



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of
Discrimination against Women**

**Consideration of reports submitted by States Parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

**Combined initial, second and third periodic report of States
Parties**

Tajikistan*

* The combined initial, second and third periodic report of Tajikistan was received by the Secretariat on 5 May 2005.

**National report
of the status of the implementation of the Convention on the
Elimination of All Forms of Discrimination against Women
in the Republic of Tajikistan**

Tajikistan declared its independence on 9 September 1991. From 1992 through 1997, the country underwent a destructive civil war, which ended with a historical peace agreement in June 1997. A large part of the economy was destroyed during the war, and many human lives were lost. Tajikistan is now going through the process of recovery and is directing its efforts at stable development.

The process of building a lawful, democratic, secular state with a market economy and reforming its legislative base began when Tajikistan gains its independence.

The problems facing Tajikistan are serious economic and social difficulties. Poverty remains the most serious of the problems that are having a considerable effect on the status of women and children, who remain socially vulnerable. The country right now is continuing the process of economic reforms and the formation of a lawful, civil society. Over the years of its independence, Tajikistan as a subject of international law has acceded to many international instruments in the field of human rights, among them the Convention on the Elimination of All Forms of Discrimination against Women, which was ratified on 26 June 1993. A party to the Convention, the State is taking specific measures to implement its standards in national law.

Article 1

1. Article 17 of the Constitution of the Republic of Tajikistan states: "Everyone is equal before the law and the courts. The State shall guarantee individual rights and freedoms, irrespective of nationality, race, sex, language, faith, political beliefs, education, or social or material status. Men and women shall have equal rights".

The Constitution and other laws of the Republic of Tajikistan do not contain provisions that directly or indirectly restrict the rights or freedoms of women. The law on international treaties of the Republic of Tajikistan ensures that the Republic of Tajikistan favors unwavering compliance with international treaties and confirms its adherence to the principle of good-faith fulfillment of international obligations.

According to article 1 of the law on State guarantees of equal rights for men and women and equal opportunities in the exercise of such rights, discrimination is taken to mean any difference, exclusion or restriction, for reason of sex, that is intended to weaken or nullify the declaration of equal rights for men and women in political, economic, social or cultural areas or any other area.

In observance of international obligations, Republic of Tajikistan law in spheres such as family, labour and criminal-and-legal relations reflects the country's adherence to its commitments in the field of women's rights.

After the Convention on the Elimination of All Forms of Discrimination against Women was ratified, its text was translated into the State language, was published in the official press, as well as in brochures in Russian and Tajik, and was

widely disseminated among State employees, scholars, students and other segments of the population.

The provisions of the Convention are conformed in the following Republic of Tajikistan legal acts:

- Constitution of the Republic of Tajikistan, of 6 November 1994 (articles 17, 33–41);
- Criminal Code of the Republic of Tajikistan, of 21 May 1998 (articles 52, 58, 59, 61, 62, 78, 110, 117, 124, 130, 131, 138–143, 155 170, 181);
- Penal Enforcement Code of the Republic of Tajikistan, of 6 August 2001 (articles 98, 101, 102, 103, 104, 107, 111, 120, 208, 209);
- Family Code of the Republic of Tajikistan, of 13 November 1998 (articles 1, 12, 13, 17, 32, 90, 91, 134, 137);
- Labour Code of the Republic of Tajikistan, of 15 May 1997 (articles 7, 29, 83, 92, 153, 159, 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 172, 173, 218);
- Law of the Republic of Tajikistan on State guarantees of equal rights for men and women and equal opportunities in the exercise of such rights, of 1 March 2005;
- Presidential Decree of 3 December 1999 on enhancing the role of women in society;
- National Plan of Action of the Republic of Tajikistan for Enhancing the Status and Role of Women for the Period 1998–2005, approved by Decision of the Government of the Republic of Tajikistan, of 10 September 1998;
- State programme titled "Guidelines for a State policy to ensure equal rights and equal opportunities for men and women of the Republic of Tajikistan for the period 2001–2010", approved by Decision of the Government of the Republic of Tajikistan of 8 August 2001;
- Programme titled "State system of human rights education in the Republic of Tajikistan", approved by Decision of the Government of Republic of Tajikistan of 12 June 2001

Taken together, they potentially provide the legislative and programme base needed to fulfill international obligations in the area of human rights in general and in the implementation of women's rights in particular.

2. Article 10 of the Constitution states: "International legal instruments accepted by Tajikistan shall be an integral part of its legal system. When the laws of Tajikistan are not in conformity with international legal instruments, the provisions of the international legal instruments shall prevail".

The laws and international legal instruments accepted by Tajikistan enter into force after their official publication.

Thus, the Constitution establishes the precedence of provisions of international treaties over national law. That is why equal rights for men and women in Tajikistan are also guaranteed on the basis of the Convention.

Under article 14 of the Constitution, human and civil rights and freedoms are regulated and protected by the Constitution, the laws of the Republic, and the international legal instruments accepted by Tajikistan.

The Republic of Tajikistan has expressed its interest in and intention of adhering to international standards and basic human rights and freedoms in conformance with the Universal Declaration of Human Rights and human rights treaties.

Under article 4 of the law on international treaties of the Republic of Tajikistan, the standards of officially published international treaties of the Republic of Tajikistan that do not require the passage of laws in order to apply in the Republic of Tajikistan itself.

To date, the Republic of Tajikistan has acceded to the following international human rights treaties within the framework of the United Nations and specialized institutions, including treaties involving the advancement of women and the protection of women's rights*:

1. Convention on the Rights of the Child (1993);
2. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2002);
3. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2002);
4. International Covenant on Civil and Political Rights (1998);
5. Optional Protocol to the International Covenant on Civil and Political Rights (1998);
6. International Covenant on Economic, Social and Cultural Rights (1998);
7. Convention on the Elimination of All Forms of Discrimination against Women (1993);
8. International Convention of the Elimination of All Forms of Racial Discrimination (1994);
9. Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (1994);
10. Convention on the Political Rights of Women (1999);
11. ILO Convention No. 103 concerning Maternity Protection, of 28 June 1952 (1993);
12. Convention relating to the Status of Refugees (1994);
13. Protocol relating to the Status of Refugees (1994);
14. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2001);
15. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (2001);

* Data from Ministry of Foreign Affairs.

16. United Nations Convention against Transnational Organized Crime, of December 2000 (2002);
17. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2002);
18. Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2002);
19. ILO Convention No. 105 concerning the Abolition of Forced Labour (1998);
20. ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of 1 June 1999 (2000);
21. Convention against Discrimination in Education;
22. Convention concerning the Compulsory Medical Examination of Children and Young Persons Employed at Sea (No. 16);
23. Convention concerning the Employment of Women on Underground Work in Mines of All Kinds (No. 45);
24. Convention concerning the Reduction of Hours of Work to Forty a Week (No. 47);
25. Convention concerning Annual Holidays with Pay (No. 52);
26. Convention concerning Medical Examination for Fitness for Employment in Industry of Children and Young Persons (No. 77);
27. Convention concerning the Restriction of Night Work of Children and Young Persons in Non-Industrial Occupations (No. 79);
28. Convention concerning the Night Work of Young Persons Employed in Industry (No. 90);
29. Convention concerning the Protection of Wages (No. 95);
30. Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100);
31. Convention concerning Weekly Rest in Commerce and Offices (No. 106);
32. Convention concerning Medical Examination of Young Persons for Fitness for Employment Underground in Mines (No. 124);
33. Convention concerning Minimum Age for Admission to Employment (No. 138);
34. Convention concerning Vocational Guidance and Vocational Training in the Development of Human Resources (No. 142);
35. Convention concerning the Protection of Workers against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration (No. 148);

36. Convention concerning Vocational Rehabilitation and Employment of Disabled Persons (No. 159);
37. Convention concerning Labour Statistics (No. 160).

Article 2

The Republic of Tajikistan condemns discrimination against women and is pursuing a proactive policy to eliminate discrimination against women in all its forms.

(a) The Republic of Tajikistan adopted a new Constitution in a national referendum in November 1994 and subsequently amended and supplemented it in 1999 and 2003. The country's Constitution regulates the guaranteed protection of human rights and equal rights for women and men.

Tajikistan law is based on the principle of equal rights for men and women. From a legal standpoint, all the guarantees that prohibit discrimination against women are in place: equality is guaranteed by the country's Constitution. There are no laws or legal-and-regulatory acts that permit discrimination against women in the country.

The principles of equal rights for men and women are formulated in the Constitution of the Republic of Tajikistan.

For example, under article 17 of the Constitution, everyone is equal before the law and the courts. The State guarantees individual rights and freedoms, irrespective of nationality, race, sex, language, faith, political beliefs, education, or social or material status. Men and women have equal rights.

Under article 33 of the Constitution, the family, as the foundation of society, is under the protection of the State. Everyone has the right to found a family. Men and women of marriageable age have the right to enter freely into marriage. Spouses have equal rights in family relations and in the dissolution of a marriage.

The law on State guarantees of equal rights for men and women and equal opportunities in the exercise of such rights, of 1 March 2005, is in effect in the Republic of Tajikistan.

(b) In Tajikistan, everyone is obliged to abide by its Constitution and laws and to respect people's rights, freedoms, honor and dignity. Ignorance of the law does not excuse one from liability (article 42).

Any unlawful act that is discriminatory is at variance with the Constitution and laws of the Republic of Tajikistan and entails liability.

(c) Tajikistan's Constitution includes a procedure for ensuring that the fundamental rights and freedoms declared for all citizens are honored:

- Everyone is guaranteed the protection of the courts. Everyone has the right to seek a hearing of his case by a competent, impartial court. No one may be detained or arrested without lawful grounds. A person is entitled to the services of a lawyer when he is detained (article 19).
- The law protects the rights of victims. The State guarantees the victim judicial protection and compensation for injury (article 21).

Republic of Tajikistan law specifies measures targeting violations of human rights, cruel physical or mental treatment, etc.

The Criminal Code of the Republic of Tajikistan specifies punishment for the following acts, which indicate discrimination against women:

- rape (art. 138);
- sexual assault (art. 139);
- forced sexual acts (art. 140);
- sexual intercourse or other acts of a sexual nature with persons who have not reached the age of 16 (art. 141);
- sexual abuse (art. 142);
- groundless refusal to hire or groundless dismissal of a woman who has a child under the age of 3 (art. 155).

Over the past five years, the following crimes, which are subject to punishment under the above-mentioned articles,* were committed:

<i>No.</i>	<i>Crime</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
1.	Rape	39	39	61	62	52
2.	Sexual assault	7	6	16	18	14
3.	Forced sexual acts	1	2	4	3	–
4.	Sexual intercourse or other acts of a sexual nature with persons who have not reached the age of 16	4	6	11	15	18
5.	Sexual abuse	2	1	4	6	10
6.	Setting up or maintaining facilities for prostitution, conspiracy to engage in prostitution, or trafficking in prostitutes	6	9	12	26	46

It must be noted that, given the latency of crimes committed, the number of women who are victims of violence does not, in all likelihood, match the official data. The reason women do not report crimes to law enforcement authorities is, more often than not, that they do not want to talk about what happened.

(d) In the adopted State programme titled "Guidelines for a State policy to ensure equal rights and equal opportunities for men and women of the Republic of Tajikistan for the period 2001–2010", the priority areas of activity of State structures in terms of suppressing violence against women are as follows:

- upgrading of the legislative base to toughen penalties for violence in all its forms against women;
- improvement of the work of law-enforcement authorities in the prevention, recording and management of cases involving violence against women;
- invigoration of the public and public opinion in the struggle to suppress violence against women;
- elimination of the effects of violence against women through rehabilitation measures for their physical and emotional health;

* Data from Republic of Tajikistan Council of Justice.

- integrated and multisector approach to solving this problem.

The creation of special social assistance services for victims of violence and rehabilitation centres that involves the participation of the non-governmental sector, the conduct of joint research, and the frequent dissemination of information on the problems associated with upgrading measures against violence against women point to the effective work being done in that area.

Plans call for the creation of a National Analytical Centre for the collection and study of information on violence against women; the opening of free legal counselling centres for women, the conduct of seminars and meetings for broad segments of the population regarding the problems of violence against women and their rights; the organization of special training sessions on the problems of violence against women for Ministry of Internal Affairs employees; the implementation of educational programmes for law-enforcement staff, medical personnel and journalists; and the summarization of judicial practices in criminal cases involving violence against women.

Under consideration at the moment is the question of upgrading statistical reports on offences committed against women, which will help monitoring and further adoption of preventive measures to suppress such offences.

Over the period of 1999–2003, a total of 93 criminal cases were instituted under art. 116 (battery), and convictions were handed down in 33 of them; 73 criminal cases were brought under art. 117 (torture), and convictions resulted in 64 of the cases. In 2001, a total of 83 rapes were recorded, and 61 cases resulted in conviction; in 2002, there were 74 rapes, and convictions were handed down in 62 cases.*

In 2002 and 2003, State authorities and NGOs, with the financial support of the Swiss Cooperation Office, the Training Centre of the Ministry of Internal Affairs and the NGO Centre for Psychological Assistance, jointly implemented a project titled "Training district police inspectors to prevent and avert violence against women". The work was done in Dushanbe and in the Khatlon Oblast.

Certain laws in the Republic of Tajikistan govern questions of family violence. Individual provisions of the Criminal Code apply to men who use violence against their wives. Criminal charges have been brought against very few men who used violence against their wives.

Section 5 of the National Plan of Action for the Advancement of Women of the Republic of Tajikistan and for the Enhancement the Status and Role of Women for the Period 1998–2005 calls for the creation of crisis centres for providing emotional and psychological support to women who are victims of violence. Non-governmental organizations are active in this area.

The mass media are covering problems of violence, and information campaigns and television reportage are being conducted. Campaigns known as "16 days against violence" are conducted every year, and relevant printed materials are published.

The non-governmental organization known as the League of Women Attorneys of the Republic of Tajikistan submitted an initiative to the Republic of Tajikistan Government on the preparation of a draft law on social and legal protection against

* Data from Council of Justice.

violence in the family and is working on that with involved ministries and departments of the Republic.

(e) Under Republic of Tajikistan labour law, all citizens have equal opportunities in the sphere of labour relations. Differences based on sex that upset the equality of opportunities in labour are prohibited.

Women and men have identical rights with regard to working conditions both in the State sector and in the private sector.

(f) In affirming the acceptance of the principles enunciated in the UN Charter and as the State Party to the Convention on the Elimination of All Forms of Discrimination against Women, the Republic of Tajikistan has incorporated their standards and provisions into national law, which are reflected in the Constitution, the Labour Code, the Civil Code, the Criminal Code, the Family Code, the law on State guarantees of equal rights for men and women and equal opportunities in the exercise of such rights and other enactments and contain no provisions that directly or indirectly restrict women's rights and freedoms, that is, that permit discrimination based on sex.

(g) Criminal law of the Republic of Tajikistan has no provisions that discriminate against women.

Article 3

Over the years of independence, the Republic of Tajikistan has developed a model for a policy for the advancement of women that is based on political and economic realities and culture-specific features. On the road to further democratization of the society, the country is faced with many socio-economic difficulties, and the status of women, more so than that of men, is complicated by many factors, among them the decline in the standard of living during the transition period and the growth of unemployment. In connection with that, the Government is devoting particular attention to the indigent segments of the population.

In the Government, questions associated with the plight and status of women are overseen by a deputy prime minister. The Committee on Women and the Family was created in the Government in 1991 and has been functioning since that time. The main function of the Committee is to promote and implement a policy for the advancement of women in all spheres of the public life of the State.

The Committee on Women and the Family is taking part in drafting and implementing programmes for the socio-economic development and advancement of women and the protection of the family, maternity and children and is assisting in the social protection of women, the implementation of their rights to work in a market economy and, among other things, the improvement of medical services. The Committee's objectives also include informing appropriate ministries and departments on issues involving problems of the family and women and the protection of maternity and children. The Committee's structure includes a gender department. Structures subordinate to that Committee have been created in all bodies of local authority.

The *Majlis-i Namoyandagon* (lower chamber of parliament) of the *Majlis-i Oli* [Parliament]—particularly its Committee on the Family, Health Care, Social Protection and the Environment—is doing important work in drafting a gender

policy. The Committee's objectives also include doing draft-legislation work, preliminary review and preparation of issues to be handled by the highest legislative body [Parliament] of the republic, development of strategic areas for expanding the above-mentioned social spheres of society and ways of implementing them, assistance in the enactment of laws, and the monitoring of the activities of State agencies and organizations that are within the purview of the Committee.

Similar structures are in place in oblast, city, rayon and local representative bodies of authority.

Ministries and departments of the social sector (health care, labour, social protection, etc.) have subdivisions directly involved in solving problems of women, the family, and children. For example, the Coordinating Council on Gender Problems was created in the Republic of Tajikistan Ministry of Labour and Social Protection, along with a specialized division. Employment services and other State agencies are involved in resolving issues associated with labour and the daily lives of women. All the enumerated institutions are essentially mechanisms for developing and implementing policy for the advancement of women.

Article 4

1. The Republic of Tajikistan is one of the first CIS countries to have ratified the Convention on the Elimination of All Forms of Discrimination against Women and assumed the obligations in the protection of women's rights.

In expanding women's rights and opportunities, the Government is guided by the Vienna Declaration and Programme of Action for human rights (1993), the Programme of Action of the International Conference on Population and Development (1994) and the Platform for Action adopted at the Fourth World Conference on Women (Beijing, 1995), which firmly support the equality of men and women and are an effective mechanism for facilitating democratic change.

The underlying principles of the State's policy for ensuring equal rights and opportunities for men and women are equal access of men and women to all types of material and nonmaterial resources and to the means for developing their capabilities, including education and health care; equality of opportunities to participate in the decision-making process in economic, social and political areas; equal pay for equal work and equal access to high-paying jobs; and maintenance of equality not only in public life, but also in family life and the adoption of integrated measures to prevent violence in all forms against women.

The plight of women in the Republic of Tajikistan is considerably more difficult than that of men. Women are employed mainly in low-paying jobs in education, health care and agriculture. In particular, this affects households headed by women.

In 1998, as a special measure to accelerate the achievement of true equality between men and women, the Government adopted the decision approving the National Plan of Action of the Republic of Tajikistan for Enhancing the Status and Role of Women for the Period 1998–2005, which aims to improve women's health, ensure equal access to education, raise the level of economic and legal literacy and the standard of living, ensure equal rights and opportunities in all spheres of public

life, prevent all forms of violence and reduce the exposure of women's health to adverse environmental factors.

2. The Strategic Plan of the Republic of Tajikistan for the Reproductive Health of the Public for the Period up to 2014, which was adopted in 2004, is to improve social policy in the area of health care and to develop measures in the area of reproductive rights and family planning.

Prevailing law (the Labour Code, the law on State social insurance, the law on health care, the law on reproductive health and reproductive rights, etc.) provides special measures that are meant to protect maternity and that preclude any discrimination whatsoever.

Thus, despite the economic difficulties of the transition period, the Republic of Tajikistan, since the first days of its independence, has been strengthening a legislative base that provides for equality of men and women in the family; the right of the woman to resolve questions of maternity herself and to use, as she wishes, contraceptives and contraceptive methods, including surgical sterilization; measures to protect the labour of pregnant women and breast-feeding mothers; extended maternity leaves, with paid State insurance benefits; and leave for child care until the child reaches the age of one and a half, with paid State social insurance benefits and additional leave.

Article 5

(a) In the traditions of Tajik culture, the woman always enjoyed respect, and the literature especially has sung the praises of her role as mother and protectress of the home. However, existing widespread stereotypes affect women's aspirations and self-concept and foster prejudices in society with regard to what they do and can do, thereby restricting the opportunities available to women and the realization of their potential. Gender inequality is due both to the traditional notions of the populace and to the transition period in the development of the society.

Serving as the basis for the State policy ensuring equal rights and opportunities for men and women is a principle according to which any State measures and actions that are adopted must be geared to the achievement of social equality for men and women.

For historical reasons, the common mindset among most of the public remains a traditionally patriarchal mindset in which belief in the unquestioned social leadership of men and in the accompanying subordination of women is the predominant attitude about gender. The custom from the past of paying a "bride-price" has not been fully eradicated and is encountered from time to time. Also found in the past were "arranged marriages", in which the bride and groom hadn't even ever seen each other before the wedding. Today, such practices are extremely rare, because timely legislative measures have helped to curtail them.

Bigamy and polygamy are not rare, although cohabitation with two or more women in the same household is criminally punishable (article 170 of the Criminal Code). Women agree to such marriages for various reasons: the demographic imbalance that resulted from, for example, the civil war or a worsening of one's material status. As a rule, cases in which women turn to law-enforcement authorities for protection of their rights are rare.

Table No. 1*

Bigamy and polygamy convictions by Republic of Tajikistan courts

<i>Crime</i>	1999	2000	2001	2002	2003
Art. 170, Criminal Code. Bigamy or polygamy	1	5	15	30	56

The number of monogamous marriages in recent years has been increasing. Such marriages may be entered into with a *nikokh* religious ceremony and without State registration. They entail no legal consequences. The rights of second and third wives are not covered by secular law. This category of women is aware that secular law cannot protect their rights. The absence of rights forces these women to endure all kinds of violence committed by the husband and his relatives.

Traditionally, young girls in Tajikistan have been raised from an early age to be future wives and mothers, reliable protectresses of the home, hard-working housekeepers and performers of the husband's will; whereas young boys have been raised as social leaders and as future breadwinners and family mainstays. Such is the gender bias.

To eliminate this phenomenon, the State has developed and adopted a number of legal-and-regulatory acts and State programmes and action plans, which has fostered gender equality.

Under article 143 of the Criminal Code, "Violation of equal rights of citizens":

(1) Direct or indirect violation or restriction of human or civil rights and freedoms on the grounds of sex, race, ethnicity, language, ancestry, personal status, material status, official status, place of residence, religion, beliefs or affiliation to political party or public association that prejudices the rights and legitimate interests of a citizen is punishable by a fine that is 200–500 times the minimum monthly wage or by incarceration for up to two years.

(2) The same acts committed by an individual

(a) who uses violence or threatens violence

(b) who uses his or her official position to do so

are punishable by incarceration for two to five years, with or without the loss of the right to hold certain posts or engage in certain activities for up to three years.

(b) The family, as the foundation of society, is under the protection of the State (art. 33 of the Constitution). Mother and child are under the special protection and aegis of the State (art. 34 of the Constitution).

The Constitution (art. 33) and the Family Code (art. 61) define the equality of the rights and responsibilities of parents with regard to their children, which rights and responsibilities end when the child reached the age of 18. Parents are equally responsible for the development and upbringing of their children.

* Data from Council of Justice.

Under art. 63 of the Family Code, parents have rights and responsibilities in raising their children. They are obliged to tend to their children's health, to their physical, emotional, spiritual and moral development, to their education, and to their occupational training.

Under art. 64 of the Family Code, protection of the rights and interests of minor children rests with the parents. All matters pertaining to the upbringing of children are resolved by the parents through their mutual consent, based on the interests of the children and with the children's opinions taken into account. If the parents have differences, they are entitled to turn to the courts. The courts consider the child's attachment to each of the parents, brothers and sisters; the age of the child; the moral and other qualities of the parents; the relations between each of the parents, etc.

Under art. 65 of the Family Code, parental rights may not be exercised in a way that is at variance with the interests of their children. Protection of the children's interests must be the primary concern of the parents.

In exercising their parental rights, parents may not do physical or emotional harm to the health of their children or to their moral development. The manner in which children are raised must be free of negligent, cruel, rough or debasing treatment of children or abuse by the parents, as well as exploitation of the children.

When parents live apart from each other, the place of residence of the children is determined by agreement of the parents.

Under art. 66 of the Family Code, a parent who lives apart from a child has the right to have a relationship with the child and is obliged to take part in the child's upbringing and in resolving matters associated with the child's education. The parent with whom the child lives must not hinder the relationship between the child and the other parent. If the parents cannot reach agreement on a matter, the dispute is settled in court, with the participation of the tutorship and guardianship authorities if requested by the parents (or one of them).

Parents are entitled to seek the return of children from any individual who is keeping them with no basis in the law or a court decision (art. 68 of the Family Code).

Parents are obliged to support their minor children, and if they refuse to do so, the money for supporting the children (maintenance) is collected from the parents by the court (art. 80 of the Family Code). The court may collect maintenance for a child who has reached the age of majority and is a full-time student attending a State general-education secondary or higher learning institution until the child reaches the age of 20–24 (art. 86 of the Family Code).

Article 6

The aftermath of the civil war in the Republic, the painful transition to market relations, the economic difficulties and, as a result, the dramatic worsening of the socio-economic living conditions after 1991 left the women of the Republic of Tajikistan in harsher conditions than its men. Prostitution is an antisocial phenomenon and, as experience in the fight against it shows, is directly related to the economic difficulties of the post-conflict period. The State is taking economic, legal and other measures to put an end to phenomena such as prostitution.

Republic of Tajikistan law specifies criminal liability for drawing persons into prostitution and for setting up or maintaining houses of prostitution, conspiring to engage in prostitution or trafficking in prostitutes.

Under the Criminal Code (article 238), drawing persons into prostitution through the use of force or threat of force or the use of dependency, blackmail, threats, or destruction of or damage to property is punishable by a fine that is 500–1000 times the minimum monthly wage or by restriction of freedom for up to three years or incarceration for up to two years. If the offence is a repeat offence or is committed by an organized-crime group, it is punishable by a fine that is 1000–2000 times the minimum monthly wage or incarceration for two to five years.

In 2002, a total of 26 cases of drawing persons into prostitution and setting up or maintaining houses of prostitution were recorded and investigated; the figure was 46 for 2003.*

Under article 239 of the Criminal Code, setting up or maintaining houses of prostitution, as well as conspiring to engage in prostitution for mercenary purposes and trafficking in prostitutes, is punishable by a fine that is 1000–2000 times the minimum monthly wage or by incarceration for up to five years.

In the Republic of Tajikistan, prostitution is not legal. A prostitute is subject to administrative punishment that takes the form of a warning or the imposition of a fine (article 174¹ of the Administrative Violations Code) equal to one-half the minimum monthly wage; if, however, the acts are repeated within a year after the imposition of an administrative penalty, the prostitute is obliged to pay a fine equal to twice the minimum monthly wage.

No sanctions are called for against a prostitute's clients, because there are no such sanctions in prevailing law; but when a prostitute/offender is detained, the client is brought in to provide relevant information, for a rapid and full determination of the circumstances. It is important to verify whether these individuals are registered with a health centre, since it is probable that most prostitutes have a venereal disease.

Under various circumstances, laws on violence against women, including on rape, are applied to women engaged in prostitution, without any distinctions whatsoever made with regard to legal principles.

In connection with the accession to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in 2001, the Republic of Tajikistan is taking measures to suppress those crimes. For example, under article 132 of the Criminal Code, the recruitment of individuals for purposes of sexual or other exploitation through fraud is punishable by a fine that is 500–1000 times the minimum monthly wage or restriction of freedom for up to two years or incarceration for the same amount of time.

The same acts committed

- by a group of individuals colluding beforehand or
- against an individual known to be underage or a minor or
- more than once

* Data from Council of Justice.

are punishable by a fine equal to 1000–1500 times the minimum monthly wage or restriction of freedom for up to three years or incarceration for two to five years.

Acts that are covered in parts one and two of this article and are committed

- by an organized-crime group or
- for the purpose of taking such individuals outside the Republic of Tajikistan or
- in the context of serious recidivism

are punishable by incarceration for five to 20 years.

Under article 167 of the Criminal Code, trafficking in minors is criminally punishable.

In the Republic of Tajikistan, over the period of 1999–2003, a total of 10 criminal cases were brought under article 167 for trafficking in minors.*

Article 7

The Republic of Tajikistan is taking the necessary measures to ensure the participation of women on equal terms with men in the socio-political life of the country.

(a) Under article 27 of the Constitution, citizens who have reached the age of 18 have the right to participate in the political life and administration of the State directly or through representatives, i.e., they have the right to elect and be elected.

The highest representative legislative body of the Republic of Tajikistan is the *Majlis-i Oli* (Parliament). Under the Constitutional law on elections to the *Majlis-i Oli*, national elections were held in February 2000, and for the first time in the country's history, a professional parliament was elected, consisting of two houses—the *Majlis-i Milli* (the upper house) of the *Majlis-i Oli* and the *Majlis-i Namoyandagon* (the lower house).

International observers noted no serious violations during the elections. However, "family voting", in which one family member votes in the polling district for the entire family, remains a serious problem. According to OSCE data, massive proxy voting (at 78% of the polling sites) was noted in the 2000 elections, which was confirmed by the multiplicity of identical signatures on the voter lists. This was especially widespread in rural areas. The passiveness of rural women in terms of participating in the socio-political life of the country is due to the heavy workload in the household, and women's employment on farm jobs and their limited access to the mass media hinder women from exercising their right to vote.

Women have played a comparatively passive role in establishing a multiparty system. The period marking the establishment of political parties coincided with the civil war (1992–1997) in Tajikistan. For that reason, the process of establishing a multiparty system involved a great deal of peril—there was intimidation, as well as threats, restriction of freedom of speech, nebulous laws, and other consequences of the armed confrontation. The reconciliation of the opposing parties in Tajikistan also provided the impetus for energizing women in the political sphere. For example,

* Data from General Prosecutor's Office.

three times as many women took part in the 2000 elections as in the previous elections, although the number of women candidates was one-tenth that of men candidates.

The Constitutional law on elections to the *Majlis-i Oli* provides for no quotas of any kind.

Table No. 1**

Positions of women on the party election lists
to the *Majlis-i Namoyandagon* in 2000

<i>Political party</i>	<i>Total number of candidates, persons</i>	<i>Percentage accounted for by women on party lists, %</i>	<i>Numbers under which women are located on the list</i>
Democratic Party of Tajikistan	19	5	12
Islamic Revival Party	15	20	7, 8, 15
Communist Party	20	10	6, 13
People's Democratic Party	21	32	2, 6, 9, 14, 16, 19
Socialist Party	18	11	4, 9
Adolatkohkh	15	7	6
Total	108	11	12

Four women from the People's Democratic Party were elected as people's deputies to the *Majlis-i Namoyandagon* of the *Majlis-i Oli* in the 2000 elections.

In Tajikistan, there are no women's political parties and no women's factions in the *Majlis-i Namoyandagon*.

Since Tajikistan gained its independence, not a single woman has run for President.

In all, as of 1 January 2003, there are 16 women in the *Majlis-i Oli* (11 in the *Majlis-i Namoyandagon*, and five in the *Majlis-i Milli*), and they account for 16.5% of the total number of deputies. The progress is apparent, because women accounted for only 2.7% of all deputies in the previous Parliament. Two women are deputy speakers of the Parliament. Two of nine committees are headed by women (the Committee on the Economy, Budget, Finances and Taxes and the Committee on Social Issues, the Family, Health Care and the Environment).

The number of women in local representative bodies has grown by more than twofold. Women account for 11.6% in oblast *majlis* of people's deputies (as compared with 4.4% in the preceding convocation on 1 January 1998) and 31.4% in the city of Dushanbe's *majlis* of people's deputies (as compared with 12.8% as of 1 January 1998). Among the chairpersons of local *majlis* of people's deputies, 23% are women; among the deputy chairpersons, 43% are women.

** Data on elections and referenda of the Central Commission on Elections.

Table No. 2** [sic]
Men and women
in local *majlis* of people's deputies as of 1 May 2000

<i>Position</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Men, as a percentage</i>	<i>Women, as a percentage</i>
<i>Jamoat</i> [administrative body] chairperson	410	317	93	77	23
<i>Jamoat</i> deputy chairperson	275	157	118	57	43
<i>Jamoat</i> secretary	410	349	61	85	15

The participation of women in political life and their representation in it, however, continue to be at too low of a level. Although their political representation is gradually increasing, they still lag far behind men. Despite the fact that the law proclaims equal rights for women and men to political representation, women encounter certain difficulties, because women have fewer political skills and political contacts and less experience.

(b) The National Plan of Action of the Republic of Tajikistan for Enhancing the Status and Role of Women for the Period 1998–2005 calls for the formation of cadres for gender-based advancement into administrative structures. In 1999, the Committee on Women and the Family reporting to the Government carried out the project "Female Leadership". In the project, 70 young women—specialists from ministries and departments—completed leadership training in nine-month-long courses. Within three years, 17 of the women were promoted in State service. In 2002, the Committee conducted leadership courses for 80 young women. All the rayons of the country were represented by those women. Based on the results of the training, a "Cadre of Women" list was compiled for the Government.

The Presidential Decree of 3 December 1999 on enhancing the role of women in society, played an important role in effecting the broad participation of women in public life and in the administration of the State, enhancing the social status of women and the health of the nation's gene pool, and energizing the role of women in strengthening the moral bases of peace and unity.

Guided by a provision of the Decree on the appointment of experienced, competent women specialists as deputy directors at all levels (ministries, State committees, main administrations and agencies reporting to the Government, State departments and institutions and other State organizations), the number of women among the management staff has increased dramatically for all levels of State administration. Women had been named deputy chairpersons in virtually all local bodies of authority. And seven of 88 local bodies of the Republic (or 8%) are headed by women.

If a steady increase in the number of women is being noted in elected bodies, the trends with regard to executive bodies are ambiguous. The number of women in the higher echelons of executive authority has declined.

Table No. 3*

Men and women in management positions in ministries and departments of the Republic of Tajikistan (as a percentage)

<i>Position</i>	<i>As of 1 May 2000</i>		<i>As of 1 April 2003</i>	
	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
Chief executive	93.2	6.8	200	–
First deputy	100	–	96	4
Deputy	90.7	9.3	88.9	11.1
Administration chief	86.9	13.1	91.2	8.8
Deputy administration chief	70.9	29.1	88.9	11.2
Division head	70.8	29.2	90.6	9.4
Deputy division head	60.3	39.7	95.1	4.9

If women were heads of two ministries (7.4%) as of 1 January 1999, there was only one woman minister (6.8%) by mid-2000, and not a single woman held the post of minister as of September 2004.

Table No. 4*

Men and women in local bodies of authority as of 1 April 2003

<i>Position</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Men, as a percentage</i>	<i>Women, as a percentage</i>
Oblast chairperson	4	4		100	–
Deputy oblast chairperson	22	18	4	82	18
City and rayon chairperson	74	67	7	91	9
City and rayon first deputy chairperson	70	64	6	91	9
City and rayon deputy chairperson	177	117	60	66	34

Women account for 20% of judges in Tajikistan. Women constitute 21% on the Supreme Court and 36% on the Higher Economic Court (Table 5). Of 77 court chairpersons, only six are women (8%). There are no women at all among the court chairpersons on the higher courts.

* Data on elections and referenda of the Central Commission on Elections. [this footnote, unrelated to Table No. 3 appeared at bottom of page].

* Data from Executive Office of the President.

Table No. 5+

Men and women on the courts of the Republic of Tajikistan for 2004

<i>Position</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Men, as a percentage</i>	<i>Women, as a percentage</i>
All judges	274	223	51	81.4	18.6
Constitutional Court	6	5	1	83.3	12.7
Chairperson, Constitutional Court	1	1	–	100	–
Supreme Court	40	33	7	82.5	17.5
Chairperson, Supreme Court	1	1	–	100	–
Higher Economic Court	11	7	6	64	36
Chairperson, Higher Economic Court	1	1	–	100	–
Courts of Gorno-Badakhshan Oblast	20	19	1	95	5
Courts of Khatlon Oblast	76	67	9	88	12
Courts of Sogda Oblast	81	62	19	76.5	23.5
Courts of city of Dushanbe	66	50	16	75.7	24.3

The State Programme titled "Guidelines for a State policy to ensure equal rights and equal opportunities for men and women of the Republic of Tajikistan for the period 2001–2010" was developed on the basis of the Presidential Decree of 3 December 1999 on enhancing the role of women in society. One of the Programme's strategic goals is to expand the number of women managing State bodies. That goal will be achieved when women account for at least 30% in the legislative, executive and judicial branches. The Programme names the following mechanisms for realizing that goal:

- Training and nomination of women as independent candidates for elections to legislative bodies;
- Adherence to gender balance in the appointment of women judges to courts of all levels;
- Formation of a cadre of women for management positions in executive bodies;
- Development and implementation of "Training and Advancement of Women Leaders" project;
- Use of a soft quota system in competitions for filling positions (mandatory numbers of men and women as candidates for positions).

Article 10 of the law on State service of 1998 provides for equal access to State jobs. The law does not include any special measures like quotas for enhancing the status of women in State structures.

(c) For almost 75 years, the women's movement in Tajikistan has existed primarily within the framework of a reigning ideology and under centralized administrative control. In the mid-1990s, the possibility of expanding civil activity

+ Data from Constitutional Court, Supreme Court, Higher Economic Court and Council of Justice.

arose. That period became the starting point in the emergence of most of the public associations, including women's non-governmental organizations (NGOs).

Table No. 6**

Number of national NGOs registered in the Republic
over the period spanning January 1999 through January 2004

<i>Region</i>	<i>Total</i>	<i>Women's NGOs</i>	<i>NGOs headed by women</i>
Gorno-Badakhshan Oblast	56	5	6
Khatlon Oblast	178	45	73
Sogda Oblast	244	32	77
Dushanbe and rayons subordinate to the Republic	774	39	232
Total	1,252	121	388

The main areas of their activity consist in supporting gifted children; rehabilitating, teaching and developing small business; teaching foreign languages and computers; handicrafts; assisting the underprivileged and children; setting up women's clubs and libraries; environmental education; restoring damaged homes; setting up arts evenings; manufacturing school furniture; setting up free meals at school; and health education. Women's associations are not limited to cities and actively collaborate with rural women as well.

In 1995, the Gender in Development Bureau was founded at the initiative of the Government and with UNDP support; in 2000, it was transformed into an autonomous public association called Gender in Development, which continues the operations of the joint UNDP project. Its primary area of work involves enhancing the status of women through promotion of human rights; raising the level of women's legal literacy in areas of economic, reproductive and other rights; supporting women's entrepreneurial initiatives and supporting the women's non-governmental movement.

A school for teaching business management was opened at a centre for women's initiatives with the financial support of the Eurasia Foundation.

The annual National Human Development Report has been published since 1995 under the supervision of UNDP, with the financial support of the Government of Japan, whose goal is to provide insight into the status of and requisite conditions for human development in Tajikistan.

In 1999, the first compilation of "Gender Statistics in Republic Tajikistan" was published. The compilation provides an extensive presentation of the basic socio-economic indices and standard-of-living indicators. They consist of statistics on women and men, that reflect their status in all spheres of public life. The compilation was prepared in response to numerous requests by State, scientific and public organizations; many international organizations; and the State Statistical Committee reporting to the Government, with the support and assistance of UNDP in Tajikistan.

** Data from Ministry of Justice.

In Tajikistan, information from a gender perspective has been presented in the form of a rather broad range of demographic and socio-economic indicators and has been published in official publications, but is now being published in consolidated form for the first time.

NGO-based activities are an effective means of self-expression and self-realization for women. Women's public associations are the most active among all registered NGOs of the Republic. Women's NGOs address a broad spectrum of socio-economic and cultural problems. Over the years of independence, women's NGOs have demonstrated an ability to champion the interests of women and lobby for them at the central, regional and local levels and to discern and formulate problem-solving perspectives.

Recognizing the possibility of resolving women's problems not only in advocating women's rights, but also in emphasizing the need for an equal rights approach for men and women in the expansion of the socio-economic and cultural development of society, the country's women over the last five years have consistently asserted the importance of gender perspectives in resolving the problems of society. The State programme "Guidelines for a State policy to ensure equal rights and equal opportunities for men and women of the Republic of Tajikistan for the period 2001–2010", which was adopted in 2000, is pointing State policy toward changes in the social relations between men and women and is a result of the creative social partnership between the State and women's NGOs. Such cooperation is enriching both parties and is strengthening both the State and non-State sectors.

Partnering with the commercial sector is virtually nonexistent. Non-governmental organizations for now are operating solely with the financial support of international organizations and partially with material and technical support from local bodies of authority.

Article 8

The diplomatic service in the Republic of Tajikistan is governed by the law of 2002 on the diplomatic service. That law defines the legal bases and the rules for organizing and operating the Republic of Tajikistan diplomatic service.

Admitted to the State diplomatic service are Republic of Tajikistan citizens who have higher education and the capabilities needed to work in the diplomatic service. The law does not establish specific requirements for entry into the diplomatic service based on sex.

The table provides an overview of the data on Republic of Tajikistan diplomatic service employees, broken down by sex.

Table No. 1*

Total number in diplomatic posts	80
Women	17
Percentage accounted for by women	21.25

* Data from Ministry of Foreign Affairs.

Table No. 2*

Number of women working on staff of Ministry of Foreign Affairs

<i>Diplomatic rank and time in service</i>	<i>Total (individuals)</i>	<i>Men (individuals)</i>	<i>Women (individuals)</i>	<i>Percentage accounted for by women, %</i>
Total in diplomatic posts	80	63	17	21.25
Administration chiefs	13	12	1	7.69
Division heads			3	
Advisor			1	
Secretary, cat. I			4	
Secretary, cat. II			3	
Secretary, cat. III			5	

In Republic of Tajikistan diplomatic and consular offices abroad, three women hold diplomatic posts.

The law on the diplomatic service does not address cases in which both spouses are diplomats.

Article 9

1. Under article 15 of the Constitution, an individual who, as of the day of adoption of the Constitution, is a citizen of the Republic of Tajikistan is regarded as a citizen of Tajikistan. The rules and conditions for the acquisition or loss of citizenship are specified in the constitutional law of 1995 on Republic of Tajikistan citizenship.

Republic of Tajikistan law specifies that admission to Republic of Tajikistan citizenship is solely on the basis of petitions submitted by citizens of other States or by stateless persons.

Based on article 23 of the Constitutional law on Republic of Tajikistan citizenship, a competent person who has reached the age of 18 and is not a citizen of the Republic of Tajikistan may petition for citizenship in the Republic of Tajikistan regardless of origin, social status, race or ethnicity, sex, education, language, religion or political or other beliefs. As the provisions of this article imply, the law on citizenship does not establish any impediments to citizenship that are based on sex.

In the Constitutional law on citizenship, Chapter IV "Nationality of children, nationality of parents, tutors and guardians and nationality of incompetent persons" notes that the nationality of children under the age of 14 is the same as that of the parents. The nationality of children 14–18 years old may change if they consent to it.

The nationality of children does not change if the nationality of parents

* Data from Ministry of Foreign Affairs.

deprived of parental rights changes. The consent of parents deprived of parental rights is not required for children to change their nationality.

If both parents or one parent acquires Republic of Tajikistan citizenship or if they lose it, then the citizenship of the children is also terminated.

If both parents or one parent of a child who lives in the Republic of Tajikistan and for whom tutorship or guardianship by citizens of the Republic of Tajikistan has been established drop their Republic of Tajikistan citizenship and, in that context, do not participate in raising the child, the child maintains Republic of Tajikistan citizenship if the parents or tutor or guardian request that.

The law gives women equal rights with men regarding the citizenship of their children and does not establish any impediments to citizenship based on sex.

Article 10

The Republic of Tajikistan is taking the necessary measures to provide equal rights to women and men in the area of education.

Republic of Tajikistan law on education is based on the Constitution and consists of the law of 17 May 2004 on education, other legal-and-regulatory acts of the Republic of Tajikistan and international legal instruments recognized by the Republic of Tajikistan.

Under article 41 of the Constitution, everyone has the right to education, and general basic education is compulsory.

The State guarantees the receipt of a general basic, compulsory, free education in State education facilities. One may also receive an education in State education facilities within the framework of State education standards on a competitive basis, as well as free secondary vocational training, a higher vocational education, and postgraduate vocational training if the given level of education is being obtained for the first time.

Under art. 63 of the Family Code, parents bear responsibility for the upbringing and development of their children. They are obliged to tend to their children's health; their physical, mental, spiritual and moral development; their schooling and their vocational training. Parents are obliged to ensure that their children obtain a general basic education.

With the opinion of their children taken into account, parents have the right to select the educational facility and form of schooling for their children until the children have completed their general basic education.

The law on education reflects the new relations in the Republic's education system. It defines the legal, organizational and socio-economic bases for the development of education; establishes the structure of education, the principles underlying its regulation, management and authority, and the areas of operation for its agencies; and is the legal basis for other legal-and-regulatory acts of the Republic in education.

Among the fundamental principles of the State education policy are the compulsory nature of general basic education, the universal accessibility of general

secondary education and beginning occupational training, and the receipt of subsequent levels of education on a competitive basis.

Under art. 6 of the law on education, Republic of Tajikistan citizens, regardless of nationality, race, sex, language, religion, political status and social or material status, are guaranteed the right to an education. Citizens' rights to occupational training by reason of sex, age, health status, criminal record or other factors may be restricted solely on the basis of requirements established under Republic of Tajikistan law.

In the Republic of Tajikistan, educational institutions consist of the following:

- pre-school;
- general education (primary, general basic, and general secondary);
- beginning vocational, secondary vocational, higher vocational education;
- postgraduate vocational training;
- supplementary education;
- special education;
- educational institutions for orphans and for children deprived of parental care;
- other training and educational institutions.

Educational institutions may be free or fee-based, depending on their organizational and legal forms and their form of ownership.

The system of State education administration authorities in the Republic of Tajikistan consists of the following:

- Government of the Republic of Tajikistan;
- Republic State education administration authority;
- Republic of Tajikistan ministries and departments that have training and education facilities;
- executive bodies of local State authority and local self-governing bodies;
- local education administration authorities.

(a) Tajikistan had countrywide literacy by the early 1990s, but the process of getting an education began to slow after that. The main reasons for this are as follows:

- poverty: 69% of the populace lived below the poverty line, whereas the cost of an education is increasing;
- orphan children;
- children whose fathers had left in search of work;
- shortage of teachers.

In the 2003/2004 school year, the Republic of Tajikistan had 494 pre-school institutions, as well as 3,775 general education schools, of which 671 were primary schools, 834 were basic-education schools, 2,097 were secondary (senior high)

schools, 11 were schools for children with mental or physical disabilities, 44 were evening (shift) general-education schools, 67 were grammar schools, 50 were lycées, and one was a remote sanatorium school for children with tuberculosis. The total number of students in all the schools is 1,673,700, of whom 775,000 (46.3%) are girls.* [sic]

Secondary vocational training institutions in the 2003/2004 school year numbered 50, and higher-learning institutions, 38. The number of students in secondary vocational training institutions in the 2003/2004 school year was 29,200, of which 15,600 (53.4%) were girls; higher-learning institutions had 108,000 students, of which 26,600 (24.6%) were women.* [sic]

Grades 1–4 of general-education institutions had 692,600 students, of which 333,700 (48.2%) were girls. Grades 5–9 had 801,300 students, of which 372,700 (46.5%) were girls. Grades 10 and 11 had 157,800 students, of which 62,100 (39.3%) were girls.* [sic]

The State guarantees financial and material support of pre-school education.

Under the law on education, with the wishes and interests of parents (or those replacing them) taken into account, day care centres, kindergartens, children's homes (for orphans or children deprived of parental care) and other short-term, day, or round-the-clock care pre-school facilities are being set up in the Republic of Tajikistan, as are family centres and other equivalent governmental and non-governmental centres, including private facilities, to provide assistance to families and to create favorable conditions for raising children of a young or pre-school age.

In permanent children's pre-school institutions in 2003, there were 29,700 girls out of a total number of 63,000 children. In rural areas, there were 5,500 girls out of a total number of 10,900 children.* [sic]

Table No. 1*

[a footnote reading "Data from Ministry of Education" appeared on the page following this table]

Number of children in pre-school institutions

	1996	1997	1998	1999	2000	2001	2002	2003
Number of children (thous.)	71.3	61.6	56.0	51.6	53.4	57.8	59.7	63.0
Girls (thous.)	32.3	26.8	23.8	23.3	24.0	26.7	28.5	29.7
In cities and towns (thous.)	57.1	49.2	44.2	42.1	44.1	48.5	48.9	52.1
Girls (thous.)	25.5	21.0	15.3	19.6	19.5	22.1	23.0	24.2
In rural areas	14.2	12.5	11.9	9.5	9.3	9.3	10.8	10.9
Girls (thous.)	6.8	5.8	8.5	3.7	4.5	4.5	5.5	5.5
Per 100 places in pre-school institutions	93	90	82	77	77	82	85	91

Schools of various kinds and types and consisting of three stages—primary, general basic and general secondary, each of which can function independently while maintaining continuity—are being created to provide general secondary education.

General basic (9-year) education is compulsory.

It is compulsory for children who have reached 7 years of age to enter grade 1 of primary school.

A Poverty Reduction Strategy paper approved by Decision No. 666, of 19 June 2002, of the *Majlis-i Namoyandagon* of the *Majlis-i Oli* (Parliament) provides the following measures for 2002–2006 to increase the number of school-age children receiving a primary education:

- provision of clothing, shoes and school supplies to 20% of students;
- arrangement of free meals for primary-school students (grades 1–4);
- creation of alternative forms of education for children of refugee families and for over-age students not in school.

Schooling for adults in general-education institutions is set up in day, correspondence, remote-study, and external-study classes.

General-education facilities (with the exception of pre-school institutions) that have a general-education teaching license and are accredited with the State give an official State certificate of education to those of their graduates who have passed the final evaluation.

Citizens under the age of 16 have the right to a general basic education (9 years) at general-education facilities.

The total number of students at general-education facilities as of the beginning of the 2004/2005 school year was 1,665,000, of which 769,300, or 46.2%, were girls.*

Table No. 2*

Number of students at day general-education facilities (in thousands)

	1991/ 1992	1996/ 1997	1997/ 1998	1998/ 1999	1999/ 2000	2000/ 2001	2001/ 2002	2002/ 2003	2003/ 2004	2004/ 2005
Total students	1,310.2	1,327.3	1,374.0	1,436.6	1,464.9	1,504.4	1,560.0	1,617.7	1,673.7	1,665.0
Girls	641.8	633.4	647.0	674.5	683.5	693.7	722.6	751.3	775.0	769.3

Special education, as an integral part of the Republic of Tajikistan education system, provides education, training and medical and social rehabilitation for children and teenagers who need long-term treatment, who have physical or mental disabilities or whose behavior is considered dangerous to society.

General-education sanatorium schools, sanatorium boarding schools, and sanatorium children's homes are being set up for children and teenagers who need long-term treatment.

Special general-education schools, boarding schools, and special classes are being created for children and teenagers who have physical and mental disabilities and who cannot attend conventional general-education schools. These schools, in providing education, training, treatment and medical and social rehabilitation for such children and teenagers, are preparing them for socially beneficial work.

* Data from Ministry of Education.

Vocational training for graduates of special-education institutions is based on a list of vocational-training areas and specialties that correspond to those categories of students, and is performed in special schools or in conventional schools of the system of beginning vocational and secondary vocational education.

Beginning vocational education is made available to citizens in keeping with their interests, wishes and capabilities on the basis of basic and general secondary education provided in vocational lycées, vocational schools, special vocational schools and training complexes, centres and other educational institutions equivalent to them.

Secondary vocational education. In secondary vocational institutions (training schools, technical schools and colleges, and other educational institutions equivalent to them), citizens may obtain a specialty on the basis of general basic, general secondary and beginning vocational education. Graduates of these educational institutions receive a secondary vocational education.

In the 2003/2004 school year, there were 15,600 girls in a total population of 29,200 students at secondary vocational training institutions.*

Table No. 3*

Secondary vocational training institutions

	1991/ 1992	1996/ 1997	1997/ 1998	1998/ 1999	1999/ 2000	2000/ 2001	2001/ 2002	2002/ 2003	2003/ 2004
Total students (thous.)	40.7	23.5	19.9	19.4	23.2	25.3	23.8	25.1	29.2
Girls (thous.)	17.8	11.7	9.6	9.4	11.6	11.2	10.4	12.7	15.6

Table No. 4*

Vocational-technical schools (units)

	1991	1996	1997	1998	1999	2000	2001	2002	2003
Schools	81	74	72	72	72	72	73	75	73
Total students	41,861	27,588	25,982	24,688	23,827	24,450	25,323	25,546	23,911
Including <i>[sic]</i>	–	–	7,159	7,299	7,522	8,422	7,097	7,355	6,798
Trained and graduated	26,045	18,270	16,675	15,615	15,730	14,842	13,649	13,672	15,651
Including <i>[sic]</i>	–	5,398	5,339	5,026	5,350	4,779	6,043	5,035	5,367

Higher vocational education in the country is performed on the basis of general secondary, beginning vocational and secondary vocational education, and colleges of higher vocational schools and in State institutions of higher vocational education, including private institutions.

The training of citizens in institutions for higher vocational education is done for free, on a competitive basis, under a State contractual award.

* Data from Ministry of Education.

In 1997, for purposes of ensuring equal opportunities in terms of receiving a higher education and reducing gender inequality, a Presidential quota was put in place at the initiative of Republic of Tajikistan President E.Sh. Rakhmonov for admitting girls from remote mountainous regions of the Republic to higher-learning institutions, without an entrance exam.

An important step in that direction was the adoption of the Decision of the Government of 19 April 2001 on streamlining admissions for girls to the higher-learning institutions of the Republic of Tajikistan.

The total number of girls making use of the quota system was 2,728 for the period from 1997 through 2002 (as opposed to 3,666 expected), 606 in the 2003/2004 school year (619 expected), and 577 in the 2004/2005 school year (582 expected).* [sic]

In higher education, the gender gap has widened: of the total number of students in higher-learning institutions, girls accounted for 34% in the 1991/1992 school year, 24% in the 2001/2001 school year, and 24.6% in the 2003/2004 school year.

Table No. 5*

Higher-learning institutions (as of beginning of school year)

	1991	1996	1997	1998	1999	2000	2001	2002	2003
Total number of institutions	13	25	25	24	29	30	31	33	38
Students	69,345	75,963	76,658	75,546	79,168	77,701	84,360	96,583	108,034
Women students [sic]	23.3	19.6	20.0	19.1	19.9	18.4	20.5	24.0	26.6
As a percentage of total number	34.0	26.0	26.0	25.0	25.0	24.0	24.0	24.8	24.6

The percentage accounted for by women studying in higher-learning institutions is trending upward, but the participation of women in the system of higher technical education remains fairly low: in the 2003/2004 school year, women accounted for 17% in industry and 10% in agriculture.

Table No. 6*

Percentage accounted for by women among students at higher institutions of learning

	1991	1996	1997	1998	1999	2000	2001	2002	2003
Women in learning institutions (%)	34	26	26	25	25	24	24	25	25
– industry	12	13	14	15	16	16	16	17	17
– agriculture	7	6	8	7	7	8	9	10	10
– economics	19	25	14	16	18	15	17	21	20
– health care, physical education and [sic]	29	26	36	26	25	24	25	27	27
– education, art and [sic]	42	36	32	31	32	38	31	34	36

* Data from Ministry of Education.

Vocational education after a higher vocational institution makes it possible for citizens to enhance the level of their education on the basis of higher vocational education.

One principle underlying State policy in the field of higher and postgraduate vocational education involves equal access to higher education for everyone based on one's abilities and the creation of the conditions necessary for accessibility to higher vocational education for women.

To prepare science and teaching cadres, institutions of higher vocational education and science institutions may create a master's programme, a residency programme, and a doctoral programme and may introduce a post for research associates.

Using those structures, one can receive a vocational education after having attended a higher vocational institution.

Table No. 7*

Professors and instructors (individuals)

Years	Academic rank		Academic title	
	Doctor of sciences	Candidate of sciences	Professor	Docent
2001/2002	320	1,568	324	1,352
Women	35	300	40	255
2002/2003	321	1,524	319	1,249
Women	39	315	34	226
2003/2004	359	1,740	375	1,413
Women	57	323	43	242

(b) In the Republic of Tajikistan, men and women have the same access to training programmes, examinations, instructors, qualifications and school premises and to equipment of equal quality. However, over the past 10–12 years, attendance has worsened. In general-education schools, there are only 63 girls for every 100 boys, whereas there were 104 girls for every 100 boys in 1990. In rural areas, in particular, enrollment includes 90% of boys and 80% of girls.

The development of skills associated with information technologies is acquiring increasingly more urgency in the Republic of Tajikistan. The rapid growth of information technologies in Tajikistan has engendered the need to improve computer literacy. Groups for training qualified information-technology specialists are being organized everywhere, but that is becoming more of a prerogative for boys.

The main reasons for the decline in educational achievements for girls are as follows: poverty, increased education costs, shortage of teachers, and a stereotypical gender perception of the value and role of women and men, which, for girls, results in a lower probability of finding a job.

By the 2004/2005 school year, the shortage of teachers in general-education schools of the Republic of Tajikistan amounts to 2,470 teachers.* Temporary measures, such as admitting girls to higher-learning institutions on the basis of quotas, are being used to eliminate that shortage.

Table No. 8* [sic]

* Data from Ministry of Education.

Population and makeup of pedagogical workers in general-
education schools (individuals)

<i>No.</i>	<i>School year</i>	<i>Total population</i>	<i>Women</i>
1.	2001/2002	100,163	45,820 (45.5%)
2.	2002/2003	101,088	47,955 (47.4%)
3.	2003/2004	101,504	49,916 (49.2%)
4.	2004/2005	99,117	48,957 (49.4%)

Table No. 9* [sic]

Emeritus teachers (individuals)

<i>Years</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
Total	47	96	62	2	1
Women	11	23	20	–	1

Table No. 10* [sic]

Honor roll students (individuals)

<i>Years</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
Total	581	923	764	672	722
Women	174	280	258	243	335

The number of women directors at educational facilities of the Republic is growing.

The State is taking the necessary measures to increase the number of highly educated specialists and to train management cadres.

In 2004, of the total number of directors (3,695) of general-education schools, women accounted for 576 (15.6%); of 6,134 deputy directors of schools, 1,698 (27.7%) were women; of 30 rectors of the Republic's higher-learning institutions, there was one women rector.*

(c) Schooling in the Republic of Tajikistan is the same for girls and boys.

In the Republic of Tajikistan, schooling for girls and boys is coeducational, although there are some separate classes for girls and boys. The difference between the sexes in school-based education manifests itself in the fact that distinctions are made in the study programmes of work-related classes for girls and boys. Girls study home economics and homemaking, and boys acquire skills in woodworking and metalworking; in physical education classes, girls and boys engage in different types of sports.

There are no separate schools for girls or for boys in Tajikistan, and study programmes are not analyzed from the standpoint of gender stereotypes.

Measures have been undertaken to increase the number of girls admitted to higher and secondary vocational training institutions for the specialties of information science and electronics, economics and finance, and law.

Girls make up a majority of students in such specialties as office management,

* Data from Ministry of Education.

sales, services, medical care (especially therapy) and paediatrics.

(d) The State programme "Guidelines for a State policy to ensure equal rights and equal opportunities for men and women of the Republic of Tajikistan for the period 2001–2010" calls for, among other things, encouraging the education of girls by introducing scholarships and other forms of financial assistance and establishing named scholarships for women graduate students. Depending on the university, region and performance, girls receive further assistance in the form of scholarships and free meals, housing in dormitories, medical care or travel home.

The government is implementing scholarship programmes for girls from rural areas in order to encourage their attendance in senior grades of secondary school and in higher-learning institutions. There are no special programs in the Republic of Tajikistan for girls who have temporarily dropped out of school.

(e) Citizens of the Republic of Tajikistan have the same access to continuing-education programmes.

The State supports the creation of various programmes for studying while in a job, which are carried out by means of organizing training courses and study programs on radio and television and via other public institutions for purposes of raising the general-education, vocational and cultural level of adults, based on their needs and interests.

(f) Tajikistan has traditionally occupied a high place in terms of educational achievements. In the past 10–12 years, Tajikistan encountered an economic crisis and the adverse effects of a civil war. The ratio of boys and girls, although equal at the beginning level of schooling, drops after the middle grades. The main reason for girls leaving school is probably due to poverty, and girls often remain at home to look after younger brothers and sisters and to work in the home.

(g) Under Republic of Tajikistan law, girls and boys have equal opportunities to participate in sports and physical training.

All types of sports are acceptable for women, but a decline is being noted in the involvement of women and girls in sports and physical training.

The State programme "Guidelines for a State policy to ensure equal rights and equal opportunities for men and women of the Republic of Tajikistan for the period 2001–2010" anticipates holding women's Games events.

(h) In 2002, general-education schools of the Republic of Tajikistan introduced the subject "*Marifati oiladori*" (Ethics of family life), which is included in the basic course of family issues. A subject titled "Ethics and psychology of family life" is also taught in schools; talks, seminars, and meetings on sex education, reproductive health, and family planning are conducted through the mass media; and the "Sadoi Dushanbe", "Aziya Plyus", and "Vatan" radio programmes regularly air broadcasts on the family and marriage in which physicians, lawyers, teachers and psychologists take part.

The State is improving education processes both in general-education institutions and in secondary vocational and higher-learning institutions. For example, in general-education schools and in a number of the country's universities, the course "Ethics and psychology of family life" has been introduced into departmental curricula, and, in certain departments, a "family and psychology of

family relations" section is being taught in the course "Social psychology", and the special courses "Gender violence", "Gender: legal aspects", and "Gender problems in Tajik classical literature" have been introduced.

In Tajikistan, there is a network of women's counseling centres that provide medical and psychological assistance to women and distribute information booklets, posters, pamphlets and brochures on this topic to the public.

Article 11

1. The Republic of Tajikistan is taking the necessary measures to ensure equal rights for women and men in terms of employment.

(a) The right to work is secured in article 35 of the Constitution, according to which

"Everyone has a right to work, to choose a profession and a job and to have labor protection and social protection against unemployment. Wages should be no lower than the minimum wage.

"All restrictions in labor relations are prohibited. Equal pay must be given for equal work.

"No one may be subjected to forced labor, except in cases specified by law".

(b) All citizens have equal opportunities in the area of labour legal relations. Any distinctions, exclusions or preferences made in the context of the refusal to hire an individual that are based on ethnicity, race, skin colour, sex, age religion, political beliefs, place of birth, foreign ancestry or social origin and that lead to the infringement of equal opportunity in labour are prohibited.

Distinctions made in the sphere of labour that are due to requirements that are inherent in a given type of work or to a special concern of the State about individuals who need enhanced social protection (women, minors, disabled persons) are not regarded as discrimination (article 7 of the Labour Code).

(c) The National Plan of Action of the Republic of Tajikistan for Enhancing the Status and Role of Women for the Period 1998–2005, which was approved by Decision of the Government of the Republic of Tajikistan, of 10 September 1998, No. 363, provides for the following to mitigate problems of poverty via economic mechanisms in the area of employment:

- vocational guidance (in the selection of a profession that is in demand on the market, the selection of a suitable job or the possibility of finding work in an open job slots, etc.);
- vocational training in professions that are in demand on the labour market and subsequent job placement;
- expansion of the practice of recruiting individuals into public paid jobs;
- arrangement of temporary employment that uses flexible forms of employment (seasonal jobs, part-time jobs, etc.);
- creation of additional jobs for regions with a high level of unemployment;

- performance of measures to assist and support small- and medium-sized women's businesses through concessional lending;
- microcrediting for the self-employed;
- job placement in quota-based jobs.

Economic adjustments and the development of market relations in the country have resulted in unemployment and tough competition on the labour market, which is gender-biased. The number of women has declined in management, but has remained the same among technical and auxiliary personnel. Women were forced out by men from what were traditionally "women's" sectors that, under the new conditions, have turned out to be strategically important and high-paying, such as the financial and credit system. It should be noted, however, that 60–70% of agricultural workers in the Republic are women. Apart from that, women are filling jobs in low-paying sectors that do not bring a direct profit, but are vitally necessary to society—education, health care and culture.

Protection of women's legal rights and social protection for them in the Republic of Tajikistan, regardless of their place of residence, whether it be in a city or a rural area, is one of the priority sectors of the socio-economic policy of the State.

The Labour Exchange for Women was created in 2002 under Joint Resolution No. 73 of the Ministry of Labour and Social Protection and the *Khukumat* [local executive body] of the city of Kurgan-Tyube, of 7 December 2000, on the creation of the Kurgan-Tyube Labour Exchange for Women. Its main objectives are to develop programmes and set up work to adapt women to the labour market and help employment through vocational guidance, training, retraining and support of self-employment and entrepreneurship (microcrediting and concessional lending). Since the Exchange opened its doors, 1,000 women have sought work there, and more than 200 of them have been placed and 40 women and girls have been sent for vocational training.*

Since 2001, the Ministry of Labour and Social Protection and the NGO known as the Tajik Association Social Partnership and Development, with the technical and financial support of OHCHR, have been implementing the partnership project known as "Promoting Women's Employment through Microcrediting" in the Bokhtar and Vakhsh rayons of the Republic. In 2001 alone, more than 300 women of Bokhtar Rayon were issued microcredits to put themselves in business; in 2002, microcredits were received by 200 women in the Bokhtar Rayon and 100 women in the Vakhsh Rayon.* [sic]

The qualitative indices for the status of women on the labour market are now being enhanced somewhat. Women are beginning to master professions that were previously dominated by men. If office work was initially done mainly by men, it is now, as a rule, done by women. There is also a clear trend indicating an increase in the level of representation of women in administrative and management echelons, as well as among specialists and technical personnel.

More attention is being devoted to the vocational training and retraining of unemployed women and girls and their subsequent placement in jobs. Experience

* Data from Ministry of Labour and Social Protection.

shows that women have a very low level of vocational education. More than 80% of unemployed women who turn to the employment service offices have no specialty.

In that area, the implementation of programmes for vocational training of women in specialties that are in demand on the labour market is a priority. In the first quarter of 2003, for the Republic as a whole, 6,880 women turned to employment service offices. Of them, 864 women were sent for vocational training to employment service training centres.* *[sic]*

In 2002, based on quotas and with the assistance of employment service offices, a total of 179 women were placed in previously vacant posts and additional jobs.* *[sic]*

A great deal of importance is being attached to beginning vocational-technical training for women. The Ministry of Labour and Social Protection's vocational-technical education system has 73 vocational-technical schools that train specialists in 160 specialties. Of the total contingent in vocational-technical schools in 2003 (23,911 individuals), 6,798 were women.*

(d) Discrimination in labour remuneration is prohibited. The employer is obliged to pay workers the same pay for work of equal value. Changing the terms of payment for work so that they are worse for the worker is prohibited (article 102 of the Labour Code). At the same time, there are cases of wage arrears. For example, the total arrears for wages as of 1 February 2003 for all sectors of the economy was 29.1 million somoni.

The State guarantees every worker the right to fair compensation for labor and to timely receipt of that compensation; free assistance in finding suitable work and jobs; working conditions that meet safety and health requirements; rest that is provided through the establishment of working hours, in the form weekly days off, a paid annual vacation and a shortened work day for a number of professions and jobs; reimbursement for work-related injury caused to health or property; unemployment protection; strike, etc. (article 4 of the Labour Code).

To improve the economic independence of women and provide sensible employment, the State Employment Assistance Programme for 2003–2005 provides for measures to promote employment among women. Along with traditional measures that provide for vocational training and retraining, job placement and benefits, nontraditional measures are being sought to find employment for women, such as the creation of the Labour Exchange for Women and a network of business and social centres, job placement for quota-based jobs, temporary employment and public paid work, and concessional lending and microcrediting for women's employment. For example, in partnership with the NGO Voices of Friends and employment centres of the Yavan Rayon and the I. Somoni district of the city of Dushanbe, additional jobs were created for 20 unemployed women.

In 2001 and for six months of 2002, employment service offices gave unemployed women concessional (interest-free) loans totalling 49,800 somoni in order to organize self-employment and support entrepreneurial initiatives among women.**

* Data from Ministry of Education.

** Data from Ministry of Labour and Social Protection.

For 2001 alone, for the Republic as a whole, 190 women received concessional loans totalling 45,600, including the following:**

Khatlon Oblast	– 39 women	– 9,360 somoni
Sogda Oblast	– 61 women	– 14,640 somoni
Gorno-Badakhshan Autonomous Oblast	– 38 women	– 9,120 somoni
City of Dushanbe	– 8 women	– 1,920 somoni
rayons subordinate to Republic	– 44 women	– 10,560 somoni

In addition, 214 unemployed women were given permanent work in small businesses and on *dekhkan* farms that were created, including the following:

Khatlon Oblast	– 30 women
Sogda Oblast	– 80 women
Gorno-Badakhshan Autonomous Oblast	– 17 women
City of Dushanbe	– 12 women
rayons subordinate to Republic	– 48 women
through rayon employment centre	– 18 women

In the first quarter of 2003, for the Republic as a whole, 6,880 women turned to employment service offices. Of them, 1,768 were sent to public paid work; 864 received vocational training; 2,160 were found jobs; and 10 received microcredits amounting to 3,000 somoni.** [*sic*]

(e) Under article 35 of the Constitution, everyone has a right to work and to have social protection against unemployment.

The transition to a market economy changed the nature of employment of women in the State sector. Sectors in which, traditionally, most women had worked began to receive less funding. Women account for the majority of the unemployed right now, and if women do have jobs, the jobs are in low-paying sectors. As of 1 January 2003, unemployed women accounted for 55% of the total number of individuals officially registered as unemployed.* At the same time, the number of families headed by women is growing. The civil war produced more than 55,000 orphans and widowed 20,000 women,** [*sic*] and the economic responsibility for the family fell to them. Women who head families are mainly employed in the production and sales of farm products. They are also engaged in shuttle commerce and haul goods in from neighboring countries to re-sell them at local markets.

* Data from Ministry of Labour and Social Protection.

** Data from State Statistical Agency under the Government of the Republic of Tajikistan, report "Results of analysis of gender problems based on materials from the compilation 'Gender Statistics in Republic Tajikistan' and sampling", Dushanbe, 1999. [*sic—this footnote did not appear on the same page in the original Russian as the two text references above*]

The absence of employment opportunities, complicated by traditional notions of the role of women, has limited many women to housework, reducing their mobility and depriving them access to personal actualization.

Operating in the country is a system of insurance that takes two forms: State social insurance and voluntary social insurance (article 215 of the Labour Code).

State social insurance funds are spent on benefits (for temporary disability, pregnancy and childbirth, burial, family allowances, etc.), for loss of a breadwinner, for payment of pensions and unemployment benefits, for sanatorium treatment, for recreation for workers and their family members, for food, etc. For example, temporary disability benefits are 60–100% of the average monthly wage (article 217 of the Labour Code). Benefits for pregnancy and childbirth amount to the full monthly wage for the entire period of maternity leave given to the woman (article 218 of the Labour Code). Family allowances to workers (a one-time allowance for the birth of a child, monthly benefits for child care until the child reaches the age of one and a half) are paid in the manner, under the conditions and in the amount stipulated by law (article 219 of the Labour Code); the burial benefit is 20 times the minimum monthly wage (article 220 of the Labour Code); unemployment benefits, the rules for computing them, and their payment are also determined by Republic of Tajikistan law.

The law on pension support for citizens of the Republic of Tajikistan provides for awarding retirement pensions under preferential conditions and in preferential amounts. These privileges are given both to men and women. Since the right to take a standard retirement pension comes five years earlier for women than for men, women also have the right to take a preferential pension five years earlier than men.

Retirement-related privileges associated with work are as follows:

1. A retirement pension is awarded 10 years earlier than the generally established retirement age and with a five-year reduction of the required length for the qualifying period for workers who work underground or who work on jobs with especially harmful working conditions or who do especially heavy work (list No. 1, approved by Decision of the Government, of 31 December 2002, No. 521).
2. A retirement pension is awarded five years earlier than the generally established retirement age for workers who do other kinds of heavy work (list No. 2, approved by Decision of the Government, of 31 December 2002, No. 521).

Workers in the following specialties may also retire five years earlier:

- tractor drivers involved in farm production;
- drivers of passenger and freight vehicles (based on a list approved by the Government).

In addition, the right to a preferential pension with a pension age lower by five years is enjoyed by the following women:

- those who work as tractor drivers;
- those who work as dairymaids;

- those who work as cotton growers or cotton pickers. In addition, there are other types of preferential retirement pensions that involve circumstances such as living conditions (the high-mountain Murgab Rayon in the Pamirs) or disabilities such as pituitary dwarfism or group 1 vision-impairment.

Women who have given birth to and raised five children or more also enjoy the right to a pension with a pension age lower by five years.

Since 1 July 2003, the compulsory, generally established retirement age in the Republic of Tajikistan has been 63 for men and 58 for women.

There are no sex-related differences whatsoever in the sizes of the insurance deductions for individual personal accounts in the system of personal accounting or in the computation of the sizes of pensions in the Republic of Tajikistan.

(f) The State ensures the right of women to protection of their health and to safe working conditions with an eye to preserving reproductive functions. Conditions are created for women that make it possible to combine work and maternity, and legal defense and material and moral support are provided. Pregnant women are provided work in conditions that accommodate their special physiological needs and their state of health (article 33 of the law on public health care).

2. The Labour Code's Chapter XII governs additional guarantees for women and individuals with family responsibilities, according to which

- women are given maternity leave that lasts 70 calendar days before childbirth and 70 calendar days after childbirth (86 days if there are complications during childbirth, and 110 days if two or more children are born) and are paid a State social insurance benefit;
- refusing to hire a woman or lowering her wages for reasons associated with pregnancy or having children is prohibited;
- pregnant women, depending on a medical finding, are allowed reduced work output and service standards or they are transferred to a lighter job that precludes exposure to adverse production factors and in which their average monthly wage remains the same as that of their previous job;
- women who have children under the age of one and a half are transferred to another job when the work they are doing is contraindicated for a breast-feeding mother or does not accommodate a feeding regimen, until the child reaches the age of one and a half, with their average monthly wage remaining that of the previous job.

(a) Under article 172 of the Labour Code, a labour agreement (contract) with a pregnant woman or a woman who has children under the age of three (or a single mother) cannot be terminated by the employer if the woman has a disabled child under the age of 16, except in cases in which the business is being completely liquidated, in which case termination of the contract is allowed, but another job must be found for the employee. The successor of the business being liquidated performs the job placement for that category of women, and if there is no successor, State service authorities are responsible for finding suitable work for those women: public employment centres, which pay the social benefits established by law during

the job-placement period.* The mandatory job placement for that category of women is the responsibility of the employer if the contract is terminated because it has expired. During the job-placement period, those women continue to receive their wages, but for no more than three months after the expiration date of the labour agreement (contract).

At the end of maternity leave, if a woman wishes so, she may be given child-care leave until the child reaches the age of one and a half, with an allowance paid over that period of time.

If a woman wishes so, she may also be given additional leave, without pay, to care for her child until the child reaches the age of three.

Child-care leave may also be used, all at once or in installments, by the father of the child (article 165 of the Labour Code).

A labour contract cannot be cancelled by an employer while a worker is on leave, except when the business is being liquidated or the businessman is terminating his activities (article 46 of the Labour Code).

In addition to rest and food breaks, women who have children under the age of one and a half are given additional breaks to feed the child, which are regarded as work time and are paid in the women's wages.

Those breaks are given at least once every three hours, and they last at least 30 minutes each. If there are two or more children under the age of one and a half, the length of the break is at least one hour. Breaks for feeding a child are regarded as work time and are paid in the wages (article 167 of the Labour Code).

The employer is obliged to give a pregnant women, a woman who has a child under the age of 14 (or a disabled child under the age of 16), including a child under the woman's guardianship, or a person who is caring for a sick family member pursuant to a medical finding an abbreviated workday or an abbreviated work week if they request it (article 168 of the Labour Code).

(b) Republic of Tajikistan labour law gives privileges to women when annual leaves are being scheduled; specifically, if pregnant women and women who have given birth request it, annual leave is given to them before their maternity leave or after it or after childcare leave, regardless of how long they have been on the job. Women who have two or more children under the age of 14 or a disabled child under the age of 16, as well as single mothers with a child under the age of 14 (or a disabled child under the age of 16), are given annual leave, if they wish, during summertime or at a time that is convenient to them (article 170 of the Labour Code).

In addition, women who have two or more children under the age of 14 (or a disabled child under the age of 16) are given, if they so wish, annual leave without pay for at least 14 calendar days. That leave may be combined with the regular annual leave or may be used separately (all at once or in installments) at a time agreed to by the employer (article 171 of the Labour Code).

(c) The State encourages the provision of additional social services to enable parents to combine the fulfillment of family responsibilities with their job and with participation in public life. For example, one of the parents raising a disabled child under the age of 16 is given one extra day off per month, paid at the daily wage rate out of State social insurance.

* Data from Ministry of Labour and Social Protection.

The Ministry of Labour and Social Protection, in collaboration with the Ministry of Education and the Ministry of Health, is developing an innovative interdepartmental initiative that takes existing needs into account in order to provide support to the neediest children in Tajikistan. As an experiment, an approach will be used that involves the participation of communities, namely, parent–teacher associations, to evaluate ways of improving the health, nutrition and education of schoolchildren from the poorest families in approximately 200 schools in six trial rayons of Tajikistan (Shurabad, Beshkent, Baljuvan, Rogun, Darband and Murgab). A grant of US\$575,000 was provided by the Japan Policy and Human Resource Development Fund for reform in the area of social protection. The grant for reforming the social protection system will play the role of a catalyst and will make it possible to bring organizations and structures active in Tajikistan into the process so that children from poor families receive the maximum benefit from the assistance provided.

The goals of this project are as follows:

1. To create new ways of determining the neediest of children and families and to give them assistance through an approach that involves the participation of communities and parent–teacher associations and the school commissions created by them;
2. To enhance the potential of parent–teacher associations in terms of their access to existing social funds that provide assistance to schools and their students;
3. To improve the health and nutrition of schoolchildren, as well as attendance and performance, through measures to protect the health of schoolchildren and to provide meals in schools.

(d) The Labour Code

- prohibits the use of women on certain jobs (underground work, heavy work, work that involves harmful working conditions and work that involves manually lifting or carrying loads that exceed the maximum allowable weight lifted by women, etc.) (article 160);
- restricts the use of women for night work (article 161);
- does not allow pregnant women or women with children under the age of three to be used for overtime work or for work on days off or holidays or to be sent on business trips (article 162).

In practice, however, there are cases in which women are dismissed for refusing to work overtime. For example, workers M. Rakhimova and N. Boliyeva of the Kimiye Joint-Stock Company (formerly the Yavan Chemical Plant) did not report for work on their days off and were fired. After the intervention of higher authorities, they were reinstated in their former jobs.*

3. The country has created a legislative base that protects the interests of women in all spheres of life. It has adopted the Labour Code and the laws on pension support for citizens, on income indexing, on State social insurance, on labour protection, on employment and on State guarantees of equal rights for men and women and equal opportunities in the exercise of such rights, and many others.

* Data from Ministry of Labour and Social Protection.

The following legal-and-regulatory acts have been adopted to promote equal employment opportunities for women and men:

- Presidential Decree on enhancing the role of women in society (1999);
- Decision of the Government of the Republic of Tajikistan, of 8 August 2001, No. 391, on the State programme titled "Guidelines for a State policy to ensure equal rights and equal opportunities for men and women of the Republic of Tajikistan for the period 2001–2010";
- Decision of the Government of the Republic of Tajikistan, of 10 September 1998, No. 363, on approving the "National Plan of Action of the Republic of Tajikistan for Enhancing the Status and Role of Women for the Period 1998–2005".

In addition, the Decision of the Government of the Republic of Tajikistan, of 4 March 2003, No. 94, approved the Programme for Promoting Public Employment of the Republic of Tajikistan for the Period of 2003–2005, which involves measures to promote the employment of women and the elimination of the gender imbalance on the labour market.

Article 12

1. Despite all the difficulties of the transition period, concern for mother and child occupies a special place in the country.

The Government has adopted serious measures to eliminate discrimination against women in health care and has adopted a series of legal-and-regulatory acts and governmental decisions protecting the health of women and giving women the same access to health care that men have:

Constitution of the Republic of Tajikistan (article 38)

Law of the Republic of Tajikistan on public health care, of 1997 (articles 33, 34, 38, 41 and 61)

Labour Code of the Republic of Tajikistan (articles 159–164, 162, 178 and 218)

Family Code of the Republic of Tajikistan (articles 15 and 17)

Law of the Republic of Tajikistan on donor blood and its components (1994)

Law of the Republic of Tajikistan on pharmaceuticals and on pharmaceutical operations (2001)

Law of the Republic of Tajikistan on reproductive health and reproductive rights (2002)

Strategy of the Republic of Tajikistan for public health care for the period up to 2010, which was adopted by a Decision of the Government (2002)

Strategic plan of the Republic of Tajikistan on reproductive health for the period up to 2014, adopted by a Decision of the Government (2004)

The Republic of Tajikistan law on public health care defines and regulates the relations of state authorities, officials, citizens, public organizations and enterprises, regardless of their form of ownership, in the area of public health protection in conformance with the Constitution.

Article 33 of that law covers legal issues that encourage reproductive processes, the right of women to decide the question of maternity for themselves, and the provision of the appropriate medical services during pregnancy, childbirth, and the post-natal period. Maternity in the Republic of Tajikistan is encouraged and protected by the State. Conditions are created for women that make it possible to combine work and maternity, and legal defense and material and moral support are provided. Protection of the health of the mother is effected through a broad network of special medical facilities; through the prohibition of the use of women to work underground or on jobs that involve heavy labor or are harmful to one's health; through the provision of work to pregnant women that accommodates their special physiological needs and state of health, etc. Every woman during pregnancy and during and after childbirth is provided with specialized medical care in institutions of the State health care system.

Following the recommendations and findings for the sensible job placement for pregnant women is mandatory for the management of enterprises, regardless of their form of ownership.

To protect women's health, modern contraceptive methods aimed at preventing an unwanted pregnancy may be recommended if a woman requests them. With the voluntary written consent of spouses or with the voluntary written consent of the woman alone if the woman is not married, a woman may be medically (surgically) sterilized. The Ministry of Health has developed a list of indications and the rules for medical sterilization. Performance of illegal medical sterilization is criminally punishable.

Artificial termination of a pregnancy for social or medical indications is performed at the request of the women at the stages of pregnancy established by the Ministry of Health. The list of medical indications for the artificial termination of a pregnancy is compiled by the Ministry of Health, and the list of social indications, by a Statute approved by the Government. The illegal performance of the artificial termination of a pregnancy is criminally punishable under Republic of Tajikistan law.

The illegal performance of the artificial termination of a pregnancy is criminally punishable under Republic of Tajikistan law.

Under article 38 of the law on public health care, every woman who has attained majority age and is of child-bearing age has the right to artificial insemination and embryo implantation. Artificial insemination and embryo implantation may be performed with the consent of both spouses in a registered marriage. Artificial insemination and embryo implantation for an unmarried woman may be performed if she requests it. Health care facilities ensure and bear responsibility for safeguarding the donor's anonymity and keeping the performance of the artificial insemination and embryo implantation secret, in conformance with Republic of Tajikistan law.

Under article 41 of that law, pregnant women are obliged to register with the medical authorities in a timely fashion, undergo examination, and follow the medical prescriptions *[text omitted in original]*

Medical care for pregnant women and newborns is provided by primary medical and health care institutions, hospitals, and special medical and other health care institutions (article 61 of the law).

The law on reproductive health and reproductive rights covers questions involving the strengthening of the health of the woman and the child, the reduction of maternal and infant mortality, the promotion and development of education and access to services in family planning among the public. For purposes of implementing that law, the Strategic plan of the Republic of Tajikistan on reproductive health for the period up to 2014 was developed, and its coordination rests with the Commission on Population and Development under the Government of the Republic of Tajikistan.

The goal of the Strategic plan of the Republic of Tajikistan on reproductive health for the period up to 2014 is to improve reproductive health by recognizing the reproductive rights of men and women to be informed and to have access to safe, effective, accessible and acceptable methods of family planning and procreation, as well as to prevent sexually transmitted diseases.

2. Operating in the Republic to provide medical care to women are 442 hospitals, 1,025 outpatient polyclinics, 13 maternity homes and 631 women's counselling centres, children's polyclinics, outpatient facilities and other treatment facilities that have women's counselling centres. The total number of beds is 40,240, of which 4,841 (11%) are allocated for medical care for pregnant women and women in labour. The number of hospital beds per 10,000 population is 61.2.* [sic]

The number of physicians of all specialties is 12,699, of which 1,254 (8.9%) are obstetrician-gynaecologists. In 2003, the number of physicians per 10,000 population was 19.3; obstetrician-gynaecologists, 1.9; nurses (per 1,000 women aged 15–49), 12.9; and midwives, 5.8.* [sic]

Recent years have seen women account for an increasing percentage of health care managers. If women accounted for 19.1% of the total number of health care managers in 2000, they accounted for 37.8% in 2003. At the same time, however, the number of women working as physicians decreased (to 38.2% in 2003 from 32.6% in 2000) [sic].*

The improvements in reproductive health are a key health care strategy in regulating the intervals between births and reducing maternal and infant mortality rates and women's dependence on abortions. Despite that, reproductive health remains a serious problem for health care, as indicated by the continued reproductive activity among age groups for whom pregnancy put the woman's health at high risk; by a continued frequency of pregnancy after short intervals (less than two years); and by the rates for maternal mortality (45.5 per 100,000 live births), infant mortality (15.9 per 1,000 live births) and abortions (97.5 per 1,000 live births).*

The last 10 years have seen a trend of changing demographic indicators; the birthrate per 1,000 population, for example, was 33.5 in 1993, 30.6 in 1997 and 27.1 in 2003. The mortality rate was 8.9 in 1993, 4.8 in 1997 and 5.0 in 2003, which results in a decline in the natural population growth (24.6 in 1993, 25.5 in 1997 and 22.0 in 2003).*

Of the total number of women who have died, more than half died at the age of 65 or older. Among the causes of the overall mortality among women, the leading causes involve death due to circulatory disorders and respiratory disorders. Death

* Data from Ministry of Health.

caused by accidents, suicide, etc., has declined (27.6 per 100,000 population in 1990, 35.8 in 1993, 13.4 in 1999).

The period of 1993–1997 saw the maternal mortality rate grow to 93.7 per 100,000 live births from 74, but the period of 1998–2004 saw a decline in those rates, i.e., to 45.5 per 100,000 live births from 87.6.

Table No. 1*

Maternal mortality rate

	2000	2001	2002	2003	10 months of 2004
Maternal mortality per 100,000 live births	44.6	46.6	45.0	36.5	45.5
Per 10,000 women (aged 15–49)	0.5	0.5	0.5	0.4	0.3

Table No. 2* [sic]

Structure of maternal mortality

Cause of death	2000	2001	2002	2003	Qtr. 1 of 2004
All causes: per 100,000 births (individuals)	81	79	79	65	19
As a percentage:					
– ectopic pregnancy	–	–	1.3	1.5	–
– induced medical abortion	11.6	1.3	1.3	1.5	–
– abortion performed outside of medical facility	–	–	–	–	–
– haemorrhaging during pregnancy or childbirth	37.9	21.5	30.4	27.7	–
– gestoses	25.4	21.5	30.4	29.2	–
– sepsis during childbirth	12.6	6.3	10.1	6.2	–
– other complications during pregnancy and childbirth	12.5	49.4	26.5	33.9	–

Among the main causes of maternal mortality, the most prevalent are obstetric haemorrhaging, severe forms of gestosis, and other complications of pregnancy.

Table No. 3*

Infant mortality

Per 1,000 live births	2000	2001	2002	2003	Qtr. 1 of 2004
Infant mortality rate	15.5	27.9	17.2	13.5	13.9

* Data from Ministry of Health.

The Republic's infant mortality rate for the period from 1993 through 2004 has declined (40.7 per 1,000 live births in 1993, 30.7 in 1997 and 13.9 for the first quarter of 2004). It should be noted that the infant mortality rate remains higher in rural areas.

The Ministry of Health, with the support of UNICEF in 2002, conducted a multiple indicator cluster survey, and the survey results pointed to a higher infant mortality rate in the village. For example, the infant mortality rate in rural areas was 102 per 1,000 live births in 2000, 114 in 2001 and 108 in 2002, as opposed to a rate of 38–64 in Dushanbe.*

Both in the structure of morbidity and the structure of mortality for children, the main causes are infectious parasitic diseases, respiratory illnesses and conditions arising in the perinatal period.

Provision of services to women during pregnancy and the post-natal period.

Annually, 10.0–12.0% of women of reproductive age become pregnant. The high frequency of pregnancy among women under 20 (9.7%) and over 35 (9.2%) should be noted.* *[sic]*

During pregnancy, 60.4% of women are found to have extra-genital conditions (specifically, anemia, genitourinary tract infections, endocrine system disorders, disorders of the circulatory system and venous system, etc.). According to official data, 51.2% of pregnant women in the Republic of Tajikistan belong to a high-risk group; the frequency of prenatal hospitalization remains low and ranges from 1.2% (in rural areas) to 8–10.0% (in cities). The indicator for early medical examination of pregnant women in the first 12 weeks has increased and was 60.5% in 2003 (57.8% in 2000).* *[sic]*

Table No. 4* *[sic]*

Early medical examination (in the first 12 weeks) of pregnant women
(as a percentage)

<i>Region</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
Entire Republic	57.8	58.3	58.7	60.5
Rayons subordinate to Republic	58.0	57.1	58.7	58.4
Sogda Oblast	75.3	78.2	81.9	76.3
Khatlon Oblast	42.8	44.0	43.9	44.9
Gorno-Badakhshan Oblast	25.1	62.0	53.9	62.5
City of Dushanbe	71.6	75.5	70.6	82.3

* Data from Ministry of Health.

It should be noted, however, that the indicator for early medical examination of pregnant women in the first 12 weeks remains lower in rural areas than in cities. For example, in the regional breakdown, the highest indicator in 2003 was for the city of Dushanbe, at 82.3%, whereas the lowest indicator was for the Khatlon Oblast, at 44.9%. The indicator for an ultrasound study performed in the first 12 weeks of pregnancy is 80% in cities and 15% or under in rural areas.* [sic]

Table No. 5* [sic]

Specialists who provide prenatal services to women aged 15–49 (as a percentage)

	<i>Total</i>	<i>Urban settlements</i>	<i>Rural areas</i>
Total	100	100	100
Physician	42.3	63.0	37.0
Nurse (midwife)	28.4	21.0	30.2
Midwife assistant	0.4	-	0.5
Local wisewoman	7.3	11.1	18.8
Relatives	9.8	3.7	11.3
Others	1.1	0.6	1.2
No one provided services	0.7	0.6	0.8

Physicians account for 42.8% [sic] of the prenatal services provided, and mid-level medical personnel, 28.4%. The percentages accounted for by specialists who provide prenatal services to women in the village differ from those in the city. Some 37% of services in rural areas are provided by a physician, and 30.2%, by a midwife; in the city, physicians provide 63.0% of the services, and midwives, 21%.

Table No. 6*

Specialists who perform post-natal services for women aged 15–49 (as a percentage)

	<i>Total</i>	<i>Urban settlements</i>	<i>Rural areas</i>
Total	100	100	100
Physician	58.4	78.4	53.5
Nurse (midwife)	12.8	4.9	14.7
Midwife assistant	0.1	-	0.2
Local wisewoman	3.7	2.5	4.1
No services provided	24.5	13.6	27.2

In the post-natal period, 58.4% of the services are provided by physicians, and 12.8%, by midwives. In the city, 78.4% are provided by physicians; in rural areas, 53.5%. It should be noted that in the post-natal period, the percentage of services provided by physicians increases, as does that for services provided by mid-level medical personnel.

* Data from Ministry of Health.

Table No. 7*

State of health of pregnant women, women in labour, and postpartum women

	1997	1998	1999	2000	2001	2002	2003
Number of women who completed pregnancy, in thous. persons	132.8	138.2	141.5	133.6	138.3	144.6	132.4
– to term	126.1	119.3	128.0	123.4	131.1	136.9	125.4
– premature birth	2.8	2.5	2.7	2.7	2.3	2.5	2.7
– abortion, spontaneous or based on medical indications	4.1	4.0	4.3	7.6	4.8	5.2	4.8
Conditions found in women who completed pregnancy, as a percentage							
– anemia	52.4	57.0	56.3	50.1	68.1	69.1	65.9
– circulatory system disorders	1.3	1.4	1.1	1.2	1.4	1.2	1.9
– sugar diabetes	0.02	0.02	0.03	0.03	0.04	0.02	0.02
– late toxicosis	0.2	3.4	2.9	...	3.2	3.0	3.2
– genitourinary system disorder	6.4	6.0	7.4	5.6	7.9	9.1	10.4
– venous complications during pregnancy	2.7	1.7	1.7	1.5	2.3	2.4	2.2
Per 1,000 births, birthing process complicated by:							
– anemia	370.1	375.2	467.0	522.6	528.8	541.9	566.2
– circulatory system disorders	9.2	6.4	6.1	8.4	7.4	8.2	6.7
– sugar diabetes	0.11	0.3	0.3	0.4	0.3	0.4	0.2
– late toxicosis	33.0	40.4	46.9	...	59.7	57.1	64.6
– genitourinary system disorder	37.4	32.8	50.2	51.4	51.7	96.7	59.1
– venous complications	6.5	7.5	9.7	13.4	13.2	15.1	15.9
– haemorrhaging in postpartum period	17.7	23.0	20.0	...	29.6	26.4	29.1
– birthing anomalies	23.6	26.5	37.4

Abortions in Tajikistan are permitted and are legal. Abortion is regarded as unlawful when it is performed outside the walls of a medical facility. The average age of women who use abortion as a method of contraception is 25–35. In spite of a declining trend, abortion still continues to be a widespread method for regulating the birthrate.

Table No. 8*

Number of abortions per 1,000 women aged 15–49

	1998	1999	2000	2001	2002	2003
Number of abortions (per 1,000 women aged 15–49, total:	17.4	14.2	14.8	12.4	12.1	11.0
Number of abortions per 100 births	19.1	18.7	12.7	12.7	13.6	13.2
Number of abortions, for age groups, as a percentage of total abortions: under 15	0.08	0.08	0.09	00.2 [sic]	0.01	-

* Data from Ministry of Health.

15-19	7.8	7.8	8.6	8.1	6.3	7.9
20-34	64.6	62.1	62.0	61.3	62.5	62.8

Of the total number of abortions, most (68.0%) are performed in the first trimester of pregnancy (induced abortions). Termination of pregnancy for medical indications (2.1%) and social indications (0.6%) point indirectly to the limited access of the populace to modern contraceptives. The high percentage of spontaneous abortions (29.2%) points to the low level of health of women.

The existence of the HIV/AIDS problem in Tajikistan is recognized at the governmental level. Pointing to that is the creation in 1991 of the Republic AIDS Centre, the functioning of four oblast AIDS centres and 14 diagnostic laboratories and the adoption in 1993 of the law on the prevention of AIDS, which is the main legal-and-regulatory act defining the manner in which questions related to the prevention and suppression of AIDS are regulated.

The Decision of the Government of 9 April 1997, No. 163, approved the National Programme for the Prevention and Suppression of Human Immunodeficiency Virus, AIDS and Sexually Transmitted Diseases (STD) in the Republic of Tajikistan for the Period of 1997 and 1998, which involves the development of a multisector approach regarding HIV-infection problems.

The Decision of the Government of 30 December 2000, No. 516, approved a new National Programme for the Prevention and Suppression of Human Immunodeficiency Virus, AIDS and Sexually Transmitted Diseases (STD) in the Republic of Tajikistan for the Period up to 2007. The principal activity of the National Programme is geared to HIV/AIDS/STD prevention among youth.

The Decision of the Government of 1 October 2002, No. 389, adopted the Strategic Plan for Averting the Threat of the Spread of the Human Immunodeficiency Virus (AIDS) in the Republic of Tajikistan for the Period of 2002-2005 and for Suppressing the HIV/AIDS Epidemic in the Republic of Tajikistan for the Period up to 2007.

Recorded for the first time in Tajikistan, in 1991, were two HIV-infected citizens who were infected while working in African countries. In recent years, HIV infections have risen more than eightfold. Tajikistan is currently in an early stage of development of the HIV/AIDS epidemic. At present, 13 laboratories have been equipped by the Global Fund. To prevent mother-to-child transmission of HIV, the Ministry of Health has trained a group of specialists who are charged with developing a national strategy for the prevention of mother-to-child transmission of HIV.

As of 31 December 2004, a total of 317 cases of HIV infection had been identified, which includes seven in 2000, 34 in 2001, 32 in 2002, 42 in 2003 and 198 in 2004. Among those infected, 256 are men, and 61 are women. The infection is spread primarily among young, able-bodied individuals.

Table No. 9*

HIV infections recorded in the Republic of Tajikistan, by year

Year	1991	1992–1996	1997	1998	1999	2000	2001	2002	2003	2004
Number of HIV-infected individuals	2	–	1	1	–	7	34	32	42	198
Women						1	13	7	5	35
Total										317

Table No. 10* [sic]

Distribution of HIV-infected individuals, by age and sex

Age	Number of HIV infected		
	Total	Men	Women
0–4	1	1	-
5–14	2	2	-
15–19	11	9	2
20–29	137	102	35
30–39	125	108	17
40–49	36	30	6
50–59	4	3	1
60 or older	1	1	-
Total	317	256	61

In analyzing the age/sex makeup of HIV-infected individuals, one should note that of the total number of individuals infected, women account for 19.3%. In the age structure of HIV-infected women, the 20–29 age group predominates (57.4%).* [sic]

According to official statistics, the total level of illegal drug consumption in the country increased on average by 13.7% between 1997 through 2003.

Table No. 11* [sic]

Number of recorded drug abusers for the period 1997–2003

Group/year	1997	1998	1999	2000	2001	2002	2003
Total drug abusers	996	1,495	2,362	6,356	6,496	6,759	7,275
Women	32	36	101	283	307	280	327

Article 13

1. Tajikistan is taking measures to ensure equal rights for men and women in the economic and social life of the country.

(a) In the Republic of Tajikistan, for working women, single mothers and widows who have children but do not receive a pension for them for the loss of a

* Data from Ministry of Health.

breadwinner and for mother-heroes, various forms of monetary payments are established, including an allowance for pregnancy, childbirth and care of young children; monthly family benefits for each child 1.5–6 years of age; monthly temporary benefits for each child under the age of 16 (special benefits); social insurance benefits and a benefit for temporary disability.

Under the Republic of Tajikistan law on State social insurance, the following family benefits are assigned and paid when a child is born into a family:

- a one-time benefit for the birth of the child;
- monthly benefits for child care.

The one-time benefit for the birth of the child is allocated in the following amounts:

for the birth of the first child—an amount equal to three times the minimum monthly wage;

for the birth of the second child—an amount equal to two times the minimum monthly wage;

for the birth of the third child and each thereafter—an amount equal to the minimum monthly wage.

Family benefits are assigned to insured individuals and are paid at the place of work of the woman if she applies for them.

Women (insured) have the right to one-time benefits for the birth of a child and to benefits for child care.

Unmarried and married women have the same access to such benefits.

Benefits are paid directly to individuals.

A benefit is paid directly to the individual who is providing child-care services.

A State pension is also in place for women who have given birth to five or more children and who have raised them to the age of eight, for mothers of persons disabled since childhood who have raised their children to the age of eight, for mothers of disabled children under the age of 16, and mothers of orphan children under the age of 18.

In addition to that, there are other privileges and compensations for women and mothers that are intended to improve their social position and to enhance the socio-political activity of women as full-fledged members of society.

The difficult economic situation of the Republic does not allow all those measures to be effected in full and is responsible for the small size of the benefits and privileges established by the State, which reduces their effectiveness.

(b) Under the Civil Code, a woman, just like a man, is entitled to enter into any contract in her own name and to own, manage and dispose of property. This standard emanates from the provisions of article 32 of the Constitution, under which the right to own and inherit is provided equally to every individual. A woman is entitled to obtain financial services (credits, loans) on her own, and no one's consent is required for that.

(c) In the Republic of Tajikistan, women are free to engage in sports, although the dramatic worsening of the overall situation in the country in the early 1990s and the no-less-difficult, related period of post-conflict recovery have had a negative effect on the development of physical fitness and sports as a whole and women's participation in them in particular. The closing of sports arenas and facilities and the drain of coaches and athletes from the country have had a negative effect on the development of sports in the country.

In recent years, efforts have been markedly revitalized in all regions of Tajikistan to involve the female population in physical fitness activities and sports. The women of the country have equal access to physical fitness activities and sports and are not discriminated against in any way in that regard.

An indicator of the female population's involvement in physical fitness activities and sports consists in the integrated physical-fitness/sports measures taken by the Committee for Physical Fitness and Sports under the Government of the Republic of Tajikistan in 1999, 2001, 2002, 2003 and 2004.

Table No. 1*

Number of women who have become masters of sport

	2001	2002	2003	2004
Number of women who are masters of sport	13	1	4	2 (one of whom is a world-class athlete)

In 1999, the first Republic Women's Games, dedicated to the 1,100th anniversary of the Samanid state, were held, and 610 women from 12 regions of the country took part in seven types of sports in the finals of the Games.

In all, however, nearly 12,000 women took part in the competitions in the first stage of the Games (which were regional competitions).

In the 2001 Republic of Tajikistan Games, 209 women from 12 regions participated in 13 types of sports in the finals, and 30% of the 422,000 who took part in the first stage were women.* [sic]

A bright spot in 2002 in the life of the younger generation of the country was the Student Youth Games, in whose finals sports teams from 23 Tajikistan higher-learning institutions took part. A total of 3,420 female students took part in the first stage of those Games, and 414 in the finals.* [sic]

In 2002 and 2004, Republic and international competitions involved 736 girls, 551 of whom took part in the championships and the Republic-wide competitions, 25 in the 5th Central Asian Games, and 160 in the Youth Athletic Games of Tajikistan.* [sic]

According to statistical data, the number of women who have engaged in physical fitness and sports over the last decade is as follows:

* Data from Committee for Physical Fitness and Sports under the Government.

Table No. 2* [sic]

1993	30,000	1998	30,966
1994	34,240	1999	34,477
1995	33,100	2000	35,400
1996	35,200	2001	45,380
1997	54,190	2002	39,673

In the country's 102 athletics schools, the number of girls involved in sports is as follows:

Table No. 3* [sic]

1993	960	1998	1,630
1994	1,120	1999	1,711
1995	1,246	2000	1,976
1996	1,541	2001	1,703
1997	1,560	2002	1,896

A substantial barrier to broader access for women to participate in the development of physical fitness and sports is the shortage of specialists, equipment, gear and athletic facilities and the shortage of funding. In some mountainous regions of the country, the established stereotypes that hold that sports are not for women have yet to be overcome.

In the cultural life of the society, the State holds that every person is entitled to make use of cultural achievements and has the right to creative activities that serve the all-round development of the individual and affirm human dignity, and it fosters respect for human rights and freedoms. Culture is called upon to enable the individual to live and work in a free society, and it fosters mutual understanding, patience and friendship among nations and ethnic and religious groups.

Women are rather active in the cultural life of the country.

A total of 1,987 women are active in the area of culture, and 443 of them work at cultural and educational institutions (museums, libraries, cultural centres, graphic arts studios, publishing houses and book-selling organizations), more than 596 work in the arts, 282 are at Ministry of Culture learning institutions and 27 work in the Ministry's central office.+

Table No. 4+

Number of women who hold management posts in the field of culture

No.	Area	1999	2000	2001	2002	2003
1.	Theatrical performance facilities	2	2	2	2	2
2.	Public cultural facilities	145	150	155	160	160
3.	Mass media	4	4	4	4	6
4.	Learning institutions	11	11	11	11	15
5.	Central office of Ministry of Culture	5	5	5	5	4
	Total	167	172	177	182	187

For purposes of the practical implementation of the State programme "Guidelines for a State policy to ensure equal rights and equal opportunities for men

+ Data from Ministry of Culture.

and women of the Republic of Tajikistan for the period 2001–2010", the Ministry of Culture in 2003 developed 10 types of cultural programmes and events that are being conducted together with the Committee on Women and the Family under the Republic of Tajikistan Government.

Article 14

1. The Republic of Tajikistan, recognizing the difficult problems facing women living in rural areas and taking into account the importance of their contribution to the well-being of the family and to the development of society, is taking appropriate measures to improve the protection of the rights of rural women.

According to the State Statistical Committee, as of the beginning of 2002, of the 6.4 million residents of Tajikistan, 73.5% lived in rural areas. Of them, a little more than half were women. The average monthly wage of kolkhoz workers in 2002 was \$6.50 (the countrywide figure was \$11.80). Despite the fact that, according to official statistics, there is no appreciable difference between men and women in terms of level of poverty, the plight of women is considerably more difficult than the plight of men, especially in households headed by women, primarily in the Khatlon group of rayons and in the Rasht Valley rayons, which suffered the most in the civil war.

To enhance the economic independence of women and provide sensible employment, 23 small businesses and *dekhkan* farms were created in 2001 and the first half of 2002 for the output of consumer products and the production and processing of farm products, and more than 200 women and young girls were hired for the work.*

In 2004, the State Statistical Committee did work to introduce gender indices into statistical reports on agriculture.

2. The women of Tajikistan make up 60–70% of farm workers. As a result of the 1992–1997 war, many households went to women who had lost their male relatives. According to estimates, roughly 20,000 women were widowed, and 55,00 children were orphaned.** A particularly difficult plight without male support is being experienced by women widowed during the war or whose husbands have left in search of work. For such women, working in agriculture is their only choice.

In rural areas, women are involved in selling at markets, or they earn their living as farm workers on private farms.

In most regions, pastures are State-owned, and rural residents use them for free. Women work alongside men in fodder conservation and caring for livestock; but decisions regarding purchase, sale, or other operations involving livestock are traditionally handled by men.

(a) Among the rural populace, there is a persistent stereotype according to which women cannot manage farm operations. The prevailing stereotypes assign a place to women as workers only, and not as managers of farms.

* Data from Ministry of Labour and Social Protection.

**Data from State Statistical Agency under the Government of the Republic of Tajikistan, report "Results of analysis of gender problems based on materials from the compilation 'Gender Statistics in Republic Tajikistan' and sampling", Dushanbe, 1999.

Traditional and religious standards restrict the opportunities for women to realize their own economic interests on a par with men. Many women are unaware of the rights and opportunities given them by a number of land reform laws. They also have too little information on the procedures for registering their businesses. Even if women are aware of their rights and try to exercise them, they encounter difficulties in exercising them. Registering a *dekhkan* farm is a complex process involving an array of lengthy administrative procedures.

At the same time, there are a number of examples in which women have successfully managed not only an individual *dekhkan* farm, but also a collective *dekhkan* farm. And although such examples are few, they are very important for changing the stereotypes regarding the capabilities women have in managing an agricultural enterprise.

(b) Rural women have equal access to medical care, including family-planning information, counselling and services. Women have access to social protection programmes through medical facilities of primary health care and in-hospital services, centres and dispensaries. Those programmes are geared both to urban women and rural women.

In October and November 2000, a study called "Rapid evaluation of the current status of the reproductive health care service of Tajikistan" was performed under the project titled "Strengthening the management potential of the Ministry of Health and the National Centre for Reproductive Health and the development of a reproductive-health information system". On the basis of a systematic analysis of the continuous study, sound conclusions and recommendations were generated for formulating a policy and strategy and for coordinating actions to improve the country's reproductive health service.

Tajikistan is pursuing a policy that provides family planning services to rural women. The family planning programmes developed are available both to women and to men. The laws that have been passed on public health care and on reproductive health and reproductive rights and the Family Code have introduced legislative and institutional changes on the national level in order to implement the reproductive rights of the country's citizens (such as free and conscious choice, conscious consent, etc., regarding questions of reproductive health and family planning).

In 2002, a Decision of the Government approved the "Programme for implementing the concept for the State demographic policy of the Republic of Tajikistan for 2003–2015".

Based on the priority given problems involving the protection and improvement of the reproductive health of the populace, national and sector programmes have been under development since the mid-1990s that are geared to protecting and enhancing safe maternity through family planning.

The provision of family planning services in the city differs from that in rural areas, because the centres for reproductive health that have been set up are located mainly in cities and districts, which limits the broad access of the rural population to those types of medical services. Despite the fact that most of the functioning rural medical facilities arrange for obstetrician-gynaecologists to drive out to the facilities for consultations and provide family planning services, the level of services provided remains inadequate. It is specifically for the purpose of expanding the

rural population's access to family planning services that the Ministry of Health is employing the practice of training midwives who work in rural areas.

Local centres for reproductive health are collaborating with international and local non-governmental organizations that work in reproductive health and rights and are conducting educational programmes among rural women. According to the data of the National Centre for Reproductive Health and Rights, in 2003, a total of 6,354 lectures involving 114,206 individuals were given, as well as 72,092 discussions involving 403,200 individuals, on matters of reproductive health and reproductive rights, family planning and a healthy lifestyle. Eighty percent of all who attended were women of reproductive age and teenage girls.*

(c) In the Republic of Tajikistan, the right to social protection is enjoyed by the following categories of the public:

- retirees
- disabled persons
- widows
- large families
- indigent families
- disabled children
- single mothers

The average size of a pension varies from \$2 to \$4 per month, which does not enable the conditions needed for the survival of those categories of the public. For rural residents, there are no special types of social support.

The Government is doing work to support the socially vulnerable segments of the population through the development of their initiatives, as well as involving them in entrepreneurial activities via training sessions and information programmes and programmes on legal and labour matters.

(d) According to the 2000 census, the level of literacy among the populace in the age group of 9–49 is 99.8% There are no differences between men and women in the literacy indices.

Under the Republic of Tajikistan law on education, general basic (9-year) education is compulsory.

The Ministry of Education does not keep separate gender statistics for rural areas and urban areas.

The share accounted for by girls in secondary vocational training institutions grew to 48% in the 2001/2002 school year from 44% in the 1991/1992 school year. That indicator did not decline, because many secondary vocational training institutions are located in rural areas.

Gender indicators in higher-learning institutions declined considerably. That is due to the fact that higher-learning institutions are located in big cities. After the civil war, most of the dormitories for out-of-town students are still not functioning.

* Data from Ministry of Health.

For that reason, rural students' access to higher-learning institutions is limited by economic considerations, because housing rental costs in Dushanbe are considerably higher than the amount received in a scholarship.

The Government has taken special measures to train highly skilled specialists for rural areas from among rural women. Detailed information on that is found in paragraph "a" of article 10 of the Report.

In 1999, the Republic of Tajikistan submitted the National Report on Education for All (EFA) at the World Education Forum in Dakar (Senegal). One of the first priorities in educational reform in the country involves expanding access to the Girls' Education Programme and to education for children with special learning needs. The year 2003 saw the creation of a working group consisting of personnel from the Ministry of Education, independent experts (NGOs), and UNICEF and UNESCO consultants that is evaluating the situation in the country with regard to the Girls' Education Programme.

There are no special State programmes for teaching business, marketing, legal skills, agrarian skills, etc., to women. In many regions, but not everywhere, with the financial support of international funds and organizations, local NGOs are conducting training sessions on microcrediting, the fundamentals of accounting, working with computers, legal matters, reproductive health, community development, tolerance, management of public and commercial organizations, etc. Most of the participants in those training sessions are women. The effectiveness of those sessions can be assessed from the number of newly created women's NGOs in rural areas, even in remote rural settlements.

The laws on education and on State social insurance, the Labour Code, and other acts guarantee the right of all citizens to vocational-technical training, as well as provide for a number of privileges and guarantees for women. Under those laws, one can receive the appropriate level of training, using various forms of schooling (day, correspondence, remote, and external training).

An important contribution to changing the gender stereotypes among rural residents is being made by development programmes of international and local non-governmental organizations that provide training, consulting, and financial and material-technical services to support women's businesses in rural areas.

(e) Women of Tajikistan have a rich history of collective activities that is based on traditions and customs. Such activities are not formal and mainly involve various social events such as weddings, funerals, various commemorative events, and *khashary* (informal cooperative labour activities), and they are led by leaders from among women of the *makhalya* (neighborhood community). These leaders may organize other women from the same street or from an entire *kishlak* (town) to handle problems that arise in any family or in the *makhalya* as a whole.

Together, women handle problems of informal business that they cannot handle alone, such as planting; harvesting; irrigation; growing of tobacco, grains and silkworms; and fruit and cotton picking. Such activities are not prohibited by law, and the women obtain a permit for a small sum, but do not receive any rights for social insurance.

For many rural women who work entire days on their private plot and in the home, this is a way to socialize, a way to get information about the outside world

and useful advice from other women, including those who have a higher social status, as well as to discuss and resolve any common problems.

At the initiative of the Committee on Youth under the Government of the Republic of Tajikistan, a network of girls' councils is coming into being. Such councils are to be created in all population centres, especially in rural areas. The aim of creating the councils is to intensify social work among girls, instill leadership qualities in them, and do work to bring more girls of school age into the education system.

(f) At the same time, the role of rural women is constantly growing. In part, that is due to the massive labour-related migration of men to Russia and other countries. During the civil war of 1992–1997, tens of thousands of able-bodied men died, and nearly 800,000 migrated within the country and outside it.* The civil war did serious damage to the country's agriculture. The number of households headed by women grew. In some regions, such households accounted for 40% of the total number of households. Those families are among the poorest.

Reform of agriculture in Tajikistan began in 1992, when the laws on land reform and on the *dekhkan* (individual) farm were passed (the latter law was subsequently passed in 2002 in revised form). Since that time, households have received the right to lifetime use of a land plot along with the right of inheritance. The laws do not specify any special measures to bring women into the process of creating *dekhkan* farms. According to statistics, 98% of such farms are headed by men. *Dekhkan* farms may register their status as individual businessmen. The law establishes the right of every citizen to create a *dekhkan* farm on the basis of land that is available in the local executive body of State authority land reserve. Also, under the law, each member of a collective farm household has equal rights of ownership during distribution. Restructuring of *kolkhozes* and *sovkhozes* into leased enterprises and agricultural collectives is permitted.

In the creation of *dekhkan* farms, local executive bodies of State authority are limited to merely land allocation, and all other matters are handled by the farmers themselves. Individual (*dekhkan*) farms have problems securing the requisite equipment and vehicles. Other problems include degradation of irrigation and drainage infrastructure, the shortage of subsidies for the use of water and electricity, poorer skills of specialists, and the weakening of land- and water-resource institutions.

The complicated procedure for processing documents for creating *dekhkan* (individual) farms is slowing progress in the conversion of State agricultural enterprises into individual *dekhkan* farms.

Land use documents in collective *dekhkan* farms are not handed over to the members themselves of those associations. The documents are kept with the manager. For that reason, many members of such farms, the majority of whom are women, do not know that they have a legal right to obtain a plot if they leave the collective farm.

* Data from State Statistical Agency under the Government of the Republic of Tajikistan, report "Results of analysis of gender problems based on materials from the compilation 'Gender Statistics in Republic Tajikistan' and sampling", Dushanbe, 1999.

Local executive bodies of State authority have considerable power in allocating land plots and in refusing to do so. The leaders of *kolkhozes* and *dekhkan* farms and foremen have a great deal of influence on the formulation of the principles of land use. In most cases, they are men. For that reason, women, while formally members of those collectives, do not actually make any decisions, but merely perform heavy, nonmechanized work and receive low wages for that.

In almost all rural population centres, there are women's councils or official women's committees. Such groups exert no real effect on the decision-making process of the rural administration. Other forms of women's associations exist that actually can affect changes in women's acquisition of benefits. They are non-governmental organizations. For example, the women's NGO in Varzob Rayon provided gas service for its rayon with the financial support of NSIFT. A coalition of women's NGOs in Shaartuz Rayon got uninterrupted electrical power to its population centres by lobbying for it through local authorities and going all the way to the Government.

The law on the *dekhkan* (individual) farm contains conditions for making land available, criteria for holding the post of head of the farm, the rules for allocating a land plot, the rights and responsibilities of members of the farm, etc. According to the data of the Asian Development Bank (year 2000), 98% of those who apply to create a *dekhkan* farm are men.

(g) Tajikistan law does not limit the access of rural women to land or their rights to the use of property. For women, however, more often than for men, it is more difficult to get access to land or credits. Rural women, as a rule, are poorly informed of their economic rights, particularly the right to the use of land. Their access to economic and legal information is limited because of the absence of relevant education, the absence in rural areas of a broad network of legal information centres, etc.

Under the law, men and women have equal rights to land use. Traditional and religious factors, however, exert a strong influence on gender relations in rural areas in terms of women controlling the distribution of land, its use, the distribution of profits from the sales of farm products, etc.

As a result of the Presidential Decree of 1 December 1997, No. 874, on the allocation of 25,000 hectares of land for private plots for citizens, individuals have acquired the right to obtain land for a private plot of up to 0.15 hectare of irrigated land and up to 0.50 hectare of dry land. Many women (heads of households, rural teachers and physicians) receive plots.

Microcredit projects for rural areas are implemented through local women's NGOs. Many of those projects are geared to involving rural women in business. Not all population centres have women's NGOs. Recent years have seen a substantial increase in the number of rural NGOs, as well as an increase in partnering projects with local authorities and the formation of coalitions by individual NGOs joining to achieve common interests.

In May 2003, local employment service authorities, with the support of the international organizations Akted and the World Food Programme, began implementing a project to find work for 140 women. Plans call for educational work with women on the topic "Family, hygiene and health".*

* Data from Ministry of Labour and Social Protection.

Together with international organizations, the Tajik branch of the Open Society Institute, the Eurasia Fund, and the Mercy Corps are implementing economic development and business support programmes under which training sessions are being conducted on microcrediting, labour and legal issues and health care for women employed in agriculture.

In the last five to eight years, rural women have had an opportunity to obtain credits and grants from international organizations (Aga Khana Fund, Mercy Corps, etc.). Rural businesswomen have obtained credits in monetary form and in the form of seeds, livestock, fertilizers, equipment, etc. Thanks to those organizations, rural women have also had an opportunity to go through training in marketing, management and the legal aspects of entrepreneurship and taxation and to get the proper consulting. The operations of international organizations in terms of lending to the rural woman entrepreneur, however, cannot cover all regions of the country.

A special measure aimed at providing rural women with credits is the State programme "Guidelines for a State policy to ensure equal rights and equal opportunities for men and women of the Republic of Tajikistan for the period 2001–2010", which plans to support the business activities of women, including rural women, through preferential crediting to enhance the economic independence of women and provide sensible employment. In 2003, some 4,000 Republic of Tajikistan somoni (nearly \$1,500) were allocated from the country's State budget to implement the State programme's goals. Of course, that amount is not enough to change the plight of women's businesses across the country in an appreciable way. But, given the limited national budget, the fact itself that funds were allocated to make credits available is a positive shift in the actual implementation of the programme.

(h) A UNIFEM study showed that rural women knew nothing about water-user associations, which must collectively exert efforts and apply resources to solve water-use problems. Ordinarily, they irrigate their plots with river or well water, with no official written agreements of any kind and no payment. If there are no natural water sources near their plot, then farming is not possible, because no farm by itself is capable of creating an effective irrigation system.

According to the data of the UNICEF 2000 multiple indicator cluster survey, 57% of the population of Tajikistan has access to safe drinking water: 93% in urban population centres, and 47% in rural areas. In the Gorno-Badakhshan Oblast, the situation is considerably worse than in other regions. There, only 28% of the population uses water for household needs from a safe source.

The Poverty Reduction Strategy paper has outlined the development and passage of the Republic of Tajikistan law on drinking water and potable water supply, which will provide the legal basis for the legal-and-regulatory governance of water-use issues.

Article 15

1. The Republic of Tajikistan recognizes the equality of women and men under the law. Human and civil rights and freedoms are regulated and protected by the Constitution, Republic laws and international legal instruments accepted by Tajikistan.

Under art. 17 of the Constitution, everyone is equal under the law and before the courts. The State guarantees the rights and freedoms of every individual, regardless of his nationality, race, sex, religion, political beliefs, education or social or material status.

The chapter "Crimes against Constitutionally recognized human and civil rights and freedoms" of the Criminal Code (art. 143) specifies that a premeditated direct or indirect violation or restriction of human and civil rights and freedoms is a crime that entails criminal liability.

Legal protection for any individual who requires such protection is guaranteed under Republic of Tajikistan law. Rights are protected by legislative, executive and judicial authorities.

Under article 19 of the Constitution, everyone is guaranteed judicial protection and the right to seek a hearing of his case by a competent, impartial court set up in conformance with the law. The Constitution guarantees a victim judicial protection and the compensation for injury done to him.

Under article 18 of the Constitution, no one can be deprived of his life unless sentenced to death by a court under the law. The death penalty is in place for a limited number of especially serious crimes, and every individual who is sentenced to death has the right to appeal the sentence and to petition for clemency. The law on incorporating amendments and additions into the Criminal Code of the Republic of Tajikistan, of 16 July 2003, abolishes the death penalty for women.

In the penitentiary system of the Republic of Tajikistan, articles 412 *[sic]* note 10 of the Code of Criminal Procedure and articles 63 and 78 of the Penal Enforcement Code stipulate that men and women will be kept separately in correctional labour facilities. Convicted minor girls must be kept separate from adults. However, because of economic difficulties and the negligible number of minor girls serving sentences at present, they are being kept with adults in the women's correctional labour colony, but in a separate section. The conditions of detention in the women's correctional labour colony are more privileged, and pregnant women and mothers are guaranteed care and medical services (article 101 of the Penal Enforcement Code). Convicted women who have children in the children's home at the correctional facilities are allowed to leave the incarceration location briefly to place the child with relatives or guardians or in a children's home, and women who have disabled children who are minors are allowed to leave briefly once a year to meet with them (article 98 of the Penal Enforcement Code).

Under criminal law, the court may exempt pregnant women and women who have children under the age of three—except for women sentenced to incarceration for more than five years for serious or especially serious crimes—from serving their sentence for the same length of time that, under prevailing law, a woman may be exempted from work because of pregnancy or childbirth or until a child reaches the age of three (article 78 of the Criminal Code).

In 1999–2002, an amnesty exempted 669 women from serving their sentences further: 18 in 1999, none in 2000, 573 in 2001, and 78 in 2002.*

* Data from Ministry of Justice.

The rights of women to access equal to that of men to due process and a fair trial are secured at the Constitutional level. The testimonial evidence of men and women has equal status. Everyone is guaranteed judicial protection. Everyone has the right to seek a hearing of his case by a competent, impartial court. Presumption of innocence applies to all citizens (articles 17 and 19 of the Constitution and article 8 of the Code of Criminal Procedure). The indicated standards of the Constitution are also realized in the Code of Criminal Procedure (article 9).

2. The State gives women the same civil legal capacity and the same opportunities to exercise it. Under civil law, the legal capacity of a citizen is manifested in the ability to have civil rights and to bear responsibility (civil legal capacity), which are recognized in equal measure for all citizens. The legal capacity of a citizen arises at the moment of his birth and ends with his death (article 18 of the Civil Code). The content of the legal capacity of citizens is as follows:

- a citizen may, by right of ownership, have property, including foreign exchange, both inside the Republic of Tajikistan and outside it; may inherit and will property; may engage in any activity not prohibited by law; may create legal entities by themselves or together with other citizens and legal entities; may perform any transactions not prohibited by law and assume obligations; may have the right to intellectual property for an invention or a work of science, literature or art or other results of intellectual activity; may seek compensation for material or emotional injury; and may have other property or personal rights (article 19 of the Civil Code).

After the civil war, the number of women who were heads of households grew considerably. Many remained widows. But even more women were forced to head their household because the men left the rural areas in search of work. Many married women remained with their children without any financial support from their husbands. Many men who have migrated in search of work to the cities of the country or abroad (more often to Russia) return home only once a year or less often. According to UNIFEM data, women whose husbands have become economic migrants head as many as 80% of the households in some rural areas. Some men have not returned home for several years and have not had any contact with their families. Many questions pertaining to the right of ownership of real property or a land plot cannot be resolved in favor of such women in the absence of their husbands. With no documents verifying the right of these women to the property of the husband, they cannot dispose of the property in the absence of an official owner. That pertains to selling the home, mortgaging the property to receive credits, etc.

3. Under article 23 of the Civil Code, no one may be restricted in terms of legal capacity, except under the conditions and in the manner established by law. A citizen's full or partial waiver of legal capacity and other acts aimed at limiting legal capacity are null and void, except in cases in which such acts are allowed by law.

Women possess, equally with men, the ability to own, use and dispose of property and to enter into contracts and exercise other civil rights. Article 9 of the Code of Civil Procedure guarantees due process based on principles that render citizens equal under the law and before the courts, regardless of sex.

4. Men and women are given equal rights with regard to moving about and the freedom to chose a place to live and a place of residence. Article 19 of the Civil Code states that citizens may move about freely in the Republic, choose a place of

residence and freely leave the Republic and return to it. Under article 21 of the Civil Code, the place of residence of a citizen is the place where he lives permanently or most of the time.

Article 16

1. The Constitution (article 33) states: "Being the foundation of society, the family shall be under the protection of the State. Everyone has the right to found a family. Men and women of marriageable age have the right to enter freely into marriage. Spouses have equal rights in family relations and in the dissolution of a marriage. Polygamy is forbidden".

(a) The provisions of the Family Code are based on the principle of equal rights for men and women in family relations.

The family, marriage, maternity, paternity and childhood in the Republic of Tajikistan are under the protection of the State.

Family relations are regulated in conformance with the principles of the voluntary marital union of the man and the woman, the equality of the rights of the spouses in the family, the resolution of family issues by mutual consent, the priority given to the family upbringing of the children, the concern for the well-being and development of the children and the priority status of the protection of the rights and interests of minor children and disabled family members.

(b) Citizens assume the rights and responsibilities of husband and wife when their marriage is registered with the civil registry office. If a man and a woman in fact have marital relations, the marriage must be registered with the civil registry office if those relations are to be recognized as legal marital relations. Otherwise, those relations are not regarded under the law as the relations of husband and wife, in connection with which they do not entail the rights and responsibilities established for spouses.

(c) Men and women have an equal right to begin divorce proceedings, except in cases in which, without the consent of the wife, the spouse does not have the right to file for divorce while the wife is pregnant or for a year and a half after the birth of a child (article 17 of the Family Code). The dissolution of a marriage by mutual consent of spouses who have no minor children is registered with the civil registry office; if there is a dispute between the spouses or if the spouses have minor children, the dissolution is performed in the courts (articles 19 and 21 of the Family Code).

The petition for the dissolution of the marriage, as a rule, addresses the issue of the division of the common property of the spouses, the maintenance obligations (with regard to the spouse and to the children), and with which of the spouses the children will live. The parties themselves determine the makeup of the property (excluding the personal property of each).

In keeping with family law and prevailing judicial practices, each of the spouses' shares in the common property is equal, although a departure from equality of the shares is allowed on the basis of the interests of the children, i.e., after the question of with which of the spouses the children will remain is decided by the court.

A divorce certificate is issued by the civil registry office on the basis of the decision of the court, after which the woman may re-marry.

Women whose marriage is registered with the State may petition the court during the dissolution and receive part of the property and the maintenance for the children. Women whose marriage is not registered with the State may petition the court to determine paternity and may request maintenance for the children of that marriage.

(d) The Family Code (article 61) stipulates the equality of the rights and responsibilities of parents, according to which the father and mother bear equal responsibilities with regard to their children (parental rights). They enjoy equal rights and bear equal responsibilities as parents even when the marriage is dissolved (article 66 of the Family Code).

Questions of paternity, maternity, upbringing and education of children and other questions of family life are resolved jointly by the spouses based on mutual consent and the principle of the equality of the spouses (articles 63 and 64 of the Family Code).

(e) The spouses have equal rights in resolving matters of family planning. At the same time, citizens of the Republic of Tajikistan have the right to make an independent decision regarding reproduction and contraception. They may use, as they wish, contraceptive devices and methods, including surgical sterilization, etc. (article 12 of the law on reproductive health and reproductive rights).

Under article 33 of the law on public health care, maternity in the Republic is encouraged and protected by the State. Conditions are created for women that enable them to combine work and maternity, and legal protection is provided, as is material and moral support.

For purposes of health protection, modern methods of contraception meant to prevent an unwanted pregnancy can be recommended to a woman at her request.

(f) Under civil and family law, tutors and guardians are appointed by tutorship and guardianship authorities. Any competent citizens of either sex who have attained the age of majority may be appointed as tutors and guardians. Citizens who have been deprived of parental rights may not be appointed as tutors or guardians, nor may former adoptive parents if adoption was annulled because they performed their duties improperly; tutors or guardians who have been suspended from their duties because they improperly performed the duties assigned them; chronic alcoholics or drug abusers; and persons who, because of their health, cannot perform the duties associated with raising a child.

Under article 155 of the Family Code, a tutor or guardian of a minor has the right and is obliged to raise the person under his charge and to tend to his health and to his physical, mental, spiritual and moral development, education and vocational training. Tutors and guardians are entitled to determine, on their own, the methods to be used for raising the children under their tutorship (or guardianship) and to choose the educational facility and the forms of training for a person under their charge until that person receives a basis general education, with the opinions of the children and the recommendations of the tutorship and guardianship authorities taken into account. The duties associated with the tutorship and guardianship of a child are performed by the tutor (or guardian) without compensation.

Under article 127 of the Family Code, individuals of either sex who have attained the age of majority may be adoptive parents, with the exception of the following:

- persons declared by a court to be incompetent or of limited competence;
- spouses, one of whom has been declared incompetent or of limited competence;
- persons deprived by a court of parental rights or whose parental rights have been restricted by a court;
- persons suspended of their duties as a tutor or a guardian for the improper performance of the duties assigned to them by law;
- former adoptive parents if, through their own fault, the adoption was annulled by a court;
- persons who, because of their health, cannot exercise their parental rights.

A list of diseases that a person has and that prevent him from adopting a child or taking a child under his tutorship (or guardianship) is being compiled by the Government.

(g) Republic of Tajikistan law stipulates the equality of the personal rights and responsibilities of spouses; in particular, spouses have the right to choose family name, occupation, job, activities, place of residence and area in which they live (articles 32–34 of the Family Code).

Spouses have equal rights with respect to ownership, use and disposition of both of personal property (article 36 of the Family Code) and common property (article 34 of the Family Code). In addition, the Family Code also stipulates the equality of the rights of spouses to property if one of the spouses keeps house and looks after the children or, for other legitimate reasons, does not earn a wage (article 34 of the Family Code).

For purposes of further developing the legal regulation of this question and taking into account practices throughout the world, a chapter has been incorporated into the Family Code that is called "Nuptial agreement"; it defines the property rights and responsibilities of the spouses in a marriage and/or in the dissolution of the marriage and recently has gradually begun to be applied.

Under article 27 of the Family Code, a spouse who changed her family name when she married may, after dissolution of the marriage, use that family name if the other spouse agrees to that or may be given back her maiden name, if she requests that when the dissolution is registered with the civil registry office.

(h) Spouses are obliged to support each other materially.

If a spouse refuses to provide such support and there is no agreement between the spouses regarding the payment of maintenance, the following persons have the right to seek maintenance in the courts from a spouse who has the means to provide it:

- a disabled indigent spouse;
- a wife during pregnancy and for three years after the birth of a child to that marriage (article 90 of the Family Code).

After the dissolution of a marriage, a former wife has the right, during pregnancy and for three years after the birth of a child to that marriage, to seek maintenance in the courts from a former spouse who has the means to provide it (article 91 of the Family Code).

Religious marriages (*nikokh*) are widespread in the Republic of Tajikistan. Such marriages entail no legal consequences, and the State does not recognize them. For example, women who have in fact marital relations, but whose marriage is not legally registered, have, as a rule, no property rights after the death of the husband; specifically, they cannot be included among the heirs.

2. The Family Code has established the age at which one can marry as 17 (article 13). In special cases, at the request of the persons who wish to marry, a court may lower the marriageable age, by no more than one year, if those persons are already living together, are expecting a child, or already have a child. For giving a girl's hand in marriage before the girl reaches marriageable age, article 168 of the Criminal code specifies a punishment of corrective labour for up to two years or restriction of freedom for that same amount of time or detention for up to six months.

Civil law provides for the possibility of emancipation, in which a minor who has reached the age of 16 may be declared competent if he is working under a labour agreement, to include under a contract or with the consent of his parents, adoptive parents or guardian, or is engaged in entrepreneurial activity.

Under article 1 of the Family Code, only marriages registered with the civil registry office are recognized. A marriage entered into in a religious ceremony has no legal significance.

In addition, a marriage entered into as a result of coercion or fraud may be annulled at the request of the victim or the prosecutor's office (article 28 of the Family Code).
