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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-seventh session

SUMMARY RECORD (PARTIAL)* OF THE 41st MEETING

Held at the Palais Wilson, Geneva,
on Monday, 13 November 2006, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of Tajikistan (continued) (E/C.12/TJK/1; E/C.12/TJK/Q/1 and Add.1; HRI/CORE/1/Add.128)

1. The CHAIRPERSON invited the delegation of Tajikistan to continue its replies to the questions raised by members of the Committee.
2. Mr. BAKHRONOV (Tajikistan) said that the Government took the problem of social security very seriously. Over the period 2000-2005, the figures for the number of officially registered unemployed had fluctuated, although it was estimated that the figures for the overall unemployment level had fallen; women continued to make up over half of all unemployed persons. In order to ease the strain on the labour market and to lower the level of poverty, the State had introduced a number of legislative and other measures, including a programme to help the unemployed covering the period 2006-2007. In addition, the Government was endeavouring to create new jobs: in 2005, 145,000 new jobs had been created, mostly in the agricultural industry, but also in transport, trade and other sectors.
3. Mr. SHABOZOV (Tajikistan) said that the level of poverty was determined differently in every country. In Tajikistan, families were deemed to fall below the poverty line where each member of the family had an income of less than \$2.15 a day. According to that criterion, in 2003 the level of poverty in Tajikistan had been 64 per cent, although research showed that the figure should fall to 50 per cent by the beginning of 2007, following the implementation of poverty reduction measures. The country had received a grant from the World Bank, with which it would carry out a comprehensive review of poverty alleviation in Tajikistan.
4. Mr. BAKHRONOV (Tajikistan) said that economic strategies for reducing the level of poverty had been introduced, the most important of which was the poverty reduction strategy paper for the period 2000-2005. Between 2001 and 2005, funds had been allocated to education, health, water supply and agriculture as part of poverty alleviation efforts. The main donors to those projects were the World Bank, the Asian Development Bank, the European Bank for Reconstruction and Development (EBRD) and others.
5. At the end of 2005, Tajikistan and the United Nations had signed a memorandum on the formulation and implementation of a national development strategy based on the Millennium Development Goals, which included a poverty reduction strategy for 2007-2009. His delegation hoped that the project would be considered and adopted by Parliament by the end of the year, and presented to the relevant United Nations organizations in January 2007.
6. Mr. KHUDOEROV (Tajikistan) said that, although sexual harassment in the workplace was not addressed in the initial report, chapter 18 of the Criminal Code dealt with three types of crimes of a sexual nature related to sexual harassment in the workplace: compulsion to commit

acts of a sexual nature using the subordinate status of the victim; sexual intercourse with a minor taking advantage of an official position; and debauched acts with a minor taking advantage of an official position. The Government felt that such legislative measures played a preventive role in the fight against sexual harassment at work.

7. Mr. BAKHRONOV (Tajikistan) said that the Government had created a special commission to address the issue of settling debts in all sectors of the economy, including agriculture. The commission had studied the issue of debt in agricultural areas, as well as its causes and possible solutions. By the end of 2007, that phase of the commission's work should conclude with the settlement or reduction of all agricultural debts.

8. Furthermore, in certain regions of the country, according to agreements concluded, some agricultural producers were being paid in kind, instead of receiving wages.

9. The Government was following the issue of agricultural debts closely and it was hoped that the special commission, with the financial support of the Asian Development Bank, would resolve the problem.

10. Mr. TEMUROV (Tajikistan) said that ensuring a safe water supply in Dushanbe was a very serious problem that commanded the Government's close attention. A series of measures were being taken as part of the poverty reduction strategy to repair and renew the water system and water purification plants. The Government, the Asian Development Bank and various other donors supported those projects financially. Their implementation should ensure that the problem of safe water supply in Dushanbe and its two neighbouring cities was resolved by June 2008.

11. Mr. KHAMIDOV (Tajikistan) said that the Government had adopted a law on the prison system in Tajikistan, under article 28 of which various medical facilities had been set up in prisons. In recent years, the number of cases of HIV/AIDS among the prison population had risen dramatically and the Government was very concerned about the issue. Poor living conditions without sufficient hygiene and ventilation, prison overcrowding and close, regular contact between prison inmates were all exacerbating factors.

12. Projects had been drawn up providing for preventive measures, such as voluntary testing for HIV, psychological support before and after diagnosis, and health education, including seminars and distribution of information. A survey to gather more information about the problem of HIV/AIDS among the prison population had been conducted, which had shown a serious lack of knowledge on the subject of HIV/AIDS among prisoners.

13. The Ministry of Justice and various global donors had equipped several labour colonies with medical facilities with a view to combating the HIV/AIDS problem, inter alia through the distribution of condoms. Educational work had been carried out with 4,960 prisoners and 195 prison officers, while 4,600 prisoners had been tested for HIV/AIDS. The State had allocated funds to tackle the issue, but more money was needed to overcome the problem.

14. The number of prisoners suffering from tuberculosis had fallen in 2006 to 1,070, due to a number of prisoners with tuberculosis being released after being amnestied in September 2006. There had been a decline in the number of fatal cases of tuberculosis among prisoners in 2006 and an investigation was conducted into each fatality; however, the delegation was aware that there were no easy solutions to the problem.

15. Mr. TEMUROV (Tajikistan) said that psychiatric care was provided in the form of inpatient and outpatient services in Tajikistan. There were 1,500 places available for inpatients and more than 40,000 people were being treated at outpatient clinics, more than 10,000 suffering from schizophrenia. Each year, 60 to 80 per cent of patients in psychiatric hospitals were treated for schizophrenia and psychosis. In recent years, several difficulties in providing psychiatric care had been encountered, namely a lack of doctors, a shortage of medicine, late diagnosis, and problems with treatment and hospitalization.

16. Tajikistan had adopted a number of measures addressing those issues, including a law on psychiatric care aimed at providing citizens with medical and social support, improving their living and working conditions and protecting their psychological health. Medical services had been set up to diagnose and treat such psychological conditions as depression and stress. General practitioners were being trained in providing general mental health care, and outpatient care had been expanded. Day-care centres for the mentally ill had also been set up.

17. With a view to social rehabilitation, all psychiatric inpatients had been given the opportunity to perform hospital maintenance tasks on a voluntary basis, and initiatives such as a sewing shop to help patients earn money had been introduced.

18. Mr. KHUDOEROV (Tajikistan) said that the questions of suicide, family violence and related issues were addressed under the State programme on the principal areas of State policy to ensure equal rights and opportunities for men and women over the period 2001-2010. The Procurator's Office attached great importance to the issue, and the Coordinating Council of law enforcement agencies was taking steps to eliminate such offences against women. Nevertheless the situation still gave cause for concern. Women had been the victims in at least 60 of the 270 murders recorded in 2005 and in 2006 to date, and most of those murders had been committed within families.

19. A council to coordinate social and legal assistance to families had been set up, and the establishment of criminal liability for crimes of violence within the family had led to a reduction in violence against women.

20. In terms of international cooperation, the Mercy Corps had set up confidential telephone hotlines to its offices in five health-care institutions in Dushanbe in order to provide medical and psychological support on demand, and the United Nations Development Fund for Women (UNIFEM), in cooperation with the Organization for Security and Cooperation in Europe (OSCE) and the Association of Young Jurists, had conducted several round tables and organized a conference on legal protection for women's economic and property rights.

21. The Government was currently discussing draft legislation on social and legal protection against violence in the family, which was needed because the current legislation, although it defined offences against life, health, sexual integrity and property rights, did not provide for criminal liability for offences committed within the family, which thus constituted a threat to the safety of the family. The new law would permit the creation of protective mechanisms and of remedies allowing liability to be established.
22. Gender equality was included on the curriculum of the study centre of the Council of Justice and judges contributed to reports and seminars on the subject.
23. Suicide was most commonly a result of domestic violence and was therefore dealt with as part of the prevention of family violence. Measures to prevent suicide among women included the recognition in criminal law of liability for causing a person to commit suicide. In addition, the courts and law enforcement agencies were empowered to act promptly to identify and prevent violence within families.
24. The Committee for Women's and Family Affairs was working with NGOs to reduce the level of violence against women, in part through education campaigns in the mass media and poster campaigns explaining the link between violence and the breakup of the family.
25. With regard to women's representation in the Procurator's Office, he said that women accounted for 35 per cent of the pool from which posts were filled and for around 19 per cent of the total of 172 staff in that Office.
26. Turning to trafficking in persons, he said that Tajikistan's legislation had been revised to take account of recent developments, and a criminal offence of trafficking in persons was now defined in law.
27. An interdepartmental commission had been set up to combat trafficking, and a programme for the period 2006-2010 aimed to establish a State policy on trafficking in fulfilment of Tajikistan's international commitments. Various international bodies and NGOs were also involved in organizing round tables and seminars for the general public and State agencies, and the International Organization for Migration (IOM) and the Embassy of the United States of America had given support in the form of computer hardware and vehicles.
28. The Ministry of Internal Affairs had set up units to combat trafficking in persons, with a view to minimizing the consequences and ensuring the physical, psychological, legal and social rehabilitation of victims. The Council of Justice study centre had been running a two-year programme to combat trafficking in persons, with financial support from IOM.
29. In 2005 and the first six months of 2006, over 700 offences of trafficking in persons had been prosecuted in various provinces, including 15 cases of trafficking in minors.
30. Mr. TEMUROV (Tajikistan) said there was currently no ongoing privatization of health institutions in Tajikistan. Private medical facilities did exist, however, with 70 such institutions now officially licensed.

31. Mr. KHAMIDOV (Tajikistan), replying to questions regarding the forced marriage of juvenile girls, inter alia for religious reasons, said Tajikistan was a secular country and recognized only State marriages - i.e., marriages conducted in a registry office. On the other hand, the children of what might be termed “religious” marriages had exactly the same rights as those born within recognized marriages.

32. Forced marriage was not common, but it constituted a criminal offence under the law. Awareness-raising campaigns - targeting women in particular - were carried out in those areas where it was most prevalent in order to reduce the number of cases.

33. Forced marriage was sometimes associated with arranged marriages, which were a long-standing tradition in Tajikistan. However, such marriages were rarely concluded nowadays without consultation with the couple concerned. In considering the issue, it was important to weigh a range of factors, including tradition, religion and education, but as a secular State Tajikistan did not recognize or apply any religious law, including sharia law.

34. Mr. KHUDOEROV (Tajikistan), referring to the question of what happened to children whose father died or went to prison, said that, if paternity was established, the family was entitled to financial support from the father. Where the father had died, if paternity was recognized then the child would be entitled to an allowance. Under the Civil Code, the child could also inherit. A spouse could assert her right to inherit property from her husband.

35. Mr. KHAMIDOV (Tajikistan) said that there were several ways in which citizenship could be acquired at birth or subsequently, according to either *jus solis* or *jus sanguinis*. The important point was that both parents had equal rights in establishing their child’s nationality. He would provide Committee members with documentation on the issue.

36. Mr. BAKHRONOV (Tajikistan) said that until 2005 it had been very difficult to provide housing in Dushanbe for lack of financial resources. However, with the help of Russian experts a plan had been developed for the city attaching priority to house-building using a combination of State and private commercial funding, and construction and repair had commenced in 2005. Local authorities were allocated 20 per cent of all the housing constructed in their area so as to ensure housing for vulnerable groups and war veterans free of charge.

37. Mr. MAKHMADALIEV (Tajikistan) said steps had been taken to raise the pensions paid to disabled Second World War veterans and to ensure that the pensions would be paid for life.

38. By law, persons with disabilities were entitled to free health care and special treatment in, and transport to, sanatoriums. Three sanatoriums and a special hotel, with a total capacity of 200, were available for disabled Second World War veterans.

39. As to provision for orphans, he said allowances were provided by law, including to children in foster families, but new legislation was being drafted as the current regulations were not sufficiently comprehensive.

40. Mr. TEMUROV (Tajikistan) said disabled Second World War veterans were entitled to regular check-ups by their own doctors and to specialist treatment where particular requirements existed. If necessary they could be admitted to special wards in hospital. The legislation was currently being revised in order to define the category so entitled and to guarantee the provision of medical care.
41. Mr. BAKHRONOV (Tajikistan) said that questions of employment were dealt with on an annual basis, and particular attention was paid to work for persons with disabilities. A quota of jobs had been established and the majority of those had been filled. Many people in other vulnerable categories had similarly been provided with work in the past year.
42. Mr. SHABOZOV (Tajikistan) said that there was no basis for the estimate that there were between 1 and 1½ million Tajik migrant workers. The survey carried out on a biannual basis, by local, regional and national statistical committees, showed that the actual number of migrant workers, who usually went to the Russian Federation, varied between 320,000 and 420,000, based on seasonal fluctuations.
43. Mr. DJONONOV (Tajikistan) said that in July 2002, the Government had decided to prohibit the residence of refugees and asylum-seekers in certain populated areas, in compliance with the law on refugees, to ensure law and order and the security and health of the local population. The original list of restricted areas had been quite long, but it had subsequently been reduced by 30 per cent, and most major cities had been exempted. In compliance with a request by the Office of the United Nations High Commissioner for Refugees (UNHCR), the restrictive measure had been temporarily suspended, and 98 per cent of refugees now lived in Dushanbe.
44. Mr. TEMUROV (Tajikistan) said that there was currently no legislation prohibiting smoking, but it was not allowed in public places such as hospitals and schools. The Government acknowledged that a problem did exist, and one of the main focuses of the programme to develop a healthy lifestyle, which involved a number of ministries and agencies, was combating smoking and the use of snuff or chewing tobacco.
45. Ms. BRAS GOMES said it appeared that, as result of the structural obstacles in the education sector, the younger generations were less educated and skilled than the previous generations. She understood that there had been a decrease in State expenditure on education between 1992 and 2003 as a percentage of gross domestic product (GDP), and wondered whether that trend had been reversed. She wished to know the impact of the 2004 Education Act to promote non-State and fee-paying education services. She wondered whether any targeted measures were being taken to address the specific problems in the rural school system, which resulted in significant youth unemployment. Noting that primary-school attendance rates were low because of the financial difficulties of families, she asked whether any measures were envisaged to provide assistance to those families, such as special education allowances. She expressed concern with regard to the particular difficulties faced by girls, particularly in rural areas, who had a low net enrolment ratio in secondary and tertiary education, and wondered what was being done to improve their situation. She asked whether it was true that children in State care were educated in boarding schools or children's homes, and therefore had little, if any, access to the outside world.

46. She wished to know what follow-up had been given to the 2001 evaluation which had pointed to the need for the creation of a new system of human rights education based on partnership between the Government, NGOs, individuals and the general population.

47. Mr. MARCHAN ROMERO, noting that there were no special programmes for the study of the history and culture of ethnic minorities and that there was no State information programme publicizing efforts to combat prejudice which led to racial discrimination, asked whether the Government had considered drafting a plan to promote inter-ethnic tolerance, which would contribute to the creation of an atmosphere conducive to the development of a human rights culture. Noting that Tajikistan was a party to many international instruments in that area, he wondered whether there was any specific programme or legislation to protect the country's cultural heritage. Finally, he asked what practical measures were being taken to ensure the enjoyment of the right to participation in cultural life, and what percentage of the national budget was spent on culture.

48. Ms. BARAHONA RIERA asked whether the current reform of the health-care system was geared towards greater privatization of health-care services or whether the State would continue to be responsible for the provision of health care. Indicators showed that the level of sexual and reproductive health of women had deteriorated, and she wondered what was being done to address that situation. Finally, she would be interested to hear about the payment of bribes in the public health-care system, and what measures were envisaged to combat the problem.

49. Mr. KHUDOEROV (Tajikistan) said that his Government was working to resolve problems in the education system. Budgetary allocations for education had been increasing every year, and for 2007, funding from all sources would amount to \$506 million, of which \$420 million was from the national budget. In 2005, the percentage of the budget allocated to education had been 19.3, and the figure for the proposed budget for 2007 was 22 per cent. The primary-school attendance rate was very high and was not considered a problem. There was, however, a problem with obtaining textbooks, as they were currently published only in small print runs, but the Government was receiving the support of international organizations in that area, and it was hoped that the question would be resolved shortly. With regard to financial assistance, all students from poor homes received grants, albeit small ones, for textbooks and other expenses. Children with special needs were educated in specialized boarding schools and kindergartens, and the Government would continue to build such facilities.

50. Mr. MAKHMADALIEV (Tajikistan) said that there were two projects, conducted in cooperation with the European Union and Germany, to provide assistance to secondary schools in the form of food aid and technical support.

51. Mr. AMIROV (Tajikistan) said that matters relating to the culture of ethnic minorities were regulated by the Constitution. The Ministry of Culture, with the participation of academics, had drawn up a programme to develop culture, with a particular focus on the cultures of national minorities. Regarding the protection of cultural heritage, a law on the export and import of cultural assets had been enacted in August 2001. As to financing, in 2004, \$13 million had been allocated to culture, while in 2006 the culture budget had been \$17 million. The percentage of the 2007 budget allotted to culture would be 3.6 per cent, up from 2.5 per cent in 2005.

52. Mr. TEMUROV (Tajikistan) said that the privatization of health services was not under consideration, and they would continue to be provided free of charge. The national health budget was complemented by humanitarian and financial assistance from other sources. The main emphasis of the ongoing reform was on primary health care and strengthening financing. Certain categories of patients who would pay for services had been identified, and that revenue would be reinvested in the public health system.

53. Mr. KHAMIDOV (Tajikistan) said that the comments made by Committee members would serve as a basis for continued development. He wished to make it clear that Tajikistan was not a police State. The figures used for the correlation between a policeman's and a teacher's salary were out of date: teachers now earned approximately \$30 a month, which although still very low, constituted a considerable increase in a short space of time. Regarding Uzbek opposition to the current Government, and the high number of Uzbeks detained in Tajik prisons, he pointed out that they belonged to what was generally acknowledged as being a terrorist organization involving Uzbek citizens of Tajikistan, and had been prosecuted in accordance with the law.

The discussion covered in the summary record ended at 12.10 p.m.