

Distr.: General  
9 November 2018

Original: English

**ADVANCE UNEDITED VERSION**

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

### **Concluding observations on the sixth periodic report of Tajikistan\***

1. The Committee considered the sixth periodic reports of Tajikistan (CEDAW/C/TJK/6) at its 1643rd and 1644th meetings (see CEDAW/C/SR.1643 and 1644) held on 31 October 2018. The Committee's list of issues and questions is contained in CEDAW/C/TJK/Q/6 and the responses of country are contained in CEDAW/C/TJK/Q/6/Add.1.

#### **A. Introduction**

2. The Committee welcomes the submission by the State party of its sixth periodic report. It also appreciates the State party's follow-up report (CEDAW/C/TJK/CO/4-5/Add.1) and its written replies to the list of issues and questions raised by the pre-session working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party's delegation, which was headed by Mr. Yusuf Rahmon, Prosecutor General, and included the Head of the Executive Apparatus of the President of Tajikistan, the Director of the Agency for Statistics under the President of Tajikistan, the Chairman of the Committee on Women and Family Affairs and representatives of the Permanent Mission of the Republic of Tajikistan to the United Nations Office and other international organizations in Geneva.

#### **B. Positive Aspects**

4. The Committee welcomes the progress achieved since the consideration in 2013 of the State party's combined fourth and fifth periodic reports (CEDAW/C/TJK/CO/4-5) in undertaking legislative reforms, in particular the adoption of:

- (a) The Constitutional Law on Nationality (2015);
- (b) The Law on combating human trafficking and providing assistance to victims (2014);
- (c) The Revised Law on Refugees, in 2014;
- (d) The Revised Law on State Registration of Civil Status.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

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\* Adopted by the Committee at its seventy-first session (22 October-9 November 2018).

- (a) The State Programme for the education, selection and placement of capable women and girls in leadership positions for 2017-2022 (2017);
- (b) The Presidential decree aiming to attract women to civil service (2017);
- (c) The State programme to counteract the HIV/AIDS endemic for 2017-2020 (2017);
- (d) The State programme for the prevention of mother-to-child transmission of HIV for 2017-2020 (2017);
- (e) The National plan of action on the sexual and reproductive health of mothers, newborns, children and adolescents for 2016-2020 (2016);
- (f) National plan of action for the prevention of human trafficking for 2016-2018 (2016);
- (g) Government decision on the establishment and award of Presidential grants to support and develop women's entrepreneurial activities for 2016-2020 (2015);
- (h) The National strategy and plan of action on promoting the role of women for 2015-2020 (2015);
- (i) The National plan of action for implementing the recommendations of the Committee concerning the combined fourth and fifth periodic reports of the State party (2014);
- (j) The State programme for the prevention of domestic violence for 2014-2023, (2014);
- (k) The State programme on combatting human trafficking for 2014-2016 (2014);
- (l) The National plan of action for implementing Security Council resolutions 1325(2010) on women and peace and security, and 2122(2013) aiming to strengthen women's role in all stages of conflict prevention.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

- (a) The Convention on the Prevention and Punishment of the Crime of Genocide, on 3 November 2015;
- (b) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 22 July 2014.

### **C. Sustainable Development Goals**

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance and the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

### **D. Parliament**

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, annex IV to E/CN.6/2010/CRP.2). It invites the Majlisi Oli (parliament) in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

## E. Principal areas of concern and recommendations

### Withdrawal of declaration

9. The Committee expresses concern about the declaration made by the State party upon accession to the Optional Protocol to the Convention to the effect that it would not recognize the competence of the Committee under articles 8 and 9 of the Optional Protocol.

**10. The Committee recommends that the State party consider withdrawing its declaration to the Optional Protocol to the Convention.**

### Definition of discrimination against women and legislative framework

11. The Committee notes that the State party's legislation prohibits all forms of discrimination, including discrimination based on sex. It welcomes the establishment of an interdisciplinary working group with a view to formulating a separate anti-discrimination law. The Committee, however, remains concerned that the definition of discrimination, contained in the current legislation does not include direct and indirect discrimination (CEDAW/C/TJK/CO/4-5, para.9). The Committee is further concerned at:

(a) The absence of information as to whether the Convention is directly applied or invoked in court proceedings;

(b) The fact that State party's legislation, policies and programmes do not adequately take into account specific needs of women and girls;

(c) Reported lack of knowledge on women's rights and on gender equality among civil servants.

**12. The Committee recommends that the State party:**

(a) **Accelerate the adoption of the anti-discrimination legislation and ensure that it contains a comprehensive legal definition of discrimination against women in line with article 1 of the Convention, covering both direct and indirect discrimination, and that such legislation prohibits intersecting forms of discrimination;**

(b) **Strengthen capacity-building for members of the judiciary and legal professionals on how to invoke or directly apply the Convention, or interpret national legislation in the light thereof, in court proceedings;**

(c) **Apply a gender-sensitive approach in the implementation of its legislation, policies and programmes to ensure that they sufficiently address pre-existing gender inequalities and disparities and the needs of vulnerable groups of women and girls;**

(d) **Intensify existing awareness-raising initiatives and provide gender training to enhance knowledge on women's rights and gender equality among relevant stakeholders, including government and law-enforcement officials, parliamentarians, judges, lawyers, education and healthcare professionals, religious and community leaders.**

### Access to justice

13. The Committee welcomes the establishment of mobile court sessions and the steps taken to provide free legal aid, particularly through the adoption of the Bar and Advocacy Act and the conceptual framework for providing free legal assistance to the public. The Committee is concerned that women rarely seek justice when they face gender-based violence and discrimination, specifically in rural areas partly due to the fact they are dissuaded by their relatives or law-enforcement officials and partly due to social stigma and persistent discriminatory gender stereotypes. The Committee notes with concern:

(a) The absence of complaints lodged by women under article 143 of the Criminal Code (violation of equal rights) between 2015 and 2017;

(b) The limited number of persecutions and convictions in cases of gender-based violence and trafficking in women and girls;

(c) The limited access to free legal aid and information regarding available remedies for women and girls;

(d) The dramatic drop in the number of lawyers in the country following the recent amendments to the Bar and Advocacy Act, which may affect women's access to justice.

**14. The Committee recommends that the State party:**

(a) **Ensure that all women and girls have access to an effective, confidential and gender-sensitive complaint mechanism and encourage reporting in cases relating to all forms of gender-based violence and discrimination;**

(b) **Promote and ensure the accessibility of free gender-sensitive legal aid for women with insufficient means, including disadvantaged groups of women, throughout the State party, and ensure that the victims' rights to legal assistance, including of their own choosing, are guaranteed throughout the proceedings;**

(c) **Strengthen the independence and effectiveness of the judiciary to investigate, prosecute and punish violations against women; and ensure that the courts adequately address intersecting forms of discrimination;**

(d) **Develop targeted outreach activities to enhance awareness among women and girls of their rights and available legal remedies;**

(e) **Conduct awareness-raising campaigns to eliminate stigmatization and negative stereotypes of women seeking justice.**

**National machinery for the advancement of women**

15. The Committee welcomes: (a) the increased allocation of financial and human resources to the Committee for Women and the Family; (b) the adoption of a plan of action for the national strategy on promoting the role of women (2015-2020); and (c) the establishment of an expert council on gender analysis of draft laws under the Committee for Women and the Family. The Committee is, however, concerned at the limited number and scope of draft laws that were subjected to gender analysis. It is also concerned that the mandate and capacity of the Committee for Women and the Family have not been strengthened.

**16. The Committee recalls its previous recommendation (CEDAW/C/TJK/CO/4-5, para. 12) and recommends that the State party:**

(a) **Strengthen the mandate of the national machinery for the advancement of women and ensure its visibility at the national and local levels by providing it with adequate human and financial resources; and by enhancing its capacity to formulate, coordinate and monitor the elaboration and implementation of legislation and policy measures in the field of gender equality;**

(b) **Provide for a mandatory gender analysis of all draft laws, policies and programmes, including at the local level, to ensure that they comply with the Convention; and equip the entities mandated to carry out such analysis with adequate human, financial and technical resources;**

(c) **Allocate adequate human, technical and financial resources to the implementation of the national action plan on promoting the role of women (2015-2020), and undertake the necessary monitoring and impact assessments of its implementation;**

(d) **Strengthen capacity-building for the personnel of the Committee for Women and the Family on all areas covered by the Convention, including gender equality, and other issues pertinent to its mandate.**

**National Human Rights Institution**

17. The Committee notes that the mandate of the Human Rights Ombudsman encompasses the protection of women's rights. The Committee is, however, concerned at:

(a) The limited capacity of the Ombudsman to address and investigate complaints submitted by women;

(b) The fact that the Human Rights Ombudsman lacks independence and therefore does not fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

**18. The Committee recommends that the State party strengthen the Human Rights Ombudsman by providing it with adequate financial and human resources to discharge its mandate, effectively and independently, in compliance with the Paris Principles, particularly in protecting women's rights and addressing complaints from women and girls in a confidential, gender-sensitive manner.**

#### **Civil society and non-governmental organisations**

19. The Committee is deeply concerned at the restrictions on the activities of civil society organisations following amendments to the Law on Public Associations (2007) adopted in 2015. It is particularly concerned about:

(a) The reports of frequent inspections, cumbersome registration and authorisation requirements, as well as barriers to accessing foreign funding;

(b) Reported cases of intimidation, harassment and arbitrary detention of civil society activists, including women defending the rights of sex workers and lesbian, bisexual and transgender persons, who suffer reprisals for their work and for "undermining traditional values";

(c) The limited cooperation of the State party with civil society organisations, including those working on women's rights.

**20. The Committee recommends that the State party:**

(a) **Review the amendments to the Law on Public Associations and ensure that there are no disproportionate restrictions on civil society organisations, in law and in practice, and that women's rights activists are able to exercise their rights to freedom of expression, assembly and association without intimidation or reprisals;**

(b) **Ensure that cases of alleged intimidation or reprisals against civil society activists are duly investigated, that perpetrators are prosecuted and appropriately punished, and that victims receive protection from such acts;**

(c) **Strengthen cooperation with civil society organisations, particularly those working on women's rights, and systematically involve them in the development of related legislation, policies and programmes.**

#### **Temporary special measures**

21. The Committee notes that the State party has provided quotas and scholarships for girls to enter university and grants for women entrepreneurs. It, however, remains concerned that:

(a) The lack of understanding by officials of the State party of the nature, purpose and necessity of the temporary special measures to accelerate the achievement of substantive equality between women and men;

(b) The definition and the application of temporary special measures has not been included in the domestic law;

(c) Temporary special measures have not been adopted particularly in political and public life, agriculture and in specific areas in order to target disadvantaged groups of women.

**22. The Committee recalls its previous recommendation (CEDAW/C/TJK/CO/4-5, para.14) and recommends that the State party:**

(a) **Strengthen its understanding and application of temporary special measures in order to accelerate progress towards the achievement of substantive equality between women and men, in particular in political and public life, agriculture, and in relation to disadvantaged groups of women;**

(b) **Establish a legal basis and a mechanism for the application of temporary special measures;**

(c) **Raise awareness among relevant government officials, parliamentarians, employers and general public on the nature of temporary special measures and on their importance to accelerate the achievement of substantive equality between women and men in all areas in which women are underrepresented or disadvantaged.**

#### **Stereotypes and harmful practices**

23. The Committee notes with appreciation that the State party conducted awareness-raising and outreach activities to overcome discriminatory gender stereotypes and undertook the first gender analysis of some textbooks. It, however, remains concerned at the persistent discriminatory gender stereotypes regarding the roles and responsibilities of women and men in the family and in society. The Committee is also concerned that the State party has not adopted a comprehensive multi-stakeholder strategy to promote gender equality and eliminate gender stereotypes (CEDAW/C/TJK/CO/4-5, para.16 (a)). It is particularly concerned at reports that:

(a) Women who give birth to girls are often abandoned by their spouses;

(b) Girls, particularly those from rural areas, are frequently forced to choose marriage instead of education;

(c) Women belonging to the Pamiri minority group, who have more freedom to study and work, face prejudice and stigmatization from the Tajik majority considering that they do not comply with the patriarchal attitudes and prescriptions of women's behaviour.

#### **24. The Committee recommends that the State party:**

(a) **Expediently design, adopt and implement a comprehensive strategy to eradicate gender stereotypes and patriarchal attitudes towards women and girls, in particular the dominant and discriminatory perception of the role of women in society and the family, with the participation of relevant ministries, civil society, community and religious leaders, school teachers, academia, business and the media;**

(b) **Undertake a gender analysis of all textbooks, curricular and teaching material, including at the university level, and revise them to remove discriminatory gender stereotypes;**

(c) **Undertake gender training for teaching personnel at all levels of education and integrate mandatory modules on women's rights and gender education into school curricula;**

(d) **Strengthen measures to prepare boys and men for family life and responsibilities and to train girls and women for public life, in particular through targeted courses at all levels of education, work-place training, awareness-raising and advocacy activities;**

(e) **Regularly monitor the implementation and the impact of the measures taken to eradicate gender stereotypes.**

#### **Gender-based violence against women**

25. The Committee notes with appreciation (a) the adoption of Law No. 954(2013) On the prevention of violence in the family and the State programme for the prevention of domestic violence (2014-2023); (b) the revised Code of Administrative Offences specifying liability for violations of the requirements of Law (2013) on prevention of violence in the family (article 93) and the conditions for issuing restraining orders (article 93 [sic]), and the revised Police Act adding individual measures to prevent domestic violence to the duties of police officers. The Committee is, however, concerned that:

(a) Gender-based violence against women remains widespread but underreported in the State party such that 97 per cent of men and 72 per cent of women believe that a woman must tolerate violence to keep the family together;

(b) Gender-based violence against women, including domestic violence, marital rape and sexual assault, are not criminalised in the State party;

(c) There is no comprehensive strategy to combat all forms of gender-based violence against women and girls;

(d) There is systemic impunity for perpetrators of gender-based violence against women as demonstrated by the low number of prosecutions and convictions, and reports of police complicity, as well as the focus on reconciliation and the failure to protect the confidentiality of the victims;

(e) There is inadequate support services for women and girls who are victims of gender-based violence;

(f) There is no systematic monitoring of cases of gender-based violence and the lack of statistical data on such cases;

(g) Civil society organisations mainly lead the work to combat gender-based violence in the State party.

**26. The Committee recommends that the State party:**

**(a) Expedite the adoption of legislation to criminalise all forms of gender-based violence, including domestic violence, marital rape and sexual assault within and outside marriage;**

**(b) Conduct a survey on the prevalence of gender-based violence against women and girls, ensuring that it covers rural women and other disadvantaged groups of women and girls;**

**(c) Develop a comprehensive strategy and action plan to eliminate all forms of gender-based violence against women, based on the results of the above-mentioned survey, and ensure the full implementation, monitoring and impact evaluation of the strategy and the action plan;**

**(d) Ensure the effective enforcement and regular monitoring of, and adequate budget allocation to, the Law on the prevention of violence in the family and the State programme for the prevention of domestic violence (2014–2023);**

**(e) Strengthen the State party's leadership in the work to combat gender-based violence, including by clearly defining roles and responsibilities of, and improving coordination between, its agencies, such as the Committee on Women and the Family, the Ministries of Health, Justice, Internal Affairs, and a referral system for victims;**

**(f) Ensure that all reports of gender-based violence against women are duly investigated, that perpetrators are prosecuted and that victims have access to effective reparations, including compensation;**

**(g) Ensure the provision, from the State budget, of free legal aid, including court representation, medical, psychological and psychosocial assistance, shelter, rehabilitation and reintegration programmes to all women and girl victims of gender-based violence, including in rural areas, and collect statistics on the number of victims who have received such assistance, disaggregated by age, ethnicity, and geographical area;**

**(h) Provide targeted mandatory capacity-building activities on the prevention and detection of, and response to, all forms of gender-based violence, including domestic violence, for law-enforcement and judicial officials, health and social workers and other professionals who deal with gender-based violence and interact with victims, including in rural areas;**

**(i) Continuously raise awareness of the public on all forms of gender-based violence, available services, how and why to access them, and appropriate action by the authorities, including the police and domestic courts, and undertake monitoring and impact assessment of such activities;**

(j) **Improve the collection of data on cases of all forms of violence against women and girls by the authorities, including by types of violence, perpetrator, age and ethnicity of the victim, and the outcome of such cases, as well as on the number of complaints received, investigations carried out, prosecutions conducted and the sentences imposed on perpetrators.**

#### **Trafficking and sexual exploitation**

27. The Committee welcomes the adoption of the Law on combating human trafficking and providing assistance to victims (2014), the State programme on combatting human trafficking (2014-2016), and the national plan for the prevention of human trafficking (2016-2018). It is, however, concerned that trafficking of women and girls, mainly for sexual exploitation, is often done under the guise of fraudulent or forced marriages. The Committee is also concerned at:

- (a) The lack of enforcement of the legislative and policy measures on trafficking;
- (b) The lack of capacity and coordination between State agencies to ensure early and effective victim identification and the absence of awareness-raising initiatives to prevent trafficking in women and girls;
- (c) The lack of protection services and budgetary allocations available to victims of trafficking, including shelters for women with children, that remain highly donor-dependent;
- (d) Reports that access to free legal aid for victims of trafficking is conditional upon consent to cooperate with law enforcement agencies;
- (e) The lack of statistical data on the prevalence of trafficking in women and girls, and on prosecutions and convictions.

28. **The Committee recommends that the State party:**

- (a) **Ensure the effective enforcement and regular monitoring of, and adequate budget allocation to, the Law on combating human trafficking and providing assistance to victims, and the national plan for the prevention of human trafficking;**
- (b) **Strengthen coordination within the State authorities concerning the identification, referral and protection of victims of human trafficking, while clearly defining their roles and responsibilities, to ensure the functioning of the national referral mechanism;**
- (c) **Investigate and prosecute cases of trafficking in persons, especially women and girls, and ensure that the sentences imposed on perpetrators are commensurate with the gravity of the crime;**
- (d) **Enhance capacity-building for law-enforcement officials, including border police, and judicial authorities in order to increase their ability to identify and refer potential victims of trafficking, investigate and prosecute cases in a gender-sensitive manner;**
- (e) **Establish, without delay, the State Fund of Victims Support and ensure the provision of protection and services for victims of trafficking, including shelter for mothers with children and free legal aid regardless of their consent to cooperate with law-enforcement authorities, and alternative income-generating opportunities;**
- (f) **Strengthen the collection of statistical data disaggregated by sex, age and type of trafficking, prosecution and convictions, support services and alternative income-generating opportunities provided.**

29. The Committee is concerned at reports that women engaged in prostitution: (a) are denied access to services provided by non-governmental organisations implementing HIV and STI prevention programmes; (b) experience discrimination, intimidation, harassment, extortion and bribery, forced HIV and STI testing, arbitrary detention and physical violence by the police.



30. **The Committee recommends that the State party:**

(a) **Collect statistics on the number and nature of complaints of police abuse and complicity in corruption targeted at women engaged in prostitution and ensure that they are duly investigated, that perpetrators are prosecuted and punished with appropriate sanctions and that the confidentiality of victims is preserved;**

(b) **Ensure that women engaged in prostitution can benefit from the assistance provided by non-governmental organisations implementing HIV and STI prevention programmes;**

(c) **Provide exit programmes and alternative income-generating opportunities for women who wish to leave prostitution.**

#### **Participation in public and political life**

31. The Committee commends the establishment of leadership schools for women and introducing modest quotas for women in the civil service. It is, however, concerned at the low level of participation of women in Majlisi Oli (parliament) (6.3 per cent), ministerial positions (8 per cent), as well as in the judiciary, foreign service, local administration and in decision-making positions across all sectors.

32. **The Committee recommends that the State party:**

(a) **Introduce and implement temporary special measures, such as quotas for political appointment, to accelerate the equal representation of women and men in all areas of public and political life, particularly in decision-making positions, at national and local levels and in foreign service, and allocate adequate resources to the implementation of such measures;**

(b) **Establish a reserve list of competent women candidates for appointment to managerial and leadership positions and monitor its implementation;**

(c) **Introduce incentives, such as party financing, funding campaigns of women candidates or strengthening women's wings of political parties, for political parties to promote women to senior positions within their party structures and increase the visibility of female candidates during election campaigns;**

(d) **Provide training to women on political leadership, campaigning and negotiation skills;**

(e) **Monitor the use of disrespectful and stereotyped language referring to women in public statements and media reporting; and collect specific data on sexism in politics, to better understand and address it.**

#### **Nationality**

33. The Committee welcomes the legislative measures taken to address statelessness of women and children and to ensure mandatory birth registration. It is, however, concerned at:

(a) Reports that women and children account for a large majority of stateless persons in the State party;

(b) Reports that stateless women lack access to housing, social assistance and employment opportunities, and are subjected to deportations, discrimination and extortion by local officials, particularly due to the lack of identity documentation;

(c) The low level of birth registration in the State party, which stands at 88 per cent.

34. **The Committee recommends that the State party:**

(a) **Take measures to ensure that stateless women, women of undetermined nationality and women at risk of statelessness and their children, including in rural areas, have access to registration countrywide, including birth registration, identity documentation, justice, healthcare, housing, social assistance and employment opportunities, and that they are not deported before their status is determined;**

(b) **Adopt, without delay, the Law on amnesty, providing for the regularisation of persons without identity documents, including women and their children, and harmonise the subordinate legislation on citizenship, refugees and asylum seekers;**

(c) **Accede to the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.**

### **Education**

35. The Committee notes the Presidential quota for girls in higher education, the opening of a centre for gender education and efforts to a gender analysis of school textbooks. The Committee is, however, concerned at:

(a) The low enrolment rate of girls in school, especially in remote areas;

(b) The high dropout rate among girls at the secondary and higher levels of education and the absence of re-entry policies;

(c) The absence of reliable data on dropout rates among girls in secondary and higher education attributable to early marriage, pregnancy or discriminatory gender stereotypes that favour boys' access to education;

(d) The low enrolment rate of women in higher education and technical and vocational education, the absence of targeted measures to encourage them to choose non-traditional studies and carrier paths such as science, technology, engineering and mathematics (STEM);

(e) The low representation of women staff in higher education and at the Ministry of Education;

(f) The lack of access to recreational and professional sports.

36. **The Committee recommends that the State party:**

(a) **Accord priority to eliminating negative stereotypes and barriers that hinder the access of women and girls to education and determine the choice of traditional fields of education; to take measures, including temporary special measures, and provide carrier counselling for girls on non-traditional carrier paths, such as science, technology, engineering and mathematics (STEM);**

(b) **Collect sex-disaggregated data on school drop-out rates; reduce and prevent dropout rate among girls, including by introducing gender-sensitive re-entry policies to enable their return to school;**

(c) **Review, on a regular basis, school curricula and textbooks to eliminate gender stereotypes;**

(d) **Improve the representation of women staff in higher education and at the Ministry of Education;**

(e) **Introduce age-appropriate education on sexual and reproductive health and conduct awareness-raising programmes, specifically targeting young people, parents, men and pregnant women, with a focus on preventing pregnancies, domestic violence and HIV/AIDS;**

(f) **Ensure the availability of professional and recreational sports facilities.**

### **Employment**

37. The Committee welcomes the measures taken by the State party to support women entrepreneurs and to regulate domestic work and work from home. It is, however, concerned at:

(a) The persistent gender pay gap, and vertical and horizontal occupational segregation in the labour market;

(b) The concentration of women in the informal sector and in low-paid jobs in healthcare, education and agriculture;

(c) The low labour participation of women (32.6 per cent) and the low employment rate among women as compared with men (40.5 per cent and 59.5 per cent respectively);

(d) The absence of social security coverage, the shortage of pre-school facilities and conflicting family responsibilities, making women particularly prone to unemployment;

(e) The persistent restriction on the employment of women in hard, underground, heavy and hazardous work, work in harmful conditions and involving manual lifting (articles 160, 161 and 216 of the Labour Code) and the adoption of the List of occupations for which the employment of women is prohibited (2017);

(f) The lack of access to employment for women with reduced competitiveness, such as women with disabilities, mothers with many children, women heads of single-parent families, pregnant women and women left behind by male migrants.

**38. The Committee recommends that the State party:**

(a) **Review the implementation and analyse the impact of the current State strategy for the development of the labour market from the gender perspective, including how it has contributed to overcoming gender disparities in employment and to increasing women's employment opportunities;**

(b) **Adopt and implement, based on the above-mentioned review, targeted, time-bound measures, including temporary special measures, to create more opportunities for women to access formal higher-paying and male dominated sectors, including through improved access to vocational education and training, strengthened and diversified curriculum for vocational institutions, bridge programmes for secondary schools and vocational institutions, and incentives for public- and private sector employers in traditionally men-dominated fields to recruit women;**

(c) **Repeal articles 160, 161 and 216 of the Labour Code and the List of occupations for which the employment of women is restricted or prohibited; to ensure that any restrictions are applied individually and not applied to women in general;**

(d) **Effectively implement the principle of equal pay for work of equal value by regularly reviewing wages and adopting measures to close the gender pay gap;**

(e) **Introduce flexible working arrangements for both women and men, provide more and improved public childcare facilities and raise awareness about equal sharing of family and domestic responsibilities between women and men;**

(f) **Improve access to employment and training opportunities for women with reduced competitiveness, such as women with disabilities, mothers with many children, women heads of single-parent families, pregnant women and women left behind by male migrants;**

(g) **Ratify the ILO Maternity Protection Convention No.183 and the ILO Workers with Family Responsibilities Convention No.156, to ensure access to maternity protection by all working women, work and family balance.**

## **Health**

39. The Committee welcomes the healthcare reform, the decreased maternal and infant mortality and abortion rates, as well as policy measures to address the HIV/AIDS pandemic. The Committee is, however, concerned at:

(a) The high maternal mortality rate (24.3 per cent per 100,000 live births);

(b) The growing incidence of HIV/AIDS among women, mainly through sexual transmission, and the increase in the number of HIV-positive pregnant women;

(c) The criminalisation of HIV/AIDS transmission under article 125 of the Criminal Code;

(d) Reports that admission to some secondary vocational and higher educational institutions is conditional on HIV testing;

(e) The Government decrees of 25 September 2018 and 1 October 2004, prohibiting HIV-positive women from pursuing a medical degree, adopting a child or being a legal guardian;

(f) The lack of access to medical coverage for disadvantaged groups of women.

40. **The Committee recommends that the State party:**

(a) **Strengthen its policy aiming at the reduction of maternal, newborn and child mortality rates and the prevention of mother-to-child transmission of HIV by ensuring the effective implementation and adequate funding of relevant State programmes and plans and providing access to health-care facilities and trained medical personnel;**

(b) **Improve access for all women and girls, including those living with HIV/AIDS, particularly in rural and remote areas, to quality healthcare services, including during pregnancy and at birth;**

(c) **Establish a mechanism to ensure that children born to HIV-infected mothers receive breastmilk substitute from the moment of birth until the final HIV diagnostics;**

(d) **Strengthen the provision of age-appropriate sexual and reproductive health services, increase access to affordable and safe modern contraceptives;**

(e) **Decriminalise HIV/AIDS transmission (article 125 of the Criminal Code) and repeal the Government decrees of 25 September 2018 and 1 October 2004, prohibiting HIV-positive women from pursuing a medical degree, adopting a child or being a legal guardian.**

**Rural women**

41. The Committee welcomes the inclusion of rural women in the national development strategy for the period up to 2030, the Presidential quota for girls from remote mountain regions to access higher vocational education institutions, the provision of mobile court sessions and the use of gender indicators in the agricultural sector. The Committee notes that 19.2 per cent of the total number of *dekhan* farms are headed by women. It notes with concern that:

(a) The majority of rural women are employed in the informal sector of the economy and their situation remains precarious;

(b) Reportedly, rural women lack access to education, healthcare, training and formal employment opportunities, retirement and social security schemes, and access to natural resources, such as land, on an equal basis with men;

(c) There are no statistics disaggregated by age, gender and geographical area that would allow the Committee to assess the situation of rural women.

42. **Recalling its general recommendation No. 34 (2016) on the rights of rural women and its previous recommendations (CEDAW/C/TJK/CO/4-5, para. 30), the Committee recommends that the State party:**

(a) **Adopt measures, including temporary special measures, to ensure that rural women, including women employed in the informal sectors of the economy, have access to education, healthcare, housing, formal employment, social security and retirement schemes, life-long training opportunities, ownership and use of land, and that their specific needs are taken into account;**

(b) **Ensure the equal participation of rural women in decision-making, including by involving them in the design, development, implementation, monitoring and evaluation of all relevant plans and strategies, such as those relating to health, education, employment, retirement and social security;**

(c) **Strengthen data collection on rural women, disaggregated by age, gender and geographical area, to assess their situation and the progress made overtime.**

#### **Disadvantaged groups of women**

43. The Committee notes with concern the vulnerability of the following groups of women who suffer multiple forms of discrimination: refugee women, migrant women, women left behind by male migrants, widows of male migrants, stateless women, women and girls with disabilities, women living with HIV/AIDS, women in prison and former women inmates, and lesbian, bisexual, transgender and intersex women (LBTI). The Committee is particularly concerned at reports that:

(a) Asylum seekers and refugees, including women and girls, have been confined to specific areas in the State party, by virtue of resolutions 325 and 328 and the government decision of 26 July 2000 on the establishment of a list of populated areas in which the temporary residence of asylum-seekers and refugees is not permitted;

(b) Women in prison are not allowed to be visited by international organisations and civil society; there is a lack of proper prison release management to support and integrate former women inmates due to the lack of a specific legislative and policy framework;

(c) There is no specific legislative and policy framework on mental health and a lack of institutions offering inclusive education; persons with disabilities, including women and girls, face physical barriers in accessing public transport, health and educational institutions, and were subjected to mandatory institutionalisation, violence, including sexual violence, and abuse in medical institutions as well as in private settings;

(d) Lesbian, bisexual, transgender and intersex women are subjected to police abuse, such as blackmailing, extortion, forced HIV/AIDS and STI testing, arbitrary detention, ill-treatment, including “corrective” rape, while the “lists” of LBTI persons have been compiled by the authorities and are used for blackmailing.

44. **The Committee recommends that the State party:**

(a) **Take all measures, including temporary special measures, to improve the situation of disadvantaged groups of women, protect them from exploitation, and improve their access to healthcare, social benefits, psychological assistance, education and employment opportunities and participation in public and political life; and allocate adequate funds necessary to the effective implementation of such measures;**

(b) **Establish mechanisms to regularly monitor the impact of social and economic policies on disadvantaged groups of women;**

(c) **Repeal its resolutions 325 and 328 and the government decision of 26 July 2000 on the establishment of a list of populated areas in which the temporary residence of asylum-seekers and refugees is not permitted, limiting the freedom of movement and residence of asylum seekers and refugees, including women and girls;**

(d) **Accelerate the adoption of the draft law on labour migration, while ensuring that it effectively protects the rights of migrant women, widows of male migrants and women left behind by male migrants;**

(e) **Adopt a comprehensive mental health legal and policy framework; ensure the provision of inclusive education and access to employment opportunities to women and girls with disabilities; enhance reasonable accommodation in education, transport and school; ensure that women and girls with disabilities are not subjected to mandatory institutionalisation, violence, including sexual violence, and abuse; investigate reports of abuse of women and girls in medical institutions and provide personal assistance, including interpreters before the courts;**

(f) **Ensure, in line with the Bangkok rules, access to detention facilities for international and civil society organisations, for independent monitoring; adopt a legislative and policy framework for proper prison release management and social integration of women former inmates, taking into account their specific needs; provide support services to women former inmates and create a national protection mechanism;**

(g) **Effectively address complaints of police abuse by LBTI women; dismantle official and non-official lists of LGBT persons; and ensure that civil society organisations working on LGBT issues enjoy the rights to freedom of expression, assembly and association;**

(h) **Provide comprehensive information and statistical data, disaggregated by sex, age and nationality, that can be used to assess the situation of disadvantaged groups of women.**

#### **Marriage and family relations**

45. The Committee is concerned at:

(a) The introduction in the Family Code in 2016 of mandatory check-ups that are reportedly used to perform so-called “virginity tests” for future brides, which contribute to an increase in suicide rates among young women;

(b) The high incidence of polygamous unions, child and forced marriages and the decline in official registration of marriages;

(c) The Family Code allows domestic courts to lower the 18 years’ old marriageable age by one year;

(d) Poor enforcement of court orders to recover child support alimony.

46. **The Committee recommends that the State party:**

(a) **Eradicate the practice of mandatory check-ups (“virginity tests”) for future brides and revise the Family Code accordingly;**

(b) **Take measures to prevent and eradicate child and forced marriages, in particular by: (i) strengthening awareness-raising campaigns on negative effects of such marriages on the health and well-being of women and girls; (ii) establishing mechanisms to detect cases of child and forced marriages; (iii) taking stock of court cases to identify the causes for applying for lowering the marriageable age; (iv) ensuring that religious marriages (*nikokh*) do not violate the minimum marriageable age requirement and the prohibition of bigamy and polygamy; (v) systematically collecting data on the number of complaints, investigations, prosecutions, convictions and penalties imposed with regard to the prohibition of child, forced, bigamous and polygamous marriages;**

(c) **Promote and encourage official registration of marriages, including through awareness-raising initiatives, the removal of the mandatory check-up requirement prior to contracting marriage from the Family Code and the provision of infrastructure to make registration accessible;**

(d) **Take measures, including legislative measures, to ensure that women entering religious marriage and de facto unions are provided with protection and redress in case of separation, and ensure awareness-raising in this connection;**

(e) **Ensure effective implementation of court decisions ordering the recovery of child support alimony, including by introducing enforcement mechanisms and deterrent penalties in case of non-implementation.**

#### **Amendment to article 20 (1) of the Convention**

47. **The Committee encourages the State party to accept the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

#### **Beijing Declaration and Platform for Action**

48. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.**

#### **Dissemination**

49. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the**

relevant State institutions at all levels (national, regional, local), in particular to the Government, the ministries, Majlisi Oli (parliament) and the judiciary, to enable their full implementation.

#### **Ratification of other treaties**

50. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, and Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which it is not yet a party.

#### **Follow-up to concluding observations**

51. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 26(a), 36(a) and 46(c) above.

#### **Preparation of the next report**

52. The Committee requests the State party to submit its seventh periodic reports, which is due in November 2022. The report should be submitted on time and cover the entire period up to the time of its submission.

53. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).

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