

*Coalition of NGOs of the
Republic of Tajikistan «From Equality de jure to Equality de facto»*

=====

**Questions
for the Government of the Republic of Tajikistan on the Sixth Periodic Report of the
Republic of Tajikistan on implementation of the provisions of the Convention on
Elimination of all forms of Discrimination Against Women**

General information

The Government of RT has taken a number of positive measures to promote gender equality and implement recommendations received by the state on the results of the previous National Report submitted. With this purpose, the Government adopted the Law of the Republic of Tajikistan "On Prevention of Domestic violence", the State Programme on Prevention of Domestic Violence in Tajikistan for the period of 2014-2023 as well as the Action Plan on its implementation. In addition to that, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was ratified, amendments were made to the Land Code of RT aimed at ensuring equal access of women and men to the land, Presidential grants to support women entrepreneurs as well as quotas for girls and boys from the rural areas to study at the higher educational institutions are allocated and provided on the annual basis.

However, effective mechanisms for implementation of the adopted strategies, laws and programs are lacking, regular monitoring and evaluation of the implementation of these programs are not carried out as well as significant portion of the planned activities is not implemented. Such mechanisms and measures called as "temporary special measures" are rarely used and financing of gender related programs by the state budgets and funds are insufficiently utilized. The Government lacks a communication strategy to overcome gender stereotypes and to enhance and promote gender equality.

At the end of 2017, a government Working Group was established to improve national legislation on ensuring and promoting gender equality. But to the date, no concrete proposals from the group have been formed or made.

**Questions
on the articles of the Convention and the CEDAW Committee Concluding Observations on
Tajikistan's combined fourth and fifth Periodic Reports**

Articles 1, 2, 3 of the Convention and para 10, 12 of the CEDAW Committee Concluding Observations

1. Justification. CEDAW Committee Recommendation (para. 10) on adoption of a comprehensive legal definition of discrimination against women in the national legislation, covering both direct and indirect discrimination in the public and private spheres remained unimplemented. However, if the women's rights are not infringed on the legislative level and there are practically no cases of direct discrimination based on sex, the cases of indirect discrimination against women are widespread enough. The legal equality of women and men does not ensure de facto equality.

The CEDAW Committee Recommendation (para. 12 "a") on the regular monitoring and evaluation of the adopted laws and programs in the field of gender equality has not been implemented. The process of defining the list of gender indicators to monitor the implementation of the gender objectives of the Sustainable Development Goals (SDGs) has not yet been completed.

QUESTION 1. What measures does the Government of Tajikistan take to prevent and eliminate indirect discrimination against women? Does the Government of Tajikistan plan to introduce the definitions of "direct and indirect discrimination" against women in the national legislation?

QUESTION 2. What are the mechanisms for regular monitoring and evaluation of the implementation of the adopted laws and programs in the area of gender equality? Are any reports published on the results of the conducted monitoring and evaluation? Could you, please, give examples.

QUESTION 3. What percentage of the indicators for monitoring and evaluation of the SDGs' implementation at the national level are made by the gender indicators? What are the mechanisms of interaction and collaboration between the Government of the Republic of Tajikistan and the NGOs in monitoring and evaluation of the implementation of the gender objectives set by SDGs?

2. Justification. In the Sixth Periodic Report (para. 15), it is noted that an Expert Council on Gender Analysis of Legislation has been established in the Committee on Women and Family Affairs. The activities and functions of this Council are aimed at implementing gender analysis of the draft laws prior to their submission to the Government and the Parliament.

QUESTION 4. How many and which specific laws, by-laws and legislative documents have passed official gender expertise? Is it mandatory to undertake the gender expertise of the draft laws and the drafts by-laws in accordance with the law of RT "On normative legal acts"?

3. Justification. The paragraph 25 of the National Report discusses the issue that the Criminal Code (article 143 part 1) foresees criminal responsibility for violation of the equality of the citizens, including equality based on their sex, which is punishable by a fine in the amount of two hundred to five hundred indicators for settlement or by deprivation of freedom for up to two years.

QUESTION 5. Please, provide information covering the period from 2014 to 2017 on the number of cases initiated according to the Article 143, part 1 of the Criminal Code providing for criminal responsibility for violation of the equality of citizens, including equality based on sex as well as provide information on how many Court sentences were imposed accordingly.

Article 4 and para. 10, 12 of the CEDAW Committee Concluding Observations. TEMPORARY SPECIAL MEASURES

4. Justification. The Government of the Republic of Tajikistan is weak in utilizing such mechanism as «temporary special measures». Temporary special measures are practically not used for protection of women's rights in the fields of agriculture, legislative sector, protection of the rights of vulnerable groups of women etc. The absence of the definition of the term "temporary special measures" itself and the mechanisms for implementation of such measures in the national legislation is not conducive to the application of temporary special measures to promote and enhance women's rights. The Law of RT "On Civil Service", the Regulation on holding a competition for filling vacant positions in the administrative civil service do not include provisions on the use of the principle of quotas.

QUESTION 6. Does the national legislation cover the term and concept of «temporary special measures» and are the mechanisms for using temporary special measures defined in the country's strategic development documents?

QUESTION 7. What temporary special measures are used to ensure the rights of the rural women, women from ethnic minorities, women with disabilities, women living with HIV or other vulnerable groups? Could you, please, give examples.

GENDER ROLES AND STEREOTYPES. PARA 16 OF THE CONCLUDING OBSERVATIONS

5. Justification. The Paragraphs 30 to 37 of the National Report describe the actions taken by the Government in order to overcome stereotypes. However, paragraph 16 (a) and (c) of the Concluding Observations has not been implemented. There is no regular and complex action carried out in this direction. Related activities are held from time to time. There is no single government strategy or programme to promote gender equality and overcome gender stereotypes, that involve ministries, departments and local authorities. Therefore, the measures taken and the activities conducted have very little impact on the public opinion.

QUESTION 8. Does the Government plan to develop a State Communication Strategy to promote gender equality and overcome gender stereotypes? What measures are taken by local executive authorities to overcome gender stereotypes including the role of women and men in the society?

QUESTION 9. Much attention is paid to train girls to do the household work and be prepared for family life but what measures are being taken to prepare boys and men for family life and responsibilities?

VIOLENCE AGAINST WOMEN

6. Justification. The Law as well as the State Programme on Prevention of Violence are adopted in the country. However, there is no regular monitoring of the implementation of these documents. It is not clear on what indicators the monitoring of the situation in the domestic violence field is based?

QUESTION 10. Has any monitoring of the Law of RT "On Prevention of Domestic Violence" and the State Programme on Prevention of Domestic Violence for the period of 2014-2023 been conducted since the 2014? Which indicators are used to monitor the impact of these legislative acts on the situation of domestic violence in the country?

QUESTION 11. How much funding has been allocated from the state budget over the past three years to implement the Law and the State Programme on Prevention of Domestic Violence?

7. Justification. The paragraphs 38, 39, 48 and other parts of the National Reports detail the changes that have been made to various legislative acts to protect women, including victims of violence, from various types of violence as well as to render assistance to victims of violence.

QUESTION 12. How many individuals were brought to administrative or criminal responsibility under the Articles 93¹ and 93²? Is such type of statistics maintained?

QUESTION 13. How many women have been provided with free legal assistance at the expense of the state in the Courts and the law enforcement agencies for cases involving domestic violence during the period from 2014 to 2017?

QUESTION 14. How many women who have been subjected to domestic violence have received compensation for moral and material harms based the verdicts or Court decisions of the Republic of Tajikistan for actions they were subjected to by their perpetrators?

QUESTION 15. Is there any developed mechanism for prosecuting individuals for committing psychological and economic violence?

ARTICLE 6 AND CONCLUDING OBSERVATIONS OF THE COMMITTEE ON HUMAN TRAFFICKING AND EXPLOITATION OF PROSTITUTION.

8. Justification. Recommendation 20 (d) of the Committee states that the “Government of Tajikistan needs to analyze the root causes of human trafficking and prostitution, including poverty, so that to provide them with alternative income-generating opportunities” among the other support services.

QUESTION 16. Which state programmes identify and cover sex workers and victims of trafficking as beneficiaries of these programmes? How many women engaged in prostitution, and how many victims of trafficking received small, interest free financial credits, Presidential grants or other support from the state in order to obtain another source of income?

9. Justification. Paragraph 73 of the National Report describes possible measures to support victims of human trafficking. But there are no examples of concrete assistance offered to these victims.

QUESTION 17. Please, provide specific examples of support rendered by the Government to the victims of human trafficking.

QUESTION 18. How many law suits were filed by the lawyers for compensation of material and moral harms to victims of human trafficking and who paid for the services of these lawyers?

ARTICLE 7 AND PARTICIPATION IN POLITICAL AND PUBLIC LIFE

10. Justification. Despite the fact that the legislation guarantees equal representation of men and women in the legislative, executive and judicial branches of the state power, women make up less than 30% of the employees of these structures. This especially includes the management and leadership positions. The Government of the Republic of Tajikistan is lacking in using such a mechanism as "temporary special measures" to promote women to senior positions.

A decrease in the proportion of women among the candidates for parliamentary elections has been recorded to be from 15% in the 2005 elections to 10.5% in 2015 elections accordingly.

QUESTION 19. What kind of actions and activities are carried out by the Government to create a reserve of cadre of women for further promotion in civil service and what percentage of women from this reserve of personnel was appointed to senior positions in executive bodies at the national and local level in the past 2 years?

QUESTION 20. What temporary special measures are being taken by the Government to increase the representation of women in legislative bodies at the national and local levels?

EDUCATION

11. Justification. According to the results of the population censuses in 1989, 2000 and 2010, while men have an increase in their level of education, women, on the contrary have a decline in their education levels, especially in the area of professional education.

QUESTION 21. Is there any analysis conducted on the educational level of girls and women of different age groups? What is the level of professional education for the younger generation and the older generation of women?

QUESTION 22. Is there any monitoring conducted in the area of employment of girls who have graduated from the Universities based on the Presidential quota? What percentage of these girls work in their field of specialty?

QUESTION 23. Please provide information on ensuring equal access for women with disabilities, ethnic minorities, women living with HIV to different levels of education?

12. Justification. The Paragraph 97 of the National Report mentions the gender expertise of school textbooks. However, such examination was carried out before 2013. There are no mechanisms in place for gender analysis of textbooks on an ongoing basis.

QUESTION 24. What year was the last gender examination of the textbooks in the schools or universities carried out? Is gender examination mandatory in conducting general examination of the school textbooks?

QUESTION 25. Are gender focused special courses included in the compulsory curricula at the pedagogical and other universities?

EMPLOYMENT

13. Justification. The majority of women work in the low-paid spheres of employment including agriculture, education, health etc. Due to prevailing occupational segregation in the labor market, the wages of women are generally lower than for men in all sectors of employment. As per the data from 2015, women's wages amounted to 61,1% of men's wages. At the same time, while in 2010 the average monthly salary of women to the salary of men made 64,6%, in 2015 the numbers have shown 61,1%. The ratio of women's wages to men's wages decreased almost to 20% in the real current sector.

A particularly challenging situation with employment is observed among women with reduced competitiveness (women with disabilities, mothers with many children, women heads of single-parent families, pregnant women, wives of labor migrants and others).

QUESTION 26. What measures does the Government take to reduce and eliminate the wage gap between women and men, especially in sectors of the economy where women are involved predominantly?

QUESTION 27. What measures of support are carried out by the Government to promote the employment of women with reduced competitiveness (disabled, mothers with many children, heads of single-parent families, pregnant women, wives of labor migrants and others).

QUESTION 28. Are there any measures in place that encourage the employers to use labor and hire women from the most vulnerable groups (women with disabilities, mothers with many children, women heads of single-parent families, pregnant women, wives of labor migrants and others)?

QUESTION 29. Please, provide information about the programmes or measures on supporting and protecting the rights of women labor migrants?

WOMEN LIVING WITH HIV

Access to health services

14. Justification. The feminization of HIV is seen to be increasing year after year. According to official statistics, the share of women among the registered HIV infection cases in 2015, compared

with 2011, increased from 28.5% up to 40.4%. In addition to that, in general, sexually transmitted HIV cases prevail several times over the injected HIV transmissions among the overall HIV-infected people.

QUESTION 30. What measures are being taken by the Government to reduce the rate of growth of the HIV-infected population among the women and to prevent cases of sexual transmission of HIV?

QUESTION 31. What measures does the state take to support the wives of migrant workers and their children in cases when their husbands are infected or have HIV/AIDS? Is there any statistics available on the number of women infected with HIV through their husbands/partners?

15. Justification. People living with HIV, especially women, are subject to various kinds of discrimination and stigmatization. They are expelled from home along with children, their status gets disclosed by others, they cannot get jobs and are left one on one with their problem. And it often happens that they think about suicide, they stop taking ARVT as well.

QUESTION 32. Has any legal mechanism been developed in the system of the Ministry of Health and Social Protection of the Population regulating the work of the psychologists with PLHIV? Are there any psychologists working among the staff of the state of AIDS Centres?

QUESTION 33. Is there any maintained statistics in place: how many women with HIV have died from AIDS? How many women with HIV stopped taking ARVT and for what reasons?

Access to social services

QUESTION 34. Are there any special measures being taken by the Government to provide financial or other types of support to women living with HIV, especially to women in big multi-children households (including cash benefits, allocation of housing, job placement assistance etc.)?

QUESTION 35. Are there any measures in place that encourage employers to hire women living with HIV?

16. Justification. The Health Code of the Republic of Tajikistan foresees the provision of parents or legal guardians of children born to mothers infected with HIV with breast milk substitutes starting from the moment of their birth to the time of establishing definitive diagnosis on whether they have HIV or not, in order to further reduce their risk to HIV infection.

QUESTION 36. Is the provision of the Health Code being implemented that guarantees for parents or legal guardians of children born to HIV-positive mothers to receive substitute breastmilk for these children from the moment of their birth to the time of establishing definitive diagnosis on whether they have HIV or not? What budget (local or republican) envisages covering the costs of purchasing infant milk formula for these children?

RURAL WOMEN

17. Justification. For a number of reasons, rural women have limited access to various types of social services (education, health care, etc.), not only compared to men, but even compared to women living in urban areas. For example, according to the 2010 population census data, while 39,1% of the employed urban women possess professional education (higher education,

incomplete higher education, vocational or primary vocational trainings), only 8,7% of the rural women have such education.

Rural women, especially those who work in the cotton fields, often do not receive their payments in the form of the money. Rural women working in the field of agriculture always have problems with filing their documents for pensions.

QUESTION 37. Are there any programmes or projects in place that aim at equalizing the opportunities for rural women in access to education, medical and other services, compared to men and urban women?

QUESTION 38. What measures are taken by the Government to protect the rights to decent wages and retirement security for the women engaged in the sphere of agriculture?

QUESTION 39. Are there any benefits for vulnerable groups of rural women to obtain land use rights and receive plots of land?

MARRIAGE AND FAMILY RELATIONSHIPS

18. Justification. *One of the gender objectives of the SDGs on achieving gender equality is the elimination of all early and forced marriages. Unfortunately, this problem exists in Tajikistan.*

QUESTION. Does the Government maintain statistics on early and forced marriages in Tajikistan? What are the mechanisms in place for identifying early and forced marriages, as well as what are the measures taken by the Government to eliminate this phenomenon in the country?

QUESTION 40. How many Court decisions were made by the judges during the period of 2014-2017 on the reduction of marriage age for one year?

QUESTION 41. Does the Supreme Court conduct analysis of the reasons for the reduction of marriage age issued by the judges' decisions? What reasons for the reduction of marriage age for one year are considered the most common?

19. Justification. *Various researches conducted in the country demonstrated that the biggest problem in the execution of the Court decisions related to family matters is the recovery of child support alimony. In the majority of these cases, children remain with their mothers, while men are obliged to pay alimony for their children's support. However, they do not make those payments.*

QUESTION 42. How many Court decisions on the recovery of child support alimony were made during the period of 2014 to 2017? How many of these decisions are actually implemented and followed by the parents?

QUESTION 43. What real and working mechanisms does the Government use to ensure that women receive child support alimony for their children?