

**INFORMATION FROM TAJIK NGOS FOR THE ADOPTION OF
A LIST OF ISSUES FOR THE REVIEW OF TAJIKISTAN'S
SECOND AND THIRD PERIODIC REPORTS ON THE
IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

*Pre-Sessional Working Group of the Committee on
Economic, Social and Cultural Rights, May 2014*

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3. The Public Association Child's Rights Center;
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5. The Public Association Rights and Prosperity;
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7. The Association of Young Lawyers *Amparo*; and
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I. General legal framework for the application of the Covenant in Tajikistan

1. The state Commission on the implementation of international obligations on human rights (hereinafter, the Commission) is responsible for reporting on the enforcement of the ICESCR in Tajikistan. On 30 March 2010 NGO representatives were removed as members in this Commission. Presently there is a practice by the Commission to involve NGOs in the drafting and discussion of national reports to UN treaty bodies. However, the lack of formal provisions on NGO participation in the work of the Commission means that this practice depends on the good will of civil servants. The activities of the Commission are restricted to drafting and submitting reports to UN treaty bodies, and do not include monitoring of the implementation of the concluding observations of treaty bodies. No action plans aimed at the implementation of such observations have been adopted. This is due to inter alia the lack of staff in the Secretariat of the Commission who would deal specifically with the implementation and monitoring of international human rights obligations. National reports to treaty bodies and concluding observations are not widely published. National reports can be found on the web-page of the Human Rights Ombudsman, but concluding observations are not even available there. In general, UN documents related to Tajikistan are published on the web-pages of non-governmental organizations.

2. After the adoption of concluding observations by the Committee on Economic, Social and Cultural Rights following the review of Tajikistan's initial report on the implementation of the ICESCR (E/C.12/TJK/CO/1), the Tajik authorities failed to take the following steps: a) doing an official translation of the concluding observations into the state language, and b) ensuring widespread dissemination of the observations (Par. 78). Also, no national action plan for the implementation of the recommendations was adopted and accordingly no appropriate indicators were developed for monitoring their implementation

Suggested questions to Tajikistan's government:

Please provide information on the steps taken to ensure the implementation of the recommendations of the Committee (E/C.12/TJK/CO/1), including information about procedures and mechanisms that have been developed for monitoring the implementation of the recommendations. How are civil society representatives involved in the monitoring and implementation of the recommendations of the Committee, as well as in the discussion and preparation of periodic reports on the implementation of the ICESCR?

3. According to Article 10 of the Constitution, international legal documents ratified by Tajikistan are an integral part of the national legal system. On 18 November 2013, the Supreme Court Plenum adopted Resolution No 9 "On Application of international legal norms accepted by the Republic of Tajikistan". This resolution provides instruction to courts on the application of international instruments/documents on human rights recognized/adopted by Tajikistan; obliges the Supreme Court of Tajikistan and the Council of Justice department of streamlining international relations and legal acts to provide judges with copies of official translations of international documents (paragraph 16); and

recommends the Learning Centre for Judges of the Council of Justice to focus on teaching norms of international law and international documents recognized by Tajikistan (Para.17). Judges participate in courses at the Learning Centre once every two years. Currently the two-week training program for judges offered by the centre covers only two hours devoted to human rights topics.

Suggested questions to Tajikistan's government:

Please provide concrete examples of the application of the Covenant in domestic courts. Please indicate what measures have been taken to raise awareness of judges, policy makers, law enforcement and other officers, as well as teachers of the rights recognized in the Covenant.

4. The process of drafting laws in the field of human rights does not comply with principles of transparency. In most cases, civil society is not involved in this process or the discussion of draft laws. Public hearings or civil society participation in working groups on drafting/discussion of draft reform documents, programs and laws are only possible when the activities of these working groups are supported by international donor agencies or when civil society representatives learn that laws are being drafted and take the initiative to become involved. National legislation does not establish any obligation for the authorities to publish draft laws. Part 2 of article 5 of the Law "On normative legal acts of the Republic of Tajikistan" adopted in 2009 establishes that "a draft normative legal act **may be (author's note: but does not have to be)** published for public discussion..." The National Legislation Centre under the President of the RT (www.mmk.tj) established in 2009 does not provide information on laws and other human rights documents that are being drafted.

Suggested questions to Tajikistan's government:

Please provide information on the legal and practical frameworks established to ensure the participation of civil society in legislative processes? At which stage and in which ways is civil society engaged in the process of drafting reform documents, programs and laws?

5. The Institution of the Human Rights Ombudsman in the RT that was established in 2008 lacks independence and political will to effectively carry out activities on promotion and protection of human rights. Staff members from the Ombudsman's office is included in government working groups on drafting of national reports for the Universal Periodic Review (UPR) and UN treaty body reviews. During the 2011 UPR of Tajikistan recommendations were made with regard to ensuring accreditation of the Ombudsman's office in compliance with the Paris principles (see the recommendations in paragraphs 88.4-88.7 of the UPR outcome document)¹. Subsequently the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) accredited the Ombudsman's office, assigning it status

¹ Par. 88.4-88.7 of the Report of the Working group on the Universal Periodic Review of Tajikistan, A/HRC/19/3, 12 December 2011.

“B”. The Subcommittee also provided recommendations on the mandate, the selection and appointment procedure, as well as the immunity of the Ombudsman. Presently, our organizations have no information about measures taken to implement these recommendations.

Suggested questions to Tajikistan’s government:

What measures were taken to implement UPR recommendations 88.4-88.7, as well as the recommendations made by the Subcommittee on Accreditation (ICC) with regard to the Ombudsman’s office?

Please also provide information on the activities of the Ombudsman’s office in the field of economic, social and cultural rights, including complaints it has received and actions taken in response to them.

II. Questions relating to the general provisions of the Covenant (Articles 1-5)

Article 2: Non-discrimination

6. In Tajikistan, there is currently no anti-discrimination legislation or plan of action to combat discrimination. Article 17 of the Constitution provides that “All individuals are equal before the law and the courts. The state guarantees the rights and freedoms of every person regardless of nationality, race, sex, language, religion, political beliefs, education, social status and wealth”. Article 143 of the Criminal Code penalizes violations of the equality of citizens on certain discriminatory grounds that are enumerated in the provision. However, this list does not include important grounds such as disability, age, sexual orientation and others.

Suggested questions to Tajikistan’s government:

Please indicate what steps have been taken to adopt comprehensive anti-discrimination legislation and a plan of action to combat discrimination in accordance with the concluding observations of the Committee (Para. 47), the requirements of the Covenant and the Declaration of Principles on Equality.

Protection of social and economic rights of labour migrants

7. In its previous concluding observations (p.p.17, 49), the Committee expressed concern about the situation of Tajik labour migrants in major destination countries, and urged the State party to take effective measures for the promotion and protection of economic, social and cultural rights of Tajik citizens working abroad, including through the conclusion of bilateral agreements with host countries. Existing bilateral agreements with the Russian Federation, which is the main country of destination for labour migrants from Tajikistan, do not provide effective protection of economic and social rights of labour migrants. This is due to the fact that, firstly, these agreements apply only to those categories of labour migrants

who work officially in Russia. Due to the existing quota system for migrants in Russia only some 20% of all Tajik labour migrants in this country have a documented status. Therefore, the remaining 80% of these migrants are not covered by the scope of the bilateral agreements. Secondly, bilateral agreements on labour migration concluded by Tajikistan with Russia and other main destination countries do not adequately reflect the needs of labour migrants with respect to economic and social rights. For example, so far the issue regarding the pension of migrants has not been settled, although more than 1 million of the country's working population is involved in labour migration.

Suggested questions to Tajikistan's government:

Please provide information on the implementation of the intergovernmental agreement between Tajikistan and Russia on the employment and protection of the human rights of Tajik citizens in Russia and Russian citizens in Tajikistan (from 16.10.2004). In particular, please elaborate on the implementation of Article 6 (work experience and social protection); Article 8 (workers' rights and medical service); Article 9 (remuneration of labour); and Article 13 (labour agreement) of this agreement. Please also provide information on measures taken to settle issues related to the provision of pensions to labour migrants from Tajikistan.

Article 3: Equal rights of men and women in the enjoyment of economic, social and cultural rights

8. Tajikistan has developed and approved numerous programs to strengthen the role of women, including by adopting temporary special measures such as quotas. However, an overall gender policy covering all areas of socio-economic and cultural life is still lacking. As a result, laws that are adopted in relation to women's rights are often declarative and mutually contradictive and systematic aspects of gender equality are not adequately taken into account in the development of public policies. For example, rules for the determination and payment of pensions are formulated as either gender-neutral or as providing additional benefits to women. However, the unequal status of women and men in employment and the labour market leads to a significant gender gap in pensions to the detriment of women. Provisions on the right to obtain temporary disability benefits and the algorithm used for calculating the size of such benefits are also formulated in a gender-neutral manner. However, due to the fact that women in Tajikistan are economically less active and often have long breaks in employment for family reasons, unemployment benefits granted to them are significantly smaller than those granted to men. In the context of the continued prevalence of a significant gender gap in carrying out domestic chores, the formal approach to equality present in the labour legislation inevitably creates conditions for indirect discrimination against women and girls, both in the workplace and in education. This problem is especially prevalent since the tradition of early marriage is still strong in Tajikistan and women carry a heavy duty in the family from the onset of marriage.²

² Elena Mezentceva, "Law and Policy of the Republic of Tajikistan in the field of social protection, gender analysis," UN Women, 2012.

Suggested questions to Tajikistan's government:

Please provide information on measures taken to ensure gender expertise of draft laws, existing legislation and the state budget. Does the government's Committee on Women and Family Affairs have the mandate and authority to coordinate, monitor and evaluate government policies implemented at the national, regional and local levels, including by conducting gender assessments?

9. In 2010 the government adopted a national strategy on the role of women for 2011-2020. This strategy is a continuation of a state program to ensure equal rights and opportunities for women and men in 2001-2010. Our organizations do not have any information as to whether an implementation plan for the new strategy has been adopted.

10. An analysis of the previous program for 2001-2010 conducted by the NGO "Panorama"³ highlighted problematic issues such as ineffectiveness of the council tasked with coordinating the program, as well as the use of vague and elusive progress indicators for a short period of implementation. For example, one progress indicator was set as the absence of domestic, psychological violence. Reports on the implementation of national programs such as this one do not make any distinction between women belonging to different age and socio-demographic categories (e.g. under-age girls, young and middle-aged women, older women, rural women, women with disabilities, etc.). As a result, these reports do not provide accurate statistics and distort the relevance of gender issues, especially among vulnerable groups.

Suggested questions to Tajikistan's government:

Please indicate whether recommendations developed as a result of analyses of previous similar development strategies and programs were considered in the process of developing the National strategy for strengthening the role of women in the Republic of Tajikistan for 2011-2020. Please also indicate whether any action plan has been developed to implement the strategy and whether it includes information on the budget, monitoring mechanisms, evaluation and reporting (see paragraph 18, second and third periodic report of the Republic of Tajikistan E/C.12/TJK/2-3).

Articles 6 and 7: Right to labor, as well as decent and favorable working conditions

Unemployment and promoting employment

11. Tajikistan has a high natural increase of population and labour force, while there is a relatively slow growth of newly created jobs. It remains a challenge for the authorities to meet the needs of the population with respect to employment. The officially registered

³ NGO Shadow report on the implementation of CEDAW, Tajikistan, March 2012

unemployment rate is currently slightly more than 2%.⁴ However, experts argue that the actual figure may be up to 9% and, taking into consideration labour migrants, as high as 25%. Research on the workforce has showed that the total number of unemployed people as measured according to ILO methodology is 5-6 times higher than the number of officially registered unemployed people and it has no tendency to decrease.⁵

12. Certain categories of the population do not have any profession or occupation, which affects the level of unemployment in the country. In general, a significant portion of the working population is not ready to work in various sectors of the national economy. The main problems of the modern labour market in Tajikistan are: a) the discrepancy between the high growth rate of the working population and the inadequate pace of creating new decent jobs; b) an increase in the number of graduates with higher education and a lack of openings for professionals with vocational and secondary education; c) a high level of employment in the informal sector and the low level of wages in the formal sector; and d) gender disparities in employment and increase in the use of child labour.

Suggested questions to Tajikistan's government:

Please indicate what systematic measures have been taken to measure the actual level of unemployment and to reduce it. What factual information is used to determine the need for training of professional experts required by the market, in particular experts with vocational or secondary education? What measures are being taken to strengthen and expand the organizational capacity of government employment agencies to ensure effective implementation of programs to promote employment and reduce tensions on the labour market?

Employment of labour migrants

13. The modern model of the Tajik economy is based largely on the export of labour. Thus, in 2013 remittances from migrant workers amounted to almost half (47%) of Tajikistan's GDP, which is one of the highest rates in the world economy. This means that there is a high dependence of the Tajik economy on external factors. Labour migrants remain outside the legal field and currently are not considered a separate category in employment policy and employment. Moreover, the government has not taken any concrete steps to reduce labour migration flows and to create favourable conditions in the country to maintain economic stability.

Suggested questions to Tajikistan's government:

Please indicate how policies in the field of promoting employment and combating unemployment take into consideration labour migration abroad.

⁴ The official unemployment rate (%) is calculated as the ratio of the number of officially registered unemployed to the economically active population.

⁵ The labour market situation in the Republic of Tajikistan according to the Labour Force Survey (June-July 2009) from the Statistical Agency under the President of the Republic of Tajikistan.

Please explain what measures have been taken to reduce labour migration abroad and to create conditions for employment within the country.

Please explain what measures have been taken to reduce risks in the event of changes in the status quo in countries that receive labour migrants from Tajikistan, as well as in the event of a mass return of labour migrants to Tajikistan.

Re-integration of returning labour migrants

14. In 2011, the immigration legislation of the Russian Federation was toughened. As a result, according to the Russian Federal Migration Service 90,000 Tajik citizens were denied entry into Russia in 2013. According to unofficial estimations, this figure may increase to 400,000 in 2014. The Tajik authorities have failed to respond to this recent trend by taking adequate measures to ensure the re-integration of returning migrant workers and those who have been denied entry into Russia. While the situation in Tajikistan is characterized by mass unemployment, and the national economy and private households are largely dependent on remittances from labour migrants, there are few prospects for employment of labour migrants in other countries of destination than Russia. The situation is becoming threatening to the well-being of the population, as well as overall political stability in Tajikistan.

Suggested questions to Tajikistan's government:

Please provide information on the number of labour migrants who have been denied entry into the main country of destination, the Russian Federation. Please inform what measures have been taken towards re-integrating returning migrants or migrants who have been denied entry.

Forced labour

15. Article 8 of Tajikistan's Labour Code prohibits forced labour, except for: 1) work required under the laws on military service; 2) work required in an emergency situation that endangers the life, personal safety or health of the population; and 3) work required as a result of an enforceable court judgment. Work under the last category is performed under the supervision of public authorities responsible for the enforcement of judicial decisions. An individual carrying out court-ordered labour cannot be placed at the disposal of private individuals and firms. The Labour Code does not define "forced labour" and the criminal legislation does not provide responsibility for forced labour. Existing Criminal Code provisions on trafficking (Article 130.1 of the Criminal Code) and coercion (Article 134 of the Criminal Code) do not cover involuntary forced labour or services generally.

Suggested questions to Tajikistan's government:

Please provide information on national legislation relating to the prohibition of forced labour, as well as responsibility for the use of forced labour in accordance with Article 8 of the Covenant and ILO Convention No. 29.

Labour protection

16. The Labour Code contains provisions guaranteeing favourable working conditions. According to Part 6, Article 109 of the Code, favourable working conditions are considered "safe and healthy working conditions (compliance with rules and safety regulations, such as required lighting, heating, ventilation, elimination of the harmful effects of noise, radiation, vibration, and other factors that adversely affect the health of workers)," which are mostly relevant to work in the production sector. There are no specific laws or regulations on health and safety in agriculture. The most intense time for agricultural activity falls under the hottest period of the year, when temperatures can reach up to 50 degrees Celsius. However, there are no requirements in the legislation limiting work outdoors and existing Soviet health standards do not cover all areas and climate conditions in Tajikistan.

Suggested question to Tajikistan's government:

Please indicate what measures have been taken to implement international best practices on the protection and creation of favourable working conditions, using forms and methods of the ILO. Please provide information on the overall number of individual enterprises (so-called Dehkan farms) that hire workers, as well as the number of such enterprises that have been subject to inspection and the results of these inspections.

Decent pay

17. In spite of the Committee's recommendations (Para. 53, E/C.12/TJK/CO/1), no measures have been taken to introduce labour law provisions on minimum wage, which would conform with international standards and requirements (the minimum wage must cover the minimum needs of the employee and his/her family, including subsistence costs and social protection and reflect the level of productivity in accordance with national economic and social conditions).

Suggested questions to Tajikistan's government:

Please indicate whether national legislation establishes a system of determining the minimum wage that takes into account the minimum needs of the employee and his/her family and reflects the social and economic situation in the country? How is the index of retail prices, which serves as the basis for determining subsistence expenses, calculated? What is the size of the consumer basket, established in Tajikistan in 2010, 2011, 2012 and 2013?

18. According to presidential decree № 1493 from 14 August 2013, the minimum monthly wage in all sectors of the economy was to be increased by 25% as of 1 September 2013, and thus set at 250 Tajikistani Somoni (approximately USD 50 at the current exchange rate). However, in practice, this provision is not enforced due to lack of budgetary funds.

Suggested questions to Tajikistan's government:

Please provide information on the measures taken pursuant to presidential decree № 1493 from August 2013.

Arrears in wages

19. According to the Agency for Statistics under the President of the Republic of Tajikistan, the total amount of arrears in wages for work performed in previous years amounted to more than 14.5 million Somoni (more than \$3 million) at the beginning of July 2013. Only in the first half of 2013, the level of arrears grew by 9.1 million Somoni, or 62.6%. Wage arrears in the real sector of the economy increased by 1.5 million Somoni (16.9%), and amounted to more than 11 million Somoni as of the beginning of July 2013. Growing levels of arrears in wages were registered in almost all areas of the real sector, with the greatest increase observed in the manufacturing industry (21.5%).

Suggested questions to Tajikistan's government:

Please provide information on measures taken to eliminate the causes and conditions of permanent wage arrears, as well as their maturity.

Wages for women and men

20. Despite the legal prohibition on gender discrimination in Tajikistan, the level of pay for women is significantly below the level of remuneration for men. Currently the gender gap in wages in Tajikistan is one of the highest among the CIS countries. According to statistics from 2008, women earned on average 60% of what men earned. At the same time, the gap has slightly decreased since the early 2000s (by 10% in the period 2004-2008). One of the main reasons for the existence of the wage gap between men and women is significant *gender segregation* in employment (sectoral, professional and vertical segregation). Women are more often than men engaged in low-paid economic activities. For example, high female employment in low-paid jobs is observed in agriculture. At the same time, the highest paying branches of the economy (such as transport, construction and public administration) employ predominantly men.

Suggested questions to Tajikistan's government:

Please provide information on measures taken to improve the competitiveness of women in the labour market.

Labour protection of pregnant women and women with children

21. Labour legislation provides protection of pregnant women and women with children. This includes a ban on employers to terminate the employment contracts of pregnant women, women with children under the age of 3 if they are single mothers, and women with disabled children under 16 years. Also, on completion of maternity leave, a woman may request leave

to care for her child up to the age of one year and a half with payment of state social insurance during this period. During the maternity leave, her job (position) is secured. Child rearing leave is included in total and continuous work and professional experience. In recent years, a trend has been observed whereby many employers conclude short-term, typically one-year employment contracts, which may be re-negotiated at the end of the set period. Guarantees offered to pregnant women and women with children who are employed under permanent contracts do not cover those hired under short-term contracts of up to one year.

Suggested questions to Tajikistan's government:

Please provide information on how the rights of pregnant women and women with young children are ensured under short-term employment contracts.

Please provide statistical information for the reporting period about court cases on reinstating women belonging to this category on the grounds of illegal dismissal in connection with the termination of fixed-term employment contracts and the re-qualification of the nature of these contracts.

Right to labour of disabled people

22. In recent years, in Tajikistan significant reforms in the social protection of persons with disabilities were carried out. A lot of attention has been paid to the protection, adaptation and rehabilitation of persons with disabilities. At the same time, people with disabilities are still in an extremely critical and vulnerable condition. Most people with disabilities and their families live below the poverty line, and the majority of the disability benefits laid down by law are declarative and are not implemented in practice. As regards employment, a legally stipulated system of job quotas for persons with disabilities is virtually non-functional in practice. Workplaces for persons with disabilities are not adapted to their needs and are not equipped with special devices for the convenience and facilitation of their work.

Suggested question to Tajikistan's government:

Are statistical records kept regarding the employment of persons with disabilities by year, sex, type of work? If yes, please provide relevant statistical information for the reporting period. Please also provide information on the number of persons with disabilities who have undergone training and retraining in the period 2007-2013, broken down by profession. What measures have been taken to encourage employers to employ people with disabilities?

How do the authorities ensure implementation in practice of Article 26 of the Law "On social protection of the disabled", which sets out an obligation for employers to hire persons with disabilities in accordance with a quota-system? Have there been any cases of refusal by employers to hire persons with disabilities on the basis of quotas? Have employers been held responsible for such refusals, including through legal action? If yes, please provide relevant information.

Please provide information about measures taken to ensure the adaptation of workplaces to the needs of persons with disabilities.

Asylum seekers and refugees

23. The Law "On Refugees" from May 2002 requires the state to develop a program of integration of refugees⁶, but so far no such program has been designed. The same law⁷ guarantees refugees the right to receive financial and other assistance, in accordance with a procedure to be established by the government. However, up to now no mechanism for providing financial and other support has been developed and assistance from the state is not provided. No resources have been allocated in the state budget for such payments. Assistance to refugees is mainly provided through the UNHCR office and donor funds. The state does also not provide social benefits to refugees, such as pensions or maternity benefits, and refugees with disabilities do not qualify for benefits foreseen for people with disabilities.

Suggested question to Tajikistan's government:

Please provide information on measures taken to develop and adopt the program for integration of refugees.

24. In its previous concluding observations, the Committee expressed concern about serious problems faced by refugees in finding jobs due to the restrictions established by government resolutions number 325 and 328, according to which refugees and asylum seekers are not allowed to reside in Dushanbe and Khujand nor in most border areas of the country. The Committee recommended the government to consider repealing these resolutions (§ 15, 48, E/C.12/TJK/CO/1). However, the authorities have not taken any steps to comply with this recommendation and the continued implementation of the resolutions negatively affect access to the labour market, health care, education, housing and other services for refugees and asylum seekers. Settlements located nearby administrative centres where refugees and asylum seekers are allowed to reside are overcrowded, which has caused a rise in prices for rental housing and inaccessibility to housing.

Suggested question to Tajikistan's government:

Please provide information on measures taken to abolish government resolutions No 325 and 328 in order to comply with recommendation 48 of the Committee (E/C.12/TJK/CO/1)

Article 8: The right to form trade unions and to strike

The right to strike

25. The Labour Code guarantees the right to strike and sets out that strikes should be conducted in accordance with the law. However there is no relevant legislation regulating strike issues, rallies and demonstrations of trade unions. National legislation stipulates that the right to strike should only be used by trade unions or workers' organizations as an

⁶ Law "On Refugees" of the Republic of Tajikistan, article 12, point 1: 6.

⁷ Law "On Refugees" of the Republic of Tajikistan, article 12, point 1: 15.

exceptional measure in resolving disputes, while the ILO Convention no 87 protects the right of unions to hold peaceful strikes in any cases.

Suggested question to Tajikistan's government:

Does separate legislation exist regulating strikes, rallies and demonstrations of trade unions (in addition to the general rules in the Labour Code)? In which cases are peaceful strikes allowed and what are the procedures for conducting such strikes?

Prohibition of interference in trade union activities

26. Article 4 of the Law "On Trade Unions, their rights and guarantees" prohibits interference in trade union affairs, except as required by law. At the same time, the law does not specify in which exceptional cases interference is allowed and does not establish liability for interference in trade union activities.

Suggested questions to Tajikistan's government:

Please provide information on how the right of citizens to take part in trade union activities is ensured in law and practice, as well as on how employers are held liable for interference in trade union activities. Is there a judicial practice on prosecution of employers for interfering in trade union activities?

Article 9: The right to social service

27. Neither the Law "On State Social Insurance" nor the Concept of Social Protection from December 2006 establishes procedures for the review of social benefits and premiums. They also do not oblige the Social Welfare Fund, the state agency responsible for the management of social protection, to conduct such research. National legislation provides only limited guarantees to citizens with respect to enforcing their right to social protection. . For example, current legislation does not provide for the right to appeal in cases of denial of benefits or the right to complain about the quality or amount of allowances, as required by ILO Conventions.

Suggested questions to Tajikistan's government:

Please provide information on legislation and procedures for reviewing social benefits and social insurance contributions. Is there a system for periodic review of social contributions and benefits and their level? Is the Social Protection Fund required to conduct factual studies before introducing any changes in the scope and level of contributions and benefits? Do individuals qualifying for social protection have the right to appeal against decisions on refusal of benefits, as well as to file petitions about the amount and quality of benefits?

Pensions

28. According to the Law "On Pensions", retirement pensions are set at 55% of earnings, and at 60% for persons who have worked for 25 years (men) or 20 years (women) in the same industry, institution, organization or system (Articles 70 - 86 of the Law). For each full year of service over 25 years (men) or 20 years (women), the pension is increased by 1% of earnings. Persons who currently are entitled to receive retirement pension are mostly individuals with an employment history during the Soviet period who have had a steady income and made stable contributions to the country's social fund during their working years. However, according to official statistics from 2012, these individuals have an average pension of only 82 Somoni (about USD 36)⁸, which equals the minimum pension.

Suggested questions to Tajikistan's government:

Please explain which indicators are used to determine retirement pensions for individuals who have worked 20 or more years prior to 1992 (during the period of the Soviet Union) and who have had a stable and sufficient income. Explain the reasons why this category of individuals receives pensions in the amount of minimum pensions.

Benefits related to pregnancy, childbirth, maternity leave and child care

29. Article 165 of the Labour Code provides for maternity leave and child care leave (see paragraph 59 of the Second and third periodic report of the Republic of Tajikistan, E/C.12/TJK/2-3). According to the State Committee on Statistics, in 2012, 443,800 people were employed in the state sector, 347,700 in the public sector and 1,478,800 in the private sector. There is no information on the number of persons working as registered individual entrepreneurs.

Suggested questions to Tajikistan's government:

Please provide information on the number of – registered individual female entrepreneurs, as well as procedures and mechanisms for calculating maternity and child care benefits in relation to this category of persons. Is there any data on the number of registered female entrepreneurs granted/receiving maternity benefits and/or child care benefits during the reporting period?

Social benefits for women raising children with disabilities

30. Women raising children with disabilities classified as belonging to groups 1 and 2 are typically forced to stay at home to care for their children as social assistance targeted at this category of citizens is inefficient (see paragraphs 209-214 of the Second and third periodic report of the Republic of Tajikistan, E/C.12/TJK/2-3).

⁸ See <http://stat.tj/ru/database/socio-demographic-sector/>.

Suggested questions to Tajikistan's government:

Please indicate whether the authorities take into account the labour performed by parents (women) who care for disabled children at home because of the lack of alternatives. Please provide statistical information about women who stay at home to care for children with disabilities, as well as the measures taken to improve the situation of this category of women.

Unemployment benefits

31. Out of all of those registered as unemployed with the State Employment Service only a small percentage receives unemployment benefits. Thus, in 2009 the number of unemployed persons receiving unemployment benefits was 2300, representing 5% of all registered unemployed people and less than 1% of the total number of people believed to be unemployed in the country.

Suggested question to Tajikistan's government:

Please provide information as to why most people who are registered as unemployed do not receive unemployment benefits.

Indigent citizens

32. Tajik legislation does not define who are considered to be vulnerable individuals. According to official information, indicators and standards for low-income families were developed in 2010 based on government decree № 586 from 30 October 2010 "On the introduction of a pilot mechanism of targeted social support in the Yavan and Istaravshan districts" and "Procedure for the allocation and payment of targeted social assistance"⁹ (see paragraphs 2007 and 2011 of the Second and third periodic report of the Republic of Tajikistan, E/C.12/TJK/2-3).

33. On the basis of a 2011 Resolution of the Minister of Labour and Social Protection, a new methodology was approved for determining the criteria for identifying needy families entitled to social aid. The methodology is based on indicators such as family structure (including the number of family members and persons with disabilities), the possession of certain property, and the type of roofing materials used for the house where the family lives. For families residing in cities, the level of education of the head of household is also considered (this criteria is not applied to families residing in rural areas).

34. In May 2009, the Law "On Living Wage" was adopted. According to this law, families or members of single households are considered indigent if their average per capita income is below the subsistence level. However, no information on the subsistence level has been published, meaning that it is unknown. For this reason, it is impossible to determine who are low-income families/citizens on the basis of this criteria.

⁹ This methodology was effective until 31 December 2012.

Suggested questions to Tajikistan's government:

Please provide information on how low-income families/citizens are defined and what the official policy is with respect to supporting low-income families. How are criteria for the provision of social assistance to the low-income families determined in the absence of unified centralized social standards?

35. According to the Law "On Living Wage" in force since 2009, the living wage includes the cost of the consumer basket and the amount of required payments.

Suggested questions to Tajikistan's government:

Please explain how the living wage is determined, as well as which state body is responsible for determining it and at which intervals? Please also provide information about the size of the living wage for each year of the reporting period.

36. In collaboration with the UNICEF country office in Tajikistan, a department of social protection of mother and child was set up within the Ministry of Labour and Protection in October 2007. Quarterly work plans have been developed on issues concerning the social protection of families and children. The authorities have developed a draft regulation on the provision of social services at home and standardization of social services, as well as a draft indicative list of guaranteed social services to be provided at home, in hospitals and in public institutions where citizens are temporarily accommodated (see paragraph 193 of the Second and third periodic report of the Republic of Tajikistan, E/C.12/TJK/2-3). A presidential decree adopted in November 2013 merged the Ministry of Health with the Ministry of Labour and Social Protection into a new joint Ministry of Health and Social Welfare.

Suggested questions to Tajikistan's government:

Please provide statistical information on the number of Tajik citizens who were in need of social services at home during the reporting period and the number of persons to whom such assistance was provided. How will the department of social protection of mother and child operate in the new conditions following the merger of the Ministry of Labour and Protection with the Ministry of Health? Does the new department have a strategy for ensuring social protection of vulnerable groups (children, women, senior citizens, disabled, etc.)?

Article 10: The right to protection of families and children

Violence against women

37. Domestic violence is a widespread problem in Tajikistan. Weak legal literacy, especially in rural areas, and an increasing number of early, polygamous and unregistered marriages among women aggravate their vulnerability to domestic violence. Despite the severity and extent of the problem, the government of Tajikistan has failed to take adequate measures to

address and prevent domestic violence. In March 2013, a new Law “On the Prevention of Domestic Violence” was adopted. However, the law lacks effective mechanisms of implementation and no sources of funding for its implementation have been identified. Furthermore, the law does not criminalize domestic violence, thus making impossible efforts to prosecute the perpetration of this type of violence. The protection of victims cannot be adequately ensured under the law since the mechanism of protection orders is not duly developed.

38. Crisis centres for victims of domestic violence that have been established in the country operate under NGOs funded by donors. Victims of domestic violence experience problems in obtaining legal support and protection by law enforcement bodies and courts. In providing free legal services NGOs have observed that the provisions of the new law "On Prevention of Domestic Violence" adopted in 2013 have been ineffective in improving the situation in this regard. In the absence of shelters for victims of domestic violence, the latter often reconcile with the perpetrator. Victims of domestic violence are typically economically dependent on the abuser and get little support from relatives or the state. There are no gender-disaggregated statistics on crimes of domestic violence or on court-examined cases related to such crimes.

Suggested questions to Tajikistan’s government:

In the absence of legislative definitions of "family" and "family member", please explain how family violence is defined.

Please provide information about legislative, policy and other measures taken to protect women and girls from violence and the impact of these measures. In particular, please provide information on the implementation of the Law "On Prevention of Domestic Violence", including state budget funds allocated for this purpose and training programs organized for officials responsible for the implementation of the law..

Please provide information on the number of existing crisis centres and shelters for victims of domestic violence that are funded by the state, as well as the number of such centres and shelters that are scheduled to open.

Please indicate whether there are coherent, centralized statistics on the number of victims of domestic violence disaggregated by sex, age, place of residence (urban, rural) and other indicators.

Please provide information on gender-sensitive mechanisms for legal investigation of cases of domestic violence that allow women and their children to receive protection under criminal legislation and civil protection measures.

Please provide information on the number of Ministry of Internal Affairs officials who are working on combating domestic violence, , whether they are full-time employees and how many families each official is responsible for assisting (paragraph 64, second and third periodic report of the Republic of Tajikistan E/C.12/TJK/2 -3).

39. According to the new law "On Prevention of Domestic Violence", Ministry of Interior officials may issue protective orders in relation to individuals who are suspected of committing domestic violence.

Suggested question to Tajikistan's government:

Please indicate whether any mechanism has been put in place to implement the system of protective orders established by the Law "On Prevention of Domestic Violence".

40. While NGO legal aid centres receive a large number of complaints from women abused by their relatives (in most cases by their husbands or mothers-in-law), few victims of domestic violence complain to the police. The country lacks trained law enforcement staff to work with victims of domestic violence.

41. Most court cases on domestic violence initiated under national legislation are cases initiated at the request of victims that are terminated when victims reconcile with the offenders. In some cases, law enforcement officials fail to take adequate measures when receiving complaints about domestic violence, with the argument that "anything can happen in the family."

42. In order to ensure criminal punishment of the perpetrators of domestic violence, victims must overcome a number of obstacles, such as reluctance of police officers to receive and consider complaints, impolite treatment by officials, numerous gruelling and pointless questions, late referral to a medical examination, traumatic confrontations and lack of adequate protection of victims¹⁰. National legislation does not provide for free legal assistance to victims of this category.¹¹

Suggested questions to Tajikistan's government:

Please provide information on the legislation and practice of providing free legal assistance to victims of domestic violence.

Polygamy

43. There is a widespread practice of polygamy in Tajikistan. Additional marriages are conducted through the religious ceremony called "Nikoh", which is not officially recognized by the state. These marriages are not registered with the relevant authorities. There have been individual cases facts where individuals have been brought to justice for bigamy or

¹⁰ See NGO report on Tajikistan's implementation of the Convention against Torture and other Cruel, Inhuman or degrading treatment or punishment, 2012, p.107-120. This report is available at http://notabene.tj/documents/centr_asia_v_un/tajikistan/d_v_un/CAT%20Shadow%20Report%20Tajikistan%20Final%20ENGLISH.pdf

¹¹ Information provided in the Second alternative Tajik NGO report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, March, 2012, p.16.

polygamy. Women in unregistered marriages ("nikokh) face problems e.g. with registering at the "spouse's" place of residence and dividing property¹².

Suggested questions to Tajikistan's government:

Please provide information on legislative and practical measures taken to reduce the level of unregistered marriages, to change attitudes to family formation, the role of women in society and in the family, as well as to protect the interests of women in unregistered marriages ("nikokh").

The impact of labour migration on the welfare of the families of migrant workers remaining in Tajikistan

44. During the last few years, the negative effects of labour migration in Tajikistan have been increasing. In particular, there is an increasing number of families abandoned by male migrant workers that are in a vulnerable situation as their only source of income has been the remittances sent home by the male family members working abroad.

45. According to an IOM study¹³, women and children from families abandoned by migrant workers live in acute poverty and inadequate housing conditions, nurturing themselves on what they grow and occasionally getting help from relatives. According to UNICEF¹⁴, children from migrant families abandoned by migrants eat worse than children from families of working migrants or families without migrants and they are forced to engage in the informal sector of employment. Policies and programs in the field of labour migration, employment and development do not consider families who have lost access to remittances of labour migrants that they were dependant on as a separate category of vulnerable individuals and do not provide for specific measures to support these families.

Suggested question to Tajikistan's government:

Please provide statistical data on the number of families abandoned by labour migrants over the past 4 years.

Please provide information about how various policies and programs in the field of employment, labour migration and development take into account family members of labour migrants who are dependent on remittances.

¹² Information provided in the Second alternative Tajik NGO report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, March 2012, p.17.

¹³IOM study on the socio-economic characteristics of abandoned wives of Tajik labor migrants and their capacity for survival, IOM Dushanbe 2008.

¹⁴UNICEF study on "The impact of labor migration on the children of migrants remaining in Tajikistan", UNICEF Tajikistan 2011.

De-institutionalization

46. The practice of placing children from needy families in state-run boarding schools (orphanages) is regarded as a form of social support in the child's upbringing and maintenance. Attempts to carry out "de-institutionalization" of such facilities have not been successful, and at present there is no government policy to this end.

Suggested questions to Tajikistan's government:

Please provide information on the assistance provided to families to enable children to grow up in the family, instead of placing them in boarding schools from an early age. Please provide information on measures taken to promote de-institutionalization in this area.

Article 11: The right to an adequate standard of living (food, clothing and housing)

Access to electricity

47. Tajikistan is one of the world's leading countries in terms of hydropower potential. However, during the last 20 years, the country has constantly experienced shortages in electric power supply in the autumn-winter period, with restrictions on public access to electricity. According to official information made public in November 2013, electricity supply will be ensured during no less than 9 hours per day in all regions of the country.¹⁵ 37. It was stated that power supply will be guaranteed from 05:00 to 09:00 in the morning and from 17:00 to 22:00 in the evening. However, this promise was fulfilled only during the first 10 days after the announcement. Subsequently, the supply of electricity in major cities (except Dushanbe) was limited to 7 to 12 hours per day, while rural areas have received at the most up to 5 hours of electricity a day, despite the fact that 70-75% of the population live in rural areas.

48. The system for distribution and supply of electricity remains non-transparent.. According to official information, energy is provided through a kilowatt/hour regime. This means that each region of the country is allocated the same amount of electricity, but its distribution occurs at the local level. The population does not have any say with regard to the schedule for electricity supply. It is unclear on what basis commercial structures often have longer access to electricity than the general population.

49. The Strategy on promoting the welfare of the population adopted by the government for 2013-2015 provides for measures to increase the time of electricity supply to the population to up to 24 hours per day. However, in practice these measures are not being realized.

¹⁵ See <http://www.barkitojik.tj/index.php/tg/ct-menu-item-24/ct-menu-item-19>.

Suggested questions to Tajikistan's government:

Please provide information on measures taken to implement the objective of increasing electricity supply for the population to up to 24 hours a day, which was set out in the government Strategy on promoting the welfare of the population of Tajikistan for 2013-2015.

Please provide information on the mechanisms used to determine energy distribution in cities and regions, as well as on measures to inform citizens about how electricity supply schedules are established.

Please provide information on the number of hours a day the country's urban vs. rural population has received electricity in the fall and winter of 2013-2014.

Access to drinking water

50. As much as 40% of Tajikistan's population has no access to safe drinking water and only 3% has access to sewage infrastructure. The population in rural areas mainly use water from sources such as springs, wells with hand pump (Havz), ditches, canals, precipitation and/or buy delivered water. As evidenced by the frequent occurrence of infectious diseases, water used from most of these sources is not safe and poses a serious threat to a large number of the population. It should be noted that virtually all water supply infrastructure is worn out to more than 70%, as it has been in operation for the last 30-50 years¹⁶.

51. There is a problem of lack of human, technical and financial resources of the government Sanitary Epidemiological Station (SES) for the conduct of regular analyzes of drinking water quality. There is also no information regarding the acquisition of chlorine by drinking water suppliers. A matter of serious concern is rural sanitation - lack of safe toilets in schools, hospitals and households, which undermines the health level of the population.

52. The public and stakeholders such as NGOs, international organization and investors do not have access to statistical information about water supply, and no transparent and systematic gathering of information in this area is taking place. An analysis of various sources shows that the same statistics are repeated from year to year in various government programs, concepts and reports.

Suggested questions to Tajikistan's government:

Please provide information about water supply projects implemented over the past 3 years, indicating the financial contribution made by the state, international donors and investors.

Please provide detailed information about the status of drinking water quality control and explain challenges in this field. What measures are being taken by the government to improve sanitation and hygiene in rural areas, particularly in medical and educational institutions?

¹⁶ The study on "Water and sanitation in Tajikistan: Trends and Recommendations" conducted by Oxfam GB in 2010, p.11-12.

Please provide information about measures taken by the government to improve the collection of statistics in the field of water supply. How is this information made accessible to the public and other stakeholders?

Homelessness

53. National legislation does not provide any definition of the term "homeless person", and no statistical information is available as to the number of such persons. The legislation also does not contain any provisions on ensuring access to housing for homeless citizens and there are no specialized shelters or social centres for the homeless. Due to the lack of at least temporary accommodation for homeless people, they are particularly vulnerable to violence, threats and harassment.

Suggested questions to Tajikistan's government:

Please provide information on any legislative and practical measures taken to introduce a system for registering homeless people, as well as on the existence of housing and social centres for the homeless.

Social housing

54. The legislation of Tajikistan does not provide for any definition of affordable housing for vulnerable and socially disadvantaged groups such as "social housing". There is no comprehensive policy approach aimed at improving living conditions and providing access to adequate housing for socially disadvantaged groups. There are only some legislative acts on improving the housing conditions of certain categories of citizens, in particular, government officials, veterans, and people working in education..

Suggested questions to Tajikistan's government:

Please provide information on measures taken to consolidate the legislative concept of "social housing"; state budget funds allocated for social housing construction in the past 5 years,; and the number of persons or households who have benefited from social housing provided by the state. What is the proportion of social housing in the total housing stock?

Mortgage lending for housing

55. As previously, the institute of mortgage lending remains undeveloped in Tajikistan.¹⁷ Interest rates of banks issuing mortgages are very high, and the amount of loans is limited. The period for which credits are granted is not long: on average, many banks and lending institutions issue mortgage loans for no more than 5 years. Repayment within a specified period for the socially disadvantaged is unreal. Down payment is often unaffordable for many low-income families, who seek the services of mortgage lending because of the lack of

¹⁷ National reviews of the housing sector by the European UN Commission for Economic Development, 2011. .

own funds to purchase housing. In addition, the Law "On Mortgage" (2008) does not mention the poor or vulnerable, as the persons entitled to benefits in obtaining credit.

Suggested question to Tajikistan's government:

Please provide information on access to mortgage lending for the purchase of property by socially disadvantaged groups.

Forced evictions

56. According to an order issued by the mayor of Dushanbe, a total of 68 one- two- and three-storey residential buildings will be demolished in the city in the period July 2012– December 2014. In recent years, the policy of compensation in cases of demolition of houses has significantly improved for property owners. Construction companies are buying demolished houses at market prices or provide alternative housing to residents in newly built houses. At the same time, cases where demolished apartment buildings are replaced with public facilities remain problematic. In these cases, the residents are compensated for their property according to market prices.. However, as housing property in demolished buildings typically is of a small size (30-60 square meters), the compensation the owners receive does not allow them to purchase other premises (that are in a better state).

Suggested question to Tajikistan's government:

Please provide information on measures taken to protect the rights of citizens in the case of forced evictions of the residents of housing facilities for state and public needs, as well as in case of demolitions of houses for the purpose of constructing new ones.

Article 12: Right to the highest standard of physical and mental health

Mental health

57. In its previous concluding observations, the Committee expressed concern that the amount of annual government allocations for public health has declined sharply, from 6% of the GDP in 1992 to 1% in 2006 despite GDP growth. The lack and poor quality of public health facilities may adversely affect in particular the health of low income groups and the rural population¹⁸. According to information from 2010, health expenditure constituted 2% of the GDP¹⁹, and only 6% of the national budget was spent on health care costs, which is lower than in other transition countries in Europe and Central Asia. In 2008, Tajikistan spent only \$6.10 per capita on health care, which was the lowest indicator in the European and

¹⁸ Concluding Observations on Tajikistan adopted by the Committee on Economic, Social and Cultural Rights, 24 November 2006 E/C.12/TJK/CO/1

¹⁹ World Bank, Health expenditure, total percentage of GDP. See <http://data.worldbank.org/indicator/SH.XPD.TOTL.ZS>.

Central Asian region²⁰. Expenditures for health care services in other low-income countries are on average four times higher than in Tajikistan²¹.

Suggested question to Tajikistan's government:

Please provide information on measures taken to implement the recommendations of the Special Reporter on the right of everyone to the highest attainable standard of physical and mental health Anand Grover following his visit to Tajikistan in May 2012 (A/HRC/23/41/Add.2). Please elaborate on measures taken to implement the recommendations of the Committee, the Special Reporter and the WHO guidelines on the allocation in the state budget of specific funds for mental health care in the health sector.

Please provide information on measures taken at national, regional and local levels to reduce the role of hospitals and strengthening the use of primary care in the area of mental health care.

Please describe any policies or strategies developed for further reform in the field of mental health.

Please provide statistical information on the number of persons forcibly hospitalized, as well as court decisions on such hospitalizations by year, sex and age for the reporting period.

58. In accordance with the Law "On Psychiatric Care", a person may be forcibly held in a psychiatric institution for up to four days before a request is made to court to sanction his or her hospitalization. However, the Civil Code states that a request for involuntary hospitalization must be made to court within 48 hours from the time a citizen is brought in to a psychiatric hospital. Thus, the time requirement established by the two laws for when a case needs to be referred to court differs with two days (48 hours).²²

Suggested questions to Tajikistan's government:

Please provide information on measures taken to harmonize legislation on mental health. Please provide information on how internal instructions and regulations on the use of physical restraint and confinement of patients in psychiatric institutions meet ethical and human rights standards.

Please provide information about the provision of alternative forms of treatment to mental care patients, in particular, outpatient treatment and community rehabilitation.

Please provide information on whether any mechanisms are in place to investigate allegations of abuses committed against patients in psychiatric institutions. What measures have been taken to prevent such abuse?

²⁰ Khodjamurodov and Rechel, Tajikistan: Health System Review (see footnote 1), p. 133.

²¹ WHO, World Health Report 2010: Health Systems Financing: The path to universal coverage (Geneva, 2010), p. 22. Available at www.who.int/whr/2010/en/index.html.

²² Report on the monitoring results of the project "Promoting the prevention of torture and other cruel and degrading treatment or punishment in institutions" by the Bureau for Human Rights and Rule of Law, 2012.

Please explain how the provision of mental health care and involuntary placement in psychiatric hospitals is supervised.

59. In its concluding observations, the Committee expressed serious concern about the high mortality rate among mothers and children in Tajikistan, which is the highest among the OSCE countries, and the reduction of life expectancy at birth²³.

60. A study conducted by UNICEF in the Tajik regions of Sughd and the Districts of Republican Subordination in 2012 revealed that 43.5% of all neonatal deaths were caused by poor prenatal care, despite the fact that 77% of mothers of children who died received some prenatal care. Factors related to inadequate prenatal care in Khatlon and Dushanbe accounted for 32% of neonatal deaths. The Strategic plan on reproductive health for 2005-2014, which was adopted by the government in August 2004, aims at reducing maternal and neonatal mortality by improving access to safe services and emergency obstetric care.

Suggested question to Tajikistan's government:

Please provide information on measures taken to reduce infant and maternal mortality.

61. Lack of registration at the place of residence (“propiska”) is a barrier to accessing health care services for vulnerable groups of the population. According to paragraph 3 of the Regulation on the delivery of health services to citizens by public agencies, the basic condition for providing free health care is that citizens present a referral from a family doctor, a local general health practitioner, a paediatrician, obstetrician- gynaecologist or a territorial health body, and conclusions from a local medical control commission. All of these documents are issued at citizens’ place of residence. According to the State program on public primary health care in 2012-2013, citizens who do not have a referral from family physicians, general practitioners, paediatricians and obstetrician-gynaecologists, must cover expenditures for specialized care themselves, including laboratory diagnostic tests according to a price list approved by the Ministry of Health and the Antimonopoly Agency in the prescribed manner (§1, p. 4).

62. As a result of this policy approach, citizens are not able to access cost-free health services without a residence registration and the required documentation even if they would qualify for such treatment on the basis of their social status. This seriously reduces access of the population to quality health care, especially among women and children.

Suggested question to Tajikistan's government:

Please provide information on measures taken to ensure access to reproductive health.

²³ Concluding Observations on Tajikistan adopted by the Committee for Economic, Social and Cultural Rights, 24 November 2006 (E/C.12/TJK/CO/1).

Articles 13-14: The right to education and free compulsory general education

Pre-school education

63. The number of 14- year old children attending school increased from 88% in 2007 to 95% in 2009. However, the number of children attending pre-school institutions remains low and constituted only 9% in 2012. An acute shortage of preschool institutions is observed in cities, while no such institutions exist in remote regions.

Suggested question to Tajikistan's government:

Please provide information on measures taken to ensure sufficient availability of kindergartens, especially taking into account vulnerable groups such as children with disabilities, poor children, children of labour migrants etc.

64. The Constitution of the Republic of Tajikistan and other legal regulations stipulate that primary and secondary education in public schools is free. However, in practice, all schools charge fees for extra lessons that are being introduced in all schools in the country. Each school determines the costs for additional classes. For example, in Dushanbe it varies from 30 to 50 Somoni (around \$10).

Suggested question to Tajikistan's government:

Please provide information on the introduction of additional classes in secondary schools and explain whether these lessons are mandatory or optional, and whether the parents pay for them.

65. There is lack of qualified psychologists in public schools and kindergartens. In some schools, this function is performed by primary school teachers with the argument being that they have a degree in pedagogy-psychology. However, this work load is additional to the primary responsibilities of the teachers and they cannot always provide expert assistance to children.

Suggested questions to Tajikistan's government:

Please provide statistical information on the number of trained pedagogues-psychologists and explain whether there are separate positions of child psychologists in general education schools and kindergartens, and whether psychologists undergo trainings to improve their qualifications and, if so, how often.

66. Children are admitted to public schools strictly at the place of residence, which limits the right of children and their parents to choose educational institution. Children who do not have a residence permit have limited access to education. Because of the low level of teachers' salaries, an acute shortage of trained personnel exists in schools.

Suggested questions to Tajikistan's government:

Please provide information on measures taken to ensure that educational institutions are staffed with adequately trained personnel, as well as on training programs for teaching staff.

67. There is an acute shortage of textbooks in public secondary schools. Mainly old textbooks are used that are lent to students for a fee. Parents are obligated to purchase missing textbooks. Vulnerable groups of children are not eligible for any benefits and due to the lack of books children from poor families cannot fully benefit from the school program.

Suggested questions to Tajikistan's government:

Please provide information on measures taken to ensure sufficient availability of textbooks in public secondary schools.

Education in the juvenile justice system

68. Children accused of committing criminal offenses who are held in detention have limited access to education. Children accused of serious or particularly serious crimes can be held in remand prisons until a court has handed down a sentence in their cases.

Suggested question to Tajikistan's government:

Please provide information on the access to education of children held in pre-trial detention.

The right to education of children with disabilities

69. National legislation guarantees inclusive education for children with disabilities, allowing disabled children to attend general preschools and schools, where special conditions for these children must be put in place. In 2011 the National concept of inclusive education for children with disabilities was adopted for the period 2011-2015. However, despite this, the concept of "special education" remains widespread in Tajikistan, whereby children with disabilities are educated in special institutions.

Suggested questions to Tajikistan's government:

Please provide information on measures taken to implement the National Concept for inclusive education for children with disabilities for 2011-2015.

Please provide information on the number of a) special institutions for the education of children with disabilities (by region) and the number of children with disabilities who received education in these institutions (by sex), b) children with disabilities who are educated in general preschools and schools, c) children with disabilities who are home-schooled, and d) children with disabilities of school age who are not enrolled in schools at all.

Please provide information on efforts made to create conditions in general kindergartens and schools for the education of children with disabilities (such as the acquisition of special furniture for children with musculoskeletal disorders, the use of specialized literature for visually impaired and blind children, the use of sign language and other training devices for children who have impaired hearing or are deaf etc.).

Please provide information on the availability in schools of specially trained tutors, teachers and other education professionals to work with children with disabilities.

Please provide information on public programs for the education and professional development of teachers and educators working with children with disabilities, as well as on guidelines for work in this area.

Access of national minorities to education

70. Ethnic minorities have limited access to quality education. Over the last 5 years, there has been reduction in the number of schools and classes where Uzbek, Kyrgyz and Turkmen are used as the languages of instruction. There is also a lack of textbooks in the native language of national minorities.

Suggested questions to Tajikistan's government:

Please provide information on any government programs developed to ensure access of national minorities to education, the number of schools and classes where teaching is in minority languages, as well as efforts made to ensure that such instruction is carried out by teachers with higher pedagogical education and through the use of relevant training materials.

71. In 2009 a new law "On the state language of the Republic of Tajikistan" was adopted, but no effective mechanisms are in place for the implementation of this law. The Development program of the state language adopted for the period 2012-2016 is expected to play an important role in improving the process of learning the state language. However, at this stage no information on the implementation of the program is available and no monitoring and evaluation of the program is carried out. There is a limited offer of Tajik language courses, in the context of which it is possible to get qualified methodological assistance in learning the state language. Teaching of the state language in schools where Russian, Uzbek, Kyrgyz and other minority languages are used in instruction is on a low level.

Suggested questions to Tajikistan's government:

Please provide information on the implementation of the Action Plan for the State Language Development Programme for the period 2012-2016 and related efforts to improve teaching in schools with non-Tajik instruction, including by improving state language training programs for national minorities and training of teachers in such programs, creating a focal point for training and retraining teachers of the Tajik language and developing methodologies for teaching the state language etc.