



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Concluding comments of the Committee on the Elimination of Discrimination against Women: Tajikistan

1. The Committee considered the combined initial, second and third periodic report of Tajikistan (CEDAW/C/TJK/1-3) at its 771st and 772nd meetings, on 26 January 2007 (see CEDAW/C/SR.771 and 772). The Committee's list of issues and questions is contained in CEDAW/C/TJK/Q/3, and the responses of the Government of Tajikistan are contained in CEDAW/C/TJK/Q/3/Add.1.

Introduction

2. The Committee commends the State party for its accession to the Convention on the Elimination of All Forms of Discrimination against Women without reservations. It expresses its appreciation to the State party for its combined initial, second and third periodic report, which complied with the Committee's guidelines for preparation of reports, while regretting that the report was overdue and did not make reference to the Committee's general recommendations.

3. The Committee expresses its appreciation to the State party for submitting its written replies to the list of issues and questions posed by the Committee's pre-session working group and for the oral presentation and further clarifications given in response to the questions posed orally by the Committee, but notes that some questions remained unanswered.

4. The Committee commends the State party on sending a delegation headed by the Chief of the Department of Constitutional Guarantees of the Rights of Citizens in the Executive Office of the President, and including representatives from the Committee for Women and Family Affairs, the State Committee for Statistics and the Ministries of Justice, Health and Foreign Affairs. It expresses its appreciation to the State party for the frank and constructive dialogue with the Committee.

5. The Committee commends the State party for having ratified the seven major international human rights instruments, the implementation of which enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.



Positive aspects

6. The Committee commends the State party for its political will and commitment to fulfil the legal obligations established by the Convention, as expressed also in: the Constitution, which includes the principle of equality of women and men; the framework Law on State Guarantees of Equal Rights for Men and Women and Equal Opportunities in the Exercise of Such Rights of 2005 (hereinafter the Law on State Guarantees), which contains a definition of discrimination against women that corresponds to the definition in article 1 of the Convention, prohibiting discrimination in any sphere and obliging public authorities to ensure gender equality; and legislation in various areas, including the Family Code (1998), the Trafficking in Persons Act (2004) and the Microcredit Organizations Act (2004).

7. The Committee welcomes the institutional arrangements put in place by the State party that contribute to the implementation of the Convention, including the creation of a Government commission on implementation of Tajikistan's international human rights obligations; the designation of a Deputy Prime Minister to oversee questions relating to the status of women; the creation of the Committee on Women and Family with a gender division and local branch offices in all local government offices to promote and implement a policy for the advancement of women; the creation of the Parliamentary Committee on Social Issues, the Family, Health Care and the Environment; the establishment of gender focal points in ministries; and the creation of the Coordinating Council on Gender Problems in the Ministry of Labour and Social Protection and the State Labour Inspectorate to monitor discrimination against women in the labour market and labour exchange offices for women in some provinces.

8. The Committee commends the State party on decrees and programmatic decisions that provide a basis for the implementation of international human rights obligations of Tajikistan, including women's human rights, such as: the Presidential Decree of 3 December 1999 on enhancing the role of women in society; the State programme entitled "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"; and the programme entitled "State system of human rights education in the Republic of Tajikistan" (2001). The Committee further commends the State party on the National Plan of Action for Enhancing the Status and Role of Women for the period 1998-2005.

9. The Committee commends the State party on the work of the State Committee for Statistics in general, and in particular on its work on the development of gender indicators for the poverty reduction strategies.

Principal areas of concern and recommendations

10. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all

relevant ministries and to the Parliament so as to ensure their full implementation.

11. The Committee notes the declaratory nature of the Law on State Guarantees and is concerned that the law is silent on operational aspects needed to ensure that the equality guarantees are realized and to clarify how cases of discrimination against women are to be resolved, damages awarded or other effective remedies given for violations of its provisions.

12. The Committee urges the State party to intensify its efforts to protect women against acts of discrimination by clearly establishing explicit linkages between the Law on State Guarantees and other relevant legislation in areas covered by the Law and the Convention. The Committee invites the State party to consider an amendment of the Law on State Guarantees in order to clarify its operational aspects. It further urges the State party to strengthen existing complaints mechanisms, such as the Special Department on Citizen Rights to which the delegation referred, which had been created to hear complaints from women and men whose rights had allegedly been violated. It also recommends that the State party enable the Committee on Women and the Family to effectively monitor the Law on State Guarantees, through inter-institutional involvement at all levels.

13. The Committee is concerned that there have been very few court cases in the areas of domestic violence against women, polygamy, exploitation of prostitution and trafficking in persons. It is further concerned about the absence of court cases in other areas of women's lives.

14. The Committee calls upon the State party to ensure that the Convention and relevant domestic legislation, in particular the Law on State Guarantees, are made an integral part of the education given in law departments of universities and be made available in modules in the further education available to the Judges Study Centre of the Council of the Judiciary, in order to firmly establish a legal culture supportive of women's equality and non-discrimination in the country. It also invites the State party to enhance women's awareness of their rights through ongoing legal literacy programmes and legal assistance through women's centres as well as the creation of additional centres with legal expertise in all regions of the country. It encourages the State party to disseminate and raise awareness about the Convention, in particular with regard to the meaning and scope of direct and indirect discrimination, and about formal and substantive equality.

15. While welcoming the efforts of the Committee on Women and the Family to, inter alia, implement Government policies and plans on gender equality, the Committee is concerned that this national machinery for the advancement of women is insufficiently resourced in terms of budget, staffing and coordination capacity, and is therefore unable to fully and effectively carry out its wide-ranging functions, including coordination across ministries at the national level and of regional and local bodies.

16. The Committee recommends that the State party strengthen the Committee on Women and the Family and ensure that it has adequate resources and the ability and opportunity to advise on the development of all government policies on gender equality, draft, review and monitor legislation

and its implementation and perform policy analysis as well as analysis of its implementation. Its increased strength should also enable it to mainstream gender equality concerns into all laws, policies and national plans across ministries and in *oblast, rayon* and local bodies. It encourages the State party to review and strengthen the mandate of the gender focal points in the national ministries, which is currently fulfilled on a voluntary basis. The Committee further recommends that the State party strengthen its awareness-raising and capacity-building programmes for civil servants about the Convention and gender equality by making the educational programme, “State service and gender: action areas”, of the Tajik Public Servants Further Training Institute available to all civil servants.

17. While noting that in accordance with article 10 of the Constitution, international legal instruments accepted by Tajikistan are an integral part of its domestic legal system, the Committee is concerned that there does not seem to be an explicit basis for or reference to temporary special measures in domestic legislation, although the Law on State Guarantees does mention the application of practical measures for the implementation of the provisions of the Law as exceptions to the prohibition of discrimination in article 3. Furthermore, although quotas have been used in some areas, including certain competitive job placements, in the promotion of women in State structures and the admission into institutions of higher learning of girls from remote mountainous regions, temporary special measures have not been utilized by the State party as a matter of general policy to accelerate the achievement of the de facto equality between women and men in all areas of the Convention.

18. The Committee encourages the State party to legally clarify the application of such measures in all areas covered by the Convention and the Law on State Guarantees and to utilize them effectively in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation 25.

19. The Committee is concerned about the resurgence of patriarchal attitudes subordinating women and of strong stereotypes regarding their roles and responsibilities in the family and society in the context of the breakdown of the previous political system, the civil war (1992-1997) and rampant poverty. These attitudes and stereotypes present a significant impediment to the implementation of the Convention and are a root cause of women’s disadvantaged position in the labour market, their difficulties in accessing their land rights, the continuing existence of polygamy, domestic violence and the high dropout rates of girls from school.

20. The Committee calls upon the State party to implement comprehensive measures, in particular in rural areas, to initiate change in the widely accepted subordination of women and the stereotypical roles applied to both sexes. Such measures should include awareness-raising and educational campaigns addressing religious and community leaders, parents, teachers, officials and young girls and boys themselves, in accordance with the obligations under articles 2 (f) and 5 (a) of the Convention. The Committee also recommends that the State party encourage the media to discuss and promote non-stereotypical and positive images of women and promote the value of gender equality for society as a whole. In this context, the Committee reminds the State party of its

obligation under paragraph 2 of article 19 of the Law on State Guarantees, according to which the organs of the State must publish annual reports on their implementation of the Law in the mass media of Tajikistan. Such annual reports could include discussions on the elimination of gender-role stereotypes.

21. While welcoming the State party's measures taken to combat violence against women, including the establishment of 13 crisis centres and a shelter for victims of violence, the draft Bill on Social and Legal Protection Against Domestic Violence, the creation of the Coordinating Council of the law-enforcement authorities and increased penalties for all forms of violence against women, the Committee is concerned about the prevalence of domestic violence perpetrated against women and girls.

22. The Committee urges the State party to give priority to eliminating all forms of violence against women, in particular domestic violence, and to adopt comprehensive measures to address it in accordance with its general recommendation 19. The Committee calls upon the State party to enact, without delay, the existing draft bill on social and legal protection against domestic violence. Such legislation should ensure that: violence against women and girls constitutes a criminal offence; women and girls who are victims of violence have access to immediate means of redress and protection, including protection orders and availability of a sufficient number of shelters; and perpetrators are prosecuted and adequately punished. The Committee recommends the implementation of training for parliamentarians, the judiciary and public officials, in particular law enforcement personnel and health-service providers, ensuring that they are sensitized to all forms of violence against women, in particular domestic violence, and can provide adequate support to victims. It also recommends further public awareness-raising campaigns on the unacceptability of violence against women.

23. While welcoming measures taken by the State party to combat human trafficking, including its accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the establishment of an interdepartmental commission to combat trafficking in persons, the Committee is concerned that Tajikistan remains a country of origin and transit for trafficked women and girls. The Committee is also concerned about the exploitation of women and girls who resort to prostitution as a means of survival.

24. The Committee calls on the State party to effectively implement its comprehensive programme to combat trafficking in persons for the period 2006-2010, to effectively enforce the Trafficking in Persons Act and to intensify international, regional and bilateral cooperation on the basis of agreements in order to further curb the phenomenon. The Committee requests the State party to strengthen measures aimed at alleviating women's dire social and economic situation, in particular the situation of young women, to put services in place for the rehabilitation and reintegration of women and girls involved in prostitution and to support women who wish to stop practicing prostitution.

25. Despite article 8 of the Law on State Guarantees that aims to ensure that male and female candidates should be represented equally on election lists, the Committee is concerned at women's low representation in political bodies, especially in the national Parliament. The Committee is also concerned about the

practice of “family voting” during elections, whereby one family member, usually male, votes for the entire family, especially in rural areas. The Committee is further concerned at women’s low representation in the higher echelons of public service and the Foreign Service.

26. The Committee requests the State party to undertake national awareness-raising campaigns about the importance of women’s participation in public and political life, specifically about the obstacles that women encounter in rural areas. It urges the State party to increase women’s representation in political and public life, including at the international level. The Committee encourages the State party to review the use of temporary measures according to article 4, paragraph 1, of the Convention and in the Committee’s general recommendations 25 and 23. The application of such measures to increase women’s political representation should include the establishment of benchmarks with timetables or quotas. The Committee encourages the State party to continue to conduct training programmes to increase women’s active participation in political life, such as those run by the Central Elections and Referendums Commission of the Republic of Tajikistan, with the involvement of representatives of political parties, non-governmental organizations and women who want to move into political life. It also urges the State party to review the entire election process for discriminatory elements from a gender perspective and to consider waiving the registration fee for women candidates. It further urges the State party to establish legal safeguards that would prevent the practice of family voting and to continue to conduct educational campaigns seeking to explain that voting for others is not acceptable and could invalidate the results of elections.

27. While noting that some efforts have been made in the area of education, including salary increases for teachers and scholarship programmes, the Committee is concerned that, owing to a number of factors, including dire poverty and social stereotypes concerning women’s roles and responsibilities, there is a noted rate of non-attendance by girl children at the primary school level, there is a sharp decline in the enrolment of girls at the secondary school level and there is a low enrolment rate of female students in institutes of higher education. The Committee is also concerned about the high dropout rates of girls.

28. The Committee urges the State party to place high priority on educating women and girls and to immediately take all appropriate measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and in the Committee’s general recommendation 25, to eliminate the disparity in school enrolment rates and to achieve universal primary education for girls in accordance with its international obligations under the Convention and other commitments. It urges the State party to address the obstacles effectively which prevent girls from attending school or continuing their education. The Committee recommends that the image of teachers be improved through further salary increases, the media and other public forums. The Committee also recommends that additional training be provided to teachers to update their knowledge and teaching methods in the current context of gender equality, democracy and market opportunities. The Committee further recommends that: communities be mobilized, with the help of community leaders and local authorities, in favour of the education of girls; seminars be held and awareness-raising activities undertaken with a focus on

helping parents to understand the important role of education for girls; and education for girls be made affordable and special measures be implemented to allow girls and women who have dropped out of school to re-enter the education system in an age-appropriate classroom environment. It also requests the State party to continue to review all school textbooks to eliminate gender-role stereotypes.

29. Despite numerous legal and other measures geared towards eliminating discrimination against women in employment, the Committee expresses concern about the situation of women in the labour market, which is characterized by high unemployment of women, concentration of women in lower-paying sectors, such as health care, education and agriculture, and in the informal sector, and by the resulting wage gap between women and men. The Committee is also concerned about different retirement ages for women and men.

30. **The Committee urges the State party to ensure that there are equal opportunities for women and men in the labour market through the implementation of the relevant sections of the Law on State Guarantees and the Labour Law. The State party is urged to make efforts to increase women's access to complaint mechanisms and courts so that discriminatory acts by private and public employers will be sanctioned and eliminated. It encourages the State party to provide the newly created State Labour Inspectorate with sufficient budgetary resources and staff so that it can adequately fulfil its functions. It recommends that current efforts to train and retrain women and to place them in sustainable as well as non-traditional jobs be increased through the provision of resources and the creation of relevant training institutions. It also recommends that the State party make greater use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, the Committee's general recommendation 25 and the Law on State Guarantees, by applying numerical goals with timetables or quotas in respect of girls' access and retention in vocational training, including for non-traditional jobs, and the promotion of women into the upper levels of the public sector. The Committee encourages the State party to continue its efforts to raise salaries in female-dominated sectors of the State budget economy and to make these efforts a matter of priority. It recommends that the State party adopt the same age of mandatory retirement for women and men, with a view of giving them the same opportunities, including the elimination of any discrimination against women in the actual pensions paid.**

31. While noting the various efforts made by the State party to improve reproductive health care for women, including through the National Reproductive Health Strategic Plan (2005-2014) and other plans, the training of birth assistants in the rural areas through the establishment of new networks for family planning and reproductive health services and the 2006 Law on breastfeeding, the Committee is seriously concerned about the limited access to adequate health-care services for women, especially women in rural areas. It is concerned about the high maternal and infant mortality rates, the low contraceptive prevalence rate and the reported lack of knowledge of young girls about HIV/AIDS.

32. **The Committee recommends that the State party continue, with the assistance of international agencies if necessary, to take measures to improve women's access to general health care, and reproductive health care, services in**

particular. It calls on the State party to increase its efforts to improve the availability of sexual and reproductive health services, including family planning, to mobilize resources for that purpose and to monitor the actual access to those services by women. It further recommends that family planning and reproductive health education be widely promoted and targeted at girls and boys, with special attention to the prevention of early pregnancies of girls in underage marriages and the control of sexually transmitted diseases and HIV/AIDS. The Committee requests the State party to include in its next report further information, especially trends over time and covering the life cycle of women, on: women's general and reproductive health, including the rates and causes of morbidity and mortality of women in comparison with men, in particular maternal mortality; contraceptive prevalence rates; spacing of children; diseases affecting women and girls, in particular various forms of cancer; and updated information on the efforts of the State party to improve women's access to health-care services, including family planning and services directed towards cancer prevention and treatment. It also requests the State party to include information about monitoring and evaluation mechanisms in place for health-related strategies.

33. The Committee is concerned about the situation of girls and women in rural areas in terms of their access to adequate health care, education and employment. The Committee is concerned about the vulnerable situation of women widowed by the civil war, women whose husbands have migrated for work and other single women heads of household. It is concerned about lack of women's knowledge in respect of their rights to property and their marriage rights and about the negative impact of stereotypes regarding women's roles and activities as they affect women's access to land ownership, management of farms and the marketing of farm products.

34. **The Committee urges the State party to make special efforts to protect and ensure the rights of rural women, including single women heads of household, to land ownership, management of land and marketing of products by providing them with legal, management and business training and by simplifying the process of registration of private farms. It encourages the State party to modify existing gender-role stereotypes through awareness-raising campaigns targeted at community and religious leaders, teachers, parents, girls and boys. The State party is also encouraged to enable the participation of rural women in decision-making at the local, regional and national levels through training. The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto situation of rural women of all ages in the areas of land ownership, income generating activities, health and education, as well as the concrete measures taken by the State party in that respect, including results achieved.**

35. The Committee is concerned at the increasingly high number of women in monogamous unions based only on a religious ceremony without any legal effect to which civil registration is not sought for a variety of reasons. The Committee is also concerned that polygamous unions are not uncommon, despite being illegal and prohibited by law, and by the fact that second and subsequent wives do not have any rights concerning property, inheritance or maintenance. It is also concerned that the legal age of marriage in Tajikistan has been reduced to 17.

36. **The Committee urges the State party to strengthen its efforts to prohibit and prevent unregistered unions through awareness-raising campaigns on the negative effects of such unions vis-à-vis women's rights, improving access to registration offices and lowering registration fees. It encourages the State party to review legal and administrative regulations in order to prevent religious unions from taking place without verification that a civil marriage has been registered first. The Committee also recommends that the State party cooperate with *khukumats* (local executive bodies) and *jamoats* (administrative bodies) to establish positive public opinion about legal norms regarding registration of marriages. The Committee also urges the State party to make efforts to eliminate the causes that lead to polygamous unions and develop strategies targeted at parents and religious leaders to prevent such unions. It encourages the State party to review its penal law in order to also apply sanctions to those who perform such unions. While recognizing the legal situation that forbids polygamous unions, the Committee urges the State party to review the vulnerable situation of second and subsequent wives in currently existing polygamous unions, with a view to ensuring their economic rights. The Committee urges the State party to revert to 18 years as the minimum legal age of marriage for women and men, in line with the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

37. Despite the fact that family relations in Tajikistan are legally regulated in conformity with the principles of the Convention, the Committee is concerned that forced marriages continue to take place within the context of traditional cultural patterns of behaviour, including with women below the legal age for marriage. The Committee is further concerned about the vulnerable situation of Tajik migrant women who have been forced into marriage in receiving countries.

38. The Committee urges the State party to enforce its prohibition of forced marriage and to engage in bilateral and subregional cooperation to combat forced marriages of Tajik women across borders and to arrange for their rehabilitation and social reintegration.

39. The Committee notes that the report was lacking in information and statistics about particularly vulnerable groups of women, including elderly women and disabled women who often suffer from forms of multiple discrimination.

40. The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of vulnerable groups of women, including elderly women and disabled women, in all areas covered by the Convention.

41. **The Committee calls upon the State party to involve *oblast, rayon* and local authorities in the preparation of the future periodic reports under article 18 of the Convention and in the follow-up to the Committee's concluding comments. The Committee also recommends that ongoing and systematic consultations with a broad range of women's non-governmental organizations on all issues pertaining to the promotion of gender equality be ensured, including in regard to the follow-up to the Committees concluding comments and in the preparation of future reports.**

42. The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against

Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

43. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and the Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

44. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.

45. The Committee requests the wide dissemination in Tajikistan of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and the Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

46. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which was due in November 2006, and its fifth periodic report, due in November 2010, in a combined report in 2010.