



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fourth and fifth periodic reports of Tajikistan*

1. The Committee considered the combined fourth and fifth periodic reports of Tajikistan ([CEDAW/C/TJK/4-5](#)) at its 1171st and 1172nd meetings, on 9 October 2013 (see [CEDAW/C/SR.1171](#) and 1172). The Committee's list of issues and questions is contained in [CEDAW/C/TJK/Q/4-5](#) and the written replies of the Government of Tajikistan are contained in [CEDAW/C/TJK/Q/4-5/Add.1](#).

A. Introduction

2. The Committee welcomes the submission by the State party of its combined fourth and fifth periodic reports. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by its pre-sessional working group and the further clarifications provided by the delegation of the State party to the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation, which was headed by the Head of the Committee on Women and Family Relations of the Government of Tajikistan, Sumangul Tagoeva, and also included representatives of the Human Rights Ombudsman, the parliament and the ministries of labour and social protection, internal affairs, justice and education. The Committee appreciates the dialogue that took place between the delegation and the Committee.

B. Positive aspects

4. The Committee notes with appreciation the adoption of several laws and decisions aimed at eliminating discrimination against women since the consideration of the previous report of the State party, including:

(a) Government Decision No. [269 \(2010\)](#) to approve the national strategy to promote the role of women in Tajikistan for the period 2011-2020;

* Adopted by the Committee at its fifty-sixth session (30 September-18 October 2013).



(b) Government Decision No. 92 (2012) to approve the State programme on training specialists among women and assisting them to find employment for the period 2012-2015;

(c) Law No. 954 (2013) on prevention of violence in the family.

5. The Committee welcomes the adoption of Law No. 2372 (2008) on the establishment of the Human Rights Ombudsman/Commissioner for Human Rights.

C. Principal areas of concern and recommendations

Parliament

6. **While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of the Government and invites the State party to encourage the parliament, in line with its procedures and where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations between now and the next reporting period under the Convention.**

Visibility of the Convention and the Committee's general recommendations

7. The Committee is concerned about the general lack of awareness of the Convention and of the Committee's general recommendations in the State party. It is particularly concerned that women themselves, especially those in rural and remote areas, are not aware of their rights under the Convention and lack the information necessary to claim their rights.

8. **The Committee calls upon the State party:**

(a) **To take the steps necessary to ensure the adequate dissemination of the Convention and the Committee's general recommendations among relevant stakeholders, including government officials, parliamentarians, the judiciary, lawyers, law enforcement officers and community leaders, in order to create awareness of women's human rights, and to firmly establish in the State party a legal culture supportive of non-discrimination and the equality of women;**

(b) **To take all appropriate measures to enhance women's awareness of their rights and the means to enforce them, in particular in rural and remote areas, including by providing women with information on the Convention, through cooperation with civil society and the media;**

(c) **To adopt a national plan of action for the implementation of the recommendations of the Committee.**

Definition of discrimination against women

9. While noting that the Law on Guarantees of Equal Rights for Men and Women and Equal Opportunities in the Exercise of Such Rights includes the prohibition of discrimination based on sex, the Committee is concerned that the definition of discrimination does not include direct and indirect discrimination.

10. **The Committee calls upon the State party to adopt a comprehensive legal definition of discrimination against women, in accordance with article 1 of the Convention, covering both direct and indirect discrimination in the public and private spheres, in its Constitution or other appropriate national legislation.**

National machinery for the advancement of women

11. While noting that some measures have been taken by the State party to strengthen the structural and financial capacity of the Committee on Women and Family Relations, the Committee remains concerned about the very low percentage of the national budget allocated to it (0.7 per cent), the limited impact of the plan of action to implement the National Strategy on Promoting the Role of Women and the lack of effective monitoring of the programmes aimed at implementing women's rights and overall gender equality.

12. **The Committee recommends that the State party:**

(a) **Elevate the status of the national machinery for the advancement of women and expeditiously strengthen its mandate, authority and visibility at the national and local levels by providing it with adequate human and financial resources, commensurate with its mandate, and by enhancing its capacity to formulate, coordinate and monitor the elaboration and implementation of legislation and policy measures in the field of gender equality;**

(b) **Adopt a comprehensive plan of action to implement the National Strategy on Promoting the Role of Women (2011-2020).**

Temporary special measures

13. While noting that the State party is taking measures to promote gender equality in the field of education, the Committee remains concerned about the lack of understanding of the State party of the nature, purpose and necessity of temporary special measures to accelerate the achievement of de facto/substantive equality of women. It is also concerned that such measures are not systematically applied to accelerate the achievement of substantive equality of women with men in all areas covered by the Convention.

14. **The Committee calls upon the State party to consider using temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 on temporary special measures, as a necessary strategy to accelerate the achievement of the substantive equality of women in all areas of the Convention where women are disadvantaged or underrepresented.**

Stereotypes

15. The Committee remains concerned at the persistence of adverse cultural norms, practices and traditions, as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society. The Committee notes that such stereotypes contribute to the persistence of violence against women, the practice of child marriage and de facto polygamy and result in the disadvantaged and unequal status of women in many areas. The Committee expresses its deep concern that the State party has not taken sufficient sustained and systematic action to eliminate such stereotypes. The

Committee also notes some restrictions on women's freedom of expression and religion, such as the fatwa of the Council of Ulemma against women's attendance at, and praying in, mosques.

16. The Committee urges the State party:

(a) **To adopt, without delay, a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women. Such measures should include efforts, at all levels, in collaboration with teachers, civil society, community leaders and the media, to educate people and raise their awareness of existing sex-based stereotypes that persist at all levels of society and their role in overcoming them;**

(b) **To expand public education programmes on the negative impact of such stereotypes on women's enjoyment of their rights, in particular in rural areas;**

(c) **To use innovative measures that target the media to strengthen understanding of the concept of equality of women and men and to ensure that curricula and teaching materials promote a positive and non-stereotypical portrayal of women and men;**

(d) **To regularly monitor and review the measures taken to eliminate gender stereotypes in order to assess their impact;**

(e) **To address the restriction on women's attendance at, and praying in, mosques.**

Violence against women

17. While noting the adoption in 2013 of a law on prevention of violence in the family and the establishment of the position of inspector for the prevention of domestic violence within the Ministry of Internal Affairs in 2010, the Committee remains concerned about:

(a) The persistence of violence against women, including domestic violence, in the State party, which often remains underreported as a result of the prevalence of discriminatory social and cultural norms and limited access to justice and legal support for victims;

(b) The lack of a specific definition of family in the existing legislation, including that on the prevention of violence in the family, which may leave out of its scope women in de facto polygamous relations, which are quite widespread, in particular in rural and remote areas;

(c) The lack of information and data on the nature, forms, extent and causes of violence against women;

(d) The lack of adequate shelters for women victims of violence.

18. The Committee urges the State party to give priority attention to combating all forms of violence against women and girls, both within and outside the family, and to adopt comprehensive measures to tackle such violence, in accordance with its general recommendation No. 19 on violence against women, including by:

(a) Amending 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;

(b) Developing 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;

(c) Providing mandatory training for judges, prosecutors and police officers on the strict application of legal provisions criminalizing violence against women;

(d) Raising 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;

(e) Providing 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;

(f) Collecting statistical data on all forms of violence against women, including domestic violence, disaggregated by sex, age and relationship between the victim and the perpetrator, and undertaking or supporting studies and/or surveys on the extent and root causes of violence against women.

Trafficking and exploitation of prostitution

19. While noting that two draft laws on trafficking in persons and on providing assistance to the victims of human trafficking are currently being revised by the parliament, the Committee notes with concern that the State party is a country of origin and transit for trafficked women and girls. The Committee is also concerned that women in prostitution are criminalized, unlike clients. It is further concerned about the lack of efforts to prevent exploitation of prostitution and address its root causes and the lack of protection and services available to women victims of such exploitation.

20. The Committee calls upon the State party:

(a) To expeditiously adopt the draft law on trafficking in persons and the draft law on providing assistance to the victims of human trafficking and ensure their effective enforcement, including by providing assistance and legal support to victims of trafficking and establishing special shelters for women victims of trafficking;

(b) To review its legal framework on prostitution in order to ensure that women in prostitution are not criminalized, step up efforts to discourage demand for prostitution and consider introducing sanctions for sex buyers;

(c) To increase efforts aimed at international, regional and bilateral cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers;

(d) **To address the root causes of trafficking and prostitution, including poverty, in order to determine the vulnerability of women and girls to sexual exploitation and trafficking and to ensure the rehabilitation and social integration of victims, including by providing them with access to shelters, legal, medical and psychosocial assistance, and alternative income-generating opportunities.**

Participation in political and public life

21. While noting the increase by 5 per cent of the number of women in public service (23 per cent), the Committee remains concerned at the continued low participation of women in all areas of political and public life, including in the parliament (14.7 per cent in the upper house and 19 per cent in the lower house) and other decision-making positions, as well as in the diplomatic service. It is concerned that systematic barriers, such as negative cultural attitudes, the absence of an adequate quota system or other types of temporary special measures, insufficient capacity-building for potential electoral candidates, limited financial resources and a lack of support for women candidates are impeding the participation of women in political life.

22. **The Committee recommends that the State party:**

(a) **Consider the use of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendations No. 23 on women in political and public life and No. 25 on temporary special measures, such as statutory quotas and incentives for political parties to nominate women as candidates, with the aim of accelerating the equal representation of women in all areas of political and public life, especially in decision-making positions and in the diplomatic service;**

(b) **Ensure that women enjoy equal opportunities to participate in political and public life, including in the planning, implementation, monitoring and evaluation of development policies and community projects;**

(c) **Provide training on gender equality for politicians, teachers and community leaders, so as to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the Convention.**

Education

23. While noting that the State party applies some temporary special measures in the field of education, the Committee is concerned at the low enrolment rate of girls and at the high dropout rates among girls at the secondary and higher levels of education. It notes with concern that traditional attitudes and child marriages are among the main causes of girls dropping out of education. The Committee is also concerned at the persistence of gender segregation in education, in particular in vocational education, where girls and women remain predominant only in non-technical areas.

24. **The Committee recommends that the State party:**

(a) **Address and eliminate barriers to the access of girls and women to education, such as negative cultural attitudes about gender roles; reduce and**

prevent dropout from education among girls; and strengthen the implementation of re-entry policies, enabling girls who have dropped out to return to school;

(b) **Implement measures to eliminate traditional stereotypes and structural barriers that often deter girls from enrolling in mathematics, informatics, natural science and technological subjects at the secondary and tertiary levels of education;**

(c) **Step up efforts to provide girls with career counselling that orients them to non-traditional career paths.**

Employment

25. While noting that wage differentiation based on sex is prohibited under the State party's legislation, the Committee remains concerned:

(a) At the persistence of structural inequalities, vertical and horizontal occupational segregation, the persistent gender pay gap in employment, in particular in rural areas, and the concentration of women in the informal sector and in low-paid jobs;

(b) That, notwithstanding that some 80 per cent of women are working in the agricultural sector, only 12 per cent of *dekhkan* (private) farms are run by women, and that women do not enjoy family benefits and maternity leave;

(c) That women working from home, a new category of workers introduced under the Labour Code in 2011, are not entitled to maternity protection and related payments;

(d) About the potentially negative impact on women of sections 160 and 161 of the Labour Code, which appear to be overly protective of women as mothers and prohibit employers from hiring women for underground work, heavy work and work in harmful conditions, thereby limiting women's economic opportunities in a number of areas;

(e) That child labour persists and limits girls' attendance at school.

26. **The Committee requests the State party to ensure equal opportunities for women in the labour market and urges it:**

(a) **To strengthen efforts to eliminate structural inequalities and occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the pay gap between women and men by applying job evaluation schemes in the public sector connected to wage increases in sectors dominated by women;**

(b) **To establish a regulatory framework for the informal sector and for women working from home, with a view to providing women with access to social security, maternity protection and other benefits;**

(c) **To carefully review and analyse the impact of sections 160 and 161 of the Labour Code and make the amendments necessary to ensure the health and safety of all women workers and that they enjoy equal economic opportunities;**

(d) **To encourage the sharing of family responsibilities between women and men through the elimination of stereotypes and traditional attitudes that discriminate against women;**

(e) **To ratify the Workers with Family Responsibilities Convention, 1981 (No. 156), and the Maternity Protection Convention, 2000 (No. 183), of the International Labour Organization, as well as to continue its efforts to eradicate child labour.**

Health

27. The Committee reiterates its concern expressed in its previous concluding observations about the limited access to adequate health-care services for women, especially in rural areas (CEDAW/C/TJK/CO/3, para. 31). While acknowledging the progress achieved by the State party in reducing maternal mortality, the Committee is concerned that maternal mortality remains high (37.2 per 100,000 live births), as a result of the lack of adequate obstetric care, infrastructure and skilled personnel, among others. The Committee is also concerned at the growing incidence of HIV/AIDS among women in the State party and the lack of adequate access to health-care services for them, in addition to stigmatization and discrimination against women living with HIV/AIDS.

28. **The Committee calls upon the State party:**

(a) **To increase access for women and girls, in particular in rural and remote areas, to basic health-care services and to address obstacles to women's access to health care;**

(b) **To strengthen the maternal mortality reduction programme by addressing the limited access to obstetric services, developing the reproductive health infrastructure and increasing the number of skilled personnel;**

(c) **To develop strategies to combat HIV/AIDS with a gender perspective, to strengthen the provision of free antiretroviral treatment to all women and men living with HIV/AIDS, including pregnant women so as to prevent mother-to-child transmission, and to ensure that women and girls living with HIV/AIDS are not subjected to stigmatization and discrimination.**

Rural women

29. While noting the adoption of the programme on the reform of agriculture for the period 2012-2020, the Committee notes that the large majority of women in the State party live in rural areas. It therefore regrets the lack of measures in place to address the poverty of, and discrimination against, rural women and guarantee their access to justice, education, health, housing, formal employment, skills development and training opportunities, ownership and use of land and their participation in decision-making processes at the community level.

30. **The Committee calls upon the State party:**

(a) **To formulate and implement specific measures to combat women's poverty, including effective measures to ensure access for rural women to justice, education, housing, formal employment, skills development and training opportunities and ownership and use of land, taking into account their specific needs;**

(b) **To ensure the equal participation of rural women in decision-making processes at the community level.**

Disadvantaged groups of women

31. The Committee is concerned about the particular vulnerability of refugee women, older women, migrant women who work overseas and those left behind by male migrants, stateless women, including what are termed “border wives”, and women and girls with disabilities, who suffer multiple forms of discrimination. It is also concerned about obstacles preventing them from enjoying adequate access to health-care services, social benefits, education, employment and participation in political and public life. While noting the information and data provided on some groups of women, the Committee is concerned at the lack of detailed statistical data, disaggregated by sex, age and nationality, which would enable the situation of disadvantaged groups of women to be accurately assessed.

32. **The Committee recommends that the State party:**

(a) **Take all measures, including temporary special measures, necessary to improve the situation of disadvantaged groups of women, protect them from exploitation and improve their access to health-care services, social benefits, education and employment opportunities and participation in political and public life;**

(b) **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;**

(c) **Provide comprehensive information and statistical data, disaggregated by sex, age and nationality, that can be used to assess the situation of disadvantaged groups of women;**

(d) **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;**

(e) **Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Marriage and family relations

33. While noting the amendment to the Family Code in 2011, which raised the marriage age to 18 years for girls and boys, and the existing legal prohibition of polygamy, the Committee is concerned about the high incidence of child marriages and de facto polygamous marriages in the State party. The Committee also remains concerned at the large number of marriages based only on a religious ceremony (*nikokh*), given that such marriages are not always registered and may deny women and children legal and economic protection if they are dissolved.

34. **The Committee urges the State party to effectively enforce its legislation that prohibits polygamy, in line with the Committee’s general recommendation No. 21 on equality in marriage and family relations and taking into account general recommendation No. 29 on the economic consequences of marriage, family relations and their dissolution, and to protect the rights of women and**

their children in existing polygamous and religious marriages (*nikokh*), regardless of their registration status.

Optional Protocol to the Convention

35. The Committee notes the assurances of the State party during its dialogue with the Committee that the ratification of the Optional Protocol to the Convention is currently at its final stage and calls upon the State party to expedite that ratification and to accelerate the acceptance of the amendment to article 20 (1) of the Convention, concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

36. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

Millennium Development Goals and the post-2015 development framework

37. The Committee calls for the integration of a gender perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development framework.

Dissemination and implementation

38. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organizations, universities and research institutions and the media. It further recommends that its concluding observations be disseminated in an appropriate form at the local community level so as to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention and the Committee's general recommendations to all stakeholders.

Ratification of other treaties

39. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the treaties to which it is not yet a party, namely the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

Follow-up to the concluding observations

40. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 18 (a), (b), (d) and (e) and 32 (b), (d) and (e) above.

Preparation of the next report

41. The Committee invites the State party to submit its sixth periodic report in October 2017.

42. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/MC/2006/3](#) and Corr.1).

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.