



REFERENCE: YH/follow-up/Tajikistan/63

13 May 2016

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined fourth and fifth periodic reports of the Republic of Tajikistan at the Committee's fifty-sixth session, held in October 2013. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/TJK/CO/4-5). You may recall that in the concluding observations, the Committee requested the Republic of Tajikistan to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 18 and 32 of the concluding observations.

The Committee welcomes the follow-up report received one month ahead of time in September 2015 (CEDAW/C/TJK/CO/4-5/Add.1) under the CEDAW follow-up procedure. At its sixty-third session, held in February-March 2016 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 18** of the concluding observations that the State party “amend the Criminal Code, the Criminal Procedure Code and other relevant national legislation in order to enforce, among other things, the provisions of Law No. 954 (2013) on prevention of violence in the family with a view to criminalizing all forms of violence against women”: The State party mentioned the adoption, in March 2013, of amendments to the Code of Administrative Offences and the Police Act. It indicated that the Code of Administrative Offences was supplemented with two articles that specify liability for violations of the requirements of the Law No. 954 (2013) on prevention of violence in the family and the conditions for issuing restraining orders. Moreover, the use of individual measures to prevent domestic violence was added to the duties of police officers under the Police Act. The State party further indicated that the interdepartmental working group continues to draft a new version of the Criminal Code and is also discussing the matter of criminalizing all forms of domestic violence in a separate article. The Committee notes the amendments to the Code of Administrative Offences and the Police Act, as well as the ongoing work of the interdepartmental working group in drafting a new version of the Criminal Code. However, it notes that the State party has not yet criminalized all forms of violence against women. The Committee considers that the State party took some steps towards the implementation of the recommendation. It considers that the recommendation **has been partially implemented**.

His Excellency
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Regarding the recommendation that the State party “develop a comprehensive national action plan for the prevention of all forms of violence against women, the protection and support of victims and punishment of the perpetrators and ensuring its full implementation, monitoring and evaluation”: The State party mentioned the adoption, in 2014, of the State Programme for the Prevention of Domestic Violence in the Republic of Tajikistan 2014-2023, the Republic of Tajikistan National Plan of Action for implementing the recommendations of the Committee on the Elimination of Discrimination against Women and the National Plan of Action for implementing Security Council resolutions 1325 and 2122. The State party further indicated that section 7 of the National Strategy to Promote the Role of Women in the Republic of Tajikistan for the Period 2011-2020, which was adopted in May 2010, is devoted to the prevention of violence against women. While welcoming the adoption of several national programmes and action plans, the Committee considers that the State party has not yet developed a comprehensive national action plan for the prevention of all forms of violence against women, the protection and support of victims and punishment of the perpetrators. Furthermore, it takes note of the alternative information received according to which the measures taken by the State party only provide for the protection of women and girls from violence in the domestic sphere and do not cover all forms of violence against women, including violence against sex workers. It considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “raise public awareness of Law No. 954 (2013) on prevention of violence in the family and other legislation relating to violence against women through the use of media and educational programmes, as well as raising the awareness of law enforcement personnel, health service providers and teaching staff regarding all forms of violence against women and girls”: The State party mentioned various awareness-raising and training activities with regard to the prevention of, and protection against violence in the family, which inter alia target law enforcement personnel, health service providers and teaching staff. The Committee welcomes the various activities undertaken by the State party to raise awareness and provide training on the prevention of, and protection against violence in the family. However, it notes that these measures do not comprehensively address all forms of violence against women and girls. The Committee considers that the State party took some steps towards the implementation of the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “provide free legal aid, adequate assistance and protection to women victims of violence by establishing an adequate number of shelters, especially in rural areas, in cooperation with non-governmental organizations”: The State party mentioned the development of a draft law on the provision of free legal assistance, which is awaiting approval, as well as the adoption of a Conceptual Framework for Providing Free Legal Assistance to the Public, which makes provision for a test of the new system of free legal assistance in certain locales and covers issues associated with financing the provision of legal advice. It also mentioned the adoption of the Bar and Advocacy Act, which defines the legal bases for advocacy, for the rights and obligations of attorneys and for the guarantee of the exercise of the rights of citizens to receive qualified legal assistance and, inter alia, the legal bases for the formation of governmental and non-governmental systems of free legal assistance. In addition, the State party indicated that at present 33 crisis centres and three temporary shelters are operated by governmental bodies and public organizations, which provide direct assistance to victims of domestic violence. In addition, 110 information and counselling centres in which lawyers and psychologists provide practical assistance to individuals have been set up. The Committee welcomes the steps taken to provide free legal aid as well as assistance and protection to victims of domestic violence, including through the establishment of crisis centres, temporary shelters and information and counselling centres. However, it considers that the State party did not provide sufficient information on specific measures taken to ensure free legal aid to women victims of violence, and establish an adequate number of shelters throughout its territory, in particular in rural areas. The Committee considers that the State party took some important steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 18 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Criminalize all forms of violence against women and ensure effective implementation of the provisions of Law No. 954 (2013) on prevention of violence in the family;
- 2) Develop a comprehensive national action plan for the prevention of all forms of violence against women, the protection and support of victims and punishment of the perpetrators and ensure its full implementation, monitoring and evaluation;
- 3) Strengthen its efforts to raise awareness on all forms of violence against women and girls, including through the use of media and educational programmes, targeting in particular law enforcement personnel, health service providers, teaching staff and the public at large; and
- 4) Provide free legal aid to women victims of violence, including by adopting the draft law on the provision of free legal assistance, as well as adequate assistance and protection by establishing an adequate number of shelters, especially in rural areas, in cooperation with non-governmental organizations.

Regarding the recommendation made in **paragraph 32** of the concluding observations that the State party “establish mechanisms to regularly monitor the impact of social and economic policies on disadvantaged groups of women, including by taking a comprehensive, multifaceted approach to addressing the specific challenges of migration that may affect women”: The State party mentioned that the National Strategy to Promote the Role of Women in the Republic of Tajikistan for the Period 2011-2020 provides for a system of quantitative and qualitative indicators for vulnerable groups, including women with disabilities, indigent women, women living with HIV, wives of labour migrants and women migrants. It also indicated that it is monitoring households in terms of social services and implementing several standing measures to improve the socio-economic position of vulnerable groups of women, including adult education and health fairs. The Committee notes the measures taken by the State party to establish a system of quantitative and qualitative indicators for vulnerable groups of women, monitor households in terms of social services and implement measures to improve the socio-economic position of vulnerable groups of women. However, it considers that the State party did not indicate what concrete measures have been taken to regularly monitor the impact of social and economic policies on disadvantaged groups of women and ensure a comprehensive, multifaceted approach to addressing the specific challenges of migration that may affect women. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation that the State party “take the measures necessary to address the statelessness of women and children in the State party, including through amendment and enactment of relevant legislation, as well as through compulsory birth registration”: The State party mentioned the adoption of the amended Constitutional Law on Republic of Tajikistan Citizenship, which inter alia contains safeguards to prevent statelessness and against loss of citizenship. It further mentioned that a working group is at present studying solutions for cases of persons with no documents verifying their citizenship. Moreover, the State party indicated that an amendment to the State Registration of Civil Status Instruments Act was adopted according to which the application for birth registration of a child must be submitted no later than three months after birth of the child. The Committee welcomes the legislative measures taken by the State party to address statelessness of women and children and to ensure mandatory birth registration. It also notes that the discussion on solutions for persons without documents verifying their citizenship is currently in progress. The Committee considers that the State party took significant steps towards the implementation of the recommendation. It considers that the recommendation **has been implemented**.

Regarding the recommendation that the State party “ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness”: The State party mentioned it is currently studying the question of accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The Committee notes that the State party is currently studying the question of accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The Committee considers that the State party took some steps towards the implementation of the recommendation. It considers that the recommendation **has been partially implemented**.

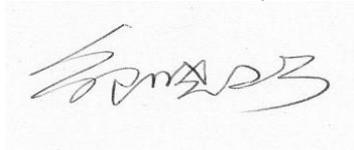
The Committee recommends that, in relation to paragraph 32 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Establish mechanisms to regularly monitor the impact of social and economic policies on disadvantaged groups of women, including by taking a comprehensive, multifaceted approach to addressing the specific challenges of migration that may affect women; and
- 2) Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

The Committee looks forward to pursuing its constructive dialogue with the authorities of the Republic of Tajikistan on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Xiaoqiao Zou
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women