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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**REPLIES BY THE GOVERNMENT OF TAJIKISTAN TO THE LIST OF ISSUES
(E/C.12/TJK/Q/1) TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION
OF THE INITIAL REPORT OF TAJIKISTAN CONCERNING THE RIGHTS
REFERRED TO IN ARTICLES 1-15 OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (E/1990/5/Add.68)**

[25 August 2006]

Implementation of the International Covenant on Economic, Social and Cultural Rights

Replies to the list of issues to be taken up in connection with the consideration of the initial report of Tajikistan concerning articles 1-15 of the International Covenant on Economic, Social and Cultural Rights ("the Covenant") (E/1990/5/Add.68).

I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

1. Under article 10 of the Constitution of the Republic of Tajikistan, international legal documents recognized by Tajikistan form an integral part of the Republic's legal system. If the country's laws conflict with recognized legal documents, the latter's provisions prevail. Consequently, judges have the right to refer to the provisions of the Covenant on Economic, Social and Cultural Rights. In practice, however, those provisions have not so far been invoked in Tajikistan.
2. In order to increase awareness among judges, politicians, law-enforcement officers and other officials, and human-rights teachers, a number of seminars on the social, economic and cultural rights proclaimed in the Covenant, attended by local and foreign experts and with the support and participation of international organizations, have been held in Tajikistan.

With the support of the United Nations Development Programme, collections of international instruments recognized by Tajikistan have been published in Tajikistan and distributed among a wide circle of specialists.

Guided by these and other legal instruments in this sphere, Ministries and departments in the country are giving serious attention to issues of legal education. Official and special training courses include the study of provisions and principles relating to the basic human rights and freedoms enshrined in international legal instruments and the national laws of Tajikistan.

All staff of the Narcotics Control Agency of the President's Office undergo systematic checks aimed at evaluating their professional knowledge and their familiarity with the basic provisions of the Constitution and other national laws. Agency officials take an active part in seminars and training courses held with the support and participation of governmental and international organizations, helping them to acquire the necessary skills in observing human rights and freedoms during the performance of their official duties.

A 10-day training course on "Education in the sphere of human rights", attended by representatives of the Ministry's core staff and its Department of Correctional Affairs, the Procurator's Office and the Institute for the Advanced Training of Civil Servants, has been held in the Ministry of Justice.

The Judicial Council has a Study Centre for judges, which is attended by judges and other responsible court officials, as well as candidate judges.

The Study Centre provides instruction on the constitutional, criminal, civil and other branches of the law, and on international human rights law, including the Convention on Economic, Social and Cultural Rights.

Specialists drawn from experienced judges, retired judges and teachers in higher educational establishments in Tajikistan and abroad are invited to teach at the Centre.

Some 250-300 judges, candidate judges and court officials attend the Study Centre annually.

The educational process includes an assessment of the participant's assimilation of the material by means of practical seminar work and testing before and after the commencement of the course.

The Procurator's Office, together with the Danish Human Rights Institute, has completed the preparation of a methodological handbook entitled "The role of bodies of the Procurator's Office in the defence of human rights and freedoms", which sets out the requirements of all international legal instruments on human rights and freedoms. The main emphasis in the handbook is on explaining the provisions of the International Covenant on Economic, Social and Cultural Rights and the special importance of the Procurator's Office in supervising the rights enshrined in the Covenant.

The handbook will be published in large numbers and distributed among officials of the Procurator's Office, the courts and other law-enforcement agencies. Mention is made of the seminars held for law-enforcement officers concerning the various sections of the handbook, including protection of the rights recognized by the Covenant.

In September 2005, the Ministry of Internal Affairs, its Academy and the Republican Human Rights Office, with the support of the Danish Human Rights Institute, published large numbers of a "Collection of international documents and laws of the Republic of Tajikistan relating to human rights (for officials of law-enforcement agencies)" and a teaching aid for teachers in law-enforcement colleges, trainers for non-governmental organizations and the general public entitled "The defence of human rights as a function and obligation of the militia". Particular emphasis is placed in these collections and handbooks on the human rights and freedoms recognized in the Covenant.

3. The political leadership of Tajikistan has carried out a great deal of work on establishing the legislative, legal and institutional basis for combating corruption, ensuring transparency and openness in society and the availability of information, and strengthening international cooperation in combating corruption.

The country's political will and devotion to anti-corruption ideals is evidenced by the fact that in September 2003 Tajikistan was the first central Asian country to approve the Istanbul Anti-Corruption Action Plan and joined the Anti-Corruption Network for Transition Economies.

In implementation of the requirements of the analytical stage of the Istanbul Anti-Corruption Plan, Tajikistan is now successfully carrying out the OECD Recommendations for the improvement of its legislative, legal and institutional basis for combating corruption (texts of the Istanbul Plan, National Report on the legislative, legal and institutional basis for combating corruption, OECD Assessment and Recommendations of 21 January 2004 as posted on the website of the Anti-Corruption Network for Transition Economies www.anticorruptionnet.org).

The adoption of the new Anti-Corruption Act by the Parliament of Tajikistan on 25 July 2005 was an important step in the development of anti-corruption legislation.

The Majlis-i Milli of the Majlis-i Oli (National Assembly, the upper house of Parliament) adopted Resolution No. 95 on the priority tasks of the National Assembly in implementing the Anti-Corruption Act. This Resolution instructed the National Assembly's Committee for ensuring constitutional principles, human and citizens' rights and freedoms and legality, together with the Supreme Court and the Procurator's Office, to work out measures by the upper house of

Parliament to meet the requirements of the Anti-Corruption Act. It supports the action of the above organizations providing for a set of measures to detect, prevent, suppress and expose these types of offence and to eradicate the causes and conditions that give rise to them, especially in jurisprudence.

In order to bring national legislation into line with international anti-corruption standards, the Resolution provides for:

- The development of draft legislation to introduce amendments and additions to the Criminal Code, the Administrative Offences Code, the Labour and Civil Codes, and the Civil Service, State Financial Control and State Finances Acts, and the preparation of a draft law on the procedure for declaring the incomes and property status of persons performing State duties;
- The establishment of a working group made up of representatives of the National Assembly, the Supreme Court, the Prosecutor's Office and other law-enforcement agencies to examine legal instruments from an anti-corruption perspective, and reveal and remove any loopholes in the legislation that may assist the commission of corrupt acts;
- The preparation of proposals for the development of a State Anti-Corruption Programme for the period 2006-2010;
- The development of measures for the further implementation of the OECD Recommendations of 21 January 2004;
- The establishment of a Register of corruption offences and preparation of a Regulation on the procedure for compiling statistics on them;
- The publication of a commentary on the Anti-Corruption Act;
- The adoption of practical measures to combat corruption and detect and prevent corrupt acts in State authorities, power structures, law-enforcement agencies, education and public health;
- Monitoring of the extent to which restrictions on the employment of close relatives in State organizations are being complied with;
- The adoption of measures for the coordination of activities, improvement of cooperation and exchange of information and technology among the authorized departments of law-enforcement agencies fighting corruption, organized crime, smuggling and other crimes;
- The organization of anti-corruption vocational training for law-enforcement officers;

- The strengthening of activities to explain the law on anti-corruption issues, the organization of meetings and assemblies of members of the National Assembly and deputies and responsible officials of local authorities;
- The holding of national, regional and international conferences, seminars and meetings on anti-corruption issues.

As well as plans for enhancing the struggle against corruption in the future, mention may be made of measures already taken in this direction.

For example, certain acts have been decriminalized with a view to removing obstacles to entrepreneurship and restricting excessive interference in this sphere. For economic crimes, the minimum damage threshold above which an act is deemed to be a crime has been significantly raised.

In particular, under the Amendments and Changes to the Criminal Code Act of 17 May 2004, the damage threshold above which unlawful entrepreneurship (article 259) and fraudulent entrepreneurship (article 260) are deemed to be crimes has been raised from 10 to 1000 times the minimum wage, that for smuggling by five times from 1000 to 5000 times the minimum wage, and that for non-payment of customs duties (article 291), non-payment of taxes and dues by a legal person (article 292) and non-payment of taxes and dues by a physical person (article 293) by ten times from 500 to 5000 times the minimum wage.

Preparation of a draft law on combating the legalization of unlawful incomes and counteracting the financing of international terrorism, which provides for the establishment of a financial intelligence agency, has been completed.

A new draft law on State procurement of work, goods and services, prepared taking the requirements of international standards on the transparency of State purchases and on preventing grounds for corruption in State procurement, is before the Majlis-i Namoyandagon (Assembly of Representatives, the lower house of Parliament).

Decree No. 1343, issued by the President of the Republic of Tajikistan on 14 June 2004, approved the Civil Servant's Ethical Code, aimed at ensuring transparency and honesty in the civil service.

An anti-corruption department was set up in the Procurator's Office by Presidential Decree No. 1340 of 2 June 2004 and has speedily proved its effectiveness.

Presidential Decree No. 1570 of 21 June 2005 approved the Rules for the provision to, and acceptance by, law-enforcement agencies of inspection and audit materials, which are intended significantly to improve cooperation among inspection and audit bodies and law-enforcement agencies in detecting and investigating corrupt activities.

In order to strengthen measures for the financial control of civil servants' incomes, Presidential Decree No. 289 of 1 August 2005 approved forms for the declaration of civil servants' incomes and property status.

On 24 December 2004 the President of Tajikistan had a meeting with law-enforcement agencies that was wholly devoted to the situation in the fight against corruption in the country.

As a result of this meeting, the President issued Decree No. 1430 of 4 January 2005 approving an Action Plan aimed at strengthening the fight against corruption.

In view of numerous complaints by citizens of extortion and racketeering by employees of the State Motor Vehicle Inspectorate, the number of such workers was halved by the Presidential Order of 5 January 2005.

With a view to increasing transparency and openness in the work of State bodies and facilitating access to information, Presidential Order No. ap-1677 of 4 March 2005 instructed all Ministries and departments to hold a press conference for all mass media on their quarterly results.

The Order is being implemented, and the mass media and the general public now have full access to information.

In order to develop the bases for statistical monitoring of the situation in the fight against corruption, the Procurator's Office submitted a proposal to the Coordinating Council of Procurators' Offices of the Commonwealth of Independent States (CIS) for the development of uniform criteria for categorizing crimes as "corruption", drawing up a list of such crimes and introducing unified forms for statistical recording of corruption crimes.

In a decision adopted by the Coordinating Council of Procurators' Offices in Almaty on 24 November 2004, CIS member countries were recommended jointly to develop the bases of statistical monitoring.

Measures are also being taken for the advanced training of workers in bodies authorized to combat corruption.

Between November 2004 and January 2005, the Procurator's Office, together with the representative office of the United Nations Development Programme (UNDP) and the non-governmental Centre for Legal Education, held three-day training seminars on anti-corruption issues for judges and officials of the Procurator's Office, internal affairs offices and the tax and customs services. Some 300 law-enforcement officers received training during this period.

Seven-day training seminars on anti-corruption issues for prosecution service officials were held in March 2005 in the Centre for the Advanced Training of Law-Enforcement Officers.

Training seminars for journalists and students of higher educational establishments on "Journalistic investigation of cases of corruption" were held in November 2004.

As part of the implementation of the OECD Recommendations on conducting campaigns to increase awareness among officials and the public of the sources and consequences of corruption, the Procurator's Office, together with the United Nations, has issued and distributed four booklets, with a print run of 32,000 copies, aimed at increasing public awareness of anti-corruption issues.

A handbook for officials entitled "What is corruption and how should it be tackled?" has been issued and distributed in 14,000 copies. It explains the situation in Tajik legislation regarding the concept of corruption, conflict of interests, and liability and sanctions for corruption.

Combating corruption is included in the syllabus of the Institute for the Advanced Training of Law-Enforcement Officers in the Civil Service Department of the President's Office. Officials of the Anti-Corruption Authority of the Procurator's Office take an active part in working with civil servants.

Numerous public measures to discuss the situation regarding the fight against corruption and how to improve it are being taken in Tajikistan.

A national conference on strengthening Tajikistan's legislative, legal and institutional base for combating corruption was held in the capital on 19 November 2004. Representatives of the Majlis-i Oli (Parliament), the President's executive staff, the Government, Ministries and departments, non-governmental organizations, the mass media, the OECD Anti-Corruption Network, international human rights and donor organizations and CIS member Governments took part in the Conference.

A scientific and practical conference entitled "Tajikistan against corruption" was held at the President's Centre for Strategic Research. It was attended by representatives of all branches of power, scientists, practical workers and the domestic mass media, as well as representatives of foreign mass media accredited in Tajikistan.

A regional conference on "The face of corruption in Central Asia, its causes and ways of counteracting it" was held in Dushanbe on 15-17 November 2005 in cooperation with the office of UNDP and the French Embassy in Tajikistan. It was attended by representatives of special anti-corruption services in central Asia, Europe and the United States, and of non-governmental organizations and the mass media.

An important achievement by Tajikistan during this period was the National Investigation into the features of corruption held at the end of 2005 by the President's Centre for Strategic Research in conjunction with the office of UNDP. The results of the investigation will be an additional resource in the preparation of a national anti-corruption programme.

There has been a slow but steady upward trend in Tajikistan's international rating as regards counteracting corruption. According to the annual ratings published by the international organization Transparency International, Tajikistan, having rated 1.8 points in 2003 and 2.0 points in 2004, received a rating of 2.1 points in 2005, thereby rising above the last ten countries in its corruption perceptions index.

Article 6 of Tajikistan's Education Act provides that a person may receive free secondary and higher vocational training, on a competitive basis, at State educational establishments meeting State standards, provided the citizen attains the relevant level first.

In order to ensure equal access to education at all levels the Government of Tajikistan is taking effective measures to implement the Anti-Corruption Act.

Under paragraph 9 of the Government's action plan entitled "Introduction of orders and instructions by the President for meetings of employees of law-enforcement agencies" of 24 December 2004, the Ministry of Education has drawn up a plan of measures to combat corruption in educational establishments. Under this plan, higher and secondary vocational training establishments have set up commissions of faculty directors to monitor the progress of tests and examinations. Seminars and round tables have been held with the participation of

representatives of regional and city law-enforcement agencies. Working groups of directors have been formed in educational establishments to consider complaints and submissions about teachers from parents and students and to prevent cases of corruption.

4. The Government of Tajikistan is taking all possible measures to introduce amendments and additions to national legislation, adopt new laws and incorporate the norms of international legal instruments in national legislation and their implementation procedures, with a view to realizing all aspects of human rights within the country's conditions and requirements. For example, sectoral laws on the following subjects have been adopted to realize economic, social and cultural rights: culture, the theatre and theatrical activity, the press and other mass media, science and State policy for science and technology, the import and export of cultural treasures, library activity, the protection and use of historical and cultural monuments, museums and museum collections, and popular handicrafts. The Government adopted the Concept for the Development of the Culture of the Republic of Tajikistan on 30 December 2005. The aim of the Concept is to ensure the independence of national culture, to develop all types, areas and forms of culture in Tajikistan through the use of the best achievements of national and world culture, to create the best conditions for creative workers and respect their rights, to revive popular traditions and crafts and to develop artistic creativity.

The Concept represents a consolidated list of the forms, methods and current areas of programmes and projects for cultural development and practical cultural activity. It sets out methods for putting in place planned measures and various social, cultural and public structures whose work is of national importance.

The legal basis for cultural work is the Constitution and the sectoral laws of Tajikistan relating to social and cultural activity.

The Concept provides for the development of culture in Tajikistan based on territorial and practical unity and the interaction of all areas, types and forms of cultural activities with all other social and economic spheres of contemporary life.

Particular attention is to be devoted to the training of senior cultural and artistic staff able to accustom people to the new society and to being receptive to national and world culture, and to train specialists capable of implementing State policies and of developing and carrying out targeted cultural and educational leisure programmes and projects.

The Government of Tajikistan approved the Concept of State Policy for Promoting the Employment of the Population for the Period 2006-2012 in early May 2006.

5. Tajikistan has currently ratified more than 40 ILO conventions and recommendations. The ILO conventions ratified by the USSR, including the Freedom of Association and Protection of the Right to Organise Convention of 1948 (No. 87) and the Minimum Age Convention of 1973 (No. 138), were accepted and ratified in 1993.

In view of the immediacy of this issue, the other conventions listed, in particular the Slavery Conventions of 1926 and 1956 are under discussion among a wide range of scientific and social circles, including non-governmental organizations. The Government of Tajikistan is interested in the maximum openness of this dialogue, which will facilitate the future implementation of these conventions' provisions if they are ratified, will continue to do everything possible to broaden the scope of this process.

6. Under article 16, paragraph 3, of the Constitution Act, The Constitutional Court of the Republic of Tajikistan, laws and other statutory instruments or their individual provisions that are declared unconstitutional by the Constitutional Court lose their validity, as do other statutory and other instruments based on them.

These circumstances have arisen in Tajikistan with respect to other conventions but not to the Covenant.

7. In implementation of Presidential decrees and Government resolutions, the State Committee for Land Management (Goskomzem) has, jointly with local regional, city and district authorities, reorganized agricultural enterprises into private farms, in accordance with the Regulations on the reorganization of agricultural enterprises and organizations.

By 1 January 2006, 662 farms had been reorganized and, together with other farms, 27,040 private farms had been created and 4,627,737 hectares of land secured for 799,877 shareholders. Certificates giving the right to land use are issued to private farms, and shareholders receive land share certificates.

Private farms, as a new form of agriculture, have proved to be better than State or collective farms.

Goskomzem has carried out monitoring in State collective and private farms and found that crop yields in 2005 were higher in the emerging private farms than in State farms.

Whereas cotton yields in the country as a whole averaged 15.6 centners per hectare in 2005, the Kainar, Yakhyo and Sirochiddin private farms in the Yavan district each produced 33-34 centners of raw cotton per hectare, or 19.4 centners more than the national average.

The 211-hectare A. Sulaimanov private farm produced 25 centners of cotton per hectare and the 138-hectare Faiz private farm in the Vash district grew 33.6 centners per hectare or 13 centners more than the national average.

The 730-hectare Istiklol private farm in the Vash district produced 35.3 centners of corn per hectare, or 18.4 centners more than the national averages. The Lakon private farm in the Isfarin district grew 326 centners of vegetables per hectare, or 125 centners more than the national average. The Vakhdat private farm in the Kabodien district produced 23.7 centners of raw cotton from each of 134 hectares, and the Madin private farm 22.1 centners from each of 230 hectares.

High potato and vegetable yields were also achieved by private farms in the Dzhirgital, Matchin, Isfarin and Shakhristan districts.

Some regional, farm and *dzhamoat* (rural self-governing body) leaders, however, have noted a failure to implement the regulations regarding the reform of agricultural enterprises in the distribution of agricultural shares and property, causing an infringement of shareholder's rights.

Presidential Decree No. 1314 of 15 April 2004 amended the Regulation on the reorganization of agricultural enterprises and organizations as follows: "The intervention of local authorities in the adoption of a decision on the organization of private farms and other forms of business management by a general meeting of farms is prohibited".

Progress in the reorganization of agricultural enterprises is constantly monitored by Goskomzem and regional, city and district agricultural committees.

The economic activity of agricultural enterprises is monitored with the participation of regional, district and private farm leaders. In 2005 alone there were 12 seminars and 12 conferences, 62 radio and 53 television broadcasts, and private farms issued and distributed booklets and brochures.

Area seminars on the progress of land reform and its results were held in the Kulyaba group of districts in Khatlon oblast and in the Garm group of districts.

A monitoring group to carry out systematic monitoring of the progress of land reform implementation in Tajikistan has been set up in Goskomzem, with the financial support of the United Nations Development Fund for Women (UNIFEM).

FAO is also supporting Goskomzem in monitoring land reform.

The Swedesurvey project "Establishment of a modern land cadastral system in Tajikistan", supported by the Swedish International Development Cooperation Agency (SIDA) will enable Goskomzem to switch to a modern land register in the near future.

The European Commission has financed the issuance of 155,000 certificates to rural citizens giving them the right to use Presidential land.

As a result of the work carried out by the monitoring group, the number of women holding land shares rose and on 1 January 2006 represented more than 50 % of total shareholders. The number of women heading private farms in Tajikistan increased to 3,005, or 13 % of the total. Campaigning work has been done (seminar, round table, distribution of legal instruments concerning the land). Women are becoming more active in farm management and decision-making.

Taking this situation into account, the monitoring group carried out an educational awareness campaign, under the UNIFEM project, in villages in the Kanibadam, Isfarin, Ganchin, Rudaki, Vakhdat, Faizabad and Yavan districts - the key to successful implementation of the land reform.

Amendments and additions have been made to the Land Code, the Land Reform Act of 5 March 1992 and other legal instruments, with a view to improving farming conditions and ensuring the legal status of private farms.

In carrying out the land reform, Goskomzem constantly follows progress in local implementation and participates directly in its realization, in eliminating any shortcomings and raising the yield of every hectare of agricultural land, and in stamping out cases of bad land use management. The main task of Goskomzem is to carry out quality land reform by assigning plots of land to peasants and ensuring a fuller, more efficient and more rational use of the land with a view to increasing agricultural production.

In order to ease the tax burden on private farms, amendments and additions have been made to the Tax Code to provide for the introduction of a flat tax for these farms. The tax is applied only to that part of farms' activities related to the production and delivery of unprocessed

agricultural produce. The amount of the flat tax does not depend on the farm's economic results and is subject to regular payments per unit of land and per year; private farms paying the flat tax do not have to pay other taxes, including value-added tax, corporate income tax and land tax.

Experts from the Ministry of Agriculture and the Academy of Agricultural Sciences, with the support of the Government, are currently preparing a number of legal instruments and medium-term and long-term programmes promoting the further development of agricultural production and the provision of assistance of all kinds to land users and incorporating measures of Government assistance. It is planned from 2006 to introduce technological leasing to provide private farms with technology, and a great deal of work is being done to supply farmers with high-quality seeds. Seminars are being held to study the leading experience of successful farmers, with a view to publicizing the best achievements. Each year farmers with the leading results are awarded certificates and valuable gifts and are nominated for State honours.

8. Under article 9 of the Constitution, State power is exercised on the basis of the separation of legislative, executive and judicial powers.

In order to preserve a balance of these powers, each power is given its own spheres of competence independently of other powers, creating a system of checks and balances.

In this connection, judges are subject to the law when considering specific cases, and not to the legislator, who is not entitled to instruct them on how to settle particular cases. It is important to note that the legislator leaves some scope for judges to show initiative and independence in resolving important legal issues.

As stipulated in article 84 of the Constitution, the judiciary in Tajikistan is independent and judicial authority is exercised by judges on behalf of the State. The judiciary defends human and civil rights, the interests of the State, organizations and institutions, legality and justice.

Judges are independent in their activities and are subject only to the Constitution and the law. Interference in their work is prohibited (Constitution, art. 87).

This means that judges decide cases on the basis of law in conditions that preclude any outside influence on them.

Guarantees of the independence of judges are traditionally divided in the doctrine into political, economic and legal guarantees.

The Constitution's upholding of the division of powers is among the political guarantees.

Judges may not be deputies, belong to political parties or movements, carry out entrepreneurial activities or combine their functions with other paid work, except for scientific, educational, literary or other creative activities.

The Constitutional Law on judges in Tajikistan provides for a system of legal and social guarantees of judges' independence: the procedure laid down by law for their selection, nomination, recall and removal, their immunity, the strict judicial procedure for carrying out justice, the secrecy of judges' deliberations in handing down judgments and the prohibition of any demand for disclosure, responsibility for contempt of court or interference in the resolution of specific cases, the establishment of an association of judges, the creation of the necessary

organizational and technical conditions for judges' activities, and the provision to judges of material and social benefits commensurate with their high status.

The guarantees of judges' independence set out in the Constitutional Law, including measures for their legal protection and provision of material and social benefits, are extended to all judges in Tajikistan and cannot be revoked or changed by any other legal instruments.

A new and very important factor in implementing the principle of the independence of judges is the ten-year term for election and nomination of judges.

A qualifications board for judges has been established in order to ensure the emergence of worthy candidates for work in the courts and strengthen guarantees of judicial independence. The following boards are being set up to consider matters relating to the selection and disposition of senior judges and strengthen guarantees of judicial independence:

- Qualifications board for judges of the Supreme Court;
- Qualifications board for judges of the Supreme Economic Court;
- Qualifications board for military judges at garrisons, judges of the Gorno-Badakhshan Autonomous Oblast and the oblasts, judges in Dushanbe, and city, district and economic judges of the Gorno-Badakhshan Autonomous Oblast, the oblasts and Dushanbe.

The qualifications boards for judges of the Supreme Court and the Supreme Economic Court are elected by the Plenums of those bodies from their judges and consist of five members elected for their term of office.

The qualifications boards for military judges at garrisons, judges of the Gorno-Badakhshan Autonomous Oblast and the oblasts, judges in Dushanbe, and city, district and economic judges of the Gorno-Badakhshan Autonomous Oblast, the oblasts and Dushanbe are elected by a Conference of Judges for their term of authority.

Lawyers between the ages of 30 and 65 who have at least five years' experience as trainee judges may be elected and nominated as judges of the Supreme Court, the Supreme Economic Court, the Gorno-Badakhshan Autonomous Oblast, the oblasts and Dushanbe.

Persons between the ages of 25 and 65 who have at least three years' experience as professional trainees may be elected and nominated as city and district judges, military judges, economic judges of the Gorno-Badakhshan Autonomous Oblast and the oblasts and Dushanbe (Constitution, art. 85).

Under article 14, paragraph 2, of the Constitutional Law on judges, the president, deputy president and judges of the Supreme Court, the Supreme Economic Court and the Supreme Economic Court of the Gorno-Badakhshan Autonomous Oblast are elected by the Majlis-i Oli on the proposal of the President.

Under section 2 of that article, judges of the military court, courts of the Gorno-Badakhshan Autonomous Oblast, the oblasts and Dushanbe, city and district courts, and the economic courts of Gorno-Badakhshan Autonomous Oblast, the oblasts and Dushanbe, and city and district

economic courts, are nominated and removed by the President in the proposal of the Council of Justice.

The President has set up a qualifications body of the Council of Justice to prepare proposals for judicial reform, selection, submission of candidacies for judgeships, removal of judges and the organization of qualification examinations.

One of the priority tasks of the Council of Justice is to organize the selection and training of candidate judges. The Council considers and duly submits to the President proposals for the nomination and removal of judges of military courts, courts of the Gorno-Badakhshan

Autonomous Oblast, the oblasts and Dushanbe, city and district courts, and the economic courts of the Gorno-Badakhshan Autonomous Oblast, the oblasts and Dushanbe.

Infringement of the law in deciding court cases, violation of the rules of internal labour procedure and the commission of a disreputable act are grounds for bringing disciplinary proceedings against a judge.

The principle of the independence of the judiciary is set out in article 119, paragraph 2, of the Constitutional Law on judges, which states: "The revocation or changing of a court ruling does not in itself give rise to liability on the part of a judge who participated in handing down the ruling, if in so doing he did not allow any premeditated infringement of the law or dishonesty.

Disciplinary proceedings may be brought against a judge not later than one month after the discovery of a misdemeanour, not counting the time of official investigation or absence of the judge from work for a valid reason, and not later than six months after its commission".

The right to initiate the disciplinary process lies with:

- The president of the Supreme Court for all judges except those of the Constitutional Court and economic courts;
- The president of the Supreme Economic Court for all judges of economic courts;
- The president of the Council of Justice for all judges except those of the Constitutional Court, the Supreme Court and the Supreme Economic Court;
- The presidents of the courts of the Gorno-Badakhshan Autonomous Oblast, the oblasts and Dushanbe for representatives and their deputies of judges of city and district courts in the Gorno-Badakhshan Autonomous Oblast, the oblasts and Dushanbe.

As a preliminary, the person authorized to initiate the disciplinary process verifies the information relating to the grounds for the proceedings against the judge and demands a written explanation from him. Account is taken in the imposition of punishment of the nature of the infringement, its consequences, the severity of the misdemeanour, the personality of the judge and the degree of guilt.

If the body or official holding the hearing, in accordance with the decision of the qualifications board, regarding the removal from office or recall of the judge or the bringing of a

criminal charge against him, finds no grounds for this, the disciplinary proceedings revert to the qualifications board.

When the term of office of a judge expires, the procedure for putting him forward for a further term takes place through the qualifications board.

Judges have the right of immunity.

In carrying out their duties in court, military judges in garrisons, judges of courts of the Gorno-Badakhshan Autonomous Oblast, the oblasts and Dushanbe and judges of city, district and economic courts in the Gorno-Badakhshan Autonomous Oblast, the oblasts and Dushanbe may not be subjected to criminal proceedings or taken into custody without the consent of the President of Tajikistan.

Only the Procurator may bring criminal charges against a judge.

Judges of the Constitutional Court, the Supreme Court and the Supreme Economic Court may not be subjected to criminal proceedings or taken into custody without the consent of the National Assembly.

A judge may not be taken into custody except with the permission of the Procurator.

A judge's immunity also extends to his dwelling and place of work, means of transport and communication, correspondence, belongings and documents.

The requirements of article 7 of the Constitutional Law on judges are of particular importance among legal guarantees intended to simplify the independence of judges: any interference in the activities of a judge relating to the execution of justice is prohibited and is prosecuted in accordance with the law.

Decisions, sentences, rulings and orders handed down by a judge and acquiring legal force must be enforced.

Contempt of court by persons taking part in a case or citizens attending a court hearing, and the commission by anyone of an act constituting contempt of court, are punishable in accordance with the law.

Decisions taken recently regarding considerably higher salaries for judges are also helping to increase their authority and independence.

Judges, members of their families and their property enjoy the special protection of the State.

9. Following the signature of peace agreements with opposition forces, the Government of Tajikistan offered them every opportunity to make their contribution to economic development and improve the social life of the population. An absolute majority of militant opposition forces who were granted a humanitarian amnesty returned to their homeland and have been included in the social life of the nation.

However, criminal charges have been brought against those who continued their criminal schemes and repeatedly tried to destabilize the social and political situation in the country with the aim of changing the constitutional order, and an international search for them has been declared.

A National Programme to combat terrorism and other extremist manifestations in the period 2006-2010 has been prepared: together with other issues relating to the hostile activities of anti-constitutional forces that have not ceased their attempts to seize power in Tajikistan by force, it seeks to counteract their criminal activity and influence on the social life of the country.

10. Since 1997, following the signature of the Peace Agreement, the Government of Tajikistan has started the implementation of programmes to revive the economy. A programme for the financing of post-conflict reconstruction and expanded structural reorganization was carried out jointly with the International Monetary Fund (IMF) in the period 1998-2001. The programme was later re-named as a financing facility for macroeconomic stabilization and structural reforms aimed at the transition to a market economy. To achieve economic rehabilitation, the Government started to work closely with various international financial institutions and international humanitarian organizations. This cooperation resulted in price and trade liberalization, land reform, improved access to basic education and health care, and the necessary legal and institutional reforms.

Poverty reduction has become the focus of attention in the Government's policies. It has drawn up a poverty reduction paper aimed at facilitating the adoption of a consistent targeted approach to reducing poverty. The importance of macroeconomic stabilization, reducing inflation rates and ensuring a stable exchange rate for economic growth is emphasized in the paper. Because of its size and the fact that it contains a very large proportion of poor people, agriculture is a sector in which great efforts are required to combat poverty. Private development initiatives in agriculture and other sectors will ensure more rapid economic growth and poverty reduction. In the process of the transition to a market economy, a certain proportion of the national budget will be allocated directly to the most vulnerable groups of the population through the provision of grants. This will lead to a significant improvement in the living conditions of these groups.

At the same time, special attention is being devoted in the implementation of all policy measures to the specific protection of the poor. Important work is being done in the areas of cotton production, power supplies, the investment climate, the labour market, State expenditure, social welfare and trade, education and public health.

The IMF Executive Council considered and approved a three-year Government Poverty Reduction and Growth Facility for the period 2002-2005. In accordance with the Government's economic and financial policy under the Facility, medium-term macroeconomic and financial measures have been directed towards effective policy implementation, stable economic growth, a stable exchange rate and a low level of inflation.

The Government's economic policy is aimed at improving tax and budgetary performance and debt management. Expenditure on credits under the Public Investment Programme (PIP) financed from external sources is planned to amount to 4 % of GDP per annum. This strategy will ensure the effective limiting of current budget expenditure in relation to revenues. As government deposits in the National Bank of Tajikistan increase, these resources can be used for additional deficit financing. Measures to implement the Strategy to Reduce Foreign Debt are already being carried out. In October 2004, for example, agreement was reached to write off some US\$ 300 million of Tajikistan's debt to the Russian Federation. The Government has taken control of all foreign national debt and distributes information on foreign debt quarterly through the mass media.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2.2 (Non-discrimination)

11. In 1994, for the first time in the nation's history, the Constitution acknowledged the natural and inviolable nature of human rights and proclaimed the individual as the highest value, regardless of his ethnic, racial, civic or social status. This also applies fully to refugees, asylum seekers and internally displaced persons and their children. Article 16, paragraph 2, of the Constitution states: "Foreign citizens and stateless persons enjoy the proclaimed rights and freedoms and have the same duties and responsibilities as citizens of Tajikistan". This provision places refugees, asylum seekers and internally displaced persons on an equal footing with citizens of Tajikistan, a fact of major significance. In the Constitution, its basic law, Tajikistan has declared its readiness to grant political asylum to foreign citizens who have suffered human rights violations in other countries (Constitution, art.16, para. 3). Like other States parties to the International Covenant on Economic, Social and Political Rights, Tajikistan has assumed the responsibility under international law of protecting victims of political repression and other human rights violations. This obligation stems directly from the provisions and norms of the

United Nations Charter, the Universal Declaration of Human Rights and other international legal instruments, as well as from the Constitution, which proclaims the individual and his rights as the highest value. Tajikistan at the same time assumes the obligation of protecting all individuals - its own citizens, foreign nationals and stateless persons - who have suffered human rights violations.

The provisions of the Constitution upholding personal, political, social, economic and cultural rights apply in full measure to refugees, asylum seekers and internally displaced persons. They enjoy the rights to life, judicial protection, education, housing and health care, and other rights, in the territory of Tajikistan. The Constitution guarantees the right to freedom of movement and choice of residence in the territory of Tajikistan. The above-mentioned categories are able to enjoy this right in full measure. In particular, they have the rights to labour, choice of profession, work, occupational safety and social welfare against unemployment, free medical care in State health care establishments, universal basic compulsory free education in State educational establishments, and to vocational, secondary vocational and higher vocational training (Constitution, arts. 35-41). These rights are of major significance for children of people in these categories. They can also enjoy the right to social security in the event of loss of the breadwinner (Constitution, art. 39).

In 1993, Tajikistan became a party to the United Nations Convention relating to the Status of Refugees of 1951 and its Protocol of 1967, and thus officially began to address issues concerning asylum seekers and refugees in accordance with international standards. In order to regulate dealings with foreign nationals applying for refugee status, the Government adopted three orders which created the necessary basis for preventing illegal immigration:

1. "List of States in which a temporary stay prior to arrival in Tajikistan is a ground for refusing to register an application for refugee status from a foreign national and refusal to declare him a refugee";
2. "Approval of the Instruction on certification of refugees";

3. “List of settlements in Tajikistan in which residence is prohibited for asylum seekers and refugees”.

To achieve a more efficient approach to determining refugee status, the Ministry of Labour and Social Welfare, in order no. 207 of 20 November 2000, approved new membership for the Commission on Determining Refugee Status in the Republic of Tajikistan, which provided for representatives of other Ministries and departments to join officials of the State Migration Service in deciding cases.

In addition, in order to prevent illegal immigration, Presidential Decree No. 544 on strengthening the campaign against illegal immigration into the Republic of Tajikistan was adopted on 2 April 2001.

A new version of the Refugees Act was adopted on 10 May 2002. The Act lays down the principles and procedure for declaring asylum seekers to be refugees in Tajikistan, establishes economic, social and legal guarantees for the protection of refugees’ human rights and legitimate interests, and determines the legal status of refugees.

Under article 12 of the Act, refugees have the right to:

- Receive medical care in accordance with legal instruments of the Republic of Tajikistan (para. 8);
- Receive primary and secondary education. The national system is available to refugees and asylum seekers under the Education Act and the Legal Status of Foreign Nationals Act. In other words, these persons have the same rights as citizens of Tajikistan with regard to health care and education (para. 9);
- Make an application for acquisition of Tajik citizenship in accordance with the legislation of Tajikistan. The Constitutional Law on citizenship of the Republic of Tajikistan of 4 November 1995 stipulates that the right to citizenship is an inalienable human right. In particular, article 23 states that the time required for acquisition of citizenship of Tajikistan is five years, but for the above-mentioned persons it is only two years and six months). The succeeding paragraphs of this article lay down a simplified procedure for the acquisition of Tajik citizenship by persons granted asylum in Tajikistan.

It follows from the above that there is no discrimination against these persons in the laws mentioned or in other laws.

With respect to asylum seekers, this law provides for the right to emergency medical care in State health-care establishments and to primary and secondary education.

The Government has adopted the following measures in relation to refugees, asylum seekers and internally displaced persons:

- Resolution No. 432 of 11 November 1998 approving the List of Social Indicators for Pregnancy Termination, which provides that in Tajikistan a pregnancy may be terminated at the request of the expectant mother when other social indicators as

contained in the List are present, and also at the request of a woman having the status of refugee or forced migrant;

- Resolution No. 436 of 5 November 2002 approving the strategy for protecting the health of the population in the period to 2010. The section on education provides for the “maintenance of a high level of access, in accordance with the legislation of the Republic of Tajikistan, to primary, basic and secondary general education, as well as secondary vocational training, in particular for children of socially vulnerable groups of the population (poor families and families with many children, children left without care or abandoned, children of handicapped persons, from refugee and migrant families, etc.)”;
- Resolution No. 384 of 31 August 2004 on the strategic plan for the reproductive health of the population for the period until 2014, which sets the goal of protecting the sexual and reproductive health of refugees and displaced persons.

Currently, 282 children of voluntary migrants are being educated at schools No.1 and No.2 of the Nosiri Khusrav district, Khatlon oblast. Capital repairs have been carried out and pupils’ furniture provided at these schools through funding from the Government and the local authorities of Khatlon oblast.

No cases of discrimination against refugees and other persons mentioned in the question have been recorded. So far as citizens of Tajikistan who, as a result of the civil war of 1992, were forced to leave the country and become refugees are concerned, the Government took urgent measures over a five-year period, until 1997, to ensure their return to their homeland. As an integral part of measures to organize the return of Tajik refugees from Afghanistan and other countries to Tajikistan, the Ministries and departments concerned, on the instructions of the country’s leadership, took all necessary measures for their return to their places of permanent residence, to ensure the safety of refugees, to guarantee the inviolability of their homes and provide medical care.

Article 3 (Equality of men and women)

12. Since independence, Tajikistan has made significant progress towards achieving gender equality. First of all, the principles of gender equality were set out in the national legislative system and policies (see article 3 in Tajikistan’s report on the implementation of the Covenant).

Gender policy as a whole is laid down in the Poverty Reduction Strategy, which reflects the Government’s principal goals in the immediate future. It is expressed most forcefully in matters relating to employment reconstruction. The priority aim of programmes and projects for promoting employment is principally to ensure the employment of women.

Particular attention is being devoted to problems of raising the level of education among rural women through the establishment of quotas for access to higher education.

Nationally, the status of women is improving: they are being encouraged to take up an active position in life, and specific steps are being taken to ensure the equality of men and women.

The Government has identified the main areas involved in ensuring the equality of men and women, as follows:

- Implementation of programmes to train women and girls in the organization of their own small businesses and business management skills. It is planned that by 2015 50 % of women and 30 % of girls will be receiving training that will help them to ensuring constitutional guarantees of equal rights for men and women in to open a small business.

The State Guarantees of Equal Rights for Men and Women and Equal Opportunities for their Enjoyment Act was adopted on 1 March 2005. It governs approaches the social, economic and cultural spheres, and in all others, is aimed at preventing discrimination on grounds of sex, and lays down State guarantees of equal opportunities for both sexes.

As is well known, Tajikistan was one of the first CIS countries to ratify the International Conventions on the elimination of all forms of discrimination against women, women's political rights and the rights of the child. Today, in continuation of its foreign and also domestic peace-loving policy of developing and upholding human rights, and also with a view to improving the status of women and protecting their rights, Tajikistan has also ratified the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Assembly of Representatives Resolution No. 645 of 29 May 2002).

The ratification of these international instruments was followed by the adoption of the Amendments and Additions to the Criminal Code Act of 1 August 2003, which contains a new article 130 (1) entitled "Trafficking in Persons". This establishes liability for the sale and exploitation (including sexual exploitation) of people (as is well known, more women are victims of this type of crime than men). In furtherance of this legislative build-up, the Campaign against Trafficking in Persons Act was adopted on 15 July 2004.

To implement and effectively apply these legal instruments, a new Resolution on the work of the Government Committee for Women's and Family Affairs, No. 513 of 31 December 2004, was adopted to replace the old one, No. 98 of 23 February 1996. It provides for:

1. Participation in the preparation and implementation of a strategy for State policy on achieving gender balance, social and economic development programmes and programmes to improve the status of women and protect the family, mothers and children in Tajikistan;
2. The creation of conditions for involving women in the political, social and economic decision-making process at all levels;
3. Identification of scientifically well-founded strategies for the development of the family and demographic policies, taking account of regional particularities to improve the situation of women and the family;
4. Efforts to improve women's labour, living and leisure conditions with a view to preserving women's and children's health and ensuring a happy future for them, and

identifying the conditions necessary for ensuring that women can work in industry while taking account of their active participation in social and political life, and their feelings of family responsibility in bringing up children and strengthening the family;

5. Participation in the organization and implementation of measures to prevent all forms of violence against women and coordination of work with law-enforcement agencies in this area.

The next stage, which was widely discussed and won broad public support and approval, was the adoption of Act No. 89, State Guarantees of Equal Rights for Men and Women and Equal Opportunities for their Enjoyment, of 1 March 2005. As well as defining basic gender terminology, this Act governs matters relating to guarantees of, and ensuring, equal rights and opportunities for men and women in all spheres of vital activity (from politics to the family, etc.).

The public understands that without equality of rights for men and women, in other words the democratization of gender relations, including in religion, society cannot be democratic.

Article 26 of the Constitution upholds freedom of religion for all citizens, including women. This article finds specific expression in the current Religion and Religious Organizations Act of 1 December 1994, as amended and expanded, and in particular its article 4, which establishes equality of rights for men and women. A new draft law on freedom of conscience and religious associations, which reflects existing circumstances in this field more fully, is currently being prepared and discussed.

The movement towards equality of men and women, in particular in relation to access to religious practice and the elimination of negative stereotypical attitudes to the roles and duties of women, including widows, is a process that is in itself long and complex. Gender stereotypes require a new way of thinking. Tajikistan's gender policy is gradually taking shape and developing, including in the sphere of religious gender and social relations.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT

Article 6 (The right to work)

13. Tajikistan is devoting a great deal of attention to improving employment policy as an integral part of State social policy, and to methods of implementing it.

The official level of unemployment in Tajikistan is based on unemployment data as registered in bodies of the State employment service.

Based on the standards laid down in the legislation, the number of unemployed persons officially registered by State employment services in 2005 was 43,600, a reduction of almost 6,100 compared with 1999. The level of registered unemployment in 2005 fell by 3 % compared with 1999 and constituted 2 % of the active population.

In addition, studies show that not all unemployed persons register with the employment service.

Research data have shown that when the definitions and methodology of the International Labour Office (ILO) are taken into account, total unemployment is considerably higher than the level registered.

Thus, the rate of inflation in 1999 was 16 % according to data from the Living Standards Survey, 10.4 % according to the population census of 2000, and 11.4 % according to the 2002 Asian Development Bank survey monitoring poverty reduction.

According to the workforce survey of 2004, total unemployment amounted to 7.4 % of the economically active population.

For the period since 2000, the number of unemployed persons has fallen by 4.8 % and the unemployment level by 1.9 percentage points. The level of total urban unemployment is four times higher than in rural areas, amounting to 17.9 % of the economically active population, against 4.3 % in rural areas.¹

The Employment Act was adopted in 1991. Amendments were made in 1993, 1996 and 1998, but they were unable to have any significant impact on the labour market situation. Awareness of the importance of reforming employment legislation led to the adoption in 2003 of a new law, the Employment Promotion Act, which set out radically different approaches to the implementation of State policy on employment. Legally binding instruments governing the implantation of this Act were also adopted. The new legislation proceeds from the following:

- Taking account of the principles of freedom of choice of type of occupation, State employment policy being directed towards the preparation of measures to promote productive employment rather than guaranteed employment for all;
- Review of criteria for evaluating employment and unemployment in accordance with ILO recommendations and resolutions of international statisticians' conferences. In the mixed economy of Tajikistan, this will give a clear picture of unemployment, which undoubtedly also affects measures for the social welfare of the unemployed;
- Responsibility for implementing employment policies is shared by local authorities, employers and the State Employment Service, which serves as an instrument for carrying out the policy of promoting employment in the country;
- Introduction of a social partnership system in deciding employment matters through the establishment of Coordinating Committees for the Promotion of Employment at the national and regional levels. The main principle underlying the establishment of these committees is the equal participation of the three parties: the State, employers and trade union representatives;
- Review of approaches to determining unemployment benefits, i.e. the right to receive benefits must be granted to persons who have contributed to the Social Welfare Fund, and the unemployed, those seeking work for the first time and the long-term unemployed have the right to free job placement, to vocational training and re-training services and to participate in social paid work, and can receive microcredits to set up a business.

¹ Source: Survey of the workforce carried out by the State Committee for Statistics together with the World Bank (2005).

State and regional employment programmes are the main instruments for resolving problems of employment and labour market regulation. The implementation of these programmes has enabled the State Employment Service, in the 15 years since its establishment, to provide work placement services to more than 1 million citizens and find jobs for over 300,000 persons, placing some 200,000 persons in social jobs, about 60,000 in vocational training and re-training and some 30,000 in organized labour recruitment. During this period, more than 7,000 additional jobs were created in employment centres.

Together with traditional measures to find jobs for the unemployed and pay them benefits, non-traditional methods of recruitment into work are being developed, such as the organization of “Youth Practice” and “Bozori Mardikov”, creation of labour exchanges and a network of Social and Business Centres, the provision of assistance in the creation of non-governmental organizations concerned with employment promotion, and the coordination of their work.

As part of the draft National Development Strategy of the Republic of Tajikistan for the period to 2015, a matrix has been developed providing for a set of measures aimed at improving employment policy and lowering unemployment. A draft Concept for the creation and preservation of jobs in Tajikistan is being prepared which will set out the main directions and priorities aimed at enhancing the social orientation of the economy, achieving effective employment levels that will promote prosperity and establishing the conditions for job creation and preservation.

The Government will take the following measures with a view to stable work placement for persons of working age in the formal sector:

- Family income support, including through
 - (a) Implementation of rational macroeconomic policies;
 - (b) Expanding opportunities for able-bodied persons to find work and for employers to offer reasonably well-paid jobs;
 - (c) Implementation of a tax and benefits system that would ensure proper support for families needing it;
- Speedy resolution of problems associated with the adverse situation in people’s education, health care and social welfare.

With the achievement of a certain macroeconomic stability, the following aspects of strategic measures aimed at supporting sectoral restructuring and institutional development are now important:

- The transfer of ownership from the public to the private sector through the privatization of State assets;
- Making the necessary arrangements to stimulate the formation of new private companies and create equal conditions for all market participants, and establishing control over monopolies and activities aimed at developing competition;

- Ensuring that foreign direct investment has a more beneficial impact on steady development through the creation of a favourable investment climate, guarantees of ownership rights and the implementation of contract terms.

14. The last five years have seen an increase in both nominal and real wages. Arrears of workers' wages continue to exist in Tajikistan.

The total amount of wages outstanding in 2005, taking previous years into account, was more than 27 million somoni.

Wages owed in material production sectors at the end of 2005 rose by 1,332,800 somoni, or 5.4 %) to 25,942,000 somoni. An increase in the amount of wage arrears was recorded in almost all sectors of material production, except industry, transport and trade, where arrears fell by 3.2 %, 26.6 % and 31.3 % respectively.

In non-material production sectors, wage arrears at the end of 2005 fell by 492,900 somoni, or 29.4 % to 1,184,000 somoni. A decline was recorded in all non-material production sectors.

Material production sectors continue to show the highest level of arrears. They amounted to 16,053,200 somoni in agriculture (58.4 % of the total arrears), 4,062,300 somoni in industry (14.8 % of the total) and 4,669,900 somoni in construction (17.0 % of the total). See Annex 1.

Employees responsible for delays in the payment of wages are liable to disciplinary, administrative and criminal proceedings and are liable to pay compensation under the legislation of Tajikistan.

Under article 102 of the Labour Code, an employer is obliged, regardless of his financial situation, to pay a worker the established wage for the work done. Discrimination in matters of pay is prohibited. Employers must remunerate workers equally for work of equal value. It is not permitted to modify pay terms in such a way that a worker is disadvantaged thereby. The amount of the wages specified in the contract may not be lower than that established by collective contract or agreement.

In addition, article 118 of the Labour Code states that the frequency of wage payments shall be established by collective agreement or other local regulatory instrument and may not be less than twice a month. If payment falls on a non-working day or holiday it shall be effected the day before. If a worker is dismissed, all sums owing to him are paid on his last working day. Any wages not received by a worker on the day of his death are paid to members of his family or persons assuming the cost of the funeral, at their request. When through the fault of the employer payment of wages is delayed beyond the established payment dates, the employer has an obligation to pay the employee a supplement based on the bank discount rate at the place of work for each day of delay.

Article 41 of the Code of Administrative Offences stipulates that an official violating the laws on labour and occupational safety shall be fined from 10 to 20 times the minimum wage.

Under article 153 of the Criminal Code, non-payment for more than two months by the directors of a company, institution or organization, regardless of the form of ownership, for gain or other personal motives, of wages, pensions, grants, allowances or other payments established by law is a criminal offence punishable by a fine of between 200 and 500 times the minimum

wage and a ban on performing certain functions or activities for up to five years or imprisonment for up to two years.

Despite this, arrears caused by insufficient budget funding at all levels amounted at the end of December 2005 to 233,000 somoni, or 0.8 % of total wage arrears.²

Law-enforcement agencies are taking the necessary steps provided for by regulatory legal instruments to reduce the amount of arrears.

For example, in the period 2002-2005, acting on the basis of results of procurators' checks of the situation regarding the implementation of labour legislation, bodies of the Procurator's Office, in order to remove violations and the conditions promoting them, issued 250 reports and 1,543 orders and initiated proceedings in 114 disciplinary, 36 material, 56 administrative and 18 criminal cases.³

Under the current programme, arrears are dealt with by sector irrespective of the form of ownership.

15. It should be pointed out with respect to labour migration abroad of Tajik citizens that the Agreement on cooperation among CIS States members regarding the freedom of migrant workers and protection of their rights of 15 March 1994 has been ratified. In addition, in order to regulate migration of the workforce abroad, an Agreement was signed on 16 October 2004 between the Governments of Tajikistan and the Russian Federation on the working activities of citizens of Tajikistan in the Russian Federation and citizens of the Russian Federation in Tajikistan and the protection of their rights. The Agreement was ratified on 19 January 2005 by resolution of the Association of Representatives and on 23 December 2005 by the State Duma of the Russian Federation.

The Ministry of Labour and Social Welfare has drawn up draft agreements on cooperation with Belarus and Moldova, which are currently at the stage of harmonization.

In addition, the Government of Tajikistan on 31 January 2006 adopted and approved a Programme of foreign labour migration of Tajik citizens for the period 2006-2010. Since 2003, Tajikistan has been conducting statistical observation of the labour migration of its citizens, based on the results of household surveys and information from migration cards.

An office of the Ministry of Labour and Social Welfare has been operating in the Russian Federation since 2001. Its principle tasks are: to advise citizens of Tajikistan in the Russian Federation on all aspects of labour migration issues, including assistance in legal work placement, provision of assistance in the protection of rights, legal consultation, etc.

The number of migrant workers who have left the country is shown in Annex 2.

² Source: Federation of Trade Unions of the Republic of Tajikistan.

³ Source: Prosecutor's Office.

Article 7 (The right to just and favourable conditions of work)

16. The Regulations concerning the State Labour Inspectorate give it the right to monitor compliance with labour legislation and the occupational safety rules independently of employers.

In 2005, officials of the Inspectorate carried out checks and investigations in 1,277 establishments and organizations, or 67 more than in 2004, of compliance with Tajik labour legislation and with labour safety standards and regulations. At the Inspectorate's request, wage arrears amounting to 9,172,000 somoni were paid in these establishments and organizations.⁴

In order to strengthen supervision and monitoring of compliance with labour legislation, the rules of occupational protection and safety standards and regulations, the State Labour Inspectorate was established under the Ministry of Labour and Social Welfare by a Government resolution of 30 December 2001. The creation of the Inspectorate will play a positive role in reducing the number of violations of labour laws and occupational protection and safety regulations. It operates on the basis of regulations approved by State executive and administrative bodies.

The principal tasks of the Inspectorate are:

- State supervision and monitoring of compliance with labour and occupational safety laws, and with related regulatory instruments on compensation for damage to a worker's health, bankruptcy and collective contracts and agreements;
- Supervision and monitoring of the implementation of workers' labour rights and safe working conditions, and their protection against unlawful acts by employers, officials and other responsible workers at establishments infringing these rights in the performance of their duties;
- Participation together with Ministries and departments concerned in establishing State occupational safety standards and regulations;
- Preventing violations of labour and occupational safety laws;
- Coordinating the activities of State bodies for the supervision and monitoring of occupational safety, etc.

Labour inspection is governed by the Constitution, the Labour Code, laws and other legal instruments, the Regulations governing the State Labour Inspectorate under the Ministry of Labour and Social Welfare, international conventions and other international legal instruments recognized by Tajikistan.

The decisions of State bodies for the supervision and monitoring of occupational safety legislation, within their competence, are final and binding. Those who fail to carry them out are subject to disciplinary, administrative or criminal proceedings.

⁴ Source: Federation of Trade Unions and the Ministry of Labour and Social Welfare.

17. The principle of equal wages for equal work of men and women is reflected in article 112 of the Labour Code, under which an employer is obliged, regardless of his financial situation, to pay a worker the established wage for the work done. Discrimination in the payment of wages is prohibited. An employer is obliged to pay his employees the same wage for work of equal value. Any change in the conditions of work detrimental to the worker is prohibited.

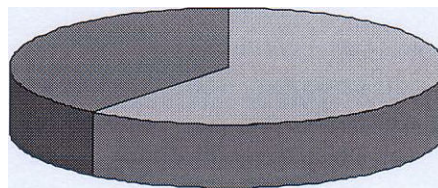
18. In accordance with a Government resolution, the Committee on State supervision of the safe conduct of work in industry and on mining supervision (“the State Committee”) is a specially authorized State body for industrial safety, the rational use and protection of mineral resources, the use of explosives for civil purposes and State geological monitoring that performs regulatory, special resolution, monitoring and supervision functions.

The State Committee supervises 2,250 establishments and organizations operating 17,136 dangerous units in Tajikistan.

In the period 200-2005 there were 34 accidents causing injuries to 43 persons, 28 of them fatal, in the establishments and organizations supervised by the State Committee.

Number of industrial injuries in establishments and units supervised in 2000-2005

Fatal: 28



Total: 43

A breakdown of industrial injuries in establishments and units supervised by the State Committee in 2000-2005 is given in Annex 3.

Following special investigations of accidents, officials of the State Committee proposed 225 measures to eliminate the causes of accidents and prevent them from occurring in the future. These have been implemented in full. Details of the proposed measures for the period 2000-2005 are given in Annex 4.

In the period 2001-2005, proceedings of various kinds were brought against 364 persons for allowing violations of the requirements of laws and regulatory instruments relating to industrial safety that resulted in accidents.

A breakdown of the number of persons charged and found guilty is given in Annex 5.

The State Committee sent 15 reports of special inquiries into accidents that had occurred to investigative bodies in 2000-2005.

A breakdown of the number of these reports is given in Annex 6.

The State Committee conducts a continuing analysis of the situation of industrial injuries at establishments and units it monitors, which has led to a set of measures to prevent these injuries. They include:

- Close cooperation with Ministries and departments in carrying out planned preventive checks of establishments under their aegis monitored by the State Committee;
- The practice of carrying out planned preventive inquiries at establishments being monitored jointly with other State supervision and monitoring bodies;
- The holding of centralized and local seminars (meetings) with responsible officials of establishments under supervision on issues of industrial safety and the rational use and protection of mineral resources;
- An increase in the number of general and targeted surveys at establishments, with a view to ensuring that they have the necessary level of industrial safety and of the rational use and protection of mineral resources;
- Active use of administrative penalties to stop violations of rules relating to industrial safety and the rational use and protection of mineral resources, up to suspension of operations under seal or withdrawal of licences to operate until the violations are eliminated.

According to data from the State Committee for Statistics, the number of injured with loss of one or more days of fitness for work and with a fatal outcome per 10,000 workers was:

- 1.4 in 2000;
- 1.2 in 2001;
- 1.6 in 2002;
- 2.5 in 2003;
- 1.3 in 2004;
- 1.0 in 2005.

The Occupational Safety Act was adopted on 24 December 1991 to ensure citizens' constitutional rights to health protection at work and to regulate occupational safety relations.

The Act guarantees occupational safety rights, lays down general principles for the organization of occupational safety work in the national economy and sets out a carefully calculated system for ensuring labour safety. The Act applies to all Ministries, departments, concerns, associations, establishments, organizations, institutions, State farms, collective farms, cooperatives and leasing and other organizations, irrespective of the type of ownership and economic activity.

Occupational safety consists of a system, based on relevant legislation or other regulatory instruments, of social, economic, organizational, technological, hygienic and curative and prophylactic health measures, and means to ensure safety and preserve health and fitness for work in the labour process.

Under article 4 of the above-mentioned Act, the main principles and lines of State policy in the field of occupational safety are:

- Recognizing and ensuring that the life and health of workers enjoy priority in relation to the results of the activity of each organization;

- Establishing and enforcing guarantees of the rights of workers in relation to occupational safety;
- Administration of occupational safety by the State;
- Participation by the State in financing occupational safety;
- State supervision and monitoring of compliance with occupational safety legislation;
- Efforts by the State to ensure cooperation between employers and employees and/or their representatives in organizing occupational safety measures;
- Development and establishment of uniform occupational safety requirements;
- Pursuit of an effective taxation policy to stimulate the establishment of healthy and safe working conditions, development and introduction of safe equipment and technologies, efforts to foster the production of equipment for individual and collective employee protection;
- Prosecution of employers and officials for violations of occupational safety requirements;
- Establishment of a procedure for, and monitoring of, mandatory investigation of each industrial accident and case of occupational illness;
- Establishment of incentives and allowances for work in hazardous working conditions;
- Provision of social welfare for employees, full compensation for harm to victims of industrial accidents and occupational illnesses;
- Establishment of systems of indicators of working conditions and occupational safety, State statistical reporting on these issues, and also industrial accidents and occupational illnesses;
- International cooperation in the field of occupational safety, conclusion of international agreements on occupational safety issues.

Violation of safety or other occupational safety rules by a person responsible for compliance with them is a criminal offence if, through negligence, it results in serious or moderately serious damage to health or occupational illness (Criminal Code, art.154).

In addition, article 1083 of the Civil Code states that a corporate body or citizen must pay compensation for any damage caused by its or his employee in the performance of his working/official duties.

There were 383 industrial accidents in Tajikistan in the period 2000-2004, of which 116 led to loss of life. In all these cases, the competent bodies, including the relevant trade unions, carried out appropriate checks and adopted the necessary measures, as provided for by the laws and other regulatory legal instruments, to bring those responsible to account and pay compensation for the damage caused.

There are currently 30 trade union labour inspectors in Tajikistan. In the period 2001-2004 they carried out about 5,000 inspections of enterprises, organizations and facilities, in both the production and non-production sectors. Some 35,000 breaches of labour law and occupational safety rules were identified, of which 22,000 were rectified by the deadline laid down. The checks led to suspension of the work of 1,700 units and 39 production sectors and workshops which did not meet safety requirements and further operation of which posed a threat to the lives and health of workers.

Files on 53 officials suspected of a careless and negligent approach to the task of creating safe working conditions were sent to the procurator's office, 286 persons were fined in accordance with the established procedure and 41 officials were dismissed at the request of trade union labour inspectors.

There were six accidents at establishments in the private sector in 2005, in which five persons died and six persons sustained injuries of varying degrees of severity.

Industrial injuries and working and living conditions in the workplace and at home are regularly discussed in the Executive Committee of the Trade Union Federation's General Council and the plenums and presidiums of sectoral and provincial trade unions.

Every autumn and winter, with a view to creating favourable and safe working conditions and reducing the incidence of industrial disease, trade unions in Tajikistan send labour inspectors and trade union activists to carry out selective checks on the situation in their departmental units and engineering systems in the housing and municipal economy, to verify that measures provided for in sectoral agreements and collective contracts are being implemented.

National expenditure on occupational safety measures is increasing every year. Allocations rose by 2.5 times in 2005 compared with 2001 to almost 12 million somoni, including 4.5 million somoni under collective contracts (occupational safety agreements), representing 15.0 somoni per worker per annum. The number of employees working in unfavourable conditions fell by 20 % to 8,950. A breakdown by economic sector of the number of such employees has shown that the greatest number work in industry (5,377), construction (1,287) and agriculture (1,186). The number of workers engaged in arduous physical work, however, almost doubled to 2,600.

The decline in the individual protection equipment provided to workers, the fall in its production and the absence of a system for supplying it to establishments and organizations is resulting in an increase in industrial injuries.⁵

For statistical data on industrial injuries in Tajikistan in 2003-2004, see Annex 7.

Article 8 (Trade union rights)

19. Trade union organizations may voluntarily set up and join various trade union associations based on sectoral or geographical criteria.

Article 4 of the Trade Unions, their Rights, and Safeguards for their Activities Act of 12 March 1992 stipulates that trade unions are independent in their activities from State administrative bodies and economic, political and other public organizations and are not

⁵ Source: Trade Union Federation of the Republic of Tajikistan.

accountable to them. Interference by State bodies and officials in trade union activities is prohibited except in cases provided for by law. Trade unions draft and approve their statutes (regulations) independently, determine their structure, elect their managing bodies, organize their activities, and hold meetings, conferences, plenary meetings and sessions.

In addition, under article 6 of the Act, membership or non-membership of a trade union does not entail any restriction of the individual's labour, social, economic, political or personal rights and freedoms guaranteed by law. Making recruitment, promotion and dismissal conditional upon membership of, joining or leaving a particular trade union is prohibited.

The Act upholds the independence of trade unions from State authorities, economic bodies, political and other public associations. Trade unions are not accountable to or controlled by anyone.

Trade unions draft and approve their statutes independently, determine their structure, elect their managing bodies, organize their activities, and hold meetings, conferences, plenary meetings and sessions.

Interference by State bodies and officials in trade union activities is prohibited except in cases provided for by law.

Employers are not entitled to prohibit or deny the right to join trade unions. There have been no cases of this in Tajikistan.

Under paragraph 3.1 of the Trade Union Charter of Tajikistan, membership of a trade union is voluntary. Membership of a trade union is open to any citizen who acknowledges and implements the Charter, pays his membership dues and acknowledges the aims, tasks and principles of the organization's work.

Individuals join a trade union through personal application at meetings, trade groups, workshops and sections of primary trade union organizations.

The Federation of Trade Unions of Tajikistan is an independent public organization bringing together sectoral national committees and inter-union associations on a voluntary basis to consolidate and coordinate the activities of member organizations in the representation and defence of the labour, social and economic rights and interests of trade union members. New member organizations are accepted on the basis of their own decision and written application to the Executive Committee of the Federation's General Council. If an organization is refused membership the applicant organization can bring the matter to the attention of the General Council.

Member organizations have the right:

- To name and replace its representatives on the General Council;
- To contact the Federation's elected bodies on any matters relating to the work of trade unions and obtain explanations, information and, if necessary, support in resolving the matters raised.

Member organizations have the duty:

- To respect the Trade Union Charter of Tajikistan;
- To carry out decisions of the Federation's elected bodies taken in accordance with the charter.

Trade unions and associations that are not members of the Federation are not registered. All 19 national sectoral and three provincial trade union councils, representing about 1 million trade union members, are member organizations of the Federation.

All trade unions in Tajikistan have equal rights.

20. Chapter 16 (articles 205-214) of the Labour Code sets out the concept of collective labour disputes and the procedure for settling them, lodging of workers' demands, labour arbitration, strikes and other issues.

As is well known, the Trade Unions, their Rights, and Safeguards for their Activities Act and the Labour Code, upheld the right of trade unions to organize and hold strikes.

There were no collective labour disputes or unresolved disagreements between a workers' collective and a trade union regarding the constitution or alteration of the workforce at establishments or the conclusion and implementation of collective contracts and agreements concerning the application of legislative and other regulatory legal instruments, nor were there any strikes, in Tajikistan in the period 2000-2005.

Under article 3 of the Social Partnership, Contracts and Collective Agreements Act (article 8), agreements are concluded as follows:

- At the national level: General Agreement between the Government of Tajikistan, employers' associations and the Trade Union Federation of Tajikistan;
- At the sectoral level: between the State bodies concerned, employers' associations, sectoral trade unions, etc.

Collective contracts are signed at establishments, institutions and organizations irrespective of the form of ownership. The parties are a trade union and the employer (owner).

A collective contract contains provisions on the organization of labour, wage types and systems, length of working time and leisure time, creation of safe working conditions, improvements in health protection, the adoption of fitness, cultural, educational and sports measures and other labour and socio-economic matters.

Under the legislation of Tajikistan, a dispute between employers, trade unions and labour collectives is settled on the basis of bilateral and trilateral negotiations (tripartite principle).

Trade unions have the right:

- To defend the rights of their members;
- To conclude collective contracts on the basis of the laws of Tajikistan;
- To participate in drawing up legislative instruments relating to labour;

- To monitor the implementation of employment laws;
- To propose measures for the social welfare of workers;
- To examine individual labour disputes between members of a trade union and employers and to adopt resolutions thereon in accordance with the legislation;
- To participate in the consideration of collective labour disputes relating to violation of existing labour laws or the terms of a collective contract.

Citizens of Tajikistan and trade unions have the free right to organize meetings or other mass events.

All matters relating to labour disputes are resolved through social dialogue, as set out in:

- The Constitution, articles 27, 29, 31 and 35;
- The Trade Unions, their Rights, and Safeguards for their Activities Act, articles 6, 9 and 11-14;
- The Employers' Associations Act, articles 5, 15 and 17;
- The General Agreement between the Government of Tajikistan, employers' associations and the Trade Union Federation of Tajikistan for the period 2006-2008, sections 5 and 6;
- The Social Partnership, Contracts and Collective Agreements Act, articles 7,8 and 10.

Trade unions participate in the consideration of collective labour disputes relating to violation of existing labour laws, the terms of a collective contract or agreement and the establishment of new, or changes in existing, working and living conditions.

21. Under the laws of Tajikistan, there are no restrictions on law-enforcement agencies forming trade unions. Special regulations concerning trade unions in the armed forces, internal affairs agencies, national security agencies, internal forces and other military formations are laid down in the legislation relating to these bodies.

The legislation of Tajikistan gives members of law-enforcement agencies, except for militiamen and the tax police, the right to form trade unions without any restrictions. For example, there are more than 200 primary trade unions, grouped together in the Central Committee of the union of civil servants, currently operating in law-enforcement agencies.

Article 3 of the Social Partnership, Contracts and Collective Agreements Act makes its application to the armed forces, internal affairs and national security agencies, internal forces and other military units subject to the legislation relating to those bodies.

The Narcotics Control Board of the President's Office operates in accordance with the Narcotic Substances, Psychotropic Substances and their Precursors Act and the Board Regulations. These instruments do not cover matters relating to the formation of trade unions and membership in them.

Article 9 (The right to social security)

22. A number of measures have been carried out to improve the welfare of pensioners and raise their level of social welfare:

- Between the beginning of 1992 and 2005, work pensions were raised 14 times, in three cases through the use of corrective factors increasing the wage on which the pension was based;
- For the first time, work pensions were re-calculated by applying the relevant corrective factors to increase wages, as a result of which pensions were brought into line with the wages on which they were initially based. The present method is intended to eliminate the disproportion that had arisen between the pensions of employees who retired before 1994 and later and those of employees who have retired in the last few years (2003-2005). As a result of the implementation of Presidential decrees and the application of correction factors increasing the initial wages upon which these pensions were based, pensions rose from 16.77 somoni to 25.26 somoni per month and the disproportion in the amount of pensions was reduced from 1:3 in 2004 to 1:2 in 2005;
- In the period 1992-2005, together with the increase in pensions and wages, on the initiative of the President and Government of Tajikistan, a number of measures were adopted to improve the situation and welfare of the disabled and participants in the Great Patriotic War of 1941-1945 and widows of soldiers who died in that war. Among them, Presidential Decree No. 1548 provided for a 30 somoni per month supplement to the pensions of these categories of pensioners, as a result of which the average pension of those disabled in the Great Patriotic War of 1941-1945 amounted to 129.53 somoni per month, that of participants in the War to 116 somoni per month, and that of widows of soldiers who died in the War to 82 somoni per month;
- With a view to pension reform, the Ministry of Labour and Social Welfare is preparing a draft law on State pensions and a Concept for reform of the system for the social welfare of the population;
- Elderly single citizens who have reached the age 80 and require external care are paid an allowance equal to the social pension for such care.

Pensions paid in Tajikistan increase every year in accordance with Presidential decrees. For example, the Presidential Decree on measures to enhance the level of social welfare of the population and increase the minimum wage and current official salaries of employees of budgetary institutions and organizations, pensions and stipends was signed on 20 March 2006.

In implementation of the measures provided for in the Strategic Document for Reducing the Level of Poverty in the Republic of Tajikistan, adopted by the Assembly of Representatives on 19 June 2002, the Social Welfare Fund works continuously to improve the regulatory legal basis and increase the efficiency of the work of bodies of the social insurance system.

Article 10 (Protection of the family, mothers and children)

23. As soon as cases of crimes against the family and minors, individual liberty and honour and dignity are discovered in Tajikistan, in particular, hostage-taking, including that of young girls, forced marriage of girls not yet of marriageable age, bigamy or polygamy, and trafficking in persons, especially women and children, law-enforcement agencies and bodies of the Procurator's Office bring timely criminal proceedings and take steps to bring all those responsible to justice and determine the reasons and conditions that led to the commission of these crimes.

Convictions for bigamy or polygamy in Tajikistan

	1999	2000	2001	2002	2003
Bigamy or polygamy	1	5	15	30	56

24. The Family Code of the Republic of Tajikistan protects the economic, social and cultural rights of divorced and married women. Under current legislation on divorced women and their children, there are no restrictions on enjoyment of their economic, social and cultural rights.

Under articles 80, 81 and 83 of the Family Code, for example, parents are obliged to maintain their minor children. The procedure and methods for providing maintenance for children are determined independently by the parents. If there is no agreement regarding maintenance payments, monthly deductions from the parents' wages and other income are ordered by a court as follows: one quarter for one child, one third for two children and half for three or more children.

When there is no parental agreement on the payment of maintenance for minor children and where the parent obliged to pay the maintenance has an irregular or changeable wage and/or other income, or when that parent receives his wage and/or other income wholly or partly in kind or in foreign currency or does not receive any wage and/or other income, and when recovery of maintenance as a proportion of a parent's wages and/or other income is impossible or difficult or runs counter to the interests of one of the parties, the court has the right to determine the amount of maintenance to be recovered monthly as a fixed sum or one-off payment, in instalments, (in accordance with article 81 of the Family Code) and as a fixed sum. The amount of the fixed sum is determined by the court on the basis of the maximum possible preservation for the child of the previous level of care, taking into account the material and family situation of the parties and other relevant circumstances.

If children remain with each of the parents, the amount of maintenance to be paid by one parent in favour of the other, less well-off, one is determined by the court as a fixed sum payable monthly.

In addition, under article 91 of the Family Code, the following have the right to claim court-approved maintenance from a former spouse having the necessary resources:

- A former wife during pregnancy and for three months from the birth of their child;

- A needy former spouse caring for a disabled child from the marriage until the child reaches the age of 18 or a disabled child of the first group from birth;
- A needy former spouse who is unfit for work and became unfit before the marriage was dissolved or within one year thereafter;
- A needy spouse who has reached pensionable age not later than five years after the dissolution of the marriage if the spouses were married for not less than five years.

25. Article 35 of the Constitution states that no one shall be subjected to forced labour, except in cases provided for by law.

Under article 34 of the Constitution, mothers and children enjoy the special protection and patronage of the State.

Tajikistan has been a party to the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989, since 26 June 1993.

The Assembly of Representatives ratified ILO Convention No.182 on the Prohibition and Immediate Measures to Eradicate the Worst Forms of Child Labour and the Optional Protocols to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, Sale of Children, Child Prostitution and Child Pornography in December 2000 and June 2002 respectively.

Government Resolution No. 4432 of 7 September 2001 set up the governmental Commission on the Rights of the Child, with a view to ensuring the implementation of norms, conventions and other international agreements relating to the protection of children's rights.

The Commission's principal task is to promote the implementation of national legislation and the fulfilment of Tajikistan's obligations under international law in the sphere of protection of the rights of the child.

In order to protect children against economic exploitation, the legislation has set the minimum age for recruitment of children at 15 and no child younger than 15 is allowed to work.

Under article 174 of the Labour Code, in order to prepare young people for productive labour, pupils from general schools, technical training schools and secondary specialized educational establishments may, with the agreement of one parent or person in loco parentis, be recruited to perform, in their free time and from the age of 14, light work which is not harmful to their health and does not disrupt their education.

These requirements are in accordance with the provisions of ILO Convention No. 138 on minimum age.

Additional guarantees are contained in chapter 13 of the Labour Code. For example, the maximum length of the working week is set at 35 hours for workers aged between 15 and 18, and at 24 hours for those aged between 14 and 15. Students working during the academic year in their free time may not work for more than half the maximum working hours.

The use of under-age persons to perform heavy or underground work, work involving harmful working conditions, or work which may harm their health or moral development is prohibited. Such persons are not allowed to move or lift by hand heavy objects exceeding the

limits laid down for them. They may also not be involved in night or overtime work or work on free days or holidays and may not be sent on missions (articles 177 and 181 of the Labour Code).

Parents and guardians (foster parents), and also authorized bodies have the right to require the cancellation of contracts with persons under the age of 18 if continuation of the work endangers their health or causes other harm to them.

The employment of minors for types of work that are arduous and dangerous for their development is prohibited. Violation of the labour laws incurs administrative or criminal liability.

Under the Promotion of Employment Act, the State guarantees the implementation of a policy of full productive and freely chosen employment aimed at the creation of conditions for the realization of citizens' labour rights. Citizens' unemployment cannot be a ground for criminal, administrative or other proceedings against them. The population in employment consists of persons aged 15 and above who in the period under consideration:

- Have been hired for full-time or part-time remunerated work and also have another income-producing job;
- Are self-employed, including small and medium-sized business entrepreneurs, persons doing entrepreneurial work without juridical training, members of production cooperatives and private farms and members of their families who have been given plots of land, have their own subsidiary farms and operate under a contract concluded in accordance with the law, and participants in agricultural production and members of their families assisting them.

26. There are no specialized domestic violence militia patrols in Tajikistan. This function is performed by sectoral inspectors, whose functions include visiting distressed families and maintaining special registers of persons with negative behavioural tendencies or a criminal past who, because of their negative conduct, may endanger those around them and closest to them. Preventive work (discussions, official warnings, reprimands) is carried out with this group of persons. Most sectoral inspectors have received special training on courses and at seminars organized by various non-governmental organizations, at which they study mainly international documents relating to the campaign against violence ratified by Tajikistan; they also study methods of working with victims of domestic violence and of providing initial counselling, and the experience of foreign countries in this sphere. Sectoral inspectors found and registered 527 distressed families in the period 2000-2005.

Number of women killed at home

(article 104 of the Criminal Code – Murder)⁶

2000	2001	2002	2003	2004	2005
40	39	32	30	43	41

⁶ Source: Procurator's Office.

Number of women suffering injuries at home

(article 110 of the Criminal Code – Deliberately causing harm to health)⁷

2000	2001	2002	2003	2004	2005
8	15	9	10	6	7

As soon as these cases are discovered, law-enforcement agencies and bodies of the Procurator's Office bring timely criminal proceedings and take steps to bring all those responsible to justice and determine the reasons and conditions that led to the commission of these crimes.

The problem of domestic violence is not extremely acute in Tajikistan, since the legislation prescribes criminal liability for violence against women, in particular in articles 112, 116, 117 and 143 of the Criminal Code.

The only problem is that criminal proceedings of this kind can only be brought on the application of the victim.

Law-enforcement officers constantly carry out explanatory work with women to inform them of their rights and how to realize them.

Issues relating to improving the status of women are constantly at the centre of the President's attention. To this end, on the basis of the State programme on the principal areas of State policy to ensure equal rights and opportunities for men and women over the period 2001-2010, approved by Government Resolution No. 391 of 8 August 2001, it is planned to establish a national research centre to collect and study information about incidents involving violence against women, open free legal advice centres for women, hold seminars and meetings with broad-based public involvement on the issue of violence against women and infringement of women's rights, organize special training courses on the issue of violence against women for staff of the Ministry of Internal Affairs, develop specific mechanisms for receiving complaints from and rendering assistance to abused women, and develop and implement educational programmes for law-enforcement officers, medical workers and journalists. Violence against women is not only a gross violation of human rights but also a crisis of public health and an obstacle to equality and development, and it inflicts serious physical, mental and spiritual harm. Because of constant insults, slanders, taunts and mockery, women who do not have support from those around them commit suicide. In 2004 there were 125 cases of suicide as a result of domestic violence and in 2005 there were 46. The number of criminal cases brought for domestic violence and court verdicts handed down was 45 in 2003, 40 in 2004 and 24 in 2005.

In 2005-2006 a total of 1,394 women who had been subjected to domestic violence went to the Bovary centre set up by the governmental Committee on Women's and Family Affairs. In discussing the problem of domestic violence with these women, the Centre's consultants explain their rights under national legislation. Psychologists provide emotional support, working together to find possible ways out of the crisis that has developed. Women needing to resolve their problems through the courts are given free legal assistance.

⁷ Source: Procurator's Office.

27. It should be noted that current legislation in Tajikistan does not contain any definition of “abandoned children” and no official data on such children and their problems are therefore available.

Current laws and other regulatory legal instruments contain a number of provisions aimed at protecting the rights and legitimate interests of orphans and abandoned children.

Protection of the rights and interests of children becomes the responsibility of guardianship and fostering bodies in the event of the death of the parents, declared incapacity of the parents, illness of the parents, lengthy absence of the parents, refusal of the parents to bring the children up or to protect their rights and interests, including refusal of the parents to take their children out of educational medical institutions, or abandonment by the parents.

Guardianship and fostering bodies seek out abandoned children, compile a register of such children and, depending on the specific circumstances of the abandonment, decide on the arrangements for their care, as well as carrying out constant monitoring of the conditions of their maintenance, upbringing and education.

Local authorities act as guardianship and fostering bodies (article 122 of the Family Code, Regulations on guardianship and fostering bodies).

Under article 123 of the Family Code, employees of institutions (official, educational, medical, etc.) and other citizens having information about children in the event of the death of the parents, deprivation of parental rights, restriction of parental rights, or refusal of parents to bring their children up or to protect their rights and interests, have a duty to report this to guardianship and fostering bodies at the place where the children are actually located.

Current laws protect the rights and interests of children.

According to data from the State Committee on Statistics, the number of children in State institutions on 1 January 2006 was 154 in children’s homes of the Ministry of Health and 687 in children’s homes of the Ministry of Education, while 12,072 orphans were being brought up and educated in boarding schools of various kinds.

28. Although people trafficking is not very widespread in Tajikistan, it was one of the first member States of the CIS to adopt a Trafficking in Persons Act, in July 2004.

Effective measures undertaken in Tajikistan to combat people trafficking include:

- The establishment by the Government of an Interdepartmental Commission to combat trafficking in persons;
- The preparation by the Government of a Programme to combat trafficking in persons;
- Monitoring of problems relating to the campaign against trafficking in persons;
- The conduct of a campaign to make citizens aware of the dangerous situations in which victims of trafficking in persons can find themselves, measures for their protection, etc.;

- Informing citizens of the results of the investigation and court hearing of every individual criminal case;
- Organization of question-and-answer evenings for students and schoolchildren, seminars and round tables with the participation of law-enforcement officers and NGOs.

Despite this, there are still some cases in Tajikistan of trafficking in persons, including minors, as shown below:

	2000	2001	2002	2003	2004	2005
Number of persons	2	1	5	1	13	9
Of which, minors			1	1	3	1

As soon as these cases are discovered, law-enforcement agencies and bodies of the Procurator's Office bring timely criminal proceedings and take steps to bring all those responsible to justice and determine the reasons and conditions that led to the commission of these crimes.

Crimes relating to trafficking in persons are specially monitored by senior officials of the Ministry of Internal Affairs. The following specific measures taken by the Government to a great extent help to counter the transnational organization of crime, especially trafficking in persons:

- The Presidential Decree of July 2001 on the procedure for issuing authorizations and licences for citizens of the Republic of Tajikistan to obtain work abroad and for attracting foreign workers;
- The approved Procedure for arranging labour migration of foreign citizens and stateless persons to the republic of Tajikistan and labour migration abroad of citizens of the Republic of Tajikistan;
- The United Nations Convention against Transnational Crime and its two Additional Protocols were ratified in May 2002;
- In December 2002, the Programme of external labour migration of citizens of the Republic of Tajikistan was approved by a Government Resolution;
- Amendments and additions were made to the Criminal Code in August 2003: a new article 1, Trafficking in Persons, was added, article 167, Trafficking in minors, was revised, and articles 39 and 340 were amended and expanded to cover crimes committed for the purpose of people trafficking.

Under the Trafficking in Persons Act, the State Committee to Protect the State Border carries out measures to detect and prevent illegal migration abroad of citizens of Tajikistan which may be used by criminal elements for purposes of slavery and prostitution. To this end, 1,074 persons who had infringed the passport and border regulations were held at border control

posts in 2005. During random controls, six citizens of Tajikistan flying to Sharjah in the United Arab Emirates showed signs of possible involvement in international prostitution and details were sent to the competent investigating bodies.

In addition, the State Committee to protect the State border of the Republic of Tajikistan carries out constant measures to detect, find and return to their homeland citizens of Tajikistan taken out of the country by Afghan smugglers to the Islamic Republic of Afghanistan. As a result of the measures taken, seven citizens of Tajikistan were freed from the hands of Afghan smugglers in 2005.

Article 11 (The right to an adequate standard of living)

29. With the assistance of international organizations, the Government of Tajikistan has prepared drafts of a National Development Strategy for 2006-2008 and a Medium-Term Poverty Reduction Strategy for 2006-2008. These instruments are fundamentally new development strategies that take account of the experience gained from previous documents and actual situations and set economic development and the achievement of the Millennium Development Goals as their priority tasks.

In order to create conditions for the rapid and socially equitable economic growth required to raise real income levels and improve living standards, a working group to develop a poverty reduction strategy was set up by Presidential order on 24 March 2000. The Poverty Reduction Strategy Paper was approved by Parliament in 2002 (Resolution No. 666 of 19 June 2002).

The Government identified four basic components which, taken together, should form part of the poverty reduction strategy:

- Stimulation of rapid and socially equitable economic growth, with intensive use of manpower resources and a major focus on exports;
- Effective and equitable provision of basic social services;
- Targeted support for the poorest sectors of the population;
- Effective administration and increased security.

The introduction of this strategy meant that greater attention had to be paid to issues of overall GDP growth in the national economy, and this led to a certain degree of success.

For example, GDP growth rates were 111.0 % in 2003, 110.6 % in 2004 and 106.7 % in 2005. As a result, it was possible to reduce the poverty level from 81 % in 1999 to 64 % in 2003.⁸

Various ways and methods of reducing poverty among various groups of the population are currently being applied.

30. Houses of forced migrants in Tajikistan were returned up to 1999.

⁸ Source: World Bank document "Report No. 30853 Tj".

Following the signature of the General Agreement on the Establishment of Peace and National Reconciliation in 1997, the relevant authorities began the massive return of Tajik refugees to their former places of residence. From 1993 to 2000 a total of 950,599 persons were returned to their former places of residence, of which

- 201,601 from CIS countries;
- 51,345 from Afghanistan;
- 697,653 from oblasts and districts of Tajikistan.

In addition, 656 citizens of Tajikistan were returned from countries of the former Soviet Union:

- 505 from Kyrgyzstan;
- 80 from Kazakhstan;
- 71 from Turkmenistan.

Between March and September 2002, the Government, together with ICM and the Office of the United Nations High Commissioner for Refugees, made arrangements for the return from the Islamic Republic of Afghanistan of 511 Tajik citizens, most of them young people, who had been living there since the early 1990s. They were all given jobs and housing.⁹

In accordance with the Government Resolution of 22 August 1995 on additional measures for the return of refugee citizens of the Republic of Tajikistan and forced migrants to their place of permanent residence and their social and legal protection, when persons who were forced to leave their place of permanent residence during the period of civil war return their homes that were unlawfully occupied are vacated. Persons whose homes were destroyed as a result of the civil war are given a plot of land for the construction of a house.

Statistical data on the housing conditions of the population are given in Annex 8.

Article 12 (The right to physical and mental health)

31. It should be noted that in the period 2000 to 2005 the Correctional Affairs Department of the Ministry of Justice cooperated closely with humanitarian non-governmental and international organizations and did not hamper their access to any institutions. The department's medical section also cooperates with the non-governmental organization AVESTO, which holds regular seminars are held for department officials.

The problem of the spread of tuberculosis in prisons is currently one of the most disturbing issues. Some 1,200 convicted persons suffering from tuberculosis are currently being held in establishments of the Ministry of Justice's Correctional Affairs Department. Deaths in relation to tubercular infection among this group over recent years were as follows:

⁹ Source: Ministry of Labour and Social Welfare.

	2001	2002	2003	2004	2005
Number of convicted persons	321	127	98	54	60

The assistance of international humanitarian organizations such as Caritas and Peshgiri has been sought in healing this type of illness.

Work has been done, with Government financial assistance, on improving prison conditions, and monitoring work and a number of projects for the improvement of prison conditions have been carried out with the direct participation of the Swiss Cooperation Office in Tajikistan, the AIDS Foundation East-West (AFEW) and the Human Rights Analysis and Advisory Centre.

It should be noted that there were no cases of tuberculosis or death from hunger among mentally ill detainees under court orders in the National Clinical Psychiatric Hospital.

32. Expenditure allocated to the Ministry of Health constituted 1 % of the State budget in 2006.

33. In the economic conditions that emerged in Tajikistan, expenditure from the State budget on health care fell by comparison with funding before the collapse of the Soviet Union. In the period of transition to a market economy, the lack of focus and insubstantiality of the inherited public health system became clear. The fundamental problems of the public health system came to the fore: a high morbidity rate and the health of the population at risk; a weak system of public health care; limited expenditure from the State budget on public health and inefficient use of financial resources; growing unofficial payments to patients; limited access to and use of health care services, especially for the poor; limited managerial, administrative and financial potential at all levels of public health. All these served as the fundamental prerequisites for reform of the public health sector. However, as with the entire range of socio-economic transformations in Tajikistan, the progress and development of reform in the sector since 1993 has been dependent on the actual political, social and economic situation.

The use of limited resources to provide any particular type of medical care or medical service means that fewer resources are available for the provision of other services or that those services become unavailable altogether. The limited nature of resources requires a constant choice to be made between alternatives for the organization and provision of medical services and the adoption of decisions for the further development of health care.

Structural efficiency characterizes the results of the use of resources in the health-care system as a whole. In a modern public health economy, the structure of medical care is shown by indicators for the individual use of basic types of medical care (in-patient, out-patient and emergency). Specific indicators of the use of medical care by type are characterized by the following figures per 1,000 inhabitants (or per person): number of hospital bed-days, number of doctor's visits and number of callouts. The higher the indicator of specific use of in-patient care, the higher the structural inefficiency of the health-care system. In most developed countries, the number of days of hospitalization per 1,000 persons is considered to be one of the most important indicators of health-care efficiency. The indicator of use of in-patient care varies in developed countries between 800 and 1,200 bed-days per 1,000 persons. The share of expenditure on the in-patient sector is less than half of the total expenditure on medical care. If structural inefficiency is

reduced, medical care can be afforded to a significantly greater number of patients for the same amount of resources, since outpatient treatment is much less expensive and more efficient than in-patient care. In this way, increasing structural efficiency requires an intensification of hospital treatment and a considerable improvement in outpatient activity, as well as ensuring the continuity of the entire treatment process in the various health-care sectors.

The use of various methods of assessing efficiency in the provision of medical services will provide an opportunity for directors of institutions to choose the best care option, enabling them to allocate health-care resources efficiently to the achievement of the sector's ultimate goal of providing health care to the poor.

34. On 1 December 2005 a total of 14,083 persons were officially registered as chronic alcoholics by drug and alcohol abuse clinics.

Comparative data of persons officially registered as chronic alcoholics by drug and alcohol abuse clinics

	1998	1999	2000	2003	2004	2005
Total	9,345	9,435	9,071	13,999	13,839	14,083
Of which, women	1,034	1,049	1,014	1,313	1,337	1,358

Chronic alcoholism, including among women, is increasing. However, it is particularly widespread among men (90.3 % of cases).

In 2004, 1,386 persons underwent treatment at the National Clinical Drug and Alcohol Abuse Centre (NCDAAC). Of these, 629 were suffering from chronic alcoholism and 11 from alcoholic psychoses.

A total of 1,460 persons were treated at drug and alcohol abuse clinics in 2005. Of these, 673 were suffering from chronic alcoholism and 13 from alcoholic psychoses. The frequent admissions of patients with serious forms of alcoholic psychosis are evidence of the rather extensive incidence of this illness among the population.

Every year there is an increase in the number of cases of persons found to be in a state of alcoholic intoxication, indicating the lack of effectiveness of preventive measures, including administrative measures, in relation to alcohol abuse. It should be pointed out that restricting the availability of alcohol is of great importance among preventive measures. It is well known that in recent years age and time restrictions on the sale and use of alcoholic beverages in public places have not been respected.

Clinical and preventive registration indices of NCDAAC

	<i>As at 1 January 2005</i>	<i>Added to the register in 2005</i>	<i>Removed from the register in 2005</i>	<i>As at 1 January 2006</i>
Chronic alcoholism	9,587	244	-	9,831

As in the past, an immediate issue is the organization of preventive measures and outpatient rehabilitation for alcoholics throughout Tajikistan. This rehabilitation must be accessible and appropriate and must include various methods of treatment, psychotherapy and psychological

impact on the patient. The main aim of the measures currently being undertaken is to increase the effectiveness of prevention, diagnosis, treatment and rehabilitation and to expand the range of drug and alcohol abuse services for the population.

For the first time in the history of NCDAC, integrational developmental group therapy has been introduced, with psychologists working with addicts both at the stage of the motivational consultation and in rehabilitation programmes. The following methods are used in the work of psychologists: Kettler test, functional states test, Dzheirsaild personality test, anxiety scale, self-confidence assessment and age development questionnaire. Since 2004, treatment has included the use of the Unigept plant collection. Thirty drug abuse specialists, specialist consultants and volunteers have been trained. Outpatient rehabilitation premises and a summer sports ground were refurbished in April 2004. Training was provided for four psychotherapists, four psychologists, eight social workers and eight specialist consultants from alcoholics in remission. Eighty specialists were trained and taught in the National Centre for Medico-Social Drug Abuse Problems at Pavlodar in the Republic of Kazakhstan.

The National Programme to Shape a Healthy Lifestyle in the Republic of Tajikistan for the Period until 2010 was adopted by Government Resolution No. 84 of 3 March 2003. The Drug Abuse Care Act, No. 67, was adopted on 8 December 2003. The National Programme to Prevent the Spread of Drug Dependency and Improve Drug Abuse Care in the Republic of Tajikistan in the period 2005-2010 was adopted by Government Resolution No. 113 of 2 April 2005. The implementation of these instruments will make it possible to raise specialized drug abuse care to a qualitatively new level and, on the basis of the results obtained, to develop a general development framework for the provision of drug abuse care to the people of Tajikistan. Active cooperation is continuing with social and international organizations working in the sphere of prevention and provision of low-threshold services to addicts (the science production associations Dina and Volunteer, Youth against Drugs). In November and December 2004, 22 specialists were trained: drug experts, psychotherapists, psychologists and social workers in Sogd and Khatlon oblasts, the Gorno-Badakhshan Autonomous Oblast and Dushanbe. A project financed by USAID/IREX, "Programme of Support for Civil Society", has been carried out since 1 January 2005. A telephone helpline for addicts has been set up under this project. Opportunities are now available for reliable consultation and social adaptation. In May 2005, the specialized unit of the Chkalov General Hospital in Sogd oblast was expanded to 15 beds, a medical and rehabilitation unit was opened and refurbishment was carried out at. Additional budgetary funds were allocated and new staff units established.

Current problems requiring resolution

1. Against a background of limited budgetary funding, the material and technological base of drug prevention establishments today remains weak. There is an urgent need to expand the possibilities of separating out the different areas of expertise of NCSAC and providing it with modern diagnostic and reaction equipment. It is also necessary to create and develop a network of mobile laboratories to test alcoholic inebriation which will, together with State Motor Vehicle Inspectorate employees, form mobile groups carrying out preventive raids.
2. There are very few senior staff at all drug and alcohol treatment and prevention units. Resources must be found for the intensive training of all staff at drug and alcohol clinics in Tajikistan and the provision of a full range of specialized drug and anti-alcohol services.

3. The work of all departments and social organizations in carrying out an anti-alcohol campaign, taking account of the country's ethnic and cultural particularities, must be coordinated. This should include, in particular:
- Restrictions on the advertising of alcoholic products;
 - Restrictions in public places;
 - Temporary restrictions on the sale of alcohol in certain circumstances and places;
 - Age restrictions and prohibition of the sale of alcohol to youths and children;
 - The funding of preventive measures through profits on the sale of alcohol and excise duties, including funding of specialist clinics and clinics for the anonymous treatment of alcoholics.

Statistical data on drug and alcohol abuse in Tajikistan are given in Annex 9.

35. Official figures show that in 2004 3,838 patients received in-patient treatment in psychiatric establishments, spending 335,927 bed-days there. Bed occupancy was 216 days. Patients occupied a bed for an average of 89.7 days and 3,744 patients were discharged. Bed turnover was 2.4. Bed-day plan implementation was 63.5 %.

The structure of patients receiving treatment was as follows: total 3,744 (100 %), schizophrenia 2,354 (62 %), neurotic disorders 172 (4.5 %), mood disorders 141 (3.7 %), behavioural disorders 167 (4.4 %), mental retardation 457 (12.2 %), epilepsy 17 (4.5 %), organic disease 386, others 67 (0.3 %).

Thus, patients diagnosed with schizophrenia constitute the largest group of in-patients.

This trend is apparent in all years, the percentage of schizophrenics ranging from 40 to 60 % of all in-patients at psychiatric hospitals.

Structure of patients with mental disorders in Tajikistan¹⁰

<i>No.</i>	<i>Illness</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
1	All clinically registered psychiatric disorders	41,300	40,998	40,951
2	Of which, organic	5,980	6,022	5,596
3	Schizophrenia	10,805	10,938	11,069
4	Neurotic and behavioural disorders	3,551	3,263	3,602
5	Mental retardation	20,341	20,015	20,230
6	Epilepsy	2,154	2,256	2,312
7	Other	623	460	454

¹⁰ Source: Ministry of Health.

It is noteworthy that mental retardation accounts for 49.4 % of psychiatric disorders.

The number of patients with schizophrenia and neurotic disorders is rising.

Disability of patients with mental disorders in Tajikistan¹¹

<i>Year</i>	<i>Total</i>	<i>Primary</i>
2002	15,500	1,021
2003	14,899	713
2004	15,475	986

Incidence per 100,000 of the population in Tajikistan:

- 22.7 cases in 2002;
- 23.7 cases in 2003;
- 22.3 cases in 2004 – data as at 1 January 2005.¹

Under the programme of reform of the public health system for the provision of specialized psychiatric care, the total number of beds has been reduced by 40 %. However, outpatient psychiatric care has been considerably increased, and Centres for the Restoration of Mental Health operating as day clinics have been set up in Dushanbe, Tursun-Zade and Kulyabe. There is a Psycho-Social Care Centre in Dushanbe.

With a view to further improving psychiatric care for the population of Tajikistan and raising the quality and level of psychiatric establishments, instruments regulating the provision of psychiatric care were approved by Ministry of Health Decree No. 54 of 9 February 2001. The Psychiatric Care Act was adopted on 2 December 2002.

A national fund, “Union in support of mental health”, has been set up; its aims are to strengthen the legislative base for the provision of psychiatric care and reform the psychiatric service on the basis of the principles of the Geneva Initiative, improve the system for training specialists, develop psychiatry, change the stereotypes of a prejudiced attitude to the mentally ill in society, and improve the material and technological basis of the psychiatric service.

The situation concerning the incidence of mental illness is not deteriorating by comparison with other countries.

36. The Ministry of Health, as the lead Ministry in preventing and combating AIDS, has done a great deal of work, together with its partners. Cooperation between State entities and non-governmental and international organizations, and with organizations protecting the interests of people living with or affected by HIV/AIDS (PLHA), has improved in recent years. This is evidenced by the reorganization of the National Coordinating Committee to Combat HIV/AIDS, Tuberculosis and Malaria, and the revision of its statutes to include representatives of State and

¹¹ Source: Ministry of Health.

non-governmental organizations, international organizations, donors and representatives of PLHA and the association of AIDS service organizations.

In order to strengthen the work of the National Coordinating Committee, a functioning secretariat has been set up with aim of regularly holding partners' forums and meetings.

A revised version of the Combating HIV/AIDS Act was adopted in 2005. In addition, work has begun on the preparation of legally binding instruments and a draft new Strategic Plan of national measures in response to the HIV/AIDS epidemic. Special emphasis will be placed in these documents on carrying out preventive measures among vulnerable groups such as users of injected drugs, refugees, migrants, the armed forces and young people, on blood safety, and on the expansion of activities in order to provide universal access to preventive measures, treatment, care and support.

Also in 2005, a number of documents were adopted by Order of the Ministry of Health, including the National Report on the provision of assistance and care for HIV/AIDS and the Joint Order of the Ministries of Health and Justice on patrolling and monitoring of epidemics, and the Guide to HIV/AIDS monitoring and assessment was prepared and approved.

Thanks to the support of international organizations, the material base of laboratory services in the country improved slightly, creating real conditions for determining the extent of infection and carrying out epidemiological patrolling and monitoring among vulnerable population groups. Preventive work among users of injected drugs and prostitutes was intensified, and in particular help stations, drop-ins and 30 help stations for migrant workers and their families and street children have been opened in 20 areas.

Tajikistan is taking the first steps towards providing treatment for those needing anti-retroviral products. Four seminars on training local specialists, attended by international consultants, were held in 2005. More than 60 doctors specializing in infections, gynaecologists and obstetricians, psychiatrists and epidemiologists received training. Three doctors' teams were also given targeted training in Kiev for three areas (Sogd, Khatklon and Gorno-Badakhshansk oblasts). Anti-retroviral products are now available, and two SD-4 units to monitor the progress of treatment have been acquired. Procedures have been laid down for care, treatment and patient triage.

Some services and units, however, require strengthening and support, mainly: ensuring the safety of donated blood, extending patrolling and epidemiological monitoring to population groups that have not yet been studied, and expanding the services package to reduce damage in groups at risk.

37. In accordance with the memorandum signed between Tajikistan and the United Nations on cooperation in accelerating the process of reducing poverty and the National Development

Strategy, and to ensure successful implementation of the United Nations Millennium Development Goals, a coordinating council consisting of 12 sectoral groups, including the Water Supply and Sanitation group, headed by the Minister of Irrigation, Drainage and Water, has been set up.

Under the National Development Strategy for 2006-2015 sector, the working group on water supply and sanitation includes Dushanbe Vodokanal, whose task is to provide the

population of Dushanbe with access to safe drinking water. The project for supplying Dushanbe with water is fully supported by the Government and financed by the World Bank.

Safe drinking water will be provided until 2015, allowing for an increase in the population of Dushanbe of 1.5 million, and water purity and quality will be assured in more than 90 % of total water supplies.¹²

The Concept for a transition to underground sources for the water supply to Dushanbe was drawn up in August 2004. It provides for the use of existing underground sources and completion of the construction of the left-bank Kofarnikhon (now Vakhdat) pumping station KNS-2, which will have an initial capacity of 126,000 cubic metres per day.

As part of the Dushanbe water supply project, the Islamic bank "Razvich" is financing the construction of KNS-2.

In addition, Dushanbe Vodokanal is taking steps daily to disinfect water using chlorine, flush the water distribution network and clarify water by coagulation.¹³

38. For the number of doctors and dentists in Dushanbe during the period 2000-2005, see Annex 10.

For the number of doctors of treatment and prevention clinics in Dushanbe who immigrated from abroad to Tajikistan in 1990-2005, see Annex 11.

For the number of doctors and dentists in Tajikistan during the period 2000-2004, see Annex 12.

No data are available on the number of doctors who have emigrated from Tajikistan.

39. The problems of the impact of land mines and explosive devices in the humanitarian sphere are more immediate than ever in Tajikistan. Tajikistan realizes the seriousness of, and attaches great importance to, the prohibition of the use of anti-personnel mines. The civil war in Tajikistan and the complex military and political situation on its southern borders, and the war that has lasted for many years in neighbouring Afghanistan, have left behind numerous problems, including the presence of mined terrain. The problem of land mines exists basically in three areas:

First: minefields laid at various times by Russian forces on Tajik territory along the border with Afghanistan. All records of minefields laid by Russian frontier troops have been handed over to Tajikistan. Also, the process of transferring the control and protection of the State border from Russian frontier troops to those of Tajikistan was completed in 2005.

Secondly: minefields laid at various times in the Central region during the civil war. In our view, these require priority clearance as they are mainly situated in economically vital areas: pastureland, agricultural areas, pathways, roads, wood-gathering sites, etc.

Thirdly: minefields laid recently along the Tajik-Uzbek border by the Uzbek authorities.

¹² Source: Ministry of Irrigation, Drainage and Water.

¹³ Source: Dushanbe executive authority.

The second and third categories present a particular danger to life and health.

The situation regarding mines in Tajikistan remains complex. The danger of mines remains high, mainly in the frontier areas of Sogd oblast on the Tajik-Uzbek border. The human victims of land mines and unexploded ordnance (UXO) in the south of the country in 2005 show that the level of danger in these areas is also not low. The danger of mines and UXO endangers people chiefly during agricultural work, grazing of cattle, wood-gathering, harvesting and other work done in the fields. Mines and UXO cause enormous damage to agricultural development, the environment and the national economy as a whole.

It should be noted that in 2005 a total of 19 persons (including seven children) were affected by mine explosions, seven of them being killed and 12 injured. Ten of these incidents were in the border areas of the Tajik-Uzbek frontier in Sogd oblast (four being killed and six injured, including two children); in the small town of Dashti in the Yazgulom Vanch district of the Gorno-Badakhshan Autonomous Oblast one person died and three, including two children, were injured as a result of mine explosions; and three children were injured by UXO blasts in Rasht oblast. The remaining two persons, who were serving in the military wing of the State Border Defence Committee, died when a UXO exploded. A total of 240 persons have been injured and 238 have died 20 % of them children, as a result of mine and UXO explosions.

The Government has taken a number of steps to resolve this problem.

On 12 October 1999 Tajikistan became a party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, which entered into force in Tajikistan on 1 April 2000. At a time when there was not yet any centralized coordinated body for action against land mines or clear division of responsibility among Ministries in combating anti-personnel mines, a special group (the working group on action and exchange of information to combat anti-personnel mines) was set up in April 2002, in accordance with a resolution of the Government Commission on the Implementation of International Humanitarian Law. With the support of the International Committee of the Red Cross (ICRC), this group has set up a system for the collection of information on mine incidents.

The Government is aware of the need to develop a national material and technological base able to plan, coordinate and direct multilateral activities to combat anti-personnel mines in Tajikistan and to train local teams to carry out mine clearance in accordance with international standards on humanitarian mine clearance.

As part of the cooperation envisaged in the Ottawa Convention, the Government has asked the international community for its support in the development of the national programme to combat anti-personnel mines.

The Organization for Security and Co-operation in Europe (OSCE) held a meeting with government Ministries, humanitarian organizations and potential donors concerned on 23 December 2002.

In February 2003, the Swiss Foundation for Mine Action (FSD) sent its representative to Tajikistan for an initial period of six months to assist the Government to set up the material and technological base. This support is the result of an initiative of ICRC, which transmitted preliminary information on mine victims to the Ministry of Emergencies and Border Protection and the Ministry of Defence. In June 2003 FSD received an official invitation from the

Government to provide assistance in mine clearance, and on 20 June 2003 an Agreement on cooperation in mine clearance was signed in Dushanbe between the Government and FSD.

Also on 20 June 2003, the Government and UNDP signed an Agreement to carry out a project entitled "Support for the efforts of the Republic of Tajikistan to resolve mine problems". The Tajik Centre for Mine Affairs (TCMA) was established as a government entity under this Agreement. It operates with the financial support of the international community. The Centre is an executive organ of the Government Commission on the Implementation of International

Humanitarian Law and is charged with carrying out State management of issues relating to anti-personnel mines and coordinating the activities of Ministries and departments, local authorities and other organizations (governmental and non-governmental, including international) in this area. Among the Centre's important tasks are to clear mines on national territory, destroy stocks of anti-personnel mines, inform the public about mines, help to assist victims of mines and conduct a campaign against the use of anti-personnel mines. It has a leading role in fulfilling

Tajikistan's obligations under the Ottawa Convention. The Centre is directly responsible to the Government.

An Agreement on mine clearance was also signed in June 2003 in Dushanbe between OSCE and FSD. It provides for donor resources for direct mine clearance to be channelled through OSCE.

Using the military forces of the Ministry of Defence, the Committee to Protect the State Border and the Ministry of Emergencies, four mine clearance groups and four survey groups have been set up. These groups were trained under the guidance of FSD specialists.

Since the programme was initiated (August 2003), these groups have carried out general surveys along the Tajik-Afghan and Tajik-Uzbek borders and in the central region. More than 120 dangerous areas were identified as a result. Three minefields were cleared and handed over for use by the local authorities. In total, an area of 183,611 square metres was cleared and 1,361 anti-personnel mines and 710 unexploded devices were detected and destroyed during the period under consideration.

More than 3,000 signs warning the population of the danger of mines in affected areas were prepared and erected.

The implementation of the programme for informing the public about the danger of mines is being continued by the Red Crescent Society of Tajikistan (RCST), with ICRC and UNDP support. The United Nations Children's Fund (UNICEF) has also been involved since 2005, through the Ministry of Education, in implementing the programme in four oblasts: Rasht, Tavildarin, Darvoz and Vandzh (22 schools). The programme operates in 14 oblasts subject to danger from mines.

To provide children with leisure areas, a new project, "Construction of children's playgrounds", was also carried out in 2005 by RCST, with ICRC support. Seven stadiums have been equipped under this programme in the settlements most subject to danger from mines in the Asht, Kanibadam, Isfarin and Pendzhikent districts of Sogd oblast.

In order to disseminate information and warnings on the danger from mines, more than 6,000 copies of handbooks on security measures in relation to land mines and unexploded ordnance in Tajik and more than 3,000 in Uzbek, and more than 3,000 warning leaflets and relevant manuals have been printed. They are distributed among volunteers, military forces, workers of local units, teachers and others taking part in the implementation of the programme. Meetings and seminars are held with volunteers and programme officials, and progress in implementing the programme in the areas concerned is assessed.

A programme of assistance to mine victims has been carried out through cooperation between the Ministry of Labour and Social Welfare, ICRC, UNDP and RCST. Disabled persons, including those who have been injured by mine explosions, are given artificial limbs and treated at the Dushanbe Orthopaedic Centre.

Under a separate programme conducted by RCST, 72 families affected by mines in three districts of Sogd oblast and three districts of the Rasht Valley were given two head of cattle each to increase their stocks, in order to maintain their income-generating activities.

In cooperation with the Ministry of Labour and Social Welfare, ICRC, UNDP and RCST, the non-governmental organization World Harmony and Mines Action Canada organized a summer camp at the Kaltuch sanatorium in Vakhdat for the rehabilitation and recreation of 32 victims of mines.

A Regional Conference on progress in the implementation of the Ottawa Convention in Central Asia was held in Dushanbe on 15 and 16 April 2004. It was attended by official representatives of Central Asian countries, Afghanistan and China, the United Nations, OSCE, NATO, ICRC, the International Campaign to Ban Landmines (ICBL) and other international organizations, diplomatic missions and international organizations accredited to Tajikistan, and the relevant Tajik Ministries and departments.

Her Highness Queen Nour of Jordan also took part in the Conference.

On 31 March 2004 Tajikistan destroyed the last tranche of anti-personnel mine stocks (3,029 mines stored in warehouses), thereby fulfilling its international obligations under article 4 of the Ottawa Convention.

The Geneva International Centre for Humanitarian Demining (GICHD) is providing assistance in matters relating to the Information Management System for Mine Action (IMSMA). To this end, specialists from the Geneva Centre periodically provide unpaid training and local practical help in the establishment and operation of the system.

The main partners of RCST in implementing the Tajik programme on mine issues are UNDP, OSCE, the European Union, the diplomatic offices of donor countries in Afghanistan, GICHD, FSD, the Ministries of Security, Justice, Internal Affairs, Foreign Affairs, Education, Labour and Social Welfare, Defence, Health and Emergencies and Civil Defence, the State Committee for the Protection of the State Border, the National "Tochikkoinot" Agency and local authorities.

RCST has a consultative committee of donors consisting of representatives of donor countries and organizations, which quarterly considers progress in the implementation of the Tajik mine programme and the status of international cooperation in this area.

Government representatives take part in international and regional meetings on the prohibition of anti-personnel mines (including meetings of States parties to the Ottawa Convention and its permanent committees, meetings of leaders and technical advisers of the mine action programme).

The main donors to the Tajik mines action programme are Canada, the United Kingdom, Japan, Germany, Switzerland, Norway, Italy, Sweden, the United States, OSCE, the European Union, UNDP, UNICEF, ICRC and Mines Action Canada. The Government of France has made available, free of charge, the services of two of its specialist instructors in mine clearance – they work for two or three months and are then replaced by two others.

Under article 5 of the Ottawa Convention, the date for completion of minefield clearance in Tajikistan is 1 April 2010. Only four years are left until then, and this is not enough to complete this amount of work (initial information from the general survey indicates that more than 25 million square metres of land are considered to harbour danger from mines).

It is therefore essential to increase the mine action programme's potential so as to accelerate the pace of mine clearance. It is planned to set up a mine clearance group using 12 mine-seeking dogs in 2006. The conditions for carrying out this plan are in place. In the framework of cooperation and under a Convention that has been signed, the Afghan centre for training mine-seeking dogs for the Tajik programme is training 12 dogs, which will be purchased in Germany. UNDP has allocated about US\$ 90,000 to this project. Thirteen dog-handlers will also be trained in Kabul. OSCE has allocated US\$ 70,000 to construction of the dogs' living and training quarters, which has already begun. This cooperation may be seen as an excellent example of international cooperation towards implementing the Ottawa Convention. Donor States (Canada, Switzerland) are considering supporting the project in 2006.

The possible acquisition of two mechanical de-miners in 2006-2007 in cooperation with Japan and the United States is being proposed.

Mine action programmes for 2006 (mine clearance, warning the population about mine danger, assistance to victims) have been drawn up and sent to the United Nations for consideration.

The Action Plan for 2006 and a new version of the Strategic Five-Year Plan have been prepared and will shortly be submitted for consideration and approval to the Commission for the Implementation of International Humanitarian Law.

40. According to the State Committee for Statistics, youths and young people (aged 15-29) constituted 29.9% of the permanent population of Tajikistan on 1 January 2005, with those aged 15-19 representing 12.5% and those aged 20-29 17.4%. This was the second largest category after children up to 14 years of age – 38.1%. The proportion of persons between the ages of 30 and 59 was only 26.7% and that of those over 60%.

Numerous social and economic problems have arisen in the period of transition to a market economy, which have had a significant impact on the welfare and health of young people, most of whom come from poor families. The most pronounced of these are now their occupational disorientation and failure to adapt to actual living conditions.

Noticeable negative changes have occurred in the lifestyles of social and economic youth groups, such as an inclination to smoke, the use of alcohol and drugs, excessive drinking, the deterioration of material and domestic conditions, an increase in stressful situations, etc.

The results of a rapid survey of the situation regarding drug abuse, carried out in 1999 in Dushanbe with the support of the United Nations Programme on HIV/AIDS, showed that over the previous two years drug abuse increased mainly among youths and young people. Most drug users were aged 20-35.

The survey showed that 22 % of schoolchildren and 8.2 % of students in higher education had used drugs.

Other studies in the public health sector have established that of the pupils at some schools and specialized secondary schools and students of higher educational establishments questioned, 17.5% admitted using drugs with the intention of intoxication, more than half of them stating that they had started taking drugs at the age of 16-18, 24% at 13-15 and 4.4% at 9-13.

Young people tend to ignore the rules for protecting themselves against certain diseases.

There has been a trend towards reduced access to clinical and hospital care and a decline in medical work to identify treat and rehabilitate young drug users.

All these problems necessitate the development of a strategy for the protection of youths and young people.

State policy

Despite all the difficulties of social and economic life since independence, serious measures have been adopted in Tajikistan to develop all-round action to protect the reproductive health of the population, including young people. Particular emphasis has been placed on the adoption of the Public Health Protection Act (1997), the Labour Code (1997), the Family Code (1999), the Reproductive Health and Reproductive Rights Act (2002) and the Strategic Plan for Reproductive Health in 2005-2014 (2004). Tajikistan has ratified international legal instruments such as the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, the Optional Protocol to the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, the Convention on Prohibition and Immediate Measures to Eradicate the Worst Forms of Child Labour, etc.

Preventive action at the national, local and community levels

There has been a tendency in recent years to increase the potential of governmental and non-governmental organizations working in the field of the reproductive health of young people.

Information and awareness events, marathons and ten-day campaigns are held on matters relating to a healthy lifestyle, especially problems of STD/HIV/AIDS, thereby helping to some extent to increase the population's, including young people's, awareness of STD/HIV/AIDS issues.

Development of the potential of health-care establishments to provide services benefiting young people

As part of the implementation of the Concept for the Reform of Health Care and in order to improve and optimize health-care services to the population, including young people, the Ministry of Health issued an order, No. 643 of 5 December 2005, on improving services in the sphere of reproductive health of the population, which provides for every reproductive health centre, irrespective of its level, to have a specialist youth gynaecologist and a clinic for the organization and provision of services for young people. It is proposed to equip these clinics in cooperation with donors. In addition, national, city and oblast reproductive health centres are working very closely with youth information centres, including on questions of reproductive health and prevention of STD.¹⁴

41. There has been a trend in recent years towards declining demographic indices. This is due not only to a change in the demographic situation but also to the low level of registration of children's births and deaths. In order to improve the registration system for children's births and deaths, hospitals and registry offices are working to introduce (in Sogd oblast and Dushanbe) the international criteria relating to the perinatal period and improvement of the registration system for children's births and deaths recommended by the World Health Organization (WHO), by training medical staff and supplying essential medical equipment to maternity homes.

The main causes of child mortality are infectious illness and malnutrition factors. In order to reduce child mortality it is essential to improve children's nutrition by increasing breastfeeding. In this connection, hospitals are gradually expanding their principles and initiatives for a kindly attitude to children, the draft law on breastfeeding protection and State control of children's foods is being completed, and work is in progress to enhance family and community assistance in expanding the practice of exclusively breastfeeding children and giving them micronutrient supplements (vitamin A, iron products with folic acid).

The most important aspect of reducing child morbidity and mortality is the increased introduction of the WHO/UNICEF strategy for an integrated approach to childhood illnesses, which may help to prevent the main causes of infant and child mortality – acute respiratory infections, diarrhoeal illnesses, measles and malnutrition. In this connection, the Ministry of Health, in cooperation with international organizations, is working to increase the knowledge level of medical staff, provide children under 5 with the necessary medicines and supply the newly established centres for an integrated approach to childhood illnesses with equipment and appliances.

Reducing the maternal mortality rate depends directly on a reduction in the number of unwanted pregnancies. One of the aspects of Ministry of Health work in this area is the provision of contraceptives to women of childbearing age. Last year, with the support of the United Nations Population Fund (UNFPA), reproductive health units were fully supplied with three or four different brands of contraceptive. Another way in which the rate is being reduced is by providing access to emergency obstetric assistance. An analysis of the causes of such deaths shows that obstetric bleeding and eclampsia account for more than 60 % of cases. In the present situation of inadequate resources, it is essential to increase the possibilities of organizing and providing urgent obstetric assistance as a basic principle in reducing the maternal mortality rate.

¹⁴ Source: Ministry of Health.

42. With a view to implementing the priority aspects of the Concept for the reform of health care in Tajikistan, a plan for the rationalization of primary clinics and sanatoriums in two pilot regions has been drawn up and is being implemented under the World Bank project for the reform of primary hospital and sanatorium care. A plan for the rationalization of primary clinics and sanatoriums in five regions, to be implemented until 2009, is being drawn up under the Asian Development Bank project for the reform of the health-care system in Tajikistan. It is planned to draw up a similar instrument for five administrative and territorial divisions under a second World Bank project on community and basic health care. All these measures are being undertaken to ensure access to medical services for everyone.

A Strategy for the reorganization of hospital services in Tajikistan for the period 2006-2010 has also been prepared. After being agreed with Ministries and departments it will be sent to the Government for approval.

Articles 13 and 14 (The right to education)

43. The Government guarantees universal compulsory free education in State educational establishments. General education in Tajikistan consists of three segments: primary, basic general and secondary general. Tajik citizens have right to basic general education up to the age of 16. It should be noted that acceptance of pupils at the third level of general education depends on their wishes, capabilities and interests.

Important legislative instruments setting out State educational policy were adopted between 2000 and 2005. They are aimed at renewing the educational system, achieving equal access to education, resolving gender issues and eliminating poverty by raising the population's level of education.

The State Guarantees of Equal Rights for Men and Women and Equal Opportunities for their Enjoyment Act of 10 March 2005 has now been adopted. It is aimed at preventing discrimination on grounds of sex and establishing State guarantees of equal opportunities for persons of both sexes, and confirms the State policy of observing gender equality.

Some statistical data are given in Annexes 13, 14 and 15.

As basic (nine-year) education is compulsory in Tajikistan, gender balance is maintained in classes 5 to 9 of general-education schools. The lower number of girls in the following levels is due to the personal right to choose whether to continue one's studies or not.

The number of girls in secondary and higher vocational education has been rising in recent years.

A number of measures have been taken to ensure that girls have equal access to education at all levels. They include compensation payments to poor families with children in general-education schools. Girls are being accepted (without an examination) at higher educational establishments in Tajikistan in accordance with the Presidential quota for the period 2001-2005, under Government Resolution No. 199 of 19 April 2001 on that subject. See Annexes 16 and 17.

44. A basic principle of State educational policy is respect for the law, human rights and freedoms, and love of the Motherland, one's family and the environment.

Under article 26 of the Education Act, discipline in general-education establishments is maintained on the basis of respect for the honour and dignity of pupils, students and teachers. The use of physical or mental violence against them is prohibited.

Article 36 of the Act provides for a system of self-management bodies in general-education establishments (associations and unions of State educational establishments; educational, academic and scientific-methodological councils; students' organizations; political, supervisory and parents' committees, etc), composed of representatives of the administration and of students and educational-establishment associations. This system of self-management was created mainly to ensure public control of all activities of educational establishments, including suppression of all forms of violence.

Article 15 (Cultural rights)

45. A number of legal and other measures have been adopted, including the Constitution, the Press and Other Mass Media Act, the Publishing Act, the Television and Radio Act, the Information Act and the Computerization and Data Protection Act, to ensure freedom of information in Tajikistan.

46. Newspapers are registered by the Ministry of Justice in accordance with the Registration of Legal Persons Act. The registration procedure is laid down in article 9 of that Act. For registration, a legal or physical person must file an application with the Ministry of Justice, attaching the following documents: decision of the founder to establish a legal person, decision approving the statutes, decision on the appointment of a director, extract from the single register certifying State registration, information about a physical person, document confirming the legal address and location, document concerning the establishment of a capital fund, and receipt or copy of payment order relating to stamp duty.

47. Officials of the Ministry of State Revenues and Taxes stopped the importation of a newspaper on only one occasion in the period 2000-2005.

On 4 November 2004, operatives of the Ministry's Fiscal Police Directorate seized 15,000 copies of the newspaper Ruzi Nav, printed in Kyrgyzstan, at Dushanbe airport.

It was established during the investigation that the founder and editor-in-chief of Ruzi Nav, R.M. Marraimov, had of his own accord continued to publish that newspaper outside Tajikistan, i.e. in Kyrgyzstan, after expiry of the term of its registration on 27 July 2004, in violation of Article 9, paragraph 3, of the Press and Other Mass Media Act. According to a letter from the Academy of Sciences of Tajikistan, some copies of newspapers withdrawn from circulation contained unchecked statements denigrating the honour and dignity of citizens and officials and the authority of the State.

It was on these grounds that criminal proceedings were brought on 3 March 2005 against the founder and editor-in-chief of Ruzi Nav, P.M. Marraimov, under articles 135, section 2 (Libel) and 334, section 1 (Arbitrariness) of the Criminal Code.

The preliminary investigation is being carried out by investigators of the department of the Procurator's Office responsible for investigation of criminal cases of particular importance.

After the necessary investigative acts had been completed, the preliminary investigation was suspended on 20 December 2005, in accordance with article 195, section 2, of the Code of Criminal Procedure, due to the illness of Mr. Marraimov.

This criminal case was brought for well-founded reasons, confirming the legality of the confiscation of 15,000 copies of Ruzi Nav.

There were no similar cases in the period under consideration.

It should be pointed out that it is the sovereign right of every State to halt such practices.

If the activities of a founder or employee of an organ of the mass media violate existing legislation, then they must be halted, including suppression within the framework of criminal legislation.¹⁵

¹⁵ Source: Procurator's office.