PRESENTATION OF THE REPUBLIC OF TAJIKISTAN
87TH SESSION OF CEDAW COMMITTEE

Coalition of civil society organizations of the Republic of Tajikistan
"From Equality de Jure to Equality de Facto"[1]

Fourth Alternative Report of the civil society organizations of Tajikistan on implementation of the Convention on the Elimination of All Forms of Discrimination Against Women

ACHIEVEMENTS

The Government of Tajikistan used legislative, institutional, and financial mechanisms between 2019 - 2022, to ensure the rights and empowerment of women. New definitions of "direct discrimination", "indirect discrimination", "positive temporary measures", and other terms have been introduced into the national legislation. The National Strategy for Enhancement of the Role of Women in the Republic of Tajikistan for 2021-2030 envisages its financing from the public budget for 2022-2025.

ARTICLE 1. DISCRIMINATION AGAINST WOMEN

The adoption of the new Law on Equality and the Elimination of All Forms of Discrimination requires the harmonization of legislation and the development of new by-laws to ensure its implementation. It is necessary to amend the Law of the Republic of Tajikistan on State Guarantees of Equality between Men and Women and Equal Opportunities for Their Implementation with regard to the mechanisms for the implementation of state guarantees.

RECOMMENDATIONS:
To effectively implement the Law of the Republic of Tajikistan on Equality and Elimination of All Forms of Discrimination, it is important to:

- ✓ develop and adopt a procedure for mandatory anti-discrimination screening with a focus on gender screening of draft legal and regulatory documents;
- ✓ conduct anti-discrimination screening of the country's procedural codes, by-laws of the justice, police, prosecutor's office and judiciary and incorporate appropriate amendments to them with a special focus on the difference between the sexes and persons subjected to intersecting forms of discrimination;
- ✓ increase the staff of the Human Rights Commissioner, taking into account the assignment of additional tasks to the office of the latter, and include amendments to the Law of the Republic of Tajikistan on the Human Rights Commissioner;
- ✓ strengthen the capacity of the staff of the Human Rights Commissioner's office in the field of anti-discrimination screening, and systemic review of complaints on issues of discrimination;

ARTICLE 2. COMMITMENTS ON ELIMINATION OF DISCRIMINATION.

Tajikistan has not implemented the paragraph 10 of the CEDAW Committee recommendations related to withdrawing its declaration regarding the Committee's competence foreseen in Articles 8 and 9 of the Optional Protocol. This issue was not discussed with civil society.

[1]The coalition was created on May 22, 2008, and it unifies 50 civil society organizations from across the country.

Gender-based violence

There is a whole range of issue related to prevention of sexual and gender-based violence, as well as provision of assistance to victims of gender-based violence. Half of the CEDAW Committee recommendations on paragraph 26 have not been implemented. Domestic violence has not yet been criminalized. The legislation lacks the definition of gender-based violence, and, accordingly, comprehensive measures to respond to it have not been developed.

The country has made no progress in collecting unified statistics on violence against women and girls. The available statistical data on criminal and administrative cases of domestic violence does not make it possible to conduct a comprehensive analysis of data by gender regarding the perpetrators and victims, as well as the relationships they have developed, and the vulnerability of victims.

Analysis of the implementation of the Law of the Republic of Tajikistan on the Prevention of Domestic Violence over the years of its existence reveals gaps and weak effectiveness of legislative norms in protecting women and girls from all forms and types of violence. The law weakly protects the rights of women and children who suffered from violence, does not take into account the specifics of sexual violence, the situation of pregnant women, women with disabilities and other vulnerable groups of women.

Legislation does not regulate violence committed in the workplace, in places of study and other public places. Sexual harassment is not punishable by law. It does not mandate the prosecution authorities, courts, justice, religious affairs committee, and youth and sports committee as entities obliged to conduct activities on prevention of VAWG, refer to other authorities in case of detection, and courts and prosecution authorities to respond and protect appropriately.

The Tajik legislation does not contain the definition of "online violence"/ "cyberviolence" and clause for its prosecution. Recently, cases of detention of women by law enforcement agencies for allegedly obscene behavior, alien to the customs of the Tajik people, have become more frequent in Tajikistan. And all these cases are made subject of public discussion, condemnation and censure[2].

Services on support of victims of violence are designed only for victims of domestic violence, and they are not provided to children and other victims of all types of sexual and gender-based violence. The availability of one state shelter with 25 beds and three shelters maintained by civil society organizations cannot meet the needs of all victims of violence.

Psychological services for survivors of violence are weak throughout the country. There is a lack of quality training in this area. Social services are ineffective, although they are included in the sector of services to victims of domestic violence, and there is no proper training of specialists in place.

Victims of gender-based violence have limited access to forensic examination as the main means of proving violence due to its fees, small number of forensic experts (only two women in the capital of the country), and the lack of transparency of the legal regulation of its activities.

The forensic medical examination does not consider the fact of violence from the perspective of causing harm to the mental health of all victims; psycho-psychological examination is not foreseen.

RECOMMENDATIONS on gender-based violence.

Develop a new version of the Law of the Republic of Tajikistan on the Prevention of Violence Against Women and Girls, taking into account international UN standards providing for a

[2]**More details at:** https://asiaplustj.info/ru/news/tajikistan/society/20221209/publichnie-porki-i-pokayaniya-zhentshin-chto-proishodit-v-tadzhikistane?utm_source=gravitec&utm_medium=push&utm_campaign=

comprehensive definition of gender-based violence both committed by individuals in the family, in public places, and by and connivance of the state at the place of work and study.

Accelerate the establishment of an inter-agency mechanism of response to gender-based violence at the highest level, as part of the creation of a Government Coordination Council for Promotion of Gender Equality and Elimination of Violence against Women based on recommendation.

Amend the country's Criminal Code and criminalize all types of violence against women and girls, including domestic violence, sexual harassment as undesirable sexually motivated behavior. Not consider the medical criterion for determining the severity of harm caused to human health through violent acts as the main way to prove the severity of the violence committed.

Provide free medical examination for victims of all types of violence. Provide women and children who have suffered from all types of gender-based violence, and children - witnesses of violence, with a set of free rehabilitation services, and compensation for moral and pecuniary damage.

Stop the practice of sexist persecution of women in social media allegedly "for immoral behavior" by the Ministry of Internal Affairs and other government agencies, introduce in the Criminal Code the definition of "net violence"/ "online violence" and liability for it.

Sexual violence against children[3]

Upsurge in sexual violence against children in Tajikistan has been observed recently[4]. As a rule, the Tajik civil society organizations and individual civil activists are the most active actors when facts of sexual violence against children are discovered. Thanks to the response of civil activists and organizations, many cases of sexual abuse of children got publicized, became resonant, and the perpetrators were punished.

The provisions of the Tajik Criminal Code on sexual crimes in line with Articles 138 - 142(1) do not meet the requirements of international human rights standards. There are a number of barriers and legal gaps in cases of rape, including children. The Criminal Procedure Code (CPC) does not fully take into account the rights and needs of minor witnesses or victims, especially children aged 16 to 18.

RECOMMENDATIONS on sexual violence against children

1. Criminalize rape using a definition of rape that includes all human beings, marital rape and all acts of sexual penetration, and explicitly includes lack of consent in any form. Aggravating and mitigating circumstances should be reviewed and brought in line with human rights standards.
2. Child victims of violence should be able to report rape after reaching the age of legal majority.
3. Criminal law provisions on rape should set out the circumstances in which establishing the absence of consent is not required or consent is not possible for specific reasons, and should take into account special measures relating to children under the age of 16.
4. Foresee in the Criminal Procedure Code of the country a special procedure for review of cases of sexual crimes against women and children and take into account all the interests of children of victims of violence and witnesses of violence in accordance with international UN standards. The gender-based violence cases should be classified as public prosecution cases.
5. Create a unified register of persons convicted of sexual crimes against children in order to prevent them from committing repeated crimes of the same nature.
6. Strengthen the work of the Child Rights Commissioner and the Child Rights Commission to

[3]Review of legislation and practice in the field of sexual violence against children in the Republic of Tajikistan. Community-based Foundation "Legal Initiative". Dushanbe, 2021

[4]https://www.facebook.com/malika.jurakulova/posts/948057898248, https://your.tj/my-za-bezopasnost-nashih-detej-predstaviteli-grazhdanskogo-obshhestva-napisali-obrashhenie-rustami-jemomali/
Source: https://tj.sputniknews.ru/20211019/ubistvo-devochka-rudaky-sud-1042964401.html

prevent and stop sexual violence against children.

Access to justice

Women and children who have suffered from all types of gender-based violence are not recipients of advocate (secondary legal) aid either in criminal, civil or administrative cases. The main criterion for the selection of a public lawyer covered by the state in all three categories of cases (criminal, civil and administrative) is the low income of a citizen or his family. However, this mechanism is not transparent, the low-income status is granted to the family represented by the head of the household, who in most families are men.

The practice of individual public consultation offices of civil society organizations shows that law enforcement agencies discriminate women former prisoners and women with HIV; they apply biased attitude against these categories of women both during the investigation and in court, and allow themselves to apply many procedural violations, and women cannot get access to a lawyer accordingly[5].

Monitoring of civil case trials showed the lack of: accessible environment for persons with disabilities and low mobility, access to hygiene products and toilets for everyone, up-to-date information on the activities of the courts, low gender sensitivity among judges.

There is no full-fledged systemic training program on justice with a focus on gender approach and human rights for judges, law enforcement officers, prosecutors, and justice officials on consideration of criminal, administrative and civil cases.

There is still a small share of women among judges, investigators, interrogators, assistant prosecutors in the police, prosecutor's offices and courts. There is no female prosecutor. The small number of lawyers throughout the country, their low gender sensitivity and the lack of systematic training of lawyers on gender issues in justice limits women's access to justice.

RECOMMENDATIONS on access to justice

1. Amend the Law of the Republic of Tajikistan On Legal Aid in order to provide a lawyer at the expense of the state to victims of sexual and gender-based violence.
2. In matters of justice, take into account the CEDAW Committee General Recommendation No. 33 concerning women's access to justice.
3. Provide opportunities for professional development training of lawyers on gender programs. Undertake measures to increase the number of lawyers in the Republic of Tajikistan, especially in remote regions, including women lawyers.
4. Provide courts with waiting areas, sanitary and hygiene facilities meeting the needs of men, women and persons with disabilities. In general, court buildings should be made accessible to persons with disabilities and people with limited mobility.

ARTICLE 3. DEVELOPMENT AND PROMOTION OF WOMEN

Against the background of the implementation of a significant number of Government strategies and programs on protection of women's rights and promotion of gender equality, slow progress in achieving the set goals, and a decrease in a number of indicators for women compared to men, for example, in the field of employment is recorded[6]. The process of development of support measures

[5] Alternative thematic report on non-discrimination among people living with HIV and key populations https://law.yale.edu/ghjp

[6] See.: Statistic Agency of the President's Office of Tajikistan (SAPT). The labor market situation in the Republic of Tajikistan. Report is developed as a result of the labor force survey conducted from July 20 - August 20, 2016. 2017. p.17.

does not take into account the real opportunities of women and they are not focused on an equal result with men.

Despite the strengthening of the National Mechanism for the Advancement of Women, it is difficult to ensure the implementation of the tasks pertaining elimination of all forms of discrimination against women without the proactive involvement of all line ministries and agencies in these processes. Sectorial development programs, in contrast to national programs, are most often gender neutral. Planned activities on creation of gender groups in line ministries have not been implemented.

Some systemic factors hindering the effective implementation of the policy to ensure the de facto equality of women and men are recorded.

RECOMMENDATIONS

To strengthen crosscutting institutional mechanisms for the implementation of gender strategies, the creation of a Government Coordination Council for promotion of gender equality and the elimination of violence against women.

Establish and ensure proactive operation of gender groups or responsible persons for the development and implementation of sectoral gender policies in ministries.

Carry out continuous monitoring and evaluation of the implementation of national strategies based on an expanded system of gender indicators. In accordance with the Law on State Guarantees, ensure the annual publication of reports on the results of monitoring and evaluation in the media, on the websites of ministries and agencies.

Increase targeted financial allocations from the public budget for the implementation of activities on empowerment of women. Introduce gender-responsive budgeting into the system of annual public budgeting of the Republic of Tajikistan.

Expand official statistics of disaggregated data by sex in various sectors, not only in general by sex, but also by various social groups (rural and urban men and women, for different age groups of men and women, women and men with disabilities, etc.)

ARTICLE 4 ACCELERATE EQUALITY BETWEEN MEN AND WOMEN

One of the three recommendations of the Committee's Concluding Observations on the sixth periodic report related to paragraph 22 "Temporary special measures" - creation of a legal framework and the introduction of "positive measures" definition into the legislation - was partially implemented. Now it is important to develop in more detail mechanisms for by-laws for the application of temporary special measures in various areas.

RECOMMENDATIONS

1. Develop a package of proposals for amending legal and regulatory documents in terms of mechanisms for using temporary special measures to empower women in various sectors of the economy, including education, law enforcement, agriculture, local executive and legislative bodies, etc.
2. In the field of education, introduce quotas for girls from urban areas for in-demand specialties in the field of law, management and other areas.
3. When adopting positive temporary special measures in various areas, monitor their effectiveness and positive impact on the empowerment of women, including those from various disadvantaged groups.
4. In order to implement the SDG principle "Leave No One Behind", pay utmost attention to the use of temporary special measures for women with disabilities, women representing national minorities, rural women, women from low-income households and other groups.

5. Amend the Law of the Republic of Tajikistan on State Guarantees of Equality Between Men and Women and Equal Opportunities for Their Implementation in terms of the prohibition of discrimination based on sex, and introduction of temporary measures in the prosecutor's office, security, and defense authorities of the country.

ARTICLE 5. ROLES OF SEXES AND STEREOTYPES

Most of the recommendations related to paragraph 24 of the Committee's Concluding Observations have not been implemented. The Government of Tajikistan still lacks a unified Communication Strategy to promote gender equality and eradicate negative gender stereotypes. At the same time, the Mid-Term Development Program of the Republic of Tajikistan for 2021-2025 envisages the development of such a strategy. However, the activities in this area are limited with individual television and radio programs, and awareness events in cities and districts. Therefore, the ongoing activities have very little effect on changing public opinion about gender roles, the inadmissibility of violence against women and girls, etc.

The public and private mass media also do not implement such activities regularly. Although, it is important to take into account that this solution to the problem requires a whole set of legislative, methodological, socio-economic and administrative actions.

RECOMMENDATIONS

1. The Government needs to develop and implement a Communication Strategy to promote gender equality, overcome gender stereotypes about the role of women and men in society and the family, change public perceptions and behaviors that justify violence against women and girls.
2. In order to enhance the role of the education system in overcoming gender stereotypes, discriminatory socio-cultural attitudes and practices in the field of relations between men and women, it is important to:
    - ✓ Include provisions on mandatory gender screening in the "Model Regulations on the Development, Screening and Publication of Textbooks".
    - ✓ Develop modules and conduct training sessions for teams of authors developing new generation of textbooks with a mandatory gender component.
    - ✓ Include the issues on gender aspects of education and overcoming gender stereotypes into the curriculum of professional development training courses for teachers and leaders at all levels of the education system.
3. Strengthen partnerships between government agencies, civil society, religious organizations, businesses and the media in countering the spread of negative gender stereotypes and promoting zero tolerance towards discrimination and gender-based violence.

ARTICLE 6. EXPLOITATION OF WOMEN

The visit of the Special Rapporteur on trafficking in persons, especially women and children, identified a number of issues and gaps related to prevention of the exploitation of women:

- ✓ In practice, the scope of the Law on Countering Trafficking in Person is limited, in particular with regard to the provision of assistance to victims/survivors and their protection;
- ✓ Not enough attention is paid to the trafficking of women and girls within the country. Such victims are not provided with assistance and protection;
- ✓ Gender structural inequality, gender-based discrimination and violence, the feminization of

poverty are the root causes of the exploitation of women both inside and outside the country[7].

The punishment for prostitution was strengthened in Tajikistan through Article 130 of the Code of Administrative Offenses of the Republic of Tajikistan in 2019. High fines exacerbate the situation of sex workers. The government and the Ministry of Internal Affairs are thus fighting immoral behavior without eliminating its causes.

Increased punishment only contributes to greater exploitation of women in this business by law enforcement agencies. Moreover, forced HIV test has been practiced recently[8]. If this disease is detected, then automatically women are charged in line with Article 125.1 of the Criminal Code of the Republic of Tajikistan, for knowingly placing in danger of contracting HIV. This article has already become on duty at law enforcement agencies, and the number of women serving sentences in prison under this article is increasing every year.

RECCOMENDATIONS.

1. Ensure the implementation of the recommendations of the Special Rapporteur on trafficking in persons, especially women and children issued following her visit to Tajikistan in 2022.
2. Remove punishment for prostitution.
3. Strengthen the responsibility of police officers in connection with the abuse of power and for discrimination against sex workers.

ARTICLE 7. PARTICIPATION IN POLITICAL AND PUBLIC LIFE

Despite the efforts made by the Government of the Republic of Tajikistan to promote women to senior positions, men dominate by a large margin in decision-making. Women, as leaders, are mainly engaged in the lower and mid-level management.

Based on the implementation results of the State program on training, selection and deployment of talented women and girls in leadership positions in the Republic of Tajikistan for 2017-2022, key targets have not been met.

There are still regulatory barriers to women's promotion into leadership positions in the law enforcement system. The existing segregation in the specialties that girls acquire in universities does not contribute to the expansion of the representation of women in government bodies. Men definitely excel in the occupations that are in demand in public authorities.

There is no full-fledged database of personnel reserve list - women professionals. Only a small share of candidates is appointed to senior positions from the personnel reserve list.

RECOMMENDATIONS

Ensure regular monitoring and evaluation of the implementation of programs and action plans on engagement of women in decision-making processes, track the effectiveness of special measures implemented.

Remove all regulatory barriers to the promotion of women to leadership positions in the law enforcement system.

Create a full-fledged database of competent women for the pool of civil servants and regularly monitor their appointment to relevant positions.

[7] Report of Special Rapporteur Siobhan Mullally on trafficking in persons, especially women and children, Human Rights Council. Fiftieth Session. 13 June - 8 July 2022
[8] https://hrc.tj/archives/174

With a view to motivating the participation of competitive women in elections in single-mandate districts to the lower house of parliament (Majlisi Namoyandagon), discuss with all stakeholders and amend the legislation to exempt women candidates from electoral deposit.

With a view to ensuring state guarantees of equal opportunities for men and women in the public service, use the principle of "soft quota" in hiring processes (participation of representatives of both sexes, men and women is a mandatory criterion for the valid hiring)

Use the Presidential quotas for training greater number of female personnel on the in-demand specialties in the field of public administration. Facilitate the introduction of parity mechanisms in the formation of the governing bodies of political parties and party lists in election bodies.

ARTICLE 9. CITIZENSHIP.

The recommendations related to paragraph 34 of the CEDAW Committee were not implemented by the State.

Problems related to the lack of valid documents mostly affect women and children in rural areas. Since 2015, women and girls have accounted to about 70% of registered stateless persons and persons at risk of statelessness.[9]

With the adoption of the Law of the Republic of Tajikistan on Amnesty with regard to the legalization of the legal status of foreign citizens and stateless persons illegally staying on the territory of the Republic of Tajikistan" (Amnesty Law) in 2019, Tajikistan actually took measures to implement the provisions of the UN Convention on the Status of Stateless Persons: legalization of the legal status of stateless persons, obtaining residence permits and the right to obtain a travel document. However, this law was effective for 3 years, and it covered only stateless persons - citizens of the former USSR. The amnesty law was not extended and there are still stateless persons remaining in the country, who, for various reasons, including those who did not know about this law, did not manage to legalize their status.

Tajikistan, being a party to the UN Convention on the Rights of the Child, is obliged to register the birth of each child and grant him/her the right to a name and to acquire citizenship (Article 7). Women - stateless persons, living with invalid documents or without documents, cannot obtain birth certificates for their children, since the Law of the Republic of Tajikistan on State Civil Registrar sets certain criteria, primarily, requirement on submission of documents proving the identity of parents (one of the parents).

Women living in remote villages with birth certificates issued in the former USSR cannot submit all the necessary documents to obtain passports to confirm their citizenship: valid parents' passports, parents' marriage certificates, or death certificates for deceased parents, etc. In some cases, women do not have such documents and in order to obtain passport of a citizen of the Republic of Tajikistan, women need legal aid to establish their identity and confirm citizenship of the Republic of Tajikistan.

The Constitutional Law on Citizenship of the Republic of Tajikistan does not in all cases guarantee citizenship to children. Citizenship of the Republic of Tajikistan is granted to a child born in the country only, whose parents are unknown. A child whose parents are stateless, if both of them or one of them do not permanently reside in the country (do not have a residence permit of the Republic of Tajikistan), is not recognized as a citizen of Tajikistan.

RECOMMENDATIONS:

[9] Data by UNHCR Tajikistan

1. Ratify the UN 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
2. Amend the national civil registrar legislation to ensure universal birth registration for all children, regardless of whether or not the parents have invalid documents.
3. Amend the Constitutional Law on Citizenship of the Republic of Tajikistan to provide for the recognition of a child as a citizen of the Republic of Tajikistan in all cases, in order to prevent his/her statelessness.

ARTICLE 10. EDUCATION

Against the background of an increase in the gender parity index in secondary education, gender problems in the transition to the last level of secondary education are recorded. Among young people aged 15-19, 22.1% neither study nor work (NEET). While the figure of this indicator is 12.3% for boys, itis 2.6 times higher for girls, at 32.5%. In certain regions the proportion of NEET girls is morethan half.[10]

A significant gender imbalance exists in primary vocational education. In 2006, the percentage of girls' students in primary vocational education institutions was 27%, whereas in 2020 the percentage is 19.3%.[11]

Occupational segregation in secondary and higher vocational education in the context of received specialtiesis noticeable. Access to primary, secondary and higher education for women with disabilities, women living with HIV, rural women and women from other vulnerable groups is an acute problem.

The action plans for the implementation of national strategies in education and other relevant sectors do not include measures to overcome the gender imbalance in the field of specialization in STEM, despite the fact that the solution of this problem is identified among the priorities. In the academic year 2021/2022 the proportion of girls among the students studying in "natural sciences" is 32.1%, radioelectronic engineering - 3.3%, computer engineering - 25.5%, "equipment" - 5.1%.[12]

RECOMMENDATIONS

Audit of Action plans for national strategies and programs to address gender imbalances in lifelong learning.

Regularly monitor the impact of measures taken to ensure equal access to all types of education forgirls and women, from rural and urban areas, with disabilities, women living with HIV, from remotevillages, the poor, etc. Publish reports on the results of monitoring and evaluation.

Expertise mandatory the new curricula and literature for all levels of education from gender point of view.

Expand the use of special measures, including Presidential quotas for urban and rural girls, the use of targeted scholarships for girls in STEM specialties, and other measures aiming to overcome gender disparities in access to new technology and STEM specialties.

[10] SAPT. Situation on the Labour Market in Tajikistan. Dushanbe. 2017, p.85.
[11] SAPT. Tajikistan: 30 years of state independence. Dushanbe. 2022,p.99.
[12] See: SAPT. Education in the RT. Dushanbe. 2022, p.79.

Conduct regular information campaigns on overcoming gender stereotypes on gender roles, on professional orientation of young people, the importance of initial vocational education and the promotion of the importance of computer technology and engineering professions, not only among girls but also among their parents.

ARTICLE 11. EMPLOYMENT

Most of the concluding observations on paragraph 38 of the Committee on the sixth periodic report of Tajikistan have not been implemented.

The participation rate of women of working age, both in the labor force (32.6%) and among the employed population (40.5%), is significantly lower than that of men (52.9% and 59.5%, respectively). While the share of male NEET in the age group of 15-29 years is 5.8% only, the share of female NEET in this age group was 53.1%.[13] Most women work in low-paid sectors (agriculture, education, healthcare, etc.). At the end of 2020, the ratio of the average monthly nominal accrued wages of women to the wages of men was 66.7%.[14]

RECOMMENDATIONS

Regularly monitor the effectiveness of the impact of ongoing activities and various programs on elimination of gender inequality in employment and women's economic empowerment through regular monitoring and evaluation.

With a view to avoiding new barriers in the field of employment in the context of Tajikistan's transition to a “digital” and “green” economy due to unequal access of women to information technology and popular specialties, use Presidential quotas for training girls in colleges and universities in these areas and help increase the share women in these industries.

Revise and amend Article 216 of the Labor Code and the List of jobs prohibited for women’s employment, approved by the Government of the Republic of Tajikistan in 2017.

Initiate the process of ratification by Tajikistan of the ILO Maternity Protection Convention, 2000 (No. 183) and the ILO Convention on Workers with Family Responsibilities, 1981 (No. 156).

Develop professional orientation system mechanisms, develop and implement targeted programs of employment centers for target groups (women without education, women with disabilities, women living with HIV, etc.) and other activities to create a system of sustainable interaction between the system of vocational education and the labor market, ensure the diversification of programs of primary and secondary vocational education in technological specialties.

Accelerate the adoption of the State Women's Entrepreneurship Program, and therein to expand the package of temporary special measures to support officially registered entrepreneurs, to involve unemployed women in entrepreneurial activities and facilitate the transition of women entrepreneurs from the informal sector to the formal one.

With a view to expanding access to financial resources, improve the regulations governing the provision of loans and microcredits, including the instructions of the National Bank of Tajikistan (No. 186 and 199) regarding the mandatory use of gender-sensitive loan products.

Proactively introduce preferential social loan products for women entrepreneurs and other groups, including vulnerable groups of women, apply unsecured lending schemes, and increase loan maturity, etc.

[13] SAPT. Labor Market in Tajikistan. 2017, pp.17, 87-89, 79
[14] SAPT. Tajikistan: 30 years of state independence. Dushanbe. 2022. p.213.

The executive authorities should take measures to ensure equal representation of women and men working as tax inspectors.

With a view to recognizing, reducing and redistributing women's unpaid care and household chores engagement, comprehensive measures are needed in three key areas: creating flexible conditions in the labor market, improving social welfare infrastructure and changing negative gender-based social norms.

ARTICLE 13. SOCIAL AND ECONOMIC ALLOWANCES

The gender gap in the level and quality of employment results in women having limited access to social protection systems based on participation in the labor force. Lack of paid employment and shorter service life negatively affects their seniority insurance premiums and their participation in work-related welfare programs. According to official statistics, the gender gap between men's and women's pensions was 31% at the end of 2019, which is not in favor of women.[15]

In accordance with the Decree 1580 of the President of the Republic of Tajikistan of August 4, 2020, the minimum amount of retirement pensions, the basic pension is 207 somoni ($19).

The state violates the right of citizens to social pensions by age by setting a limit on the maximum amount of an old-age labor pension. Regardless of the fact that a citizen paid insurance premiums much more than the established norm during the period of his labor activity, according to the same Decree of the President of the country, a citizen receives no more than 978 somoni ($90)

In a more vulnerable position are women with disabilities and mothers who raise children with disabilities (CWD) at their own. Persons with disabilities are assigned a social pension. Since 2021, the size of social pension is 310.5 somoni ($28) for persons with disabilities of the 1st group, 248.4 somoni ($22.7) for persons with disabilities of groups I and II since childhood, children with disabilities under 18 years old and 124.2 somoni ($11.3) for persons with disabilities of groups II and III. This amount is miserable and covers almost nothing[16].

Mothers or persons (guardians) who care after CWD do not receive any additional allowances, social benefits and, accordingly, are in a difficult financial situation. They cannot leave their children to anyone to find a job, they are not credited with seniority (labor record), they are not provided with a social worker so that they can work. Therefore, they also will not receive a decent pension when they reach the retirement age.

It is important to pay attention to cases of violations of rights and economic violence against women with disabilities by their relatives or husbands who take away their pensions.

Due to the gaps in the regulatory legal framework, women working with permit as individual entrepreneurs do not have access to benefits for pregnancy and childbirth. There is also no clear mechanism for assigning old-age pensions for women in this category, despite the fact that they pay fixed social tax monthly.[17] Moreover, this tax is increased time to time.

RECOMENDATIONS

While developing and implementing policies, it is necessary to provide for a transparent, accessible and non-discriminatory system of social security and social insurance based on gender approach and involving the civil society of Tajikistan in these processes.

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[15] See.: SAPT. Women and men in the Republic of Tajikistan. Statistical collection. Dushanbe, 2020, pp.146-147.
[16] Decree 186 of the President of RT of 28 May 2021
[17] Government of the Republic of Tajikistan Resolution 451 of August 31, 2012, “On approval of the Rules for the taxation of individual entrepreneurs operating on the basis of permit or certificate”.

Care for children with disabilities or persons with congenital disabilities should be recognized as paid work for those caring for them. Mothers raising a child with disability and women caring for a family member with disabilities are to be determined and paid for the minimum wage with deduction of social taxes to the Social Insurance Fund.

It is necessary to eliminate the gaps and to make sure in the regulatory legal framework that individual entrepreneurs working with permit receive social payments in case of illness, disability or during maternity leave. Envisage the possibility of suspending their permit or certificate during illness and maternity leave.

ARTICLE 14. RURAL WOMEN

Despite the predominance of women in agricultural activities, there is a clear gender disparity in access to land. There are rarely cases of direct discrimination against women in the distribution of land in practice in Tajikistan. However, women are often subjected to indirect discrimination due to unequal opportunities.

The number of women - farm managers in 2021 is more than three times less than men. The proportion of women headed farming ownerships is only 23.5%.[18]

The irregularity in payment of wages to farms members during the year is recorded. Most women farmers are paid once at the end of the season or once a year.

In Tajikistan, there is a gender imbalance in the staff of agricultural administration, land management and other specialized agencies. At the same time, the share of girls in the total number of students in secondary specialized educational institutions in the 2021/2022 academic year is only 11.4% in agriculture, 6.3% in higher educational institutions, and 8.7% in land management, geodesy, cartography and topography.[19]

RECOMMENDATIONS

When developing measures on promotion of gender equality, it is important to take into account the significant differences between the opportunities of rural and urban women and men, households headed by men and women in terms of socio-demographic characteristics and characteristics of these households in terms of type, size, composition, potential, etc.

In the context of the formation of the land market and the introduction of the new Civil Code of the Republic of Tajikistan from July 1, 2023, conduct extensive awareness campaigns to explain to women and men the provisions of the Land Code of the Republic of Tajikistan on application of the rule of the regime of jointly acquired property of spouses to the land use rights.

It is important to undertake the following with regard to empowerment of rural women:

- ✓ Strengthen the competitiveness of rural women through the use of various forms of training of specialists in the field of agriculture and other areas, including the allocation of Presidential quotas for study at universities, the creation of ongoing programs to build the capacity of women in the field of new financing systems, technologies for growing agricultural crops, the use of ICT etc.
- ✓ With a view to expanding access to financial resources, proactively introduce social loan products for rural women with soft interest rates, use unsecured lending schemes based on group lending, guarantees and other forms.
- ✓ Strengthen the capacity and improve gender awareness of government employees;

[18] See: SAPT. Gender indicators in the production activities of farming ownerships for 2019-2021. 2022, p. 62.
[19] SAPT. Education in RT. 2022, p. 61,73.

- ✓ Involve women in decision-making processes based on gender balance in the composition of district commissions for the restructuring of farms, land distribution, etc.

ARTICLE 15. EQUAL RIGHTS

Despite the fact that women and men have equal rights in accordance with the civil law, in practice men have more opportunities in terms of owning and managing property, and receiving loans from banks for doing business. Inheritance is also most often issued to sons, and not to daughters due to gender stereotypes.

Even property jointly acquired in marriage is issued to men in most cases. The Family Code (FC) has regime of equal common joint property of the spouses operative, even when the wife runs the household and does not work, unless otherwise provided by the marriage contract (article 34 of FC). However, there is a widespread practice of husbands registering movable and immovable property in the name of his parents and brothers. In most families, most often in rural areas, when the husband leaves for labor migration, the wife stays with her parents-in-law and the remittances received from the husband are controlled by the husband's parents.

Women have unequal opportunities compared to men in property rights, also due to low legal literacy, exposure to negative gender stereotypes, limited access to justice, lack of gender-sensitive loan products and other government support measures, especially for vulnerable women.

RECOMMENDATIONS

Improve civil and family legislation, taking into account not only equal property rights, but also the real opportunities for women and men.

Regularly conduct awareness-raising activities for the population on equal property and inheritance rights for women and men, on the importance of supporting women and girls.

ARTICLE 16. MARRIAGE AND FAMILY RELATIONS

The paragraph 46a of the Committee's recommendation on the abolition of the mandatory medical examination has not been implemented. The rules of free medical examination20 are most often not followed. According to the procedure of medical examination, the spouses must be aware of the results of each other. In many cases, parents (mothers) are present at medical examination of young people, especially girls, which is contrary to legal requirements.

Another problem of family legal relations is the breakup of families and the unequal care of children by their parents. The burden of raising children after the breakup of families remains with mothers. The problem of alimony payments by fathers has not yet been resolved. Despite the small size of the alimony, which averages 20-25 dollars per child, fathers often do not pay even such a small amount. Judicial enforcement agents implement their job poorly. The composition of bailiffs is not gender sensitive; the majority of employees are male officers with poor professional training. The problem of second and third wives is still relevant, which also negatively affects the position of women.

Harmful practices

The Family Code of the Republic of Tajikistan (FC RT) sets the age of 18 years as the age of marriage. Article 13.2 of the FC RT allows to reduce the age of marriage in exceptional cases by a court decision. However, there is no list of exceptional cases in the legislation.

The Supreme Court of the Republic of Tajikistan does not run the review of judicial practice on reducing the age of marriage. The courts do not use gender-sensitive approaches in their activities,

[20] Article 15 of the Family Code of the Republic of Tajikistan.

as they do not pay attention to such rights of girls entering into marriage as the voluntary nature of the marriage, the interests of the child, and independent decision-making. The issues of education of girls, the possibility of its continuation after marriage are touched upon in isolated cases and are not of statistical significance.

RECOMMENDATIONS:

1. Exclude the provision enabling the reduction of the marriage age from the FC of the RT;
2. Introduce amendments to the Law on the regulation of traditions, celebrations and rituals in the Republic of Tajikistan (No. 272) regarding the obligation of a mullah to perform the rite of “nikoh” only with the obligatory submission of a marriage certificate. Introduce separate criminal liability for non-compliance with this requirement.
3. Strengthen the work of the prosecutor's office to bring to justice in line with Article 168 of the Criminal Code of the Republic of Tajikistan “Marry a girl under the marriageable age" and Article 169 “Marry a person under marriageable age”. Regularly publicize information on these statistics.
4. Taking into account human rights and the concentrated nature of the HIV epidemic in Tajikistan, replace the mandatory medical examination for HIV of persons entering into marriage with a voluntary and recommended one. Make appropriate amendments to the Family Code of the Republic of Tajikistan.
5. Develop proposals for reforming the system of enforcement proceedings, taking into account the rights and interests of women and children. Strengthen the human resource capacity of bailiffs in terms of gender equality.