



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

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Thirty-seventh session

15 January-2 February 2007

### List of issues and questions with regard to the consideration of the periodic reports

#### Tajikistan

The pre-session working group examined the combined initial, second and third periodic report of Tajikistan (CEDAW/C/TJK/1-3).

#### General

1. Tajikistan's core document (HRI/CORE/1/Add.128) identifies the Government Commission for Ensuring the Implementation of Tajikistan's International Human Rights Obligations and the Government Commission on Children's Rights as the bodies responsible for preparing national reports on the human rights situation in Tajikistan, drawing their information from ministries, departments, local authorities and other official sources. Please provide detailed information as to which ministries and other government bodies were involved in the preparation of the combined initial, second and third periodic report under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women; the role played by the Committee on Women and the Family in preparing the report; the extent of consultations with non-governmental organizations; and whether the report was adopted by the Government and presented to the Parliament.

#### Articles 1 and 2

2. Since the Convention is an integral part of the Tajik legal system and since it can be directly invoked and applied, please provide information on the implementation of the principle of direct and indirect discrimination, as provided in article 1 of the Convention and in article 1 of the Tajik Law on Guarantees of Equal Rights for Men and Women and Equal Opportunities in the Exercise of such Rights of 2005. The response should include an indication of whether any court cases invoking the Convention or the Law have been filed by women who faced discrimination in areas other than those cited in the report on violence, exploitation



of prostitution and trafficking. Please describe the alleged forms of discrimination and the outcomes of those cases, including the kind of remedies and compensation provided under the Tajik legal system.

3. The Law on Guarantees of Equal Rights for Men and Women and Equal Opportunities in the Exercise of such Rights, adopted in March 2005, is a very important legal achievement, as has also been indicated by the Special Rapporteur on the independence of judges and lawyers in his 2006 report (E/CN.4/2006/52/Add.4). What steps has the Government taken towards developing mechanisms for effective implementation of the guarantees contained in this law, inter alia, for ensuring equal representation of women and men in all branches of government; for equal opportunities in education and science; in the implementation of the election law and the election commissions; in the State service; and in the social and economic sphere as well as for monitoring of the law, including gender education for public officials?

### **Article 3**

4. Please indicate the results of the National Plan of Action for the Advancement of Women for the Republic of Tajikistan and for the Enhancement of the Status and Role of Women (1998-2005) and of the Presidential Decree of 3 December 1999 on enhancing the role of women in society. Please also provide any preliminary results of the Guidelines for a State policy to ensure equal rights and equal opportunities for men and women of the Republic of Tajikistan (2001-2010) and of the Strategic Plan for the Reproductive Health of the Public (adopted in 2004). Please also include in the response information about any obstacles that have been or are impeding the implementation of these plans and policies.

5. Please provide information on the exact mandate and authority of the Committee on Women and the Family, its position within the Government, its composition, its human resources and its budget. Please also indicate whether there are gender focal points in all State ministries connected with the Committee.

6. Please indicate whether and how national development plans or poverty reduction strategies that are in place in the country, including those aimed at achieving the Millennium Development Goals, are situated within the framework of the Convention and integrate a gender perspective. Please indicate also whether the Committee on Women and the Family has a role in formulating and monitoring such strategies as well as resources for doing so.

### **Article 5**

7. Please give information on the results of the various State programmes and actions plans directed towards abolishing patriarchal role stereotypes as well as on the outcome of any court cases brought under article 143 of the Criminal Code, "Violation of equal rights of citizens", on the grounds of sex or gender.

### **Violence against women**

8. Domestic violence against women seems to be widespread, as indicated in the report itself, in particular with respect to women in polygamous or non-registered monogamous marriages; in the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2003/75/Add.1, para. 1202); and in

the concluding observations of the Human Rights Committee (CCPR/CO/84/TJK). What progress has been made in the implementation of the various State programmes mentioned in the report, which were to focus on the elimination of all forms of violence against women through, inter alia, strengthening of existing legal measures; the adoption of a law on violence; rehabilitation measures for victims; the creation of a National Analytical Centre; improving statistics; training of police officers, medical staff and journalists; and the promotion of public awareness and human rights training to protect women against domestic violence.

#### **Article 6**

9. The report notes that prostitution, as well as drawing persons into prostitution, is illegal in Tajikistan. What legal measures are being envisioned to discourage clients of prostitutes, and what measures are being offered to prostitutes who have been subject to administrative punishments so that they are able to engage in other income-generating activities?

10. Various international laws, directly applicable in Tajikistan, as well as the Criminal Code, article 167, prohibit trafficking in persons, but the report supplies information only on court cases with respect to trafficking in minors, without stating their sex. Are there any national plans in place to combat trafficking? If so, please provide details on such plans, and also indicate whether they include measures to monitor Government agencies so as to ensure that no State actors are involved in trafficking. Please provide the number of cases that have been brought to court with respect to trafficking in women and girls, and describe the outcome of these cases. Does the Government provide any protection assistance to trafficked persons in general, and to trafficked women and girls in particular, during and after criminal procedures?

#### **Articles 7 and 8**

11. The State programme of 2000, entitled "Guidelines", names a number of mechanisms aimed at reaching a minimum goal of 30 per cent of women in the legislative, executive and judiciary branches. Please indicate the extent and results of the implementation of the measures in these branches, including the Foreign Service, and in particular of the use of "soft quotas". Please indicate also whether any deliberations are under way to amend existing laws, i.e., the Constitutional Law on Elections, the Law on Guarantees of Equal Rights for Men and Women and Equal Opportunities or the Laws on State Service and Diplomatic Service, to allow for preferential treatment of women in these areas, including through quotas, in accordance with article 4, paragraph 1 of the Convention and general recommendations 23 and 25 of the Committee.

12. According to the report, so-called family voting, where one family member voted in the polling district for the entire family, was a serious problem in the 2000 elections and was especially widespread in rural areas. Please describe any measures taken since to enhance women's, in particular rural women's, consciousness of and knowledge about their rights to vote according to their own beliefs and without any discrimination or external pressure.

**Article 10**

13. The report acknowledges that school attendance has worsened, in particular for girls, and even more so in the rural areas. The report notes poverty, education expenditures, lack of teachers and the persistence of stereotypical notions of the value and role of women as causes. Please provide data on the dropout rates for girls and women at all levels of education. What measures have been introduced to enhance and support girls' school attendance rates, in accordance with Article 6 of the Law on Guarantees of Equal Rights for Men and Women and Equal Opportunities? The response should indicate whether any special programmes on the basis of this law are now being planned for girls who have dropped out of school due to the above-mentioned reasons, but who would like to return.

14. The Law on Guarantees of Equal Rights for Men and Women and Equal Opportunities stipulates non-discriminatory educational programmes and manuals as well as the incorporation of special gender studies courses into the curriculum. However, the report states that study programmes in Tajikistan are not analysed from the standpoint of gender stereotypes and that differences in girls' and boys' curricula exist. Please provide information about any efforts within a specific time frame to analyse the educational programmes from a gender perspective, change role stereotypes in textbooks, if they exist, and encourage girls to choose non-traditional subjects, including information technology, while ensuring that these options are accessible and affordable for them.

15. The report mentions a shortage of teachers and that girls are being admitted to institutions of higher learning on the basis of quotas to eliminate that shortage, though women teachers in 2004 made up almost 50 per cent of all teachers. Please explain whether these quotas are different from the ones for rural girls, the nature of and the time frame for such quotas and whether there are numerical goals and mechanisms to increase the number of female teachers in decision-making positions in particular.

**Article 11**

16. Please provide details about the public and private employment sectors in which women predominate (or predominated before the economic transition), including the wage and salary levels as compared with the sectors in which men predominate(d).

17. Please provide details about the measures foreseen in the Programme for Promoting Public Employment of the Republic of Tajikistan for the Period 2003-2005, aimed at promoting the employment of women and the elimination of the gender imbalance on the labour market, the impact of these measures and the manner in which the results are monitored.

18. Please give detailed information on the results of the National Plan of Action for Enhancing the Role and Status of Women for the period 1998-2005 for women's income-generating capacities and on the granting of microcredits to women in 2001 and 2002 in some parts of Tajikistan and on whether the efforts of the Labour Exchange for Women in the city of Kurgan-Tyube have been replicated in other cities or areas of Tajikistan.

19. Article 14 of the Law on Guarantees of Equal Rights for Men and Women and Equal Opportunities provides that the employer bears the burden of proving the lack

of intent to discriminate on the basis of sex. Please provide information on legal provisions on the burden of proof in cases of discrimination of effect or indirect discrimination in the area of employment according to articles 1 of both the Convention and the Law.

#### **Article 12**

20. Please provide information on the Government's efforts, and the subsequent results, to improve the low level of health of women and to fight against the most prevalent causes of maternal mortality as identified in the report, i.e., obstetric haemorrhaging, severe forms of gestosis and other pregnancy-related complications.

21. The report indicates that "abortion still continues to be a widespread method for regulating the birth rate". It further notes "the limited access of the population to modern contraceptives". What have been the results of the steps taken since 2002 to ensure that women and men, including adolescents, have access to information on reproductive health and family planning and to affordable contraceptive methods, in particular in rural areas?

22. What are the concrete measures taken and the results achieved so far under the Strategic Plan on reproductive health, adopted in 2004, to reduce the high infant mortality rate, in particular in rural areas?

23. The report covers mostly data and efforts with respect to reproductive health and HIV/AIDS. Please give additional data on the most prevalent illnesses among women in areas other than reproductive health, including mental health, and describe health-care efforts in these areas.

#### **Article 14**

24. Taking into account that 73.5 per cent of the population lives in rural areas, the majority of them women, that the civil war has left many of those women widowed and children orphaned, and that due to migration of men in search of work women also have become heads of households, up to 80 per cent of households in some rural areas, please indicate whether there are any national plans to specifically address the situation of rural women in general, and rural women heads of households in particular, in the areas of health, education, property ownership, livelihood and employment.

25. Women in Tajikistan make up 60 to 70 per cent of farm workers, but 98 per cent of *dekham* (individual) farms are headed by men. What measures does the State party intend to take to enhance women's awareness of their rights to property and inheritance, and to increase women's farm ownership and conduct the requisite training for them? What measures are in place to overcome obstacles that women face in pursuing their livelihoods?

26. Please indicate whether the State party intends to disaggregate its educational statistics not only according to sex, but also according to urban and rural areas, in order to be able to evaluate and counter the school dropout rate of rural girls.

#### **Articles 15 and 16**

27. While the Constitution and the Family Code give equal rights to men and women in marriage, the report also acknowledges that "bigamy and polygamy are

not rare”, even if criminally punishable (article 170 of the Criminal Code) and that religious marriages (*nikokh*), though not recognized by the State, are widespread (see pages 11, 12 and 64 of the report). Does the State party have concrete figures on the numbers of such marriages, including the number of marriages of women who are below the legal marriageable age, and does it plan to implement a comprehensive strategy to remedy this situation, including enforcement of the law, awareness-raising among the general public and religious leaders and enhancing women’s empowerment to claim their rights?

28. Please describe the elements of the “Nuptial Agreement” which has been incorporated into the Family Code and to what extent both urban and rural women are made aware of its existence so that they can use it to their benefit.

**Optional Protocol**

29. Tajikistan signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 7 September 2000. Please indicate any progress towards its ratification.

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