancement of their qualifications. With an eye to preventing extremist views and to teaching tolerance and dialogue between different denominations and religions, the authorized State authority for religious affairs (the Committee for Religious Affairs), together with international organizations and donors, arranged short-term courses for leaders of Islamic religious associations. More than 90% of the *imams*, *imam-khatibs*, and chief *khatibs* of the cathedral mosques have gone through the courses.

In 2011, the courses were attended in five stages in the city of Dushanbe and in the Khatlon and Soghd oblasts, and a total of 328 leaders of Islamic associations went through the courses.

In the courses, lectures were delivered on topics such as respect for human rights and freedoms in a democratic State, other legal treasures of the Constitution of the Republic of Tajikistan and of international legal acts, national identity, humanism, the fundamentals of Islamic teachings, gender equality and gender development, prevention of the spread of HIV/AIDS, etc.

The courses were set up with the financial support of the representative of the United Nations Population Fund in Tajikistan (UNFPA). Such courses were taught in Khatlon Oblast, attracting 20 women from among the chief specialists of local executive authorities of State administration and other activists of the city of Kulyab, as well as 20 imams of five-prayer mosques of the city of Kurgan-Tyube.

With the support of the Kuwaiti side, 14 *imam-khatibs* were sent to Kuwait for an exchange of experience, and with the support of Turkish side, five *imam-khatibs* went to Turkey for an exchange.

In 2012, with the help of the representative of the UNFPA, seven-stage information sessions were organized for 105 religious leaders from among men and women on the prevention of labelling and discrimination. The courses also included students of the Islamic Institute of the Republic of Tajikistan. For purposes of exchanging information and doing outreach work among the populace, 10 religious leaders from Soghd Oblast were sent to Khatlon Oblast, and 10 from Khatlon Oblast were sent to Soghd Oblast.

The Committee for Religious Affairs, in August and September 2012, at the Islamic Institute of Tajikistan and at the *jamoats* of the cities of Khujand and Isfara and of the Asht Rayon, conducted three-week seminars on the topic "The role of religious ministers in the solution of the acute problems of society". Gatherings were held on the same topic in the Gorno-Badakhshan Oblast, in the city of Kurgan-Tyube, and in the Gissar and Varzob rayons.

In 2013, for religious leaders, the Committee for Religious Affairs, in collaboration with the non-governmental organization "Gender Policy Centre", arranged two seminars and a round table in which more than 40 *imam-khatibs* of the city of Dushanbe and rayons of republic subordination took part.

With the support of the Qatar side, 14 *imam-khatibs* were sent to that country for an exchange of experience.

In addition, with the support of the United Nations Children's Fund (UNICEF), the Committee for Religious Affairs prepared two sermons for Friday prayers (*namaz*) on the topics "Prevention of violence against children" and "Domestic violence — its effect on women and children" and circulated them among the Friday mosques of the city of Dushanbe.

Moreover, the Interdepartmental Commission to Combat Trafficking in Persons — in coordination with the Ministry of Education; the Committee for Youth, Sport and Tourism; the Committee for Women and Family Affairs, and the Committee for Religious Affairs in the Government of the Republic of Tajikistan — prepared and is implementing an Action Plan for the 2012 school year for holding meetings and coordinating activities with the administrations of higher professional learning institutions of the Republic, students, non-governmental organizations, and representatives of the mass media to address the matter of the upbringing of students and the achievement of maturity among them, as well as the prevention of adverse developments, that is, the prevention of suicides among students and their becoming involved in extremist parties and movements, human trafficking, and crime, as well as the matter of the cultivation of a spirit of patriotism and dignified human behavior.

8. Education is one of the fundamental, baseline components in the assessment of the indices for development, poverty, and access to social benefits, as well as in the assessment of gender-related measurements. In the early years of the transition period of the Republic of Tajikistan, indicators of gender disproportion in the field of education fell sharply, which required close attention and certain actions on the part of the State. The subsequent set of measures adopted at the governmental level to enhance the role and status of women had a positive effect, specifically on changes in the sphere of education. Over the period of the implementation of the State Programme "Guidelines for a State policy to ensure equal rights and equal opportunities for men and women of the Republic of Tajikistan for the period 2001-2010", awareness-raising work to encourage girls to be more involved in their studies improved, and information campaigns got under way to shape positive public opinion regarding the need to raise the educational and professional level of women.

Temporary special measures are being implemented systematically to attract young women to higher education, i.e., quotas for young women. A positive step on the part of the Government in the solution of the problems of female graduates of

boarding schools was to open a residential facility for them in the fall of 2006 and, with NGOs, to conduct joint programmes for their continued professional training and social rehabilitation.

The Ministry of Education of the Republic of Tajikistan, together with UNICEF, conducted a pilot gender-based study of 92 school textbooks, which enables the development and introduction of mechanisms for a system-wide gender-based study of textbooks for schools and institutions of higher learning at the level of the Ministry of Education.

The Academy of Education of the Republic of Tajikistan opened the Centre for Gender Pedagogy, whose primary mission is to assist in promoting the idea of gender equality at all levels of education, beginning with pre-school. The possibility of academic analysis has emerged, as has that of understanding and formulating the basic concepts and approaches of gender theory and their adaptation to a national historical and cultural context.

In general, the enrolment ratio in general education at all levels of schooling (primary, lower secondary, and secondary schools) has grown over the period of 2002 through 2009 both for boys and for girls. The enrolment ratio in basic education (grades 1-9) for girls was 4.9% higher in the 2008/2009 school year than in the 2002/2003 school year and was 95.2%; for boys, those figures were 2.6% and 101.0%, respectively. The enrolment ratio in secondary education (grades 10 and 11) in 2008 was 48.1% for girls and 60.2% for boys.

#### **Violence against women.**

9. It is important to note that, over the past eight years, non-governmental organization, together with government law-enforcement agencies, have been engaged in activities involving the preparation of a draft law on the prevention of domestic violence.

For purposes of the fulfillment of international obligations, the Republic's parliament has adopted and the President of the Republic of Tajikistan has signed the Law of the Republic of Tajikistan No. 954 of 19 March 2013 on the prevention of violence in the family. The law defines the legal and organizational bases for the prevention of violence in the family and the agencies and organizations that engage in the prevention and suppression of violence in the family. The law was published in the 19 March 2013 issue of *Sadoi Mardum*, the official newspaper of the Republic's parliament.

As indicated in Article 2, the goals of this law are as follows:

- legal protection of the family as the cornerstone of society;
- legal regulation of relations associated with the prevention of violence in the family;
- provision of assistance in the implementation of State policy to prevent violence in the family;
- creation of an atmosphere of social intolerance of violence in the family;
- identification, prevention, and elimination of the factors and conditions that promote violence in the family;

- provision of assistance in making parents more responsible for the training and upbringing of children.

The prevention of violence in the family is based on the principles of Article 5 of the law:

- respect for human and civil rights and freedoms;
- lawfulness;
- humanism;
- confidentiality of information regarding violence in the family;
- support and strengthening of the family;
- participation of the community, State agencies, private and non-governmental organizations in the socio-legal system of protecting the life and health of family members;
- the advantages of preventive measures over penalties;
- the inevitability of accountability for violence in the family.

Moreover, Article 6 of the law defines the rights of the victim to the following:

- to receive medical, psychological, legal, and social assistance;
- to be placed, at the victim's written request, into support centres or centres or departments for medical and social rehabilitation of victims;
- to receive legal advice or other information for the victim's own safety;
- to contact independent social action authorities to have the behavior of a person who committed violence in the family publicly denounced;
- to contact internal authorities, the public prosecutor, or a court to bring action against a person who committed violence in the family.

The State budget is reviewed annually by the country's parliament at the end of the year, and since the Law on the prevention of violence in the family was adopted in March 2013, it is not yet factored into the budget. The review of the country's 2014 budget will consider the funds for the implementation of the law, which is confirmed by Article 23 of the law on financing the activities of entities that prevent violence in the family, which financing is through the State budget and individuals, legal entities or other sources not prohibited by Republic of Tajikistan law.

10. An elective course on the prevention of domestic violence has been taught at the Academy of the Ministry of Internal Affairs of the Republic of Tajikistan since November 2010. The syllabus for this course involves the training annually of 125 third-year cadets of department No. 2 of the Academy for 20 academic hours in each training group (there are six training groups), for a total of 120 hours. That same number of hours for a similar number of cadets is designated for an elective course on human trafficking.

The Ministry of Internal Affairs has also arranged and conducted a number of training events on the above topic — namely, the 12 January 2011 Republic training seminar "Problems associated with discrimination against women in labour and family relations" and the 13 June 2012 round table "Communications and

cooperation between the police and the public: Problems and ways to resolve them (based on the example of violence in the family)" — in which representatives of various law-enforcement agencies of Tajikistan (the courts, prosecutors, the Ministry of Internal Affairs, and defense attorneys), specialists from various higher learning institutions, and experts from non-governmental organizations took part.

To implement the Programme for the Prevention of Violence Against Women in the Family, the Ministry of Internal Affairs order No. 271 of 17 March 2010 created the position of inspector for the prevention of domestic violence, and, with the support of the OSCE, five specialized offices for such inspectors were opened in Tajikistan (two in the city of Dushanbe, two in Khatlon Oblast, and one in Soghd Oblast). Plans call for the opening in 2013 of three additional such offices. To date, since the project got under way, more than eight training seminars have been held on the topic of "Specialized training of staff members with regard to domestic violence and gender-sensitive activities", with more than 60 staff members of internal affairs offices having taken part in the training and having received training certificates.

With the support of the OSCE office in Tajikistan, Ministry of Internal Affairs staff members and Ministry of Internal Affairs Academy instructors have conducted numerous training courses on domestic violence prevention and gender sensitivity in department of internal affairs activities.

At present, it is mainly women who have undergone special training and have taken various training courses who have been named to those positions and are doing effective work in that area.

Functional duties and report forms have been developed for those inspectors, and procedural recommendations have been generated for official use for district police inspectors in the prevention of violence in the family and against women. On a monthly basis, inspectors submit a report on the work they have done. In 2012, they handled 456 complaints from women of violence in the family: of the 135 of them that were investigated, 102 of the complaints led to no initiation of a criminal case, and 33 were sent to the courts. In the first three months of 2013, there were 53 complaints of such violence: 31 were investigated, with no criminal case initiated in 11, and court referrals made in the remaining 20.

Under the umbrella of that programme, with assistance from the OSCE, eight seminars were conducted for the district police inspectors, along with three round tables for law-enforcement agency employees. Over a six-month period in 2012, district police inspectors and inspectors for the prevention of violence in the family gave 374 public talks at enterprises, in institutions, and at secondary and higher schools of learning.

For purposes of preventing domestic violence against women, work with troubled families has been intensified among district police inspectors. From the time the special offices opened, through February 2013, inspectors for countering violence in the family handled complaints from more than 1,500 victims of domestic violence, even though there are only five such inspectors for the Republic. The violence against the women who reported it was committed by members of their family: physical assault by a spouse or by close relatives, unhealthy relationship between bride and mother-in-law, etc. A conversation was held with each of the women who filed a complaint, and during that conversation the causes of the wrongdoing and of the crimes committed against them were identified. Despite the

fact that many of the women refused to file a statement of claim, the district inspectors held a preventive conversation with each of the family members of the women who reported the violence. Based on the results of preventive sweeps, more than 900 troubled families were registered for purposes of ongoing monitoring both by district police and by the newly appointed inspectors.

It should be noted that the inspectors work closely with crisis centres and with the chairs of the councils of women of *makhallya* [local bodies of self-government] committees, which is having a positive effect. In addition, together with a designated official of the department of internal affairs and with executive committees, authorities have the right to make frequent guest appearances on local television and radio to speak on the topic of violence in the family and ways to prevent it.

Eighteen crisis centres and three crisis-centre branches have been created in the Republic and are functioning to provide assistance and support to women who are victims of violence, to prevent and suppress domestic violence in the family, and to protect the rights, freedoms and constitutional guarantees of women in the sphere of family relations.

The protection of the rights and interests of women against violence is also provided through the criminal, civil, family and labour codes and other regulations in that field.

Specifically, the following articles of the Republic's Criminal Code provide for holding persons criminally liable for violence against women: 104 (murder), 109 (inducement to suicide), 110 (intentional infliction of serious injury), 111 (intentional infliction of moderate injury), 112 (intentional infliction of minor injury), 116 (beating), 117 (cruel treatment), 124 (forcing a woman to have an abortion), 130 (abduction), 1301 (trafficking in persons), 131 (illegal deprivation of liberty), 132 (recruitment of persons for exploitation), 138 (rape), 139 (sexual assault), 140 (sexual coercion), 141 (sexual intercourse and other actions of a sexual nature with persons under the age of 16), 142 (sexual abuse), 168 (giving in marriage of a girl under marriageable age), 169 (entering into marriage with a person under the marriageable age) and 238 (recruitment into prostitution).

Articles 140 and 142 of the Criminal Code, along with other acts, also specify criminal liability for forcing women to perform sexual acts through the use of one's official position. In other words, Republic law recognizes sexual harassment as a crime and specifies criminal punishment for it.

It is important to note that criminal prosecution and punishment alone are not enough to counter and prevent violence against women, particularly domestic violence. Also needed are measures to eliminate the effects of factors that are responsible for women's vulnerability, such as the low level of development and the absence of equal opportunities.

The Republic of Tajikistan Law on the prevention of violence in the family, prepared and subsequently adopted on 19 March 2013, serves to solve those very problems. The law defines the legal and organizational bases of the prevention of violence in the family, as well as the authorities and organizations that work to prevent and suppress it.

**Trafficking and exploitation of prostitution**

11. The Republic of Tajikistan Government Decision No. 5 of 5 January 2005 created the Interdepartmental Commission to Combat Trafficking in Persons, which is a permanent advisory body that coordinates the activities of ministries, State committees, departments and local executive authorities of State administration, enterprises, institutions and organizations for the implementation of the Republic of Tajikistan's international law obligations in the sphere of combating trafficking in persons.

The Interdepartmental Commission to Combat Trafficking in Persons, together with concerned ministries and departments and local executive authorities of State administration, did definitive work in 2012 in assisting its social partners.

Selected at that time as the priority area of integrated activity was the effective implementation of the Comprehensive Programme to Combat Trafficking in Persons in the Republic of Tajikistan for the period 2011-2013, which was approved by the Government Decision No. 113 of 3 March 2011.

With an eye to implementing measures to prevent trafficking in persons (paragraphs 2, 4, 5, 6 and 7 of the Comprehensive Programme), an interdepartmental working group was created under the leadership of a member of the Interdepartmental Commission and deputy chair of the Committee for Youth, Sport and Tourism.

On 15 March, 29 June and 17 October 2012, in the auditorium of the Committee for Youth, Sport and Tourism, three meetings of the working group for the implementation of the priority area "Measures to prevent trafficking in persons" were held. Twelve questions regarding the priority area, i.e., the prevention of crimes involving human trafficking, were examined at those meetings. Decisions No. 12-02 of 15 March 2012, No. 12-03 of 29 June 2012, and No. 12-04 of 17 October 2012 were adopted on the basis of the results of that examination and were submitted in the prescribed manner to the Interdepartmental Commission.

For the purpose of protecting adolescents and older youth from pernicious ills — particularly human trafficking — preventive, awareness-raising events are held on a regular basis in cities and rayons of the Republic with targeted groups, as well as with the public in general.

To prevent youth from violating the law, from joining extremist parties and movements, from being victims of human trafficking and suicide, and from being targeted for assassination, meetings with students of higher learning institutions of the city of Dushanbe were organized with the assistance of the ministries of education and internal affairs, as well as the Committee on Women and the Family. Participating in those meetings were designated specialists of relevant ministries and departments, as well as the directors of higher learning institutions, all of whom discussed with students issues pertaining to negative social phenomena and other legal problems facing youth.

The Republic's Ministry of Education, in March 2012, in the city of Kurgan-Tyube, organized a round table on the topic of "Combating Human Trafficking"; 213 instructors participated.

The Committee on Women and the Family conducted training sessions with designated sector specialists on how to provide legal, social, and psychological assistance to victims of human trafficking.

In October and November of this year, in collaboration with social partners, at the initiative of the Interdepartmental Commission to Combat Trafficking in Persons, a travel mission was organized for designated specialists of the Supreme Court, the Ministry of Justice, the Committee for Youth, Sport and Tourism, local executive bodies of State administration of the city of Istaravshan, and U.S. non-governmental organizations to study experience garnered in the struggle against human trafficking.

The experience acquired as a result of that mission will be used by the participants in the performance of their official duties.

To shape attitudes and engage youth at the local level, the committee prepared the project "Organization of regional associations of youth to combat human trafficking in the cities and rayons of Dushanbe, Gissar, Dangara, Isfara, Vakhdat, and Yavan" and submitted it to the Interdepartmental Commission. That project was partially supported by the Tajikistan division of the American Bar Association, and an agreement was signed with that organization.

In the course of the implementation of the project, groups were created and young volunteers were selected who also did work to combat trafficking in persons.

In the context of a collaboration to implement certain points of the programme on a regular basis, television channels are used for an outreach programme. The Ministry of Internal Affairs put out 18 pieces, including six crime-related broadcasts of "Sipar" ("Shield") on Channel 1 and the broadcast "Nabz" ("Pulse") on the Safina television channel, as well as 12 radio broadcasts "Konun va Chomea" ("The Law and Society") on *Sadoi Dushanbe* Radio.

Also broadcast on Channel 1 of Tajik television and on *Sadoi Dushanbe* Radio was an interview by members of the press centre of the Ministry of Internal Affairs of the former head of the human trafficking division of the ministry's organized crime directorate, now the first deputy of the directorate, Police Col. V. Mulloyev, with regard to the fight against abduction and trafficking in persons.

By order of the Office of the President, on 10 December of this year, a TV panel discussion among officials of the Interdepartmental Commission, the General Prosecutor's Office, and the Ministry of Internal Affairs that was devoted to problems associated with the fight against trafficking in persons was broadcast on Channel 1. At the time, Channel 1 had twice shown a documentary film shot by the Danish Refugee Council on the progressive efforts of the Government of the Republic of Tajikistan in combating human trafficking.

Tadzhikfilm specialists produced a video of classes at the Academy of the Ministry of Internal Affairs and in the human trafficking division of the Ministry's organized crime directorate for the United Nations.

For purposes of preventing crime associated with human trafficking, and raising the level of public awareness with regard to the means and methods used by human traffickers and how to avoid becoming enslaved, the Ministry of Justice is systematically conducting meetings and conversations with the country's public. In that vein, according to the 4 January 2011 plan for television and radio appearances

cleared with the Government Television and Radio Broadcasting Committee, ministry specialists were invited to appear on television broadcasts focusing on aspects of the fight against crime, including the prevention of trafficking in persons. Those broadcasts informed television viewers of the provisions of the Republic's laws aimed at preventing that category of crimes and set forth views on the measures taken by the Government of the Republic of Tajikistan in that area.

In addition, the civil registry authorities of the Ministry of Justice met with local residents, especially women and newly-weds, with whom they did awareness-raising work on the prevention of the pernicious ill of trafficking in persons. The issuance of civil registry documents was placed under strict control, and comprehensive measures were taken to prevent the illegal issuance of such documents.

Moreover, to ensure the execution of paragraph 5 of the Programme Implementation Plan, the Institute for Advanced Training for employees of law-enforcement agencies, judicial agencies and legal services of enterprises, institutions, and organizations of the Ministry of Justice regularly prepare, print, and disseminate awareness-raising leaflets among the public, to include children, women, and young adults, with regard to the causes and consequences of human trafficking, and according to the approved plan, that information is published every three months in Republic newspapers and magazines.

It should be noted that the second chapter of the Plan for implementing the Comprehensive Programme to Combat Trafficking in Persons in the Republic of Tajikistan for the period 2011-2013 is devoted to the prosecution of activities associated with trafficking in persons.

For purposes of improving the law and on the basis of a decision of the expanded session of the Interdepartmental Commission to Combat Trafficking in Persons, under the supervision of the Deputy Minister of Justice, an Interdepartmental Commission member, a working group was created to execute paragraph 18 of the Programme Implementation Plan, and the working group's action plan of 8 June 2011 was approved.

It should be noted that the working group was assigned to handle matters involving the protection of victims of human trafficking, provide them the requisite aid and guarantee their rights via relations that are based on human rights and that protect the interests of victims, as well as strengthen the fight against illegal migration; improve the rules for the stay of foreign nationals and stateless persons; establish and strengthen criminal liability for the use of slave or forced labour, for the production and distribution of pornographic materials not involving the participation of a minor and for the recruitment of minors into prostitution; establish specific requirements for ensuring an accurate accounting of the return to the Republic of tourists who have gone abroad; and develop a uniform definition of the legal status of victims of human trafficking.

The working group was created from among representatives of the General Prosecutor's Office, the Ministry of Internal Affairs, the State Committee for National Security, the National Centre for Law, Tajik National University, and the International Organization for Migration, with invitations regularly extended to representatives of concerned ministries and departments. Meetings of the group are held in the Ministry of Justice, to study views and suggestions regarding the

improvement of the laws on combating trafficking in persons. Draft laws of the Republic of Tajikistan on countering trafficking in persons (Дар бораи муқовимат ба савдои одамон) and on providing aid to victims of trafficking in persons (Дар бораи расонидани кӯмак ба қурбониёни савдои одамон) were prepared, cleared with the appropriate ministries and departments, and submitted in the prescribed manner to the Government for review. At present, those draft laws, with comments and recommendations, have been returned to the working group for refinement.

Also during that period, the Decision of the Plenum of the Supreme Court of the Republic of Tajikistan on crimes associated with trafficking in persons was prepared and adopted on the basis of a generalization of court practices, and copies of it were disseminated among relevant agencies for their use. In 2012, a total of 22 judges of Republic courts were invited to the Supreme Court for skill upgrades and for a timely and sound examination of criminal cases involving trafficking in persons, and for 10 days, as they acquainted themselves with the examination of those cases at various levels of judicial review, they upgraded their knowledge and qualifications in that area.

In August 2012, the topic of "Features of the examination of criminal cases associated with trafficking in persons" was incorporated into the programme for the advanced training of judges. In that programme in 2012, a total of 80 judges were provided with the requisite knowledge in that area, and plans call for the advanced training of an additional 160 judges in 2013. The topic of "The incorporation of international norms recognized by Tajikistan into national law on trafficking in persons" was also inserted in the programme for training young judges.

It should be noted that according to Article 1 of the Trafficking in Persons Act, 22 crimes covered by the Criminal Code are recognized as crimes associated with trafficking in persons. The figures for crimes related to trafficking in persons for the 12 months of 2012 consist of those registered under the following articles: 130 (abduction) — 6 criminal acts; 130, para. 1 (trafficking in persons) — 3 criminal acts; 131 (illegal deprivation of liberty) — 7 criminal acts; 132 (recruitment of persons for exploitation) — 7 criminal acts; 134 (forced sexual acts) — 2 criminal acts; 138 (rape) — 55 criminal acts; 139 (sexual assault) — 50 criminal acts; 140 (sexual coercion) — 10 criminal acts; 141 (sexual intercourse and other actions of a sexual nature with persons under the age of 16) — 81 criminal acts; 142 (sexual abuse) — 23 criminal acts; 167 (trafficking in minors) — 17 criminal acts; 239 (setting up or maintaining facilities for prostitution, conspiracy to engage in prostitution, or trafficking in prostitutes) — 153 criminal acts; 335 (illegal crossing of the State border) — 77 criminal acts; 339 (theft of or damage to documents, stamps, or seals) — 29 criminal acts; 340, part 3 (forgery or manufacture or sale of forged documents, stamps, seals, or letterheads for the purpose of trafficking in persons) — 1 criminal act. In all, 523 criminal acts associated with trafficking in humans were recorded in the period indicated, which is eight more than in the preceding year.

According to the statistics, as of 31 December 2012, courts of the Republic examined 10 criminal cases involving trafficking in persons against 10 criminals, and guilty verdicts were handed down in them. Among them, G. Pochokalonov was found guilty under Article 132, part 3, para. b, and Article 247, part 4, para. b of the Criminal Code and was sentenced to serve 5 years and 6 months of incarceration in a medium-security penal colony, as well as pay a fine of 58,400 somoni and have his

property confiscated. Rustamzoda Mokhbonui and M. Muminova were found guilty of recruitment of children for exploitation and were each sentenced to 5 years of incarceration.

Sixteen individuals were guilty of trafficking in minors and were sentenced to 5–9 years of incarceration.

The Ministry of Internal Affairs, together with other authorities, is doing outreach work with an posed by trafficking in persons. Together with the Migration Service in the Government of the Republic of Tajikistan, authorities are handing out leaflets to migrant workers at airports and train stations, warning them of being ensnared by human traffickers and giving them recommendations about what to do if they do find themselves in such a situation.

In addition, the Ministry of Internal Affairs, the Ministry of Labour and Social Protection, the Committee for Youth, Sport and Tourism, the Committee on Women and the Family, the Committee for Religious Affairs, and the Government Television and Radio Broadcasting Committee are implementing an action plan — and the Ministry of Internal Affairs and the Ministry of Education, a joint plan for 2012 and 2013 — for preventing the commission of offences, improving the quality of instruction and training for school children in keeping with a spirit of national and non-sectarian values, strengthening the material and technical base, improving health and social conditions, strengthening sense of self and patriotism among youth, preventing the emergence of a trend among adolescents and young adults to feel drawn to extremist movements and trends, fighting against trafficking in minors, and promoting a healthy lifestyle.

For the purpose of preventing the commission of crimes associated with trafficking in persons and explaining the requirements of the Republic of Tajikistan Legal Status of Foreign Nationals Act, staff members of internal affairs offices have spoken to and met with foreign nationals and stateless persons 3,167 times.

With the assistance of the International Organization for Migration, authorities have also produced public-awareness leaflets titled "Look for work", "Commercial sex", "Protect your children" and "Information for employers", which have been distributed among various segments of society.

For the purpose of upgrading skills and increasing the level of knowledge of staff members of internal affairs offices in the matter of combating trafficking in persons, representatives of those offices, with the support of the International Organization for Migration, the Organization for Security and Co-operation in Europe, and other international organizations, have participated in conferences and taken various educational courses. In addition, staff members of law-enforcement agencies, in order to become familiar with leading-edge practices and to exchange experience, have, with the support of social partners, taken part in seminars and meetings in the Republic of Belarus, Moldova, Kazakhstan, Uzbekistan, the Islamic Republic of Afghanistan and the United Arab Emirates.

Thanks to cooperation with the International Organization for Migration, more than 250 staff members of law-enforcement agencies and other structures in 2012 went through educational courses on the subject of combating trafficking in persons. At present, staff members of internal affairs offices, assisted by social partners, have created educational courses in which they themselves are the trainers.

At the suggestion of the American Bar Association's Rule of Law Initiative in Countries of Europe and Eurasia, plans call for the conduct of 10 training sessions on the topic of "Countering human trafficking" in various regions of the Republic, in which more than 200 internal affairs staff members will take part as attendees and four will take part as Ministry of Internal Affairs trainers.

The Academy of the Ministry of Internal Affairs has six modern libraries and a computer room with state-of-the-art equipment and Internet access. All students at the Academy, through the use of Internet capabilities, can obtain the necessary information on the consequences of human trafficking and possible ways to prevent that pernicious ill.

The Academy has also organized a special course on combating human trafficking. All students of the Academy must take this course.

Given that all military service personnel of the internal forces of the ministry are young, educational courses on human trafficking and its prevention are regularly taught by specialists in the military units.

For the routine training and advanced training of instructors at all levels of education in the countering of human trafficking, the Ministry of Internal Affairs submitted to the Interdepartmental Commission to Combat Trafficking in Persons the names of six staff members of the organized crime directorate as candidates for taking the training courses. In March 2012, those individuals completed the training courses at the International Organization for Migration in the Republic of Tajikistan.

Useful collaboration in that area continues with representatives of the International Organization for Migration and other international organizations to prepare trainers for conducting the educational courses on human trafficking.

An elective course on "Prevention of Trafficking in Persons" was incorporated into the curriculum of the Academy in the 2010 school year, and that course has been taught each year since then for 20 audit hours to third-year students.

Under the supervision of the ministry's organized crime directorate, alignment meetings are held every three months with all the staff members of the central office of the directorate and lower echelons on problems arising in the course of combating trafficking in persons.

In addition, for purposes of preventing crimes associated with human trafficking, crucial internal affairs workers regularly hold awareness-raising events, as well as meetings, with students of general education schools, secondary professional schools and preparatory schools; students of higher learning institutions; and the public.

Pursuant to paragraph 11 of the programme, that is, the conduct of informational and advisory activities with crucial staff members of local executive offices of State administration and relevant organizations and institutions on the illegal use of child labour in agriculture and other forms of human trafficking, a seminar on the topic of "Combating child trafficking whose intent is labour, sexual or other types of exploitation" was held 4–6 June 2012 by the Interdepartmental Commission in collaboration with the International Organization for Migration.

An analysis done of the level of crime with regard to trafficking in persons showed that during that time in 2012, Ministry of Internal Affairs staff members

identified one instance of sexual exploitation of minors. On 28 July 2012, an investigation identified and detained Alifmo Khalilova, born 20 January 1966, a resident of the city of Rogun, temporarily unemployed, who was engaged in soliciting sex and, for that purpose, had turned her residence into a house of prostitution, where she used women and girls, one of whom was a minor, as objects of sexual pleasure for her customers, for which she received cash income.

Based on that, a criminal case was initiated in August 2012 under Article 132, part 2, of the Republic of Tajikistan Criminal Code (recruitment of persons for exploitation).

The Interdepartmental Commission and State authorities have devoted special attention to the publication of popular-science articles about the suppression of trafficking in persons. During that time, the Academy of the Ministry of Internal Affairs prepared popular-science commentaries on the Trafficking in Persons Act and published a series of articles under the titles "Proactive strategy as a necessary measure to identify trafficking in persons", "Criminal repercussions of illegal migration, and measures to prevent them", "Trafficking in persons: Problems and ways to solve them. Materials of an international workshop", "Crime in the CIS, problems associated with prevention and exposure of crimes", "Illegal migration: Features of the legal terminology. Materials of an international workshop", "Public safety and law and order over three millennia", "Basic directions of the criminal policy of Tajikistan in the sphere of combating trafficking in persons", and "Trafficking in persons — A burning issue around the world in the twenty-first century").

With regard to the preparation of a draft national mechanism for re-integrating victims of human trafficking, the meeting of a working group of the Ministry of Labour and Social Protection was held under the supervision of the deputy minister. Prepared and approved at the meeting was an action plan for that. The 27 September 2012 Interdepartmental Commission heard information provided by the head of the working group on existing difficulties associated with the preparation of a national mechanism for the rehabilitation of victims of trafficking in persons, including the need to study leading-edge foreign practices in that area. In connection with that, the Interdepartmental Commission, together with social partners, intends to conduct effective measures in 2013 to solve those problems.

Also the focus of the attention of authorities is the execution of paragraph 25 of the programme, that is, ensuring the enforcement of regulations to provide victims of human trafficking 30 days to reflect and, if the victim is not a Republic of Tajikistan national, to give the victim a temporary residence permit in the Republic of Tajikistan.

Under Article 20 of the Trafficking in Persons Act, victims of human trafficking are released from liability for committing administrative violations, including for engaging in prostitution, which is subject to administrative punishment under Republic of Tajikistan law.

Over the past year of 2012, Ministry of Internal Affairs staff members identified six criminal acts involving sexual exploitation and two criminal acts involving trafficking in persons, and those acts involve 10 victims of trafficking. Of the 10, one victim was a female foreign national. With the assistance of the

International Organization for Migration, measures of protection and assistance were applied to all the trafficking victims.

The Interdepartmental Commission in 2012, together with authorities, took all necessary measures to provide priority protection of the rights and interests of children who were victims of human trafficking and to ensure their safety and provide them comprehensive assistance.

Analyses established that, in 2012, a total of 17 criminal acts involving trafficking in minors were identified, and those cases involved 14 victims.

During that time, one case was uncovered involving the sale of a newborn baby to someone outside the country, in the Republic of Kazakhstan. Female resident of Khatlon Oblast Azada Abdukarimovna Kanapiyeva, in collusion with Nigora Khaydarova, bought Khaydarova's newborn child for US\$350 and 1,250 somoni and, after obtaining from Maternity Hospital No. 2 of Bokhtar Rayon of Khatlon Oblast a false certificate for the birth of the child in the name of Republic of Kazakhstan resident Zukhrakhan Mamadaliyeva, sold the child to Mamadaliyeva for US\$5,000. That crime was uncovered by internal affairs staff members. A criminal case was initiated and is under way against Z. Z. Mamadaliyeva, A. A. Kanapiyeva, and N. M. Khaydarova.

All identified crimes involving trafficking in minors are classified as latent crimes and are identified on the spot.

In 2012, no criminal acts involving trafficking in minors for the purpose of labour exploitation or the removal of organs or tissue for transplantation were identified. All the above-mentioned crimes involving trafficking in minors were committed for the purpose of adopting and raising the children.

For the purpose of providing immediate assistance and protection to human trafficking victims, regardless of whether they wish to cooperate with law-enforcement authorities, centres have been created in the Republic to provide support and aid to victims of crimes that involve human trafficking. Such centres in the cities of Khujand and Dushanbe are funded by the International Organization for Migration. In recent years, the Government of the country has paid for the water and electricity in those centres. The 2012 ministry budget set aside 5,000 somoni for electricity and 2,000 somoni for water in centres in Dushanbe and Khujand that provide support and assistance to human trafficking victims. Those amounts were given to those centres. Some 12,000 somoni have been allocated to those centres for electricity and water in 2013.

To ensure the return to their native land of human trafficking victims, cooperation is being strengthened between the Ministry of Internal Affairs and the Republic of Tajikistan embassies and consulates abroad. In addition, when such crimes are identified and the proper confirmatory documents are submitted, the Ministry of Finance has declared its willingness to finance the costs of returning the trafficking victims home.

For purposes of reducing the frequency of trafficking in persons through the creation of jobs and the provision of employment, jobs were found for a total of 28,720 nationals in the first nine months of 2012. Based on all sources, a total of 112,070 new jobs were created in the Republic in the first nine months of 2012.

To set up a telephone helpline for the provision of friendly, confidential services to the public in matters of human trafficking, a working group headed by the chief the Communications Services in the Tajikistan Government was created, and plans call for the helpline to be in service in 2013.

Along with that, the Ministry of Internal Affairs has permanent telephone helplines at 227-09-01, 227-39-60 and 221-07-78, and the Ministry Internet site [www.vkd.tj](http://www.vkd.tj) is in operation, and all interested citizens can make use of them.

In addition, the Interdepartmental Commission, in 2012, created its own Internet site, [www.antitip.tj](http://www.antitip.tj), and is using it

Under development at present are drafts of the new Trafficking in Persons Act and of a law on providing assistance to victims of trafficking in persons, in which special attention will be focused on human trafficking victims, particularly women and children. Those drafts have been submitted for review to the Interdepartmental Commission to Combat Trafficking in Persons in the Government, as well as to Republic ministries and departments.

In turn, to combat trafficking in persons, child prostitution, and child pornography, the Republic Government has prepared a draft law on amendments and addenda to the Criminal Code of the Republic of Tajikistan. Specifically, stiffer punishments are provided for crimes addressed in Article 167 (trafficking in minors), and Article 241 (illegal manufacture and distribution of pornographic materials or objects) is being supplemented with a part 2 (pornography involving the participation of minors), and the punishment for the commission of that act is being stiffened.

The Republic of Tajikistan is implementing a second stage of the Comprehensive Programme to Combat Trafficking in Persons for the period 2011-2013. The State Crime Control Programme for the period 2008-2015 — which provides for organizing and conducting short-term courses, seminars, training sessions, exhibits and conferences for staff members of agencies that combat trafficking in persons; developing and publishing informational pieces on trafficking in persons; and providing special, state-of-the-art equipment to divisions of law-enforcement authorities that fight human trafficking — was adopted.

The Government decisions No. 100 of 3 March 2007 and No. 504 of 1 October 2007 approved the Regulations for Establishing Support and Aid Centres for Victims of Human Trafficking and the model regulation on support and aid centres for victims of human trafficking. In accordance with those decisions, support and aid centres have been created in the Republic for human trafficking victims, and they provide support and comprehensive aid to individuals who are victims of human trafficking. The centres also provide aid to adults and minors who have been subjected to fraud and to psychological and physical violence and are defined as human trafficking victims under the Trafficking in Persons Act, as well as by international standards recognized by the Republic of Tajikistan for the identification of human trafficking victims.

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

12. The president of the country published the Decree of 3 December 1999 on enhancing the role of women in society. The decree is geared to expanding women's representation in the senior staff of Government agencies. The Government, public

authorities and Government departments have been appointing women on the basis of their skills, professional qualifications and business competence to leading positions in ministries, State committees, departments, State enterprises, institutions and organizations, and in higher educational establishments and other training institutions. A woman has been selected from among a number of experienced, well-qualified female candidates to fill one of the posts of deputy chair of the lower chamber of Parliament.

The State Programme titled "Guidelines for a State policy to ensure equal rights and equal opportunities for men and women of the Republic of Tajikistan for the period 2001-2010" provided for the training and nomination of women as independent candidates for elections to legislative bodies, their appointment as judges to courts of all levels, the formation of a cadre of women for management positions in executive bodies, the development of the "Training and Advancement of Women Leaders" project and the use of a soft quota in competitions for filling positions.

Pursuant to that strategy and given the standing of women in the socio-political life of the country, 17 women were elected to the Majlis-i Oli of the Republic of Tajikistan (the country's house of parliament), one of which is a deputy chair of the Majlis-i Namoyandagon Majlis-i Oli of the Republic of Tajikistan, and two are committee chairs; 404 women were elected to local houses of people's deputies of oblasts, cities, and rayons.

In government structures, ministries and local State authorities, one of the deputy chairs is, as a rule, a woman. In the Constitutional Court and in judicial bodies, 84 women serve as judges, and one of them is a deputy chair of the Supreme Court; one woman is a deputy official of the Supreme Economic Court, 11 are chairs of oblast or rayon (municipal) courts, two are chairs of judicial divisions for criminal or civil cases of the Supreme Court, and four are deputy chairs of rayon courts. Fifty-one women hold prosecutorial investigator positions in public prosecutor's offices.

A total of 1,405 women hold various positions in internal affairs offices.

To improve the quality of the training of personnel, including women, a graduate school was founded in the Office of State Employees of the Republic of Tajikistan in 2009. More than 47 women completed master's programmes in 2010 and were appointed to various positions in government structures, ministries and departments. Twenty other women are pursuing their studies there at present.

A total of 4,793 women work in the central or local authorities, and 920 of them are in senior management; 4 are rayon heads and 67 are rayon deputy chairpersons.

In addition, the number of women in civil service as of 1 January 2013 in central and local bodies of State authority is 4,343, or 23.5%.

The number of senior management personnel from among women in central bodies and their structures is 539, or 17.3%; the number of such women in local bodies of State authority is 314, or 21.8%; and the number in self-governing bodies at the village or settlement level is 266, or 22.4%.

The number of women leaders holding the post of deputy director of ministries and departments (upper level) is 95; those holding the post of chief of main

administration or chief of administration, 62; those holding the post of deputy chief of administration, 153; those holding the post of division chief, 489; and those holding the post of sector manager, 313. Those numbers are higher than those recorded in 2011.

It should be noted that an increase in the number of women working in the civil service system is seen not only in cities, but also in rayons, which statistical analysis bears out: for Kuhistoni-Badakhshan Autonomous Oblast, 509 women; for Soghd Oblast, 2,394; for Khatlon Oblast, 2,209; and for the Central Government-administered regions, 2,184 work in local bodies of State administration.

For the purpose of training young and gifted girls in outlying areas, the Committee for Women's Affairs [sic] conducts courses annually to train women in the Women Leaders programme. Divisions and sectors for women and the family of local bodies of State administration of oblasts, cities, and rayons in outlying areas conduct the courses "Who is a leader?", "Women Leaders", and "How to become a leader" for gifted women and girls.

In 2012 along, nine active women were named to leadership posts in the Republic.

Since 2009, the Institute for the Advanced Training of State Employees has been teaching master's level courses in the area of "State Management" for potential candidates for senior management positions in bodies of State administration and the legislative, executive, and judicial branches. Over that period of time, 90 women either have been trained or are in training.

The Republic of Tajikistan Government, together with the Committee of Women and the Family and the Office of Civil Service, is taking measures to train women and prepare them for leadership positions in the diplomatic service, including the posts of ambassadors and heads of missions abroad, since no women hold such posts in the Republic of Tajikistan at this time.

### **Education**

13. In 2005, the Republic of Tajikistan adopted a law on education that defines the legal, organizational and socio-economic bases for the development of education in the Republic of Tajikistan; establishes the structure of education, the principles underlying its regulation, management and authority, and the areas of operation for its agencies; and is the legal basis for other legal-and-regulatory acts of the Republic in education.

In accordance with the law No. 634 of 21 July 2010 on the incorporation of amendments and addenda to the law on education, the age at which children enter first grade is changed from 7 years of age to 6, and that is compulsory.

The 2010 law prescribed that that requirement take effect on 1 September 2014.

The Ministry of Education has done work to enforce the Government decision No. 207 of 30 May 2010 on approval of the policy framework for changing to a new system of general education in the Republic of Tajikistan. Specifically, the Academy of Education of Tajikistan created a centre for studying aspects of the change to a 12-year education system. The centre began the development of State standards for secondary general education, syllabuses and curricula, and textbooks. In addition to that, changes with regard to those standards were made to the law on education.

The transition to a new system of general secondary education, however, is a very labour-intensive process. It is dependent on the solution of an entire array of legal, organizational and financial problems. Many of the CIS countries, after considering the difficulties associated with providing the requisite material and technical base, have set 2020 as the year for effecting the change.

Partners of the Ministry of Education have also noted the financial difficulties associated with changing the country over to that system.

With an eye to carrying out a phased study for the determination of the proper time for the change to a 12-year secondary general education system, the partners of the ministry have proposed setting 2020 as the year for the transition.

Given the importance of the issue and of resolving it properly and effectively, the Ministry of Education, in coordination with the Government, has extended the period of transition to a 12-year secondary general education system to 2020.

14. Under Article 41 of the Republic of Tajikistan Constitution and Article 6 of the law on education, Republic of Tajikistan citizens, regardless of nationality, race, sex, language, religion, political status or social or material status, are guaranteed the right to an education. In accordance with prevailing law, the requisite conditions have been created for the education of children with disabilities in general-education learning institutions and boarding schools, as well as in the home, in order to provide them an education and to do so on a broad scale.

The Government decision No. 228 of 30 April 2011 on a national policy framework for inclusive education for disabled children of the Republic of Tajikistan for the period 2011-2015 determined that, for purposes of including disabled children in general-education schools, conditions must be created that put their education on a level with that of able-bodied children. The adoption of that decision led to the opening of pilot schools to which disabled children were brought for their education. Within the framework of that decision, the admission of disabled children into all general-education schools in which all the necessary conditions were created for their placement was arranged in 2013.

Not all disabled children, however, can be schooled with able-bodied children, and some of them will continue their education in special boarding schools.

In addition, home schooling has been arranged for children with infantile cerebral palsy, infectious diseases and a number of other diseases for which the Republic of Tajikistan Ministry of Health recommends home schooling.

The purpose of this policy is to provide a broad spectrum of possibilities in all regions of the Republic for preparing learning institutions, instructors, students, and the public for making education available to disabled children.

Until now, education has been available to disabled children in special boarding schools, which number 13 in the Republic of Tajikistan.

It should be noted that there are no special boarding schools for disabled children in the Gorno-Badakhshan Autonomous Oblast, whereas Khatlon Oblast has boarding schools for only blind and partially sighted children, and children from those regions are schooled in special Republic boarding schools. It is important to note that all the requisite conditions are in place to bring disabled girls from hard-to-access regions to study in boarding schools.

The Ministry of Labour and Social Protection is devoting especial attention to the question of cooperation with non-governmental organizations. Specifically, productive cooperation continues with UNICEF and the international organization Handicap International in the provision of services to children with disabilities, as well as inclusive education.

Of fundamental importance is the fact that, with the financial support of the European Union, Handicap International's long-term, 32-month project "Quality of life for all — Increase access to social services for children with disabilities and for their families in the Khatlon Region" has gotten under way. The aim of that project is to improve access at the community level to services for children with disabilities through the employment of the rehabilitation means and methods that have been adopted by the World Health Organization and are being implemented in six *jamoats* of the city of Kulyab and the Vose Rayon of Khatlon Oblast. Over the span of its operations, this project has placed 57 disabled children (48 in Kulyab and 9 in Vose Rayon) into general-education schools, which facilitates the implementation of the concept of inclusive education.

Along with that, Handicap International, within the framework of this project, is also implementing miniprojects with an eye to, among other things, providing material support for children with disabilities, making school buildings handicapped-accessible and providing needed rehabilitation facilities.

Construction work was done for a total of 119,768 somoni in eight general-education schools — Nos. 11 and 28 of the Vose Rayon and Nos. 11, 13, 14, 19 and 35 of the city of Kulyab of Khatlon Oblast — to make the sidewalks accessible to disabled persons.

It should also be noted that the Republic has 11 operating social-services centres to provide to service to indigent disabled persons who are suffering undue hardship and living alone, and five of them are daycare centres for disabled children: Nur in the city of Khorog, of Gorno-Badakhshan Autonomous Oblast; Oftobak, in Gissar Rayon; Parastu, in Vose Rayon; Sitora, in Kulyab, of Khatlon Oblast; and Kishti in the city of Dushanbe.

Analyses show that the method and principle underlying the work done in those centres is effective, and over the last three years more than 100 children have been placed into general-education schools, and 73 younger children, into kindergartens.

### **Employment**

15. It should be noted that, under Article 35 of the Republic of Tajikistan Constitution, no one may be subjected to forced labour, except in cases provided for by law.

Forced labour, as a form of coercion, is assigned only in connection with a court sentence. Under criminal law, "community service" and "corrective labour" are varieties of punishment.

Under Article 48(1) of the Criminal Code, community service consists in the convicted person's performance, in his or her free time after work or study, of free service that is beneficial to the public, the type of which service is determined by local authorities. Community service is set at 60-240 hours and is served for no

more than four hours a day. If a convicted person maliciously evades the performance of the community service, the court replaces the community service with corrective labour or restraint to an extent that is within the limits imposed by the Criminal Code for those types of punishment.

Corrective labour is ordered for the place of employment of the convicted person or for other locations determined by the authorities that are overseeing the serving of the sentence, but not beyond the vicinity of the residence of the convicted person, for a period of two months to two years, with 10-30% of the individual's wages deducted as State revenue (Article 52 of the Criminal Code).

If the individual sentenced to corrective labour maliciously evades serving the sentence, the court may replace the unserved sentence with restraint, arrest, or incarceration based on one day of restraint for one day of corrective labour or one day of incarceration for three days of corrective labour.

Neither community service nor corrective labour may be ordered for the following:

- military service personnel;
- persons who have reached retirement age;
- pregnant women;
- individuals on leave for the care of a child;
- disabled persons, groups I and II.

In addition, Article 155 of the Republic of Tajikistan Criminal Code specifies criminal liability for groundless refusal to employ or groundless dismissal of a woman for reason of pregnancy, as well as groundless refusal to employ or groundless dismissal of a woman with a child of under 3 years of age, and punishment by a fine in an amount that is 300-500 times the figure used for calculation or by corrective labour for up to two years.

In the Republic of Tajikistan Code for the fulfillment of criminal punishments, a separate section regulates the rules for, conditions for fulfillment of, the serving, and the computation of the time served for punishments that take the form of community service and corrective labour (articles 29(1), 29(2), 29(3), 29(4), 29(5), 39, 40, 41, 42, 43, 44, 45, 46 and 47 of the above code).

All citizens have equal employment opportunities. Any form of discrimination, hindrance, bias or refusal to recruit on the grounds of ethnic origin, race, skin colour, sex, age, religion, political conviction, place of birth, foreign origin or social background, resulting in failure to uphold equality of opportunity in the area of employment, is prohibited.

Under Article 7 of the Labour Code, all citizens have equal employment opportunities. Any form of discrimination, hindrance, bias or refusal to recruit on the grounds of ethnic origin, race, skin colour, sex, age, religion, political conviction, place of birth, foreign origin or social background, resulting in failure to uphold equality of opportunity in the area of employment, is prohibited.

Distinctions based on job requirements specific to a given post or special treatment given by the State to persons in need of greater social protection (women, minors and disabled persons) do not constitute discrimination.

Any person who considers that he or she has been subjected to discrimination in employment may institute the appropriate legal proceedings.

Article 160 of the Labour Code prohibits the use of women's labour on underground jobs or in heavy work that involves lifting or manually moving objects that exceed the maximum allowable weight for women.

It should be noted that, in terms of employment, in the first quarter of 2013, a total of 14,988 women applied to the State Agency for Social Protection, Employment and Migration of the Ministry of Labour and Social Protection, and 8,748 of them were found permanent jobs, whereas 6,349 of them were registered as unemployed.

Based on the practical principles of the friendly provision of services to the public, including to vulnerable groups, and the provision of access to counselling and psychological services to such groups, draft Government decisions on measures to further develop the system of social services and on approval of the policy framework for the development of social services were prepared that have been submitted for review to ministries and departments. A draft Government decision on the rules for and extent of free social services provided to citizens suffering undue hardship has also been prepared and submitted to the Government.

For the purpose of supporting the development of entrepreneurship among citizens who are unemployed and looking for work, including citizens from among vulnerable groups of the populace, work has been organized in that area on the basis of Government Decision No. 62 of 31 January 2006 on approval of the regulations for the provision by the State Agency for Social Protection, Employment, and Migration of advisory services and financial assistance to unemployed citizens who wish to engage in business activities.

In connection with that, over the first 11 months of 2012, for business activities, a total of 3,316 unemployed citizens were given preferential loans totalling 10,163,773 somoni, or, for each citizen, an amount equal to 76.6 times the figure used for calculation, which amounts to a 110.5% fulfillment of the Programme's annual plan.

A generalized analysis of the preferential loans given to the unemployed citizens showed that 50.3% of the individuals are engaged in production activities, 33.8% in commercial activities, and the remaining 15.9% in the provision of services to the public.

In that area of activity, attention was turned to supporting entrepreneurial initiatives of women and youth, and in 2012 a total of 4,675,335 somoni was issued to 1,525 women, and 3,658,958 somoni to young people, in small preferential loans for the development of various spheres of business.

By comparison with 2006, those figures were larger by 674 for the number of women and by 474 for the number of young people, and the preferential loan totals were larger by 3,819,229 somoni and 2,935,644 somoni, respectively.

## **Health**

16. A number of legal and regulatory acts have been adopted in the Republic of Tajikistan, such as the Reproductive Health and Reproductive Rights Act (2002) and

the "Strategic Plan of the Republic of Tajikistan for Reproductive Health for the Period up to 2014" (2004).

For purposes of raising the public's awareness with regard to family planning choices (number of children, intervals between births) and the consequences of abortions, outreach events are being held among the populace, particularly in remote, mountainous population centres. The mass media (television, radio, newspapers, and magazines) are widely used, as are quiz shows, meetings, question-and-answer sessions, the dissemination of booklets, wallet cards, etc. The studio Maladi Sino has been set up in the Ministry of Health and is functioning to accomplish the same thing.

Contraceptive assistance campaigns have been organized and are being conducted in cities and rayons of the Republic, along with talks on the reproductive rights of girls and women, and contraceptive-related services are being made available.

At present, 100% of all modern contraceptives, such as intrauterine devices, hormonal tablets, Depo Provera, and mechanical devices (condoms), are available in the Republic.

New types of contraceptives, such as Implanon and Jadelle, have been introduced in the country, and that has resulted in expanded choices in terms of contraceptives.

The country has set up an accurate system of accounting and distribution for contraceptives that has come to be employed in neighbouring countries as a leading-edge practice.

Thus, the percentage of coverage of women of the target group was 29.0% in 2012. That figure in 2002 was 21.0%.

Given the increase in the number of women using contraceptives, the interval between births of less than two years has been reduced to 26.1% in 2012 from 37.2% in 2002.

It should also be noted that, based on medical demographic research (2012), the average number of children per family dropped to 3.8 children in 2012 from 6.7 in 1990.

As a result of a properly conducted family planning policy and the introduction of safe abortion, the ratio of abortions in the country dropped to 65.5 per 1,000 live births in 2012 from 113.9 per 1,000 in 2002.

With an eye to expanding the public's access to safe abortion, a new pharmaceutical-based method has been introduced in the country on a broad scale in the last two years, and it is being employed in 20% of all abortions.

In order to improve the provision of medical care to mothers and children, the Ministry of Health has incorporated international standards for effective perinatal technology at the country's obstetrics facilities. In addition, more than 30 national clinical standards have been developed and introduced in the field of obstetrics. Private delivery rooms have been created in all cities and rayons of the Republic.

Five specialized emergency obstetric care units have been set up and are functioning in the country to provide emergency perinatal care; they have

ambulances for the provision of advisory and emergency obstetric care. More than a thousand requests are handled a year.

As a result of such measures, the level of medical service provided to mothers and children has improved.

It should be noted that maternal mortality is trending downward: the rate in 2002 was 49.6 per 100,000 live births, but is now 33.1 per 100,000 in 2012. Under the Millennium Development Goals, however, the target is 30 per 100,000 by 2015, in connection with which, the Ministry of Health must redouble its efforts.

One of the sources of maternal mortality is extragenital disease, such as cardiovascular disease, endocrine pathology, and kidney diseases. In connection with that, the Ministry of Health is conducting medical examinations of all pregnant women with an eye to early detection and the recovery for pregnant women.

With an eye to raising awareness among adolescents with regard to reproductive health, a model regulation of medical consultation units for youth has been developed and approved. With the support of international organizations, to make reproductive health services available to youth, 21 such units have been set up and are functioning in reproductive health centres in cities and rayons of the country, and those units have contraceptives, pharmaceuticals to prevent and treat sexually transmitted diseases and informational materials. With the support of international organizations, offices for psychological support for victims of human trafficking, violence, and discrimination have been set up and are functioning in medical institutions such as the National Centre for Reproductive Health, the City Reproductive Health Centre for Dushanbe, three city health centres for Dushanbe, and the rayon reproductive health centres for the rayons of Rudaki, Gissar and Tursunzade.

To eliminate traditional stereotypes that keep women and girls from getting information on reproductive health, the Committee for Religious Affairs, together with the public organization known as Centre for Mental Health and HIV/AIDS, organized two round tables for 20 religious leaders and people who are HIV carriers.

According to the data of the Republic Centre to Fight HIV/AIDS, 4,674 cases of HIV infection were recorded over the reporting period of 2013, and 1,188 of them were women.

For purposes of encouraging a healthy lifestyle and keeping youth safe, the Committee for Youth, Sport and Tourism, with assistance from the United Nations Development Programme and the Global Fund to Fight AIDS, Tuberculosis and Malaria, has been implementing the Project for the Prevention of HIV/AIDS among rural youth since September 2007.

In the project, in 51 selected cities and rayons and 8 *jamoats* of the city of Vakhdat, associations of young volunteers consisting of 1,500 individuals and 170 trainers were formed, and they systematically conduct awareness-raising work among rural youth in the prevention of HIV/AIDS and the formation of a healthy lifestyle on the basis of the principle of "Contemporary to Contemporary". A total of 8,805 educational information and communication events (including via the mass media) were conducted among rural youth, with 81,649 informational items distributed by event participants, which included 18,916 condoms acquired from the Global Fund, Ministry of Health structures, and other, local partners.

The total number of young people between the ages of 15 and 24 who were reached with information on HIV/AIDS and health-related life skills was 25,503, and 62.5% of them (12,295) were girls. A total of 5,439 meetings were held with individuals where they lived, and those meetings provided an equal number of adolescents and older youth with the requisite information on healthy lifestyles and HIV/AIDS.

On 17 July 2012, the Republic of Tajikistan Council of Justice Judicial Training Centre, the United Nations Joint Advocacy Project on HIV/AIDS and the International Labour Organization in the Republic of Tajikistan, with the participation of specialists from the Academy of the Ministry of Internal Affairs, conducted a round table to discuss a new draft convention on raising awareness among law-enforcement authorities and judicial authorities regarding HIV/AIDS-related diseases.

To prevent the spread of those diseases among vulnerable segments of the population, including youth, women and migrant labourers, informational leaflets are passed out in meetings, and all women engaging in prostitution who are taken to divisions of the Ministry of Internal Affairs are tested for venereal diseases and are briefed on prevention.

### **Rural women**

17. Appropriate measures are being taken in the Republic of Tajikistan to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from agricultural development, and that they have access to adequate medical services, information, counselling and services in family planning, and to agricultural credit and loans, etc.

To achieve gender equality in agricultural production, the "Reform of Agriculture of the Republic of Tajikistan for the Period 2012–2020" Programme was adopted. The agricultural sector of the Republic today has more than 100,000 *dekhkan* (private) farms. More than 5,000 women are managers of such farms. Seven such farms are in Kuhistoni-Badakhshan Autonomous Oblast; 712, in Soghd Oblast; 2,922, in Khatlon; and 1,762 are in rayons of republic subordination; 383,223 women are *dekhkan* (private) farms members. At present, the programme is being implemented to reform farms that have not yet been reformed. In addition, to ensure the food security of the Republic's population, 13 sector programmes in which women play an active role are under implementation.

In light of that, it is extremely necessary to focus particular attention on the requests of women for access to land, land markets, and funding resources, as well as on the development of their skills and on awareness building, so that they, equally with men, can derive benefits and avail themselves of the opportunities offered within the framework of the reform. In turn, the success of agricultural reform depends largely on the extent to which the reform is guided.

In addition, the National Development Strategy of the Republic of Tajikistan for the period up to 2015 and the Poverty Reduction Strategy for the Republic of Tajikistan for the period 2010-2012 recognize the importance of gender issues in all sectors and underscore their adherence to the principles for the achievement of economic growth in the context of gender equality, i.e., facilitation of equal rights and privileges for both men and women through the strengthening of the

institutional base for gender policy and the creation of effective mechanisms for ensuring equal access to resources.

The Ministry of Agriculture is devoting a great deal of attention to enhancing the role of women in agriculture, and women represent 30% of those engaged in agrarian science in the Academy of Agricultural Sciences and its branch institutes. Women who have higher degrees and who hold posts of provost, head of a subdepartment, or department chair also teach at the Republic's agrarian institution of higher learning.

### **Marriage and family relations**

18. Chapter 20 of the Criminal Code of the Republic of Tajikistan is devoted to crimes against the family and minors.

Article 170 of the Criminal Code specifies criminal liability for bigamy and polygamy. Of concern is the fact that, for various reasons, women continue to agree to polygamous and bigamous marriages, even though they enter into them through Islamic ceremonies that are not recognized by the law. It should be noted that the number of criminal cases in the courts involving bigamy is declining. According to statistics, if the courts in 2009 convicted 162 individuals of bigamy, that figure was 128 in 2010, dropping to 72 in 2011, and recorded as 89 in 2012. It should also be emphasized that, because of deeply rooted national traditions, there are cases in which a marriage is performed under Islamic canons, although religious leaders are prohibited from performing such marriages (*nikokh*) before the official recording of the marriage by civil registry authorities. If suits are filed to have such marriages recognized as marriage in fact or to establish paternity, the courts take measures to protect the rights of women, and those claims are satisfied by the courts.

It should also be noted with regard to bigamy that plural marriage is prohibited by the Constitution of the Republic of Tajikistan, and the leaders of registered Islamic religious associations do not perform the religious ceremony of matrimony (*nikokh*) for women who agree to polygamous or bigamous marriages. The Committee for Religious Affairs does awareness-raising work with certain religious leaders to prevent such unofficial forms of marriage.

19. The Republic of Tajikistan law No. 613 of 21 July 2010 to incorporate amendments and addenda in the Republic of Tajikistan Family Code raised the marriageable age to 18 from 17. The purpose of raising the marriageable age is to ensure the rights of girls to get an education and to prepare them for independent living.

Practice shows that, in performing marriages, civil registry authorities observe the marriageable age established by family law. In special cases, based on a court decision, the marriageable age may be lowered by up to 1 year (Article 13 of the Family Code).

Republic law recognizes only those marriages performed by civil registry authorities. A marriage performed in a religious ceremony has no legal effect.

The Criminal Code also specifies criminal liability for giving a girl in marriage who is not of marriageable age (Article 168) and entering into a marriage with someone who is not of marriageable age.

On an ongoing basis, the civil registry authorities of the Republic do educational work among the populace in matters of marriage and family law, conduct seminars and meetings, and make appearances on TV, radio, and in the mass media on the topics such as "Preserving the family", "Early marriages and their consequences", "Monogamy", "Criminal liability for bigamy and polygamy", "The role of women in society", and "Compulsory registration of marriage with civil registry authorities".

When civil registry authorities received a marriage application, they explain to the parties their rights and obligations, the role of the family, equal rights and obligations with regard to children, the responsibility for raising children, the equal rights of spouses, and the mandatory marriage contract in marriages with a foreign national in order to protect the property rights of women. Separate consultations are held with the groom with regard to the eradication of violence against women.

### **Optional Protocol**

20. Under consideration at present is the question of the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in the Committee on Women and the Family in the Government of the Republic of Tajikistan. Plans call for the creation of a working group consisting of specialists of ministries and department, with the participation of civil society.

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