

Joint NGO submission for the review of Tajikistan by the CESCR

Pre-sessional working group meeting, May 2014:

Summary*

This document summarizes key issues in the joint report submitted to the CESCR by the following Tajik NGOs: The Bureau on Human Rights and Rule of Law; the Human Rights Center; the Child's Rights Center; Nota Bene; the Rights and Prosperity Association; the Independent Centre of Protection of Human Rights; the Association of Young Lawyers *Amparo*; and the Society of Persons with Disabilities *Imkoniyat* ("Opportunity").

Lack of non-discrimination legislation

There is currently **no comprehensive anti-discrimination legislation in Tajikistan**, although the Constitution prohibits discrimination and the Criminal Code provides for penalties for "violating the equality of citizens" on certain grounds.

Polygamy

Polygamy continues to be practiced in Tajikistan. Men who are already married enter into additional marriages through the "Nikohk" religious ceremony. These marriages are not recognized by the state. Women in unregistered marriages are in a weak legal position and face difficulties e.g. with respect to obtaining residential registration and exercising property rights. There have been only isolated cases where individuals have been brought to justice for bigamy or polygamy.

Domestic violence

Domestic violence is a widespread problem in Tajikistan. Legal illiteracy, especially in rural areas, and an increasing number of early, polygamous and unregistered marriages aggravate the vulnerability of women to domestic violence.

A new law on preventing domestic violence was adopted in March 2013. However, **effective mechanisms and resources for its implementation are lacking**. The law also has **significant shortcomings**. In particular, it did not criminalize domestic violence nor provide for a well-developed mechanism of protection orders for victims, both of which undermine efforts to prosecute this type of violence. 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 file complaints with the police**. There is a lack of trained law enforcement officials to work with victims of

domestic violence, as a result of which victims often do not receive adequate assistance when turning to police. They face, for example, reluctance to receive and consider complaints, late referral to medical examinations etc. Crisis centres for victims of domestic violence existing in the country are run by NGOs.

Inequality of women in the labour market

Despite the adoption of strategies and programs aimed at strengthening the role of women in society, an overall gender policy is still lacking in Tajikistan. As a result, gender equality aspects are not adequately taken into account in the development of public policies, e.g. labour policies.

The **gender gap in wages in Tajikistan is one of the highest among the former Soviet Union countries**: on average women earn only some 60% of what men earn. A major reason is significant gender segregation in employment. In particular, women are more often than men engaged in low-paid jobs, e.g. in agriculture.

Pensions and other social benefits are allocated without due consideration of the specific situation of women, e.g. lack of paid work for long periods of time due to family reasons. Women hired under short-term labour contracts, which have become increasingly common in the recent period, do not enjoy the same protection as other women when they have children.

Labour migrants and their families

Labour migration from Tajikistan remains extensive due to the lack of economic opportunities in the country. According to [statistics](#) from Tajik migration services, some 800.000 labour migrants left Tajikistan in 2013. The **Tajik economy remains highly dependant on remittances sent home by labour migrants**. In 2013 such remittances amounted to about half of Tajikistan's GDP, which is one of the highest rates in the world.

Tajik labour migrants primarily go to Russia, where more than a million Tajik migrants currently are working according to [figures](#) from Russian authorities. **Many labour migrants do not have a documented status** due to problems with obtaining work permission within established quotas and are therefore especially **vulnerable to exploitation and human rights violations**. While Tajikistan has concluded bilateral agreements with Russia on the rights of labour migrants, these agreements only apply to registered migrants and do not provide adequate protection. The Tajik authorities have taken no effective measures to regulate labour migration or to ensure the re-integration of labour migrants who return to the country at their own initiative or who are sent back.

There are an **increasing number of families abandoned by male migrant workers** who are struggling to make ends meet as their only source of income has been the remittances sent home by the male family members working abroad. These families do not benefit from any specific state support programs.

Unemployment and lack of labour-related socio-economic protection

Tajikistan has a high rate of natural increase of the population and the labour force, while there is a relatively slow growth of new jobs, in particular qualified jobs for those with higher education. While the official **unemployment rate** is very low, it is **estimated that the real one may be as high as 25%** (if labour migration is taken into account).

An overwhelming majority of all unemployed people **do not receive any unemployment benefits**, while most retired people receive a **minimum pension** of only 82 Somoni (less than 15 EUR according to the official exchange rate).

Significant wage arrears remain a problem in most sectors of the economy. According to official information, the total amount of wage arrears amounted to more than 14.5 million Somoni (more than 2 million EUR) at the beginning of July 2013.

The Tajik authorities have **failed to comply with recommendations** made by the Committee on Economic, Social and Cultural Rights during its previous review to **introduce labour law provisions on minimum wage consistent with international standards and requirements**. A presidential decree adopted in August 2013 stipulated that the minimum monthly wage in all sectors of the economy was to be set at 250 Tajikistani Somoni (about 35 EUR according to the official exchange rate). However, in practice, this provision is not enforced. Many also work in the informal, unregulated sector.

Disabled people

In recent years, the Tajik authorities have paid increasing attention to issues concerning the protection, integration and rehabilitation of persons with disabilities. In spite of this, the situation of disabled people remains extremely difficult. **Most disabled people and their families live below the poverty line, and most disability benefits laid down by law are not granted in practice**. A legally stipulated system of job quotas for persons with disabilities is virtually non-functional in practice and workplaces for persons with disabilities are not adapted to their needs. While a national strategy for inclusive education for children with disabilities was adopted in 2011, most children with disabilities continue to be educated in separate institutions.

Education

Tajikistan's legislation guarantees free primary and secondary education in public schools. However, in practice, **schools charge fees for classes they offer in addition to the basic curriculum. Textbooks are also lent to students for a fee, and parents are obligated to purchase part of the books used**. Children from poor families who cannot afford to buy the required textbooks cannot fully benefit from the school program. Because of the low level of salaries paid to teachers, there is an **acute shortage of qualified pedagogical staff in schools**.

The situation concerning access to education for **ethnic minorities** is particularly worrisome. In addition to the lack of teachers and textbooks for instruction in the languages of minorities, there has been a **reduction in the last few years of the number of schools and classes where instruction is held in minority languages**, such as Russian, Uzbek, Kyrgyz and Turkmen.

Access to health care, safe drinking water and electricity

Tajikistan spends less on public health care than other countries in the region. According to [statistics from 2011](#), only 6.2% of total government expenditure went to health services, which corresponded to less than 2% of the country's GDP. While an average of 57% of all health care expenditure was provided by the government in the other Central Asian countries, this figure was only 30% in Tajikistan. There are concerns that **infant and maternal mortality rates remain relatively high** despite a significant decrease over the past two decades. According to the [most recent figures](#) from UNICEF, infant mortality is 14 per 1,000 children and the maternal mortality rate (adjusted) 65 per 1,000 women. In some regions of the country, over 40% of all cases of neonatal deaths (within the first 28 days) have been found to be attributable to the **poor quality of obstetric care. Lack of registration at the place of residence** ("propiska") is a **barrier to accessing health care** services for vulnerable groups of the population.

Restrictions on public access to electricity continue to be enforced in the autumn-winter period due to chronic shortages in electric supply. These restrictions affect in particular residents in rural areas, where over 70% of the population lives. Although an official announcement made in November 2013 stated that electricity would be ensured during no less than 9 hours a day in all regions of the country, in subsequent months access to electricity was limited to at the most 5 hours a day in rural areas. The system for distribution and supply of electricity remains non-transparent.

As much as 40% of Tajikistan's population has no access to safe drinking water. Residents in rural areas frequently use water from unsafe sources, such as canals or wells, resulting in widespread occurrence of infectious diseases. Most of the country's water supply infrastructure is heavily worn as it has been in operation for 30 years or more.

* This summary has been prepared by International Partnership for Human Rights (IPHR, Brussels) as part of a joint project with Nota Bene, the coordinator of the Tajik NGO coalition submitting the joint CESCR report. For more details, please refer to the full report.