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COMMITTEE ON ECONOMIC, SOCIAL  
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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Initial reports submitted by States parties under  
articles 16 and 17 of the Covenant**

**Addendum**

**TAJIKISTAN\***

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## Article 1

1. The Declaration of Independence of the Republic of Tajikistan, adopted by the Supreme Soviet on 9 September 1991, proclaimed the people's right to self-determination and the State's commitment to abide by international law and international obligations and the principles for establishing a State governed by the rule of law.

2. In the early stages of the establishment of statehood, Tajikistan was unable to make full use of the advantages and benefits afforded by independence. As the Soviet Union collapsed, leading to adverse conditions in the region, and commercial and economic ties with the former Soviet republics were disrupted, armed conflict flared in Tajikistan, leading to large-scale loss of life: many Tajiks were forced to leave the country, and more than 7 billion United States dollars' worth of economic, social and cultural damage was inflicted on the country.

3. Recognizing the ruinous repercussions of war for the future of the Tajik people, the Government, following the restoration of constitutional order, embarked on a firm political path towards the establishment of peace and national concord by peaceful means, i.e. through dialogue. Tajikistan has followed a long and difficult path towards peace. The signing of the General Agreement on the Establishment of Peace and National Accord and the full implementation of its provisions in 1997 drew a definitive line under one of the most protracted and bitter conflicts in the former Soviet Union. In addition to seeking ways to establish peace, the Government also set about the task of transforming the economy, as the only way to draw the economy out of deep crisis and mitigate the consequences of civil conflict and of the natural disasters that had struck the country.

4. The problem of poverty is not new to Tajikistan, since, prior to independence, the country had the lowest per capita income and the highest level of poverty among the Soviet republics. This was largely attributable to economic policy, which failed to draw on the country's national comparative advantages and those of its regions.

5. The economic framework inherited by Tajikistan in 1991 proved uncompetitive in the new economic environment, and civil war delayed the implementation of structural reforms. The transition period and war weakened official and unofficial social welfare mechanisms, which led to an increase in poverty.

6. A presidential working group was established under Presidential decree of 24 March 2000 to prepare a poverty reduction strategy paper (PRSP). In November 2000, an interim PRSP was drawn up, laying the foundations for the final document. The interim paper was published in leading national newspapers in the Tajik, Russian and Uzbek languages.

7. In order to ensure broad public involvement, nine sectoral working groups comprising representatives from the Parliament, the Government, local government authorities, research institutes and universities, trade unions, the private sector, non-governmental organizations and other sectors of society were established to address the following areas:

The macroeconomic level;

Reform of the State administration;

Social welfare and education;

Health care;

Agriculture;

Privatization, labour and private-sector development;

Infrastructure and communications;

Tourism;

Leisure and environmental protection.

8. In order to create conditions for the rapid and socially equitable economic growth required to raise real income levels and improve living standards, the Majlis-i Namoyandagon (lower chamber) of the Majlis-i Oli (Parliament) of Tajikistan approved the Poverty Reduction Strategy Paper on 19 June 2002.

9. The main purpose of the PRSP is to raise real incomes in Tajikistan, to ensure the equitable distribution of the benefits of economic growth and, in particular, to ensure an increase in the living standards of the poorest groups of the population.

10. The Government of Tajikistan has identified four basic components that should together form part of the poverty reduction strategy:

Stimulation of rapid and socially equitable economic growth, with intensive use of manpower resources and a major focus on exports;

Effective and equitable provision of basic social services;

Targeted support for the poorest sectors of the population;

Effective administration and increased security.

11. Sectors that play a key role in mitigating the problems of poverty are education, health care, social welfare, agriculture, privatization, labour and private-sector development, infrastructure and telecommunications, environmental protection and tourism.

12. The Government of Tajikistan plans to implement the PRSP with the support of the International Monetary Fund (IMF), the World Bank, the Asian Development Bank (ADB), the United Nations Development Programme (UNDP), other international financial organizations and donor countries.

13. The Republic of Tajikistan is a sovereign, democratic, law-governed, secular and unitary State that recognizes the inviolability of human rights and freedoms, as embodied in articles 14 to 47 of the Tajik Constitution adopted on 6 November 1994 by nationwide referendum.
14. The territory of Tajikistan is indivisible and inviolable. The soil, subsoil, water, airspace and fauna and flora are all the exclusive property of the State, which acts as the guarantor of their efficient use in the interests of the people.
15. Article 48 of the Constitution states that the Majlis-i Oli (Supreme Assembly, or Parliament) is the supreme representative and legislative body of the Republic of Tajikistan.
16. The Majlis-i Oli consists of two chambers: the Majlis-i Milli (National Assembly, or upper chamber of Parliament) and the Majlis-i Namoyandagon (Assembly of Representatives, or lower chamber of Parliament). The Majlis-i Oli is elected for five-year terms.
17. Tajikistan has adopted the following legal instruments relating to human rights:
  - The Constitution of 6 November 1994;
  - Majlis-i Oli Act of 19 April 2000;
  - Government Act of 12 May 2001;
  - Citizenship Act of 4 November 1995;
  - Local Government Act of 17 May 2004;
  - Procuratorial Agencies Act of 11 March 1996;
  - Occupational Safety Act of 24 December 1991;
  - Trade Unions, Their Rights, and Safeguards for Their Activities Act of 12 March 1992;
  - Social Partnership, Contracts and Collective Agreements Act of 25 November 1992;
  - Pensions Act of 23 June 1993;
  - Citizens' Communications Act of 14 December 1996;
  - Public Health Protection Act of 15 May 1997;
  - State Social Insurance Act of 13 December 1997;
  - Culture Act of 13 December 1997;
  - Meetings, Rallies, Demonstrations and Peaceful Processions Act of 22 May 1998;
  - Voluntary Associations Act of 23 May 1998;

Foreign Citizens in Tajikistan (Legal Status) Act of 1 February 1996;  
Deposits by Individuals (Guarantees) Act of 1 August 2003;  
Radiation Safety Act of 1 August 2003;  
Employment Promotion Act of 1 August 2003;  
Education Act of 17 May 2004;  
Civil Defence Act of 28 February 2004;  
Free Trade Zones Act of 17 May 2004;  
Trafficking in Persons Act of 15 July 2004;  
Death Penalty (Suspension) Act of 15 July 2004;  
Employers' Associations Act of 17 May 2004;  
State Enterprises Act of 28 February 2004;  
Trade in Explosive Materials Intended for Civil Use Act of 28 February 2004;  
Labour Code of 15 May 1997;  
Criminal Code of 21 May 1998;  
Family Code of 13 November 1998;  
Civil Code of November and December 1999 (in two parts);  
Housing Code of 27 December 1997;  
Land Code of 13 December 1996;  
Code of Civil Procedure of 28 December 1963;  
Code of Criminal Procedure of 17 August 1961;  
Penal Enforcement Code of 6 August 2001; and others.

## **Article 2**

18. Human and civil rights and freedoms are recognized, observed and protected by the State.
19. Human and civil rights and freedoms are regulated and protected by the Constitution and laws of the Republic and by international legal instruments recognized by Tajikistan.

20. The Constitution is the highest legal authority and its provisions are self-executing (Constitution, art. 10).

21. Under article 17 of the Constitution, all persons are equal before the law and the courts. The State guarantees the rights and freedoms of every person regardless of ethnicity, race, language, religion, political beliefs, education or social or property status.

22. Tajikistan joined the International Labour Organization (ILO) in 1993, and by 1 January 2004 had ratified 64 conventions and recommendations, of which 44 were ILO Conventions, including:

Convention No. 14 of 25 October 1925 concerning the application of the weekly rest in industrial undertakings (date of acceptance - 26 November 1993);

Convention No. 29 of 28 June 1930 concerning forced or compulsory labour (date of acceptance - 26 November 1993);

Convention No. 32 concerning protection against accidents of workers employed in loading or unloading ships (date of acceptance - 26 November 1993);

Convention No. 45 concerning the employment of women on underground work in mines of all kinds (date of acceptance - 26 November 1993);

Convention No. 47 of 4 June 1935 concerning the reduction of hours of work to 40 a week (date of acceptance - 26 November 1993);

Convention No. 52 concerning annual holidays with pay (date of acceptance - 26 November 1993);

Convention No. 79 concerning restriction of night work of children and young persons in non-industrial occupations (date of acceptance - 26 November 1993);

Convention No. 87 concerning freedom of association and protection of the right to organize (date of acceptance - 26 November 1993);

Convention No. 90 concerning the night work of young persons employed in industry (date of acceptance - 26 November 1993);

Convention No. 95 of 8 June 1949 concerning the protection of wages (date of acceptance - 26 November 1993);

Convention No. 98 of 8 June 1949 concerning application of the principles of the right to organize and to bargain collectively (date of acceptance - 26 November 1993);

Convention No. 100 concerning equal remuneration for men and women workers for work of equal value (date of acceptance - 26 November 1993);

- Convention No. 103 of 28 June 1952 concerning maternity protection (date of acceptance - 26 November 1993);
- Convention No. 105 of 25 June 1957 concerning the abolition of forced labour (date of ratification - 13 November 1998);
- Convention No. 106 concerning weekly rest in commerce and offices (date of acceptance - 26 November 1993);
- Convention No. 111 concerning discrimination in respect of employment and occupation (date of acceptance - 26 November 1993);
- Convention No. 115 concerning the protection of workers against ionizing radiations (date of acceptance - 26 November 1993);
- Convention No. 120 concerning hygiene in commerce and offices (date of acceptance - 26 November 1993);
- Convention No. 122 concerning employment policy (date of acceptance - 26 November 1993);
- Convention No. 124 concerning medical examination of young persons for fitness for employment underground in mines (date of acceptance - 26 November 1993);
- Convention No. 138 concerning the minimum age for admission to employment (date of acceptance - 26 November 1993);
- Convention No. 159 concerning vocational rehabilitation and employment (disabled persons) (date of acceptance - 26 November 1993);
- Convention No. 160 concerning labour statistics (date of acceptance - 26 November 1993);
- Convention No. 182 of 1 June 1999 concerning the prohibition and immediate action for the elimination of the worst forms of child labour (date of ratification - 13 December 2000).

23. Laws and regulations in Tajikistan are drawn up in conformity with the conventions, covenants and recommendations of the International Labour Organization and other international instruments.
24. Under article 35 of the Constitution of the Republic of Tajikistan, everyone has the right to employment and choice of profession. Remuneration for work must not be lower than the minimum wage.
25. The Trade Unions, Their Rights, and Safeguards for Their Activities Act constitutes a comprehensive legal basis for the activities of trade unions.



26. In Tajikistan, social welfare is governed by the Pensions Act. The level of occupational pensions depends directly on the wage received immediately prior to retirement; pensions are financed by contributions paid by citizens in gainful employment, thus ensuring application of the principle of inter-generational solidarity, whereby the earnings of the young are used to sustain the elderly. In addition, measures are being undertaken to introduce a framework for a system of funded pensions.

27. Under the Constitution, the family is protected by the State as the foundation of society. Everyone has the right to form a family. Men and women who have reached marriageable age have the right to enter freely into marriage. In family relations and during divorce the spouses have equal rights.

28. *(For further details, see articles 6-15 of this report.)*

29. Tajikistan guarantees to all its citizens, as well as stateless persons residing within the Republic, irrespective of their origin, social or property status, racial or national affiliation, language, sex, political views, religious beliefs, birth or occupation, domicile or other circumstances, the full range of rights and freedoms provided under the Constitution and laws of Tajikistan and the universally recognized norms of international law.

30. Tajikistan, as a social State, creates the conditions necessary to guarantee a life of dignity and free development for every individual (Constitution, art. 1, para. 2).

31. In that context, and in addition to the fundamental clause whereby Tajikistan proclaims itself a democratic State - a clause directly linked to this issue - the following provisions of the Constitution should be listed:

All nations and peoples residing on the territory of the Republic have the right to freely use their native languages (Constitution, art. 2, para. 3);

Public life is based on political and ideological pluralism. No single ideology, and no religious ideology, may be established as the State ideology. Voluntary associations are established and operate in conformity with the Constitution and the law. The State accords them equal opportunities in the conduct of their activities. Religious organizations are separate from the State and may not interfere in State affairs. The establishment and operation of voluntary associations that promote racial, ethnic, social or religious enmity or call for the violent overthrow of the constitutional system and the formation of armed groups are prohibited (Constitution, art. 8).

32. Under article 143 of the Criminal Code (Infringement of the equal rights of citizens), the intentional direct or indirect violation or restriction of the rights or freedoms of an individual or citizen on grounds of sex, race, ethnicity, language, social origin, personal, financial or official status, place of residence, attitude to religion, beliefs or membership of political parties or voluntary associations that harms a citizen's rights and legitimate interests is punishable by a fine of between 200 and 500 times the minimum wage, or by deprivation of liberty for up to two years. The same conduct, when accompanied by the use or threat of force, or committed through abuse of official

position, is punishable by deprivation of liberty for a term of two to five years with or without suspension of the right to hold certain posts or engage in certain activities for up to three years.

33. The Labour Code forms the basis for State policy relating to the employment rights of citizens, and is designed to protect the legitimate interests of employees, employers and the State.

34. Article 7 of the Labour Code prohibits discrimination in the field of labour relations. All citizens are accorded equal opportunities in the legal aspects of employment.

35. Article 16 of the Constitution lays down that foreign citizens and stateless persons enjoy the rights and freedoms set forth for citizens of Tajikistan and have equal obligations and responsibilities, except in cases provided for by law.

36. Articles 3 and 4 of the Foreign Citizens in Tajikistan (Legal Status) Act lay down that:

Foreign citizens in the Republic of Tajikistan enjoy the rights and freedoms set forth for citizens of Tajikistan and have equal obligations and responsibilities, except where otherwise provided by the Constitution and the law;

Foreign citizens in Tajikistan are equal before the law, irrespective of their origin, social or property status, racial or ethnic affiliation, sex, education, language, attitude to religion, type or nature of occupation or other circumstances;

In exercising their rights and freedoms, foreign citizens in Tajikistan must not harm the interests of the Republic or the rights and legitimate interests of citizens of Tajikistan or of other persons;

The exercise of the rights and freedoms granted to foreign citizens in Tajikistan is inseparable from the performance by them of their obligations as laid down by the laws of the Republic;

Foreign citizens in Tajikistan shall respect the Constitution and observe the laws of the Republic, and shall respect the traditions and customs of peoples living in Tajikistan.

37. Part 2 of the Act governs the basic rights, freedoms and obligations of foreign citizens in Tajikistan.

38. Article 12 of the Labour Code lays down that foreign citizens and stateless persons residing in Tajikistan may take employment as workers or employees at enterprises, institutions or organizations or engage in other employment on the same basis and under the same procedure as those established for citizens of Tajikistan, unless otherwise provided by the laws of Tajikistan.

39. However, article 9, part 3, paragraph 5, of the Civil Service Act states that a foreign citizen may not be appointed to an official position except where such appointment is governed on a mutual basis by agreements between Governments.

40. Article 1 of the Pensions Act lays down that foreign citizens and stateless persons residing in Tajikistan have the right to a pension on the same basis as citizens of the Republic, unless the laws of Tajikistan provide otherwise.
41. Article 5 of the Constitution states that life, honour, dignity and other inherent human rights are inviolable, and that human and civil rights and freedoms are recognized, observed and protected by the State. Under article 14 of the Constitution, human and civil rights and freedoms are governed and protected by the Constitution and laws of Tajikistan and by international legal instruments recognized by Tajikistan, while citizens' rights and freedoms may be restricted only in order to uphold the rights and freedoms of other citizens, maintain social order and defend the constitutional system and territorial integrity of Tajikistan. These Constitutional provisions are applicable to foreign and stateless persons.
42. Specialized legislation elaborates on these provisions (Labour Code, art. 7).
43. Distinctions drawn in employment arising from the specific requirements of a particular job, or special care extended by the State to persons requiring a greater measure of social protection (women, minors, disabled persons), do not constitute discrimination. Anyone who considers that he or she has been subjected to discrimination in the workplace may seek redress in the courts.
44. Enterprises located in Tajikistan which belong wholly or in part to foreign individuals or corporations are subject to its laws.
45. The principal mechanism whereby the above rights are guaranteed to citizens of the Republic, foreign citizens and stateless persons is the right to the protection of the courts. Violation of the above-mentioned and other rights and freedoms entails the application of disciplinary, administrative and criminal penalties.

### **Article 3**

46. Men and women are guaranteed equal rights in article 17 of the Tajik Constitution. These rights are regulated by the Criminal Code, the Code of Criminal Procedure, the Civil, Family and Labour Codes, the Reproductive Health and Reproductive Rights Act and other national laws and regulations. Legislation provides for the uniform legal regulation of all relations involving men and women, irrespective of gender, except where a distinction is made in order to extend to women, on physiological or other grounds, such privileges as are necessary to ensure an equal outcome for men and women.
47. In 2004, the Parliament (Majlis-i Namoyandagon of the Majlis-i Oli) adopted the Equal Rights and Opportunities for Men and Women Act, which regulates the protection of equal rights and equal opportunities in social, political, cultural and all other spheres. It is intended to prevent discrimination on grounds of gender and establishes State guarantees of the rights of both sexes.
48. Under article 47 of the Constitution, the rights and freedoms provided for under article 17 of the Constitution (i.e., the principle of equality between the sexes) cannot be restricted even in states of emergency.

49. Under article 143 of the Criminal Code, entitled “Infringement of the equal rights of citizens”, gender discrimination is a punishable offence (see article 2, part 2, paragraph 4 of this report).

50. Under article 18 of the Constitution, no one may be deprived of life except pursuant to the judgement of a court prescribed for a particularly serious crime and in accordance with the law. The death penalty is prescribed as an exceptional penalty for a circumscribed group of particularly serious crimes. Any person sentenced to death has the right to appeal the sentence and lodge a petition for mercy. The Criminal Code (Amendments and Additions) Act of 16 July 2003 abolished the death penalty for women. In April 2004, a moratorium on the death penalty was introduced.

51. One aspect of women’s right to life is the issue of reproductive health, greater attention to which has become a key health-care strategy for reducing infant and maternal mortality and women’s dependence on abortion. Reproductive health centres have been established, the principal aim of which is to introduce new perspectives and approaches in the work of the Ministry of Health regarding the improvement of contraceptive assistance, mainly within the framework of primary health care. In 1999, 34.6 per cent of women of childbearing age were using various types of contraceptives. That figure fell to 28.7 per cent in 2000, 22.8 per cent in 2001 and 15.3 per cent in 2002. However, women’s dependence on abortion as a birth control method remains fairly high, although it is tending to decline (91.9 abortions per 1,000 births in 1999; 94.1 in 2000; 88.5 in 2001 and 77.6 in 2002).

52. Notwithstanding certain downward trends, maternal and infant mortality rates are still high (for further details see article 12 of this report). Studies show that the main causes of infant and maternal morbidity and mortality are the public’s lack of medical awareness, poor housing and amenities, and inadequate diet.

53. Citizens are free to choose whether and when to have children. Relations between men and women and family planning issues are based on equality, freedom and mutual responsibility and respect (Reproductive Health and Reproductive Rights Act, art. 9). Forcing a woman to have an abortion is an offence under the Criminal Code (art. 124). In the period 1999-2003, there were four criminal prosecutions in this category, two of which resulted in convictions.

54. In order to prevent sex discrimination in the use of reproductive technologies (artificial insemination and embryo implantation), it is not permitted to choose the sex of the child, except where there is a possibility that a sex-related disease may be inherited. Nor is it permitted to perform selective abortions depending on the sex of the foetus (Reproductive Health and Reproductive Rights Act, arts. 18 and 20).

55. In order to improve the status of women and their health, and to reduce maternal and infant mortality, the National Plan of Action for the Advancement of Women and the Enhancement of Their Status and Role for the period 1998-2005 was approved by Government decision No. 436 of 5 November 2002 and is now being implemented. The Plan provides for the implementation, in cooperation with public bodies and non-governmental organizations, of the Public Health Protection Strategy for the period up to 2010, which outlines the following national programmes:

Efforts to combat iodine-deficiency disorders;

Efforts to combat diarrhoeal diseases;

Efforts to combat tuberculosis;

Prevention of iron-deficiency anaemia;

Efforts to combat and prevent hepatitis B;

Efforts to combat tropical diseases;

Efforts to prevent and combat HIV/AIDS and sexually transmitted diseases;

National Environmental Sanitation Action Plan.

56. Sectoral programmes:

Promotion of breastfeeding;

Efforts to combat acute respiratory infections.

57. Educational programmes on matters affecting family health and primary health-care services, including antenatal care for pregnant women and the development of mechanisms to implement the State's guarantee of free medical care, including preventive care, for women and children.

58. Women are protected against violence under the Criminal Code, the Family Code, the Labour Code, the Reproductive Health and Reproductive Rights Act and other laws and regulations.

59. Under article 138 of the Criminal Code, rape, i.e. sexual intercourse involving the use or threat of violence against the victim or her relatives, or taking advantage of the helpless state of the victim, is punishable by deprivation of liberty for a period of between 3 and 20 years, depending on the existence of aggravating circumstances, as defined in the law, or the death sentence. In the period 1999-2003, 296 criminal prosecutions were brought under this article, of which 253 (involving 325 individuals) resulted in convictions.

60. Following the declaration of a moratorium on the death penalty by the President on 30 April 2004, this type of punishment is no longer applied.

61. Under article 139 of the Criminal Code, violent acts of a sexual nature are punishable by deprivation of liberty for a period of between 5 and 7 years and, where there are aggravating circumstances, for a period of between 15 and 20 years.

62. Coercion to perform sexual intercourse or lesbian or other acts of a sexual nature using blackmail, the threat of destroying, damaging or confiscating property, or by exploiting the victim's occupational, financial or other dependence, is punishable by a fine of between 500 and 700 times the minimum wage, punitive deduction of earnings for up to two years or deprivation of liberty for

up to two years (Criminal Code, art. 140). In the period 1999-2003, three criminal prosecutions were brought under this article, two of which resulted in court convictions.

63. Women who become pregnant as a result of rape are guaranteed the reproductive right to choose freely whether or not to give birth to the child, the right to medical and social assistance, advice and counselling, and to treatment of the effects of any artificial interruption of pregnancy (Reproductive Health and Reproductive Rights Act, art. 20, and Public Health Protection Act, arts. 33 and 61). Furthermore, the State guarantees the confidentiality of citizens' recourse to the relevant bodies and organizations in connection with the exercise of their reproductive rights and the protection of their reproductive health. Accordingly, agencies, individuals and legal entities are bound to maintain the confidentiality of any information arising from citizens' contact with them (Reproductive Health and Reproductive Rights Act, art. 16).

64. In order to avoid pressure being put on women to establish a dependent relationship or conceal sexual violence, enforced pregnancy or enforced abortion is prohibited (Reproductive Health and Reproductive Rights Act, art. 9).

65. With a view to preventing all forms of violence against women and rendering assistance to victims of violence, the National Plan of Action for the Advancement of Women envisages the establishment of crisis centres to offer moral and psychological support to women who have been subjected to various forms of violence, the establishment of telephone hotlines, the institution of a system of legal education for women on the issue of violence, and the undertaking of sociological research in various regions of Tajikistan to determine the prevalence and causes of the problem of violence against women. This action is being taken in cooperation with State bodies and a number of non-governmental organizations, such as the Association of Women Scientists of Tajikistan and the Khujand Association of Businesswomen. The "Dilsuz" and "Bovari" centres for psychological and legal assistance are operated under the auspices of the Government's Committee for Women's and Family Affairs, and telephone hotlines that provide psychological counselling to women in crisis situations are operating in provincial centres in Gorno-Badakhshan Autonomous Oblast and Sogd and Khatlon oblasts.

66. In addition to the above, a number of comprehensive measures scheduled for joint implementation by public bodies and non-governmental organizations fall under the State programme on the principal areas of State policy to ensure equal rights and opportunities for men and women over the period 2001-2010, approved by Government decision No. 391 of 8 August 2001. Specifically, it is planned to establish a national research centre to collect and study information about incidents involving violence against women, open free legal advice centres for women, hold seminars and meetings with broad-based public involvement on the issue of violence against women and infringement of women's rights, organize special training on the issue of violence against women for staff of the Ministry of Internal Affairs, develop specific mechanisms for receiving complaints from and rendering assistance to abused women, develop and implement educational programmes for law enforcement officers, medical workers and journalists, and consolidate judicial practice in criminal cases involving violence against women. In the period 1999-2003, a number of criminal prosecutions were brought under articles of the Criminal Code that directly relate to domestic violence or other abuse of women - 93 under article 116 (Beating) and

73 under article 117 (Cruel treatment). Of these, 33 and 64 cases respectively resulted in convictions.

67. The criminal law in Tajikistan prohibits all forms of slavery and the slave trade. Abduction and unlawful deprivation of liberty are criminal offences (Criminal Code, arts. 130 and 131). Employment contracts concluded upon engagement for work must conform to labour legislation, which envisages free and fair work with equal pay for work of equal value. Recruitment for the purposes of sexual or other exploitation is a criminal offence (Criminal Code, art. 132). In the period 1999-2003, eight criminal prosecutions were brought under article 132 of the Criminal Code, five of which resulted in convictions.

68. Coercion to engage in prostitution and brothel-keeping are criminal offences (Criminal Code, arts. 238 and 239). In the period 1999-2003, 14 criminal prosecutions were brought under these articles, 10 of which resulted in convictions.

69. On 13 April 2001 Tajikistan ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 2 December 1949, and an article was added to the Criminal Code which criminalizes trafficking in persons for purposes of sexual or other exploitation.

70. Public information campaigns in the mass media, relevant publications and television programmes alert women leaving the country to the possible threat of forced labour or prostitution.

71. The Tajik penitentiary system is based on the principles proclaimed in the Covenant. Specifically, article 412, paragraph 10, of the Code of Criminal Procedure and articles 63 and 78 of the Penal Enforcement Code provide that men and women shall be segregated in corrective labour colonies. Girls sentenced to youth custody must be detained separately from adults. However, in view of Tajikistan's economic difficulties and the small number of girls sentenced to youth custody, at the present time girls are housed at a women's corrective labour colony together with adults, albeit in a separate section of the colony. A less rigorous regime operates at women's corrective labour colonies: for example, pregnant women and mothers are guaranteed care and medical treatment (Penal Enforcement Code, art. 101). Convicted women with children in homes attached to correctional colonies are permitted short-term release from the penitentiary to arrange for their child to be taken care of by relatives or guardians or in a children's home. Women with disabled children are permitted one period of short-term release a year to spend time with them (Penal Enforcement Code, art. 98).

72. The criminal law empowers the courts to excuse pregnant women and women with children under the age of 8 from serving their sentence, except those convicted for particularly serious crimes, in which case the court may defer the sentence until the child's eighth birthday (Criminal Code, art. 78).

73. According to the Ministry of Justice, the number of women prisoners significantly decreased in the period 1999-2002 following an amnesty. A total of 669 women have benefited from remission of sentence. Thus, 18 sentences were remitted in 1999, none in 2000, 573 in 2001, 78 in 2002 and none in 2003.

74. In 2003, with financial assistance from the Organization for Security and Cooperation in Europe (OSCE) Centre in Tajikistan, the school building at one women's correctional colony was renovated, books were purchased for the library, and a computer course was started for girls in youth custody.

75. The equal right of women and men to have access to justice and a fair trial is guaranteed by the Constitution. Under the Constitution, everyone is equal before the law and the courts irrespective of sex. The testimony of men and women has equal status. Everyone is guaranteed judicial protection. Everyone has the right to demand that his or her case be reviewed by a competent and impartial tribunal. The presumption of innocence operates with respect to all citizens (Constitution, arts. 17 and 19, and Code of Criminal Procedure, art. 8). These constitutional provisions are also reflected in the Code of Criminal Procedure (art. 9).

76. Women's status in society is further determined by the extent of their civil-law rights. Under current legislation, women and men have an equal right to recognition as a person before the law, i.e. they have the capacity to possess, use and dispose of property, to enter into contracts and exercise other civil-law rights. The right of a man or a woman to be recognized as a person before the law, as citizens of Tajikistan, is embodied in articles 18 and 19 of the Civil Code, and may be limited only in accordance with the law or the judgement of a court, pursuant to a declaration that the bearer of the right has limited or no legal capacity (Civil Code, arts. 30 and 31). Article 9 of the Code of Civil Procedure guarantees that justice shall be administered in accordance with the principles of equality of citizens before the law and the courts, irrespective of their sex.

77. The equal right of men and women to freedom of thought, conscience and religion is guaranteed by the Constitution (art. 26), the Religion and Religious Organizations Act (art. 3) and the Criminal Code (art. 157).

78. It is not permitted to coerce a citizen to declare his or her attitude to religion, to profess or abjure a religion, to participate or refuse to participate in acts of worship, religious rites and ceremonies, or to study a religion. The exercise of the right to freedom of conscience is subject only to such restrictions as are necessary to preserve public safety and law and order, health and morality, and the rights and freedoms of other citizens as established by law and consistent with Tajikistan's international obligations (Religion and Religious Organizations Act, art. 3).

79. The Constitution and the Family Code assign to men and women the same rights in marriage, including the reproductive right to determine the number of children in the family and to control their birth spacing. Men and women are responsible in equal measure for bringing up and educating their children and exercising the rights of motherhood and paternity. While the principal obligation to ensure the best possible standard of living for children lies with parents, it is for the State to create the conditions to enable parents to perform their obligations (section IV of the State programme on the principal areas of State policy to ensure equal rights and opportunities for men and women for the period 2001-2010).

80. The principle of equal rights of the spouses upon entry into marriage, during marriage and at its dissolution is contained in article 33 of the Constitution, which states that everyone has the right to found a family. Men and women who have attained marriageable age have the right freely to



enter into marriage. Spouses have equal rights in family relations and upon dissolution of the marriage. Polygamy is prohibited.

81. In addition to attainment of the marriageable age of 17, the mutual consent of the man and the woman entering into marriage is necessary for the marriage to take place (Family Code, art. 13). The giving away in marriage of a girl who has not attained marriageable age, by her parents or guardians, or by persons exercising authority over her, and likewise the brokering of such a marriage or the offering of inducements to such persons to give a girl away, shall be punishable by deduction of earnings for up to two years or restriction of liberty for up to five years (Criminal Code, art. 168). In the period 1999-2003, 52 criminal prosecutions were brought under article 168 of the Criminal Code, 39 of which resulted in convictions.

82. Trafficking in minors is a criminal offence (Criminal Code, art. 167). In the period 1999-2003, 10 criminal prosecutions were brought for trafficking in minors, including girls, and 4 resulted in convictions.

83. Polygyny, which infringes the rights of women and has an adverse effect on the upbringing of children, is a criminal offence. Under article 170 of the Criminal Code, bigyny or polygyny, i.e. cohabiting with two or more women in a single household, is punishable by a fine of between 1,000 and 2,000 times the minimum wage, punitive deduction of earnings for up to two years or restriction of liberty for up to five years. In the period 1999-2003, 147 criminal prosecutions were brought under article 170 of the Criminal Code, 123 of which resulted in convictions.

84. In order to ensure the full and free consent of women to marriage, national legislation stipulates that marriage with a victim of rape shall not be deemed to be a mitigating circumstance or to absolve the perpetrator of criminal responsibility. Nor shall rape serve as a ground for lowering the minimum age for entry into marriage.

85. Article 32 of the Family Code guarantees the equal rights of spouses in the family. Specifically, each spouse is free to choose his or her occupation, profession, activity, place of residence and current address. Questions of paternity, motherhood, upbringing and education of children and other issues of family life are resolved jointly by the spouses based on the principle of spousal equality.

86. A marriage contract shall not give rise to sex discrimination. Upon marriage, the spouses shall, as they wish, choose the surname of either one of them as their common surname, or keep their respective premarital surnames, or attach the surname of the other spouse to their own surname. A change in the surname of one of the spouses shall not entail any change in the surname of the other (Family Code, art. 33).

87. The marriage or dissolution of marriage between a citizen of Tajikistan and a non-citizen shall not entail a change in citizenship. A change in citizenship of one of the spouses shall not entail a change in citizenship of the other spouse. The dissolution of the marriage shall not affect the citizenship of any children born or adopted during the marriage (Citizenship Act, art. 8).

88. Articles 16 to 20 of the Citizenship Act regulate questions relating to the citizenship of children.

89. Equality of property rights between the spouses, as guaranteed in the Family Code, is very important for ensuring women's rights in the family. Thus, property accumulated by the spouses during the marriage is owned by them in common. The spouse who, during the marriage, administered the household, raised the children or for other valid reasons did not have an independent income, also possesses the right to joint ownership (Family Code, art. 34). Spouses shall possess, use and dispose of property held in common by mutual agreement (Family Code, art. 35).

90. In the event of dissolution of the marriage, current legislation guarantees the equal rights of the spouses.

91. If in divorce proceedings one of the spouses does not consent to the dissolution of the marriage, the court takes steps to reconcile the spouses and is entitled to defer the proceedings by fixing a period of three months for the spouses to effect a reconciliation.

92. The marriage is dissolved if a court establishes that it is impossible for the spouses to continue to live together and preserve the family, and measures to reconcile the spouses have proved ineffective (Family Code, art. 22). However, a husband does not have the right to initiate legal proceedings to dissolve a marriage without his wife's consent while his wife is pregnant or within 18 months after the birth of a child (Family Code, art. 17).

93. Upon dissolution of the marriage, matters pertaining to the personal and property rights of the spouses are settled by the court, based on the principle of equality between the sexes and the interests of the children and taking account of all the individual circumstances of each case, and on the basis of the marriage contract (Family Code, arts. 34-42).

94. The Family Code also provides that, and defines the conditions in which, an incapacitated spouse may obtain a living allowance, both during marriage and after the dissolution of marriage (arts. 90 and 91).

95. Gender has no legal significance in deciding matters of inheritance. In all cases, women have the same right to inherit as men.

96. The benefits and allowances for women established by the Labour Code are intended to make it easier for women to combine gainful employment with family responsibilities. Thus, pregnant women and women with children under three are prohibited from working overtime, at weekends, on official holidays, and from being sent on special assignments. Women with children between the ages of 3 and 14 (or 16 in the case of children with disabilities) may work overtime or be sent on special assignments only with their consent (Labour Code, art. 162).

97. Women are granted maternity leave of 70 calendar days prior to giving birth and 70 calendar days afterwards (86 days in the event of complications and 110 days if they give birth to two or more children), and are entitled to a State social insurance benefit (Labour Code, art. 164).

98. Upon expiry of maternity leave, a woman may, if she wishes, be granted leave to care for her child up to the age of 18 months. During this period, she is entitled to a State social insurance benefit.

99. Should she so wish, a woman may also be granted additional leave without pay to care for her child up to the age of 3.

100. While on leave caring for her child, a woman may, if she wishes, work part-time or from home, retaining her right to draw a State social insurance benefit.

101. A woman keeps her job or position for the duration of her leave. Childcare leave is included in total and uninterrupted length of service, and also in length of service in a specialized occupation (except where a pension is awarded in connection with special working conditions) (Labour Code, art. 165).

102. In addition to rest and meal breaks, a woman with a child under 18 months is allowed additional breaks to feed her child. Such breaks, each lasting at least 30 minutes, may be taken at intervals of no more than three hours. Where a woman has two or more children aged 18 months, the break must last for at least one hour. Breaks to feed children are part of work time and are paid at the average wage rate.

103. Should she so wish, a woman may request that breaks to feed her child be added on to her rest and meal breaks, or that all the breaks be amalgamated and transferred to the start or the end of the workday, which would be shortened accordingly (Labour Code, art. 167).

104. At the request of a pregnant woman or a woman with children up to the age of 14, or 16 in the case of children with disabilities, including a woman with guardianship over children, an employer must arrange for her to work a shorter working day or a shorter working week (Labour Code, art. 168).

105. Pregnant women and women with children shall, at their request, be granted annual leave, either before or after maternity leave, or after childcare leave, irrespective of how long they have worked at the enterprise.

106. Women and men with two or more children under 14 or a disabled child under 16, and single mothers (with children under 14, or under 16 in the case of children with disabilities), shall, at their request, be granted annual leave in the summer or at some other time convenient to them (Labour Code, art. 170).

107. In order to ensure women's reproductive rights and prevent discrimination against women in employment relations, provision is made for the criminal liability of the employer. For example, unfounded refusal to employ a woman on the ground that she is pregnant, or unfounded dismissal for the same reason, or unfounded refusal to employ a woman with a child under three, or unfounded dismissal of a woman in this category, is punishable by a fine of between 300 and 500 times the minimum wage or punitive deduction of earnings for up to two years (Criminal Code, art. 155).

108. Discrimination in matters of pay is prohibited. Employers must remunerate workers equally for work of equal value. It is not permitted to modify pay terms in such a way that a worker is disadvantaged thereby (Labour Code, art. 102).

109. Under article 28 of the Constitution, all citizens have the right of association and are entitled to form voluntary associations, political parties and trade unions. A number of women's non-governmental organizations, including non-governmental organizations engaged in human rights activities (League of Women Jurists), have been established and are operating in Tajikistan. Some of them are working on gender issues (for example, the non-governmental organizations Society and Law, Women Scientists, and others). One characteristic of most non-governmental organizations, whether or not they are "women's organizations" according to their charters, is that they are headed by women.

110. Legislation in Tajikistan provides for the equal participation of men and women in shaping and implementing State policy. These rights are reflected in the Constitution (art. 27), the Civil Service Act (arts. 2, 6, 10, 31 and 32), the Elections to the Majlis-i Oli Act (art. 4), and the Election of Deputies to Local Councils of People's Deputies Act (art. 2). At the same time, a significant constraint on women's ability to exercise their rights under the law is the fact that gender stereotypes and religious and traditional customs continue to exert a powerful influence in society. According to these stereotypes and customs, men are primarily responsible for supporting and protecting the family, whereas the role of women is to rear children and run the household. Sociological surveys show that this view is supported by a majority of women, particularly in rural districts. However, it should be noted that the difficult economic situation in Tajikistan and the relative poverty of the population have increasingly prompted women to help resolve their families' financial problems, although rather than working for the State, they usually enter the small business sector, where incomes are higher. Another problem is the low level of legal and political awareness among women (especially rural women) and their lack of psychological preparedness to participate in political life.

111. All of the above considerations have created a gender imbalance in Tajikistan's power structures. Bearing in mind that women account for 49.6 per cent of the total economically active population, the situation in the various State bodies of Tajikistan is as follows (data from December 2003) (see annex, tables 1-3).

112. The results of the 2000 election to the Majlis-i Namoyandagon of the Majlis-i Oli showed that, although the representation of women in Parliament is still low in percentage terms, women are nevertheless becoming increasingly active in national political life. Thus, 25 women candidates stood for election in single-mandate election districts, 4 of whom were returned as deputies. Fourteen women candidates stood for election in the party lists of five political parties, and seven were returned as deputies to the Majlis-i Namoyandagon of the Majlis-i Oli.

113. The issue of equal participation of women in public administration is closely connected with the enrolment of women in general education, secondary and tertiary education. Although in 2002 the proportion of schoolgirls and female students at secondary specialized educational institutions was on the whole balanced, comprising 46.4 per cent and 50.7 per cent respectively, elsewhere the gender situation has worsened. In tertiary educational establishments, for example, the proportion

of female students is just 24.8 per cent. The proportion of women in postgraduate education is even lower; in 2002, the proportion of women with doctorates and women candidates of science was just 10.8 and 20.3 per cent respectively.

114. Government decision No. 199 of 19 April 2001 introduced preferential entry conditions to tertiary educational establishments (a quota system) for girls from remote highland areas of Tajikistan. To date, a total of 2,193 girls have enrolled as students in tertiary educational establishments under the quota system (434 girls in 1999; 519 girls in 2000; 610 girls in 2001; and 630 girls in 2002).

115. To enhance the effectiveness of gender policy and develop social partnership with local non-governmental organizations and international organizations, coordinating councils on gender issues in education, employment and reproductive health have been established that report to the Ministry of Education, the Ministry of Labour and Social Welfare and the Ministry of Health.

116. Bearing in mind the specific features of the gender situation as outlined above, Tajikistan has based its State policy to guarantee the equal rights and opportunities of men and women on the principle that measures and actions taken by the State must be directed to the achievement of equal outcomes for men and women, and not just to equal treatment of both sexes (State programme on the principal areas of State policy to ensure equal rights and opportunities for men and women in Tajikistan for the period 2001-2010).

117. Presidential decree No. 5 of 3 December 1999 on the advancement of women has had a decisive impact on the systematic implementation of this principle, by phasing in personnel changes in various power and administrative structures with a view to advancing women to positions of leadership. Joint comprehensive measures by State and non-governmental structures intended to raise the profile of women in society have been developed and included in legislation. One member of the Government, a deputy prime minister, is a woman. A deputy chairperson of the Majlis-i Milli of the Majlis-i Oli is a woman, as is a deputy chairperson of the Majlis-i Namoyandagon of the Majlis-i Oli. Eleven deputies of the lower chamber of Parliament are women, as are two chairpersons of committees of the Majlis-i Namoyandagon of the Majlis-i Oli and five members of the upper chamber of Parliament. One chairperson of a government committee is a woman, as are one senior counsellor to the President, four counsellors to the President and four section chiefs in the President's Executive Office. Women account for 28.8 per cent of the staff of the President's Executive Office.

118. Women play an important role in cultural life in Tajikistan. There are 49 women who are directors in the central apparatus of the Ministry of Culture, in teaching establishments and in the cultural domain.

119. Institutional mechanisms for upholding the equal rights and opportunities of men and women are specified in section II of the State programme on the principal areas of State policy to ensure equal rights and opportunities for men and women in Tajikistan for the period 2001-2010.

120. In the Government of Tajikistan, matters relating to the position and status of women are overseen by a deputy prime minister. The Government Committee for Women's and Family Affairs

was established in 1991 and has been in operation since. The Committee's principal function is to promote and enforce policy to advance the status of women in all spheres of State and public life. Similar structures operate in the regions.

121. The Committee of the Majlis-i Namoyandagon of the Majlis-i Oli on Women's Affairs, Health Care, Social Welfare and the Environment plays an important role in devising gender policy. The Committee's tasks include drafting legislation within its terms of reference.

122. Similar committees and commissions report to oblast, city and district assemblies and representative bodies in the regions.

123. Structures that deal directly with issues affecting women, the family and children operate in ministries and departments in the social sector (education, health care, labour and social welfare, etc.).

#### **Article 4**

124. In the event that a public emergency arises in Tajikistan that threatens the life of the nation and an official proclamation is made to this effect, the State may, in accordance with the Constitution and the State of Emergency (Legal Arrangements) Act of 3 November 1995, restrict the exercise of a number of rights to the extent strictly required by the exigencies of the situation. However, this does not mean that it may restrict all rights, including certain specific rights, or take discriminatory measures on various grounds.

125. Under the Act, Tajikistan is obliged immediately to inform the other parties to the Covenant, through the intermediary of the Secretary-General of the United Nations, of any restrictions imposed, the reasons for such restrictions, and the date when the restrictions will cease to have effect.

126. Article 69, paragraph 19, of the Tajik Constitution and article 2 of the aforementioned Act stipulate that a state of emergency applicable throughout the territory of Tajikistan or in individual oblasts, districts or cities shall be proclaimed by presidential decree, which shall immediately be submitted for approval by a joint session of the Majlis-i Milli and the Majlis-i Namoyandagon of the Majlis-i Oli, with notification to the United Nations.

127. Within one day of the entry into force of the presidential decree, the Majlis-i Oli shall convene a session and within three days approve the presidential decree proclaiming a state of emergency.

128. The Majlis-i Oli shall adopt a decision on this matter in open voting by a simple majority of people's deputies.

129. A state of emergency applicable throughout the territory of Tajikistan may be introduced for up to three months. Where necessary, this period may be extended by the President (Constitution, art. 46).

130. In accordance with article 47 of the Constitution, the rights and freedoms contained in the following articles of the Basic Law may not be restricted in a state of emergency:
131. *Article 16.* A citizen of Tajikistan abroad shall remain under the protection of the State. No citizen of Tajikistan may be extradited to a foreign State. The extradition of criminals to foreign States is determined on the basis of bilateral agreements.
132. Foreign citizens and stateless persons enjoy the proclaimed rights and freedoms and have the same rights and duties as citizens of Tajikistan, except in the cases prescribed by law.
133. Tajikistan may grant political asylum to foreign nationals whose human rights have been violated.
134. *Article 17.* All persons are equal before the law and the courts. The State guarantees the rights and freedoms of all, irrespective of ethnicity, race, sex, language, religion, political views, education and social or property status.
135. *Article 18.* Everyone has the right to life.
136. The inviolability of the individual is guaranteed by the State. No one may be subjected to torture or cruel or inhuman treatment.
137. Coercive medical or scientific experimentation on human beings is prohibited.
138. *Article 19.* Everyone is guaranteed judicial protection. Everyone is entitled to have his or her case heard by a competent, independent and impartial court established by law.
139. No one may be subjected without legal justification to arrest, detention or exile. Detainees are entitled to the services of a lawyer from the moment of their detention.
140. *Article 20.* No one shall be considered guilty of a crime until a court judgement has become enforceable.
141. No one may be prosecuted for a criminal offence after the expiry of the statute of limitations or for acts that were not considered crimes at the time of their commission. No one may be tried twice for the same offence.
142. Complete confiscation of the property of the convicted person is prohibited.
143. *Article 22.* A person's home is inviolable.
144. *Article 25.* State bodies, voluntary associations, political parties and officials must uphold the opportunity of all persons to obtain and familiarize themselves with documents affecting their rights and interests, except in circumstances prescribed by law.
145. *Article 28.* Citizens have the right to form associations.

146. Pursuant to article 1 of the State of Emergency (Legal Arrangements) Act, a state of emergency may be introduced in Tajikistan in the following circumstances:

Natural disasters and accidents, epidemics and epizootics that endanger the life and health of the population;

Mass law-and-order violations that constitute a real threat to the rights and freedoms of citizens;

Attempts to seize State power or change the constitutional system of Tajikistan by force;

Encroachments on the territorial integrity of the State that threaten its borders;

A need to re-establish constitutional law and order and the operation of State bodies.

147. The reasons for a state of emergency shall be given when the decision to declare it is made, and its duration and territorial extent shall likewise be specified.

148. The President of Tajikistan has the right to abrogate a state of emergency before its expiry date if the circumstances that led to its proclamation no longer obtain, or to extend the state of emergency if such circumstances persist.

149. A decision to introduce, extend or abrogate a state of emergency shall enter into force upon its adoption, unless the decision specifies otherwise, and shall be made known forthwith.

150. Article 4 of the State of Emergency (Legal Arrangements) Act stipulates that, in a state of emergency, where specific circumstances warrant, the relevant State bodies may take the following steps:

Reinforce protection of public order and facilities that ensure the day-to-day existence of the population and the functioning of the economy;

Temporarily evacuate citizens from hazardous districts, with a compulsory offer of alternative permanent or temporary accommodation. This measure is designed to protect these citizens' life and health;

Introduce special arrangements for entering and leaving an area in order to maintain law and order, preserve political stability, etc.;

Prohibit certain citizens from leaving a specified locality, or their house or apartment, for a prescribed period, and remove public order violators not resident in a particular locality, at their own expense, to their current address or a place outside the area where the state of emergency has been proclaimed;

Temporarily confiscate from citizens firearms, bladed instruments and ammunition, and from enterprises, institutions and organizations, military equipment used in training, explosives, radioactive substances and materials, potent chemicals and poisons;



Prohibit the holding of meetings, rallies, street processions and demonstrations that would further destabilize the situation, and also public hunger strikes and pickets, spectacles, sports and other mass events;

Establish special work schedules for enterprises, institutions and organizations regardless of form of ownership, and resolve other issues pertaining to their economic activity;

Appoint and dismiss directors of enterprises, institutions and organizations and prohibit the dismissal of workers and employees for valid reasons;

Employ the resources of enterprises, institutions and organizations to prevent and manage the consequences of emergencies, with subsequent payment of compensation to be paid in the manner defined by the Government of Tajikistan;

Prohibit the holding of strikes;

Enlist able-bodied citizens to work at enterprises, institutions and organizations, and also to manage the consequences of emergencies and ensure safety at work;

Restrict or prohibit the trade in weapons, ammunition, explosives, potent chemicals and poisonous substances, and also spirits and spirituous substances, with the exception of medicaments;

Impose a quarantine and implement other mandatory public health and disease control measures;

Restrict or prohibit the use of reproduction equipment, radio broadcasting apparatus and audio and video recording equipment; confiscate sound-amplifying equipment; establish control over the mass media and, if necessary, introduce censorship and restrictions on the publication of newspapers;

Introduce special rules for the use of telephones;

Restrict transport movements and inspect vehicles;

Introduce a curfew;

Curtail the formation and activity of armed groups of citizens not provided for by law;

Check citizens' documents and, if necessary, where there is reason to suppose that citizens possess weapons, ammunition, explosives, potent chemicals or poisonous agents, conduct personal searches and inspect substances and vehicles;

Prohibit the import or export with a view to circulation in other localities of printed publications and tape and video recordings that call for the destabilization of the situation, inflame inter-ethnic strife or incite disobedience to the relevant State bodies.

151. The President of Tajikistan has the right to overrule any decision of subordinate bodies and officials acting in the areas where a state of emergency has been proclaimed. In order to coordinate efforts to prevent or manage the consequences of emergencies, the Government of Tajikistan and the chief executive officers of Gorno-Badakhshan Autonomous Oblast, other oblasts, the city of Dushanbe, districts and towns may form ad hoc provisional bodies (State of Emergency (Legal Arrangements) Act, art. 5).

152. During states of emergency and emergency rule, directors of enterprises, institutions and organizations are entitled where necessary to reassign workers and employees without their consent to forms of work not specified by an employment contract.

153. The principle that the directors of enterprises, institutions and organizations shall be elected may be set aside during states of emergency and emergency rule, if this serves the interests of normalizing the situation.

154. During curfew and emergency rule, citizens are prohibited from being on the streets or in other public places without specially issued passes and documents certifying their identity, or to reside away from their homes without such documents.

155. Persons who violate these arrangements shall be detained by the militia or military patrols until the end of curfew, and persons without identity papers shall be detained until their identity is established, but for no longer than three days, and their persons and belongings may be searched.

156. Article 166 of the Code of Administrative Offences states that a violation of the provisions described in article 4, subparagraphs 3, 4, 6, 10, 12, 16 and 20, and of the requirements contained in article 7, paragraph 1, of the State of Emergency (Legal Arrangements) Act, shall carry an administrative penalty in the form of a fine ranging from half to three times the minimum wage or administrative detention for up to 15 days.

157. The spreading of provocative rumours or the commission of acts that provoke violations of public order or incite ethnic strife, or the active obstruction of citizens and officials from exercising their lawful rights and performing their duties, or wilful defiance of a legitimate order or request of an officer of the internal affairs agencies, a member of the armed forces or another person performing official obligations or under an official duty to protect public order, or any similar actions that breach public order and the public peace, or violations of administrative oversight rules in localities where a state of emergency has been proclaimed, shall be punishable by a fine ranging from 10 to 20 times the minimum wage or administrative detention for up to 30 days, depending on the gravity of the offence.

158. Reports of such offences are officially drawn up by duly authorized officers of the internal affairs agencies or by the commandant of a particular locality.

159. Cases involving the offences covered by articles 8 and 9 of the aforementioned Act are heard by a judge within three days under the procedure specified by the Code of Administrative Offences. Persons who have committed administrative offences may be detained until their case is heard by a judge.

160. Pursuant to article 11 of the aforementioned Act, in states of emergency the Supreme Court has the right to change the statutorily prescribed territorial jurisdiction of civil and criminal cases.

161. Citizens who have suffered injury in emergencies or in connection with efforts to prevent or manage emergencies undertaken by the relevant State bodies, enterprises, institutions or organizations shall be provided with accommodation, shall receive compensation for any material injury, and shall be helped to find work and afforded other assistance as required.

162. When the relevant State bodies do not perform their proper functions in areas where a state of emergency has been declared, or if they act unconstitutionally, the President of Tajikistan may establish temporary emergency rule throughout the country or in certain areas, namely direct presidential rule, and suspend the powers of the relevant State bodies.

163. A proposal to introduce emergency rule may also be made by bodies and officials who, under the Constitution, have the right to initiate legislation. Thus, under article 58 of the Constitution, besides the President, the following bodies or officials have the right to initiate legislation: a member of the Majlis-i Milli, a deputy of the Majlis-i Namoyandagon, the Government of Tajikistan and the Council of People's Deputies of Gorno-Badakhshan Autonomous Oblast.

164. As stipulated by articles 14 and 15 of the State of Emergency (Legal Arrangements) Act, emergency rule may be enforced through a body established by, or an official appointed by, the President. The President decides which body shall be responsible for imposing emergency rule throughout the country or in certain areas, and the Majlis-i Oli is notified of this decision (art. 14).

165. The reasons for emergency rule shall be given when the decision to introduce it is made, and its duration and territorial extent shall likewise be specified.

166. Emergency rule of specific areas, cities and districts in the event of the disbanding of a council of people's deputies or a local executive body (*khukumat*) shall cease with the holding of elections for a new local council of people's deputies in these territories or the formation of a new local executive body (*khukumat*).

167. A decision to introduce, abrogate or extend emergency rule shall enter into force as soon as it is adopted, unless specifically stipulated otherwise, and shall be made known forthwith (art. 15).

168. Bodies or officials administering emergency rule have the right:

To take the measures stipulated by article 4 of the aforementioned Act;

To suspend the work of councils of people's deputies and local executive bodies (*khukumats*);

To assume their functions on a temporary basis;

To submit proposals to State and administrative bodies of Tajikistan on matters relating to the governmental, economic, social and cultural development of the territories under their jurisdiction.

169. In pursuance of the State of Emergency (Legal Arrangements) Act, the decisions of bodies or officials administering emergency rule in specific territories on issues within their jurisdiction are binding on all State bodies, enterprises, institutions, organizations and associations situated in these territories.

170. While emergency rule is in force, the President of Tajikistan has the right to overturn any decision by subordinate bodies and officials operating in localities where a state of emergency has been proclaimed.

171. During this period, with a view to coordinating efforts to prevent or manage the consequences of emergencies, the Government of Tajikistan and the chief executive officers of Gorno-Badakhshan Autonomous Oblast, other oblasts, the city of Dushanbe, districts and towns may form ad hoc provisional bodies.

172. The persons enlisted to oversee the state of emergency shall be determined by the President of Tajikistan.

173. Certain benefits and guarantees are established for such persons; for example, salaries and allowances for special and military grades are paid at double the normal rate. One month of service in a state of emergency counts as three months for the purposes of calculating the length of service pension (number of years worked).

174. Any and every lawful restriction of citizens' rights and freedoms in a state of emergency (including those constitutionally sanctioned) shall be permitted only in the event of a clear and present threat to citizens' rights and freedoms, the independence and territorial integrity of the State, or natural disasters as a result of which the constitutional bodies of Tajikistan are unable to function normally. As a temporary measure, the restriction of certain rights provided for under the International Covenant on Civil and Political Rights is permitted during a declared state of emergency in Tajikistan, solely with a view to ensuring the security of citizens and the State.

175. No state of emergency has been proclaimed in Tajikistan since 1999.

## **Article 5**

176. Articles 5 and 14 of the Constitution state that life, honour, dignity and other inherent human rights are inviolable, and that human and civil rights and freedoms are regulated and protected by the laws of the Republic.

177. Article 17 of the Constitution establishes the equality of citizens before the law and the courts and equal rights between men and women.

178. Several mechanisms are in place for the protection of the above rights. Article 84 of the Constitution establishes that human and civil rights and freedoms are protected by the judiciary, which is independent.

179. Under article 93 of the Constitution, procuratorial bodies are also responsible for protecting human and civil rights and freedoms and monitoring compliance with the law.

180. In accordance with article 10 of the Constitution, international legal instruments recognized by Tajikistan are an integral part of the legal system of the Republic. In the event of a contradiction between the law of Tajikistan and these international instruments, the norms contained in the international legal instruments apply.

181. It is permitted to restrict citizens' rights and freedoms only in order to uphold the rights and freedoms of other citizens, ensure social order and defend the constitutional system and territorial integrity of Tajikistan.

182. No one shall be subjected to torture or cruel and inhuman treatment.

183. Special norms prohibiting unlawful actions are contained in the Criminal Code (chap. 19, Crimes against the constitutional rights and freedoms of the person and the citizen; chap. 32, Crimes against justice), the Code of Criminal Procedure and the Penal Enforcement Code.

184. The international legal instruments recognized by Tajikistan are an integral part of the legal system of the Republic. In the event of a contradiction between the law of Tajikistan and these international norms, the norms contained in the international legal instruments shall apply (Constitution, art. 10).

185. Until 2001, Supreme Court judgements were not subject to appeal by way of cassation (Code of Criminal Procedure, art. 329). By a decision of 12 June 2001, the Constitutional Court held that article 329 contradicted article 19 of the Constitution and article 14, paragraph 5, of the International Covenant on Civil and Political Rights. Pursuant to this decision, the Majlis-i Oli brought this provision of the Code of Criminal Procedure into line with the Constitution, as a result of which Supreme Court judgements may be appealed and challenged by way of cassation.

## **Article 6**

186. Tajikistan recognizes the right of all persons to fair and favourable working conditions. The following national legislation ensures compliance with the Covenant:

The Constitution, the Labour Code, the Social Partnership, Contracts and Collective Agreements Act, the Civil Service Act and the Employers' Associations Act;

Legislative acts of the Majlis-i Oli, the President of the Republic, the Government and local authorities;

General agreements, sectoral (wage) agreements, territorial agreements (at the oblast, city and district levels), collective bargaining agreements and other legal instruments regulating matters of pay for individual categories of employees, the provisions of which may not be less favourable than the provisions of the Labour Code and the international legal instruments ratified by Tajikistan.

187. Pursuant to article 6, paragraph 1, of the Covenant, article 35 of the Constitution states that everyone has the right to work and to choose his or her profession or occupation and the right to occupational safety and to social protection against unemployment. Specific guarantees of employment rights in the area of labour relations are regulated by the Labour Code and other directly applicable legislation such as the Employment Promotion Act and the Occupational Safety Act. In particular, these instruments contain provisions prohibiting discrimination in labour relations and in the use of forced labour. All persons are guaranteed equal pay for work of equal value, normal working conditions and, in the event of loss of work, unemployment benefit.

188. In this way, each individual is guaranteed the opportunity to earn a living through work in accordance with his or her occupation and qualifications.

189. The provisions of the Labour Code lay down the right of every citizen of Tajikistan and stateless person to enter into labour relations with an employer after concluding an employment contract under which the worker undertakes to perform work in one or several occupations, specialities or posts calling for the corresponding qualifications, while the employer undertakes to pay the worker for the work performed and provide the prescribed working conditions (Labour Code, art. 26).

190. The above legislation and other legal instruments relating to employment regulate labour relations and associated relations concerning individuals who work under an employment agreement or contract at enterprises, institutions and organizations whatever their form of ownership, or are employed by individuals, and also persons who are members or shareholders of such enterprises, with the exception of joint owners or owners of property who are engaged in household work or work on a private (*dekhkan*) farm (article 1 of the Labour Code, and article 4 of the Dekhkan (Farming) Act, Act No. 48 of 10 May 2002).

191. In order to enhance State monitoring and control of compliance with legislation relating to employment, occupational safety and workplace inspections, to bring security and occupational safety standards into line with relevant international standards and to establish an effective system for occupational safety and workplace inspections, a State Labour Inspectorate was established under the Ministry of Labour and Social Welfare by Government decision No. 596 of 30 December 2001.

192. Labour inspection is governed by the Constitution, the Labour Code, laws and other legal instruments, the Regulations governing the State Labour Inspectorate under the Ministry of Labour and Social Welfare, international conventions and other international legal instruments recognized by Tajikistan.

193. In addition to the National State Labour Inspectorate, State labour inspectorates have been established for Gorno-Badakhshan Autonomous Oblast, Sogd and Khatlon oblasts, the city of Dushanbe and the Gissar, Vakhdat and Rasht Valley regions, numbering 60 in total.

194. In 2004, officials of the State Labour Inspectorate carried out inspections and monitoring to verify compliance with labour laws and norms and standards relating to labour safety and to assess workplace conditions at 762 enterprises and organizations, i.e., which represents an increase of 23.3

per cent in relation to 2003. Violations most frequently detected were failure to provide special clothing and individual protection equipment, late payment of wages, incorrect allocation of annual leave, failure to carry out medical examinations on some employees, failure to provide employees with books for noting their labour records, failure to conclude labour and collective bargaining agreements, non-compliance of employers with their obligations, failure to meet occupational safety requirements, and others. At those enterprises and organizations where inspections were carried out, 5,200,000 somoni was owed to employees in late wages; 63 per cent of the wage arrears were paid after managers had received instructions to pay.

195. With the help and financial support of the International Labour Organization, an occupational safety information and analysis centre has been set up, which plans to review the situation with regard to occupational safety with a view to the formulation and adoption of a national programme on occupational safety and employee health.

196. An increase has been observed in emigration of citizens for employment purposes. According to various estimates, between 23 and 25 per cent of those able to work are employed in the informal sector of the economy, and each year more than 300,000 persons (some 7 per cent of those able to work), depending on the season, leave the country to work abroad. The Employment Promotion Act, adopted on 1 August 2003, establishes the legal, socio-economic and organizational foundations for State employment policy, including State guarantees to uphold the constitutional rights of citizens to work and social protection against unemployment in market-economy conditions. The Act defines unemployed persons as citizens of working age who, during the period under review, do not have a job, do not receive a wage or are not gainfully employed, and who are engaged in seeking employment through application to State or other employment services. Tables 4 to 12 in the annex provide information on numbers of employable persons, the proportion of the population in employment according to form of ownership, the distribution of the population employed in the economy, by sector, citizens seeking employment, registered unemployed persons, vocational training of unemployed persons, vocational training of blue-collar and white-collar workers employed by enterprises, public works, establishment of quotas and encouragement of job creation.

197. In pursuance of article 13 of the Employment Promotion Act, Government decision No. 94 of 4 March 2003 approved an employment promotion programme for 2003-2005, the main aim of which is to lend assistance to citizens seeking employment, in particular those who are experiencing difficulties in finding work since they are not able to compete on the labour market on an equal footing. In addition to the programme's main area of assisting the unemployed in finding employment, it contains measures to provide vocational training for unemployed persons, create paid posts in the public sector and encourage wider business activity and self-employment on the basis of microcredits.

198. Other measures envisaged under the programme are improvement of the management structure of the employment services, creation of a network of business centres, conclusion of bilateral agreements relating to the establishment of paid posts in the public sector, the development and implementation of targeted programmes to promote the employment of women and young people, regulation of the migration of workers to other countries and implementation of joint programmes with international and non-governmental organizations.

199. The State accords unemployed citizens the following guarantees:

Provision of benefits and compensation to employees dismissed from enterprises, institutions and organizations;

Payment of grants to unemployed persons for the duration of vocational training, further training or retraining offered through State employment services;

Payment of unemployment benefit;

Opportunities for paid public employment.

200. The State pays particular attention to individual groups of the population who are in need of social protection, experiencing difficulties in finding work or disadvantaged on the labour market. Additional jobs, specialist agencies (including employment services for the disabled), quotas for the recruitment of disabled persons, career advice services and special training courses are being established for the benefit of such persons. Quotas for the recruitment of disabled persons are provided for under the Disabled Persons (Social Welfare) Act.

201. In order to prevent an increase in unemployment amongst women, the Employment Promotion Programme for 2003-2005 envisages the following measures:

Career advice, training and vocational training in accordance with the needs of the labour market;

Support for women's self-employment and business initiatives;

An increase in the activities of job centres for women and greater efforts to provide women with information and legal advice.

202. Article 59 of the Labour Code establishes the liability of the employer for the unlawful transfer or unlawful termination of an employment agreement or contract. Dismissal of an employee on grounds that are known to be legally inadmissible, and failure to comply with a court decision to reappoint the employee in question to his or her former post, are criminal offences under article 153 of the Criminal Code, together with any other intentional major violation of labour laws. Article 155 of the Criminal Code establishes the liability of the employer for unfounded refusal to employ a woman with a child under the age of 3, or unfounded dismissal of a woman in this category. Between 1999 and 31 December 2004, 567 persons applied to the courts for reinstatement in their jobs. The courts ordered the reinstatement of 422 persons in their former jobs, and 145 cases were dismissed.

203. The legal protection and social welfare of women in Tajikistan is one of the priority areas of State socio-economic policy. This area of activity is playing a special role during the transition period and becoming a vital part of the constitutional rights of citizens. Article 17 of the Constitution contains a separate provision devoted to equality between men and women.



204. Tajikistan was one of the first CIS countries to ratify the international conventions relating to the protection of women's rights and freedoms, namely the Convention on the Elimination of All Forms of Discrimination against Women (ratified in 1993), the Convention on the Political Rights of Women (ratified in 1999) and the Convention on the Rights of the Child (ratified in 1993).

205. The Parliament has also ratified the following:

ILO Convention No. 45 of 4 June 1935 concerning the employment of women on underground work in mines of all kinds;

ILO Convention No. 90 of 17 June 1948 concerning the night work of young persons employed in industry;

ILO Convention No. 100 of 6 June 1951 concerning equal remuneration for men and women workers for work of equal value;

ILO Convention No. 103 of 28 June 1952 concerning maternity protection;

ILO Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour of 1 June 1999.

206. Women enjoy the same social rights and guarantees as men under the Veterans Act, the Disabled Persons (Social Welfare) Act, the Pensions Act and other legislation.

207. Together with equal rights to work and remuneration for such work, the Labour Code also sets out additional guarantees for women and persons with family commitments.

208. Motherhood and the family are under the special protection of the State, which lays down a legal framework for women's labour, in particular through restrictions on areas of work in which women may be employed. These restrictions do not constitute discrimination but are aimed at protecting the health of women and future generations.

209. It is not permitted to employ women of childbearing age, persons under the age of 21, or persons declared unfit to engage in certain types of work on health grounds, for arduous work or work in harmful or dangerous conditions. It is not permitted to employ women for night work except as a temporary measure in those sectors of the economy where there is a special need for such work.

210. Women who have been exempted from arduous work or work in harmful conditions are considered to have worked for an uninterrupted period of service for purposes of eligibility for social insurance benefits, a pension, extra payment for length of service and such other benefits as are provided for in the legislation.

211. The legislation also sets out provisions relating to liability for infringements of equal rights between men and women. Unfounded refusal to employ a woman on the ground that she is pregnant, or unfounded dismissal for the same reason, or unfounded refusal to employ a woman with a child under the age of 3, or unfounded dismissal of a woman in this category, polygyny and a

number of other violations that infringe the rights of women are offences under the Criminal Code (arts. 155, 168, 170, etc.).

212. In order to ensure the broad involvement of women in public life and State administration and to enhance their social status in Tajikistan, additional legal measures have been adopted in recent years, such as Government decision No. 363 of 10 September 1998 approving the national plan of action to enhance the status and role of women over the period 1998-2005, Presidential decree No. 5 of 3 December 1999 on enhancement of the role of women in society and Government decision No. 381 of 8 August 2001 approving the State programme on the principal areas of State policy to ensure equal rights and opportunities for men and women over the period 2001-2010, as well as other policy documents relating to protection of the rights of mothers and children, reproductive health, etc.

213. In order to promote employment, offer citizens satisfaction in their work, avoid unemployment and provide social protection against its consequences at the national and local levels, the Ministry of Labour and Social Welfare and the State Employment Service are developing national and regional programmes to promote employment.

214. The Government has approved a State programme for employment promotion for the period 2003-2005, which envisages measures to promote the employment of women and eliminate the gender imbalance on the labour market.

215. In 2003, an amended version of the Employment Promotion Act was adopted, having been drafted in the light of changes in the social and labour spheres, as well as the experience of other countries.

216. In order to provide women with equal opportunities on the labour market, the State Employment Service has undertaken to pursue an active policy to promote the employment of women.

217. Together with conventional measures to assist the unemployed in seeking employment and for the payment of benefits, new means of promoting and facilitating employment are being explored, such as the organization of work experience for young people, the establishment of a job centre for women in the city of Kurgan-Tyube, the creation of a network of business centres, and assistance in the establishment of non-governmental organizations that address problems relating to the promotion of employment among women.

218. According to data provided by the Ministry of Labour and Social Welfare, the employment services awarded 508 unemployed women interest-free loans worth more than 152,000 somoni in 2003, i.e. 91,000 somoni more than in 2002, to enable them to set up their own businesses, to support women's business initiatives with the aim of enhancing their financial independence, and to streamline employment.

219. Within a nine-month period in 2004, the employment services received job placement requests from more than 31,000 women, or 48.5 per cent of the total number of applicants. Of that number, jobs were found for 8,500 women, an increase of 555 over 2003. According to data for the

end of September 2004, 22,800 women were registered as unemployed, i.e. 3,000 fewer than in 2003. However, the number of unemployed women remained above 56 per cent of the total number of unemployed persons.

220. Efforts are being stepped up to recruit unemployed women for temporary employment by creating paid posts in the public sector. Between January and September 2004, approximately 8,600 women were appointed to such posts, i.e. 411 more than during the same period in 2003.

221. Women account for around 50 per cent of the total number of persons gainfully employed in the public sector. Among them, on average, young women and girls in the age range of 15-29 years account for around 60 per cent, unemployed women who do not receive unemployment benefit account for 23 per cent and women without a trade or speciality account for more than 50 per cent.

222. In February 2003 there were 152 women's non-governmental organizations in Tajikistan. In 2003, 586 unemployed women were provided with microcredits worth 83,400 somoni, i.e. 25,000 somoni more than in 2002. Within the project implementation period, 325 women took up self-employment ventures in 2001, 292 in 2002 and 586 in 2003.

223. A survey of living standards conducted by the State Statistics Committee and the World Bank in 1999 revealed that the proportion of men in employment was almost 20 per cent higher than that of women, although between 1999 and 2003 that gap was closed by more than 6 per cent. Whilst the number of men in employment fell by 4.9 per cent, the proportion of women in employment rose by 1.3 per cent. Since 2001, employment services and the Tajik non-governmental organization "Social Partnership and Development" have been implementing a joint project in the Bokhtar and Vakhsh districts on women's employment through microcredits, with practical and financial support from the Office of the United Nations High Commissioner for Refugees (UNHCR).

224. In conformity with article 6, paragraph 2, of the Covenant, the State guarantees the right of all citizens to receive primary, secondary and higher vocational education.

225. The system of initial vocational training currently operates in accordance with the Initial Vocational Training Act, which was adopted on 22 April 2003. The Act establishes initial vocational training as a priority area.

226. The following are the main areas of State policy on initial vocational training:

The humanitarian, democratic and secular nature of education under the initial vocational training system;

Accessibility and continuity of initial vocational training.

227. Citizens are guaranteed the right to initial vocational training free of charge. Students without parents are also given the opportunity to receive secondary vocational training free of charge.

228. On 1 October 2004, in order to provide workers with high-quality training and establish a framework for reform of the system of initial vocational training and education, the Government approved a State plan for reform of the system of initial vocational training and education.

229. The following training programmes are offered year-round at different levels in initial vocational training institutions:

A unified comprehensive programme of general and vocational training linked to basic general education (classes 1-9), and covering at least three years;

Initial vocational training linked to basic general education (classes 1-9) and full secondary education, covering one to two years; initial vocational training linked to full secondary general education (classes 1-11), covering one to two years;

Vocational training and further vocational training, including retraining and supplementary training covering up to one year.

230. Initial vocational training programmes may be undertaken by correspondence, through evening classes or by external students.

231. All initial vocational training courses offered under specific training programmes are subject to unified State standards for basic vocational training. The vocational training and retraining of unemployed citizens or citizens otherwise without occupation takes the form of short courses at educational and business centres and initial vocational training institutions, depending on the needs of the labour market.

232. According to data provided by the Ministry of Labour and Social Welfare, 15,000 students were expected to attend daytime programmes at initial vocational training institutions during the academic year 2003-2004. Fifteen thousand six hundred and fifty-one completed their studies, of whom 5,367 were female students, 3,382 had a basic level of education, 11,032 had completed full secondary education and 864 had completed primary but not secondary education.

233. Under a plan to train workers and specialists at general educational institutions within the initial vocational training system, the following numbers of students were expected to begin their studies in 2004 and 2005:

Total 15,300, of whom:

4,000 with a basic level of education;

9,700 who had completed full secondary education;

1,600 who had completed primary but not secondary education.

234. During the period under review, an increase in economic activity was observed in Tajikistan, contributing to higher levels of employment, including among graduates of initial vocational training institutions.

235. Great importance is attached to the vocational training and retraining of unemployed women and girls. Women typically have very limited vocational training.

236. The higher the level of education a person has, the greater the likelihood that that he or she will find employment. This means that the more education a person has received, the greater are the chances that he or she will be employed. In 2004, as compared to 1999, the number of persons with a higher education who were employed increased by 4.1 per cent, whilst the corresponding figure for those with secondary special education (graduates of technical training schools) was 2.9 per cent. In particular, the proportion of persons with specialist technical training (graduates of vocational and technical schools) who were employed increased by 22.6 per cent. The proportion of persons in employment with no education decreased by more than 50 per cent.

237. In that context, the implementation of programmes of vocational training for women in high-demand specialist areas is becoming a priority.

238. The technical vocational training scheme operated by the Ministry of Labour and Social Welfare comprises 72 technical vocational institutions, which train specialists in 160 specialist areas that are in demand on the labour market, including tailors and seamstresses, cashiers, embroiderers, computer-literate secretaries and cooks. Of the total number of students enrolled at technical vocational institutions (27,000), 30 per cent (8,000) are females.

239. During the period January-September 2004, 3,200 women took up vocational training, i.e. 434 more than in 2003. Of that number, 2,400 completed vocational training in more than 20 high-demand specialist occupations. Of those having completed vocational training, 56 per cent (1,336 women and girls) are in employment. Two thousand nine hundred and five women received career advice, i.e. 591 more than during the same period in 2003.

240. In 2003, with the assistance of the employment services, 286 women were recruited to vacant and newly-created posts.

241. A women's job centre was established by Joint Decision No. 73 of the Ministry of Labour and Social Welfare and the *khukumat* of Kurgan-Tyube of 7 December 2000, entitled "Establishment of the Kurgan-Tyube Job Centre for Women". Since the Centre opened, more than 1,000 women and girls have sought jobs through the Centre, of whom 500 have taken up employment; some 200 persons have found paid employment in the public sector; 80 women and girls have enrolled for vocational training (as seamstresses and secretary-typists); and 300 have received advice and counselling.

242. In 2003 alone, through the Kurgan-Tyube Job Centre, jobs were found for 460 women and girls, 30 persons were enrolled for vocational training and 150 were appointed to paid public posts. With financial support from OSCE, 33 women and girls attended educational seminars entitled "Law and employment" and "Marriage and the family".

243. UNDP has created an education centre for young women. More than 100 young women from various regions of the country are provided with safe accommodation and receive education,

including training in skills such as leadership, the English and Russian languages and basic computer skills. The Centre is directed by the Group on Gender Issues.

### **Article 7**

244. Article 7 of the Labour Code prohibits any distinction, exclusion or preference, as well as refusal to engage a person for work on grounds of ethnic origin, race, skin colour, sex, age, political beliefs or place of birth, that would lead to [violation of] equality of opportunity in the employment sphere. Foreign citizens and stateless persons living in Tajikistan may perform manual or office work in enterprises, institutions and organizations or engage in any other occupation on the terms, and in accordance with the procedure, laid down for citizens of Tajikistan.

245. Article 35 of the Constitution lays down that remuneration must be no less than the minimum working wage. Article 103 of the Labour Code provides that the minimum wage is the national minimum compulsory monthly payment to a worker by his or her employer for work carried out in compliance with the Code as regards the duration of working hours and respect for work-related obligations. The level of the minimum wage is set by the President. The minimum wage serves as a basis for establishing official levels of remuneration. The Labour Code provides that collective agreements (except for those to which one party is an organization that is financed from the State budget and benefits from State subsidies) can stipulate a higher minimum wage. However, traditionalism, the destruction of the socialist concept of the building of society, which despite some shortcomings was able to raise the status of women in society, the transition to a market economy, and the civil war with its consequences, which hit women worst of all, make the status of women as declared in the legislation rather relative. This factor can be observed first and foremost in the non-State sector of the economy, making State monitoring necessary. The recently established State Labour Inspectorate in the Ministry of Labour and Social Protection has an important role to play in this regard.

246. In the market economy, where wage rates are concerned, the labour market is divided into two sectors: the market sector, essentially “male”, with high status and good pay, and the traditional, State and collective sector, predominantly “female”, where occupations retain high social status but are poorly paid.

247. According to statistics, approximately 60-70 per cent of women work in sectors with the lowest wages in the country - in education, health care, social services, culture and agriculture, where wages are lower than in industry and construction by a factor of four to eight. As a result women’s average monthly wage is lower than men’s by a factor of roughly 1.5. Accordingly the State provides individual support for single mothers and households consisting of women and children.

248. It is essential to continue support for the most vulnerable sector of the population throughout the country - children of school age - in accordance with Government order No. 585 of 30 December 2001 on payment of cash allowances to poorly-off families with children studying in general schools, under which an allowance of 6 somoni is paid each quarter.

249. According to the findings of surveys of the standard of living carried out by the State Statistics Committee together with the World Bank in 1999, the poorest quintile of the rural population makes up 23.4 per cent of the total (urban - 18.6 per cent). It must be borne in mind that 74 per cent of the country's population live in rural areas and are engaged in basic agricultural work.

250. (See annex, tables 13 to 17.)

251. The geographical differentiation in the level of wages stems from the dominance of particular sectors in particular regions. The highest wages are found in the regions where industrial enterprises are located, as annex 1, table 14, makes clear.

252. In accordance with article 4 of the Labour Code, the State guarantees each employee fair and timely remuneration for work performed. Independently of their financial circumstances, employers have an obligation to pay their employees the established wage for the work they have performed. Discrimination as regards pay is prohibited; employers must pay their employees equal wages for work of equal value.

253. When through the fault of the employer payment of wages is delayed beyond the established payment dates, the employer has an obligation to pay the employee a supplement based on the bank discount rate for each day of delay. In addition, under article 153-1 of the Criminal Code, failure by an employer or head of an organization to pay wages for more than two months is a criminal offence (see annex, table 17).

254. According to preliminary data from the State Statistics Committee, the average nominal monthly wage paid to employees in all sectors of the economy in 2004 was 60.79 somoni (US\$ 20.46), 37.2 per cent higher than 2003, while the level of real wages rose by 28.5 per cent. In other words, the rate of growth in real wages was 8.7 percentage points below the rate of growth in nominal wages.

255. Despite the growth in nominal and real figures, actual wages do not enable workers to purchase the minimum food products forming part of the consumer basket, which for a reasonable level of consumption was 74.84 somoni per month per family member at prices corresponding to the end of September 2004, while 52.4 per cent of the total number of occupied persons in all sectors of the economy are paid less than 25 somoni per month, and only 18.1 per cent are paid more than 75 somoni.

256. In sectors essentially financed from the State budget, up to 60 per cent of the total number of occupied persons receive a wage of under 25 somoni per month (in the health-care, physical culture and social security system 71.1 per cent, in culture and the arts 53.4 per cent, in education 45.4 per cent, in administrative bodies 42.2 per cent).

257. Only 13 per cent of employees receive wages of more than 75 somoni in health care, physical culture and social security, 7.9 per cent in education, 10.6 per cent in culture and the arts, 19.3 per cent in science and 27.6 per cent in administrative bodies, or about 16 per cent of the total number of occupied persons in the budgetary sphere.

258. In the country as a whole the daily wage per employee was US\$ 0.93 in 2004, whereas the international poverty line, which sets minimum earnings at US\$ 2.15 per day, stands at 2.5 times this figure.

259. In this way, wages are more or less sufficient to cover outgoings for only 18 per cent of employees. In practice the level of wages for most employees does not allow them to obtain essential food products. For the bulk of the population the ability to obtain essential industrial goods (clothing and footwear), and to pay for housing, communal services and transport and the cost of medical treatment and education is limited.

260. The consumer price index, which characterizes the level of inflation in the consumer sector, is falling in the country as a whole, standing at 106.8 per cent in 2004, including 104.2 per cent for food products, 107.7 per cent for non-food products and 118.8 per cent for paid-for services. The average monthly rate of inflation in the consumer sector over the first nine months of 2004 was 6.4 per cent, against 16.6 per cent for the corresponding period in 2003.

261. High rates of growth in prices for individual consumer goods and services persist. In this way, for the first nine months of 2004 prices were about 20 per cent higher than in the corresponding period of the previous year for meat and meat products, fish and fish products, over 23.9 per cent for milk and dairy products, 43.6 per cent for bread, 47.4 per cent for flour, 17.9 per cent for fruit, 19.2 per cent for cotton fabric, 33.9 per cent for petrol, 21.6 per cent for printed items, 10.3 per cent for household and communal services, 18.8 per cent for communication services, 17.1 per cent for health care, 25.2 per cent for passenger transport and 111.9 per cent for preschool institutions.

262. The interaction between growth in wages and the fall in consumer prices was also directly reflected in the cash incomes and outgoings of the population.

263. Over the first nine months of 2004 cash incomes totalled 2,247.1 million somoni. By comparison with the corresponding period in 2003 (in comparable prices) they rose by 35.5 per cent, while real disposable cash incomes (deducting obligatory payments, corrected for the consumer price index) rose by 29 per cent.

264. Tables 13 to 25 in the annex show the change in the indices of nominal and real wages, the average monthly nominal wage of employees in enterprises and organizations by region, the change in the level of the minimum wage over the period 1992 to 2005, indicators of change in the average monthly nominal and minimum wage per employee over all sectors of the economy for the period from 1992 to 2004, the average monthly nominal wage of employees in enterprises and organizations by sector, the average monthly wage of workers by region in 2004, delays in payment of wages by region and sector (on 1 January 2004), delays in payment of wages by region and sector (on 1 January 2005), delays in payment of wages, the breakdown of the numbers of employees working in harmful conditions, the sectoral breakdown of the numbers of employees working in hazardous conditions, the sectoral breakdown of the numbers of employees working in unfavourable conditions, and industrial accidents.



265. Overall steady growth in personal incomes has been observed recently. In this way, compared with 2000 incomes from work as a proportion of aggregate personal income rose by 12.4 per cent to constitute 46.1 per cent of overall incomes.
266. According to statistics, income from work constitutes 46.1 per cent of average aggregate personal income (for one household member per month); income from personal subsidiary plots 35.1 per cent; other cash income, including income from commercial and independent professional activity, 13.8 per cent; compensation payments, including charitable aid, 2.6 per cent; and pensions, allowances and student grants 2.1 per cent.
267. Cash outgoings for this period stood at 2,076.4 million somoni: the population spends 75.2 per cent of its aggregate income on the purchase of food products, 16.4 per cent on the purchase of non-food products, 8.2 per cent on payments for personal services, and 9.3 per cent on obligatory payments and voluntary contributions. Analysis of these data shows that the population spends income from work only on vital necessities. Practically nothing is spent on services in the education system (0.5 per cent), or leisure, cultural and aesthetic development (0.0 per cent).
268. In addition, over the past two years outgoings on taxes, charges and obligatory payments have almost doubled, from 5.9 per cent in 2000 to 9.3 per cent in 2003.
269. The main problem where wages are concerned involves not only their level but also the large prevailing disparities. Considerable differentiation has arisen in the levels of remuneration for work between regions, between sectors and between individual categories of employees.
270. In 2004 nominal wages recorded steady monthly growth both in all the sectors of the economy and in all the regions. In the material production sectors it rose overall by 37.5 per cent over the previous year, to 65.35 somoni; in the non-material production sectors, it rose by 34.2 per cent to 48.15 somoni, 26.3 per cent lower than the level of wages in material production sectors.
271. Analysis of data on remuneration for work by region showed that geographical disparities persisted, and in individual cases increased. This is basically linked to sectoral specialization: the highest average monthly wages are found where there is the highest share of employees occupied in industrial sectors, construction, communications and transport, i.e. in the highest-paid sectors.
272. Overall in Sogd oblast wages rose over this period from 39.76 somoni to 51.91 somoni (30.6 per cent), in Khatlon oblast from 29.8 somoni to 42.00 somoni (41.0 per cent), in the centrally administered districts from 59.25 somoni to 76.95 somoni (29.9 per cent), in Gorno-Badakhshan Autonomous Oblast from 30.24 somoni to 39.07 somoni (29.2 per cent), and in Dushanbe city from 85.76 somoni to 121.63 somoni (41.8 per cent).
273. The highest average nominal monthly wage per employee was recorded in Dushanbe city - at 121.63 somoni double the average level for the country. In the centrally administered districts it was 1.3 times higher, in other oblasts lower - Khatlon oblast (1.4 times), Gorno-Badakhshan Autonomous Oblast (1.6 times) and Sogd oblast (1.2 times).

274. The highest wages for January-December 2004 were recorded for workers in material production: in communications 212.76 somoni, in construction 150.83 somoni, in transport 147.61 somoni and in industry 144.13 somoni. The lowest wages were paid to workers in forestry, 20.70 somoni, and agriculture, 34.96 somoni, with more than tenfold and sixfold disparities in these indicators.

275. In non-material production sectors the highest wage was recorded for employees in the system of credit, insurance and finance (230.90 somoni), exceeding the wage of employees in health care, physical culture and social security (22.76 somoni) by a factor of 10.1, that of employees in culture and the arts (40.65 somoni) by a factor of 5.7, that of employees in education (43.41 somoni) by a factor of 5.3, that of employees in science (66.45 somoni) by a factor of 3.5 and that of employees in administrative bodies (74.24 somoni) by a factor of 3.1.

276. The differentiation in levels of wages is largely dictated by market changes in the economy - by the fact that in self-financing enterprises, employers have the right to set independently whatever wage they consider necessary. Depending on its financial situation, each self-financing enterprise establishes within the Single Wage Scale its own wage rate for jobs in grade 1. In more successful and profitable enterprises the grade 1 wage rate is higher, and workers' wages are correspondingly higher.

277. Timely payment of wages remains a serious problem. Articles 5 and 108 of the Labour Code stipulate that employers have an obligation to pay wages in a timely manner, and, where payment of wages is delayed through their fault, to pay employees a supplement based on the bank discount rate for each day of delay. Employees who are responsible for delays in the payment of wages are liable to disciplinary, administrative and criminal proceedings and are liable to pay compensation under the legislation of Tajikistan.

278. However, on-the-spot surveys have shown that these articles are not enforced, and that measures are rarely taken against persons responsible for delays in the payment of wages. As a result total wage arrears (including past years) at the end of December 2004 for the country as a whole stood at 31.4 million somoni, including 21.5 million somoni, or 68.4 per cent of the total arrears, from the beginning of 2004. Arrears due to shortfalls in financing from budgets at all levels for this period stood at 202,100 somoni, or 0.6 per cent of the total arrears. The largest shortfalls in financing occurred in Dushanbe city (93,200 somoni), in the centrally administered districts (86,200 somoni) and in Sogd oblast (22,700 somoni).

279. The greatest failure to pay wages occurs in the material production sectors, where wage arrears amount to 95.1 per cent of total indebtedness. Average wage arrears per employee amount to 61.54 somoni in material production sectors, and 3.72 somoni in non-material production sectors.

280. High indebtedness also persists in agriculture (15.6 million somoni, or 49.6 per cent of total indebtedness), construction (5.5 million somoni, or 17.6 per cent) and industry (7.0 million somoni, or 22.4 per cent). In non-production sectors, indebtedness in household and communal services stands at 634,200 somoni, in education 56,700 somoni and in administrative bodies 194,100 somoni.

281. Wage arrears, including arrears for previous years, remain highest in Khatlon oblast and Sogd oblast (14.5 million and 7.0 million somoni respectively, including 7.4 million and 5.4 million somoni for 2004). Wage arrears are lowest in Gorno-Badakhshan Autonomous Oblast (583,700 somoni, including previous years), in Dushanbe city (1.9 million somoni) and in the centrally administered districts (7.4 million somoni) (291,000, 1.5 million and 6.9 million somoni respectively for 2004) (see annex, tables 18 to 24).

282. Article 35 of the Constitution lays down that each citizen of Tajikistan has the right to occupational safety. This provision is reinforced by the Labour Code, which devotes an entire chapter to this matter (arts. 144-158). Under the Code, working conditions that are in keeping with safety and hygiene requirements, an obligation of the employer, must be created in all organizations. The employer is answerable for violations of occupational safety requirements. Under article 45 of the Code, employees are entitled to cancel a labour contract or agreement without prior notice to the employer if, on concluding the contract or agreement, the employer provided them with insufficient information concerning working conditions at the workplace or violated the employer's obligations to provide healthy and safe conditions in the workplace (see annex, table 25).

283. Special rules for occupational safety are set out in the Occupational Safety Act adopted on 24 December 1991. The main principles and lines of State policy in the field of occupational safety are:

Recognizing and ensuring that the life and health of workers enjoy priority in relation to the results of the activity of each organization;

Establishing and enforcing guarantees of the rights of workers in relation to occupational safety;

Administration of occupational safety by the State;

Participation by the State in financing occupational safety;

State supervision and monitoring of compliance with occupational safety legislation;

Efforts by the State to ensure cooperation between employers and employees and/or their representatives in organizing occupational safety measures;

Development and establishment of uniform occupational safety requirements;

Pursuit of an effective taxation policy to stimulate the establishment of healthy and safe working conditions, development and introduction of safe equipment and technologies, efforts to foster the production of equipment for individual and collective employee protection;

Prosecution of employers and officials for violations of occupational safety requirements;

Establishment of a procedure for, and monitoring of, mandatory investigation of each industrial accident and case of occupational illness;

Establishment of incentives and allowances for work in hazardous working conditions;

Provision of social protection for employees, full compensation for harm to victims of industrial accidents and occupational illnesses;

Establishment of systems of indicators of working conditions and occupational safety, State statistical reporting on these issues, and also industrial accidents and occupational illnesses; international cooperation in the field of occupational safety, conclusion of international agreements on occupational safety issues.

284. Additional occupational safety safeguards are laid down for specific categories of employees. In this way, articles 160 and 177 of the Labour Code identify jobs in which women and workers aged under 18 may not be employed, including underground work, heavy work and work in harmful working conditions, and also work which involves raising and moving by hand heavy objects which exceed the established weight limits.

285. In order to ensure proper monitoring of compliance with these requirements, a State Labour Inspectorate has been set up and is operating with technical assistance from ILO.

286. Article 154 of the Criminal Code lays down that it is a criminal offence to violate occupational safety rules.

287. Under the Constitution, every citizen has the right to leisure. This right is guaranteed by laying down the length of the working day and working week, by providing for weekly rest days and paid annual leave and by means of other provisions of the law. Under article 60 of the Labour Code, the working week in organizations may not exceed 40 hours. For those engaged in work with harmful working conditions and in jobs of a special character, a shorter working week, which may not exceed 35 hours, is established (Labour Code, arts. 62-67) - for young persons, not more than 24 hours. Aside from this category of workers, a shorter working week is established for workers who have not reached the age of 18 and the disabled.

288. Article 64 of the Labour Code stipulates that, by agreement between the employee and the employer, a reduced working day or reduced working week may be established, either on recruitment or subsequently. During the working day employees must be granted a break for rest and refreshment. The length of the break is established in the internal workplace regulations. In jobs where the conditions of production make it impossible to grant a break for rest and refreshment, the employer has an obligation to provide employees with opportunities for rest and refreshment during working time.

289. Overtime - periods of work performed by an employee on the instructions of the employer over and above the length of the working day established for the employee, or over and above the normal number of working hours for the period in question - is applied in exceptional cases, with the consent of the employee and in accordance with a procedure laid down by the employer in agreement with the employees' representative body. Such exceptional cases of overtime are mentioned in article 73 of the Labour Code, as follows:

- Performance of work which is essential for the defence of the country, or the prevention of and response to natural disasters and hazards;
- Performance of work to eliminate accidental or unexpected factors which disrupt the normal operation of production;
- Performance of temporary work to repair and restore machinery and equipment, if their unserviceability leads to the cessation of work for a significant number of employees;
- Ensuring continuity in continuous production facilities when a relief employee does not appear (here the employer has an obligation to take immediate steps to replace the relief employee by another employee);
- Performance of loading and unloading work and related transport operations when it is necessary to make storage facilities available in transport enterprises, and also to load and unload vehicles so as to prevent the accumulation of cargos in dispatch and arrival points and the immobilization of vehicles.

290. For each employee, overtime work must not exceed 120 hours per year. Where working shifts are of 12 hours' duration, and also in jobs with particularly arduous and particularly harmful working conditions, overtime work is not permitted.

291. Under article 75 of the Labour Code, rest time is time during which employees must be released from work duties and which they may use at their discretion to pursue their interests and restore their capacity to work. Types of rest include breaks during the working day, breaks in work between days or between shifts, days off (weekly rest), public holidays, annual paid leave and special leave on social grounds.

292. Employees are entitled to leave. Under the labour legislation (Labour Code, art. 84), leave is understood to be a relatively long period during which employees are released from performance of their duties, with their jobs and workplace reserved for them, for rest and restoration of their capacity to work, and also to provide other benefits. Employees are granted the following types of leave: annual paid leave, special leave on social grounds and leave without pay. Employees are entitled to annual basic minimum leave or annual basic extended leave, regardless of their employer, the type of labour contract or agreement they have concluded, the form of organization or the type of remuneration. They are granted not less than 24 calendar days' annual basic minimum leave, which is mandatory for all employers. The Labour Code grants employers the right to increase the length of the annual basic minimum leave beyond 24 calendar days at their own expense in accordance with the procedure and terms laid down in the collective agreement or labour contract or agreement. Substitution of cash compensation for leave is not permitted, except in cases of dismissal of employees who have not used up their leave. Employers have an obligation to grant employees leave during each working year. In exceptional cases, when granting an employee the full entitlement of leave in a given year may have an unfavourable impact on the normal performance of the work of the organization, part of the leave may be carried over to the subsequent working year with the consent of the employee. The carrying over of leave is not permitted in the

case of employees aged under 18 and employees occupied in heavy work or work in harmful working conditions.

293. Employees must be granted breaks for rest between days or between shifts of not less than 12 hours. Employees on a five-day working week are granted two days off per week, and those on a six-day working week one day. The two days off are granted successively. In organizations at which the suspension of work is not possible for technical production reasons or because of the need to provide a continuous public service, days off are granted on different days of the week in turn to each group of employees in accordance with the shift schedule drawn up for the employees after prior consultations with the employees' representative body. Article 81 of the Labour Code prohibits work on days off. Workers may be summoned to work on days off on the written instructions of the employer, subject to the restrictions laid down in labour legislation. At the option of the employee, work on days off is compensated by the granting of another rest day or paid at not less than twice the piecework rate for employees paid at the piecework rate, and at not less than twice the hourly salary rate for employees paid by the hour and those receiving salaries. On the eve of public holidays the length of the working day is reduced by not less than one hour for all employees.

294. Depending on the specific nature of their tasks, age, length of service, state of health and other circumstances, specific categories of employees are granted basic extended leave of between 28 and 56 calendar days. The labour legislation also contains provision for additional leave for employees working non-standard working days, for those with extensive length of service, for work of a special nature, and for work in particular natural or climatic conditions.

295. Under article 98 of the Labour Code, special leave on social grounds is granted for creative activities, for pregnancy and childbirth, for childcare and for part-time study. The right to such leave does not depend on the length, place or type of work performed or on the designation or structural and legal form of the organization. For the duration of special leave on social grounds, workers retain their previous jobs and, in cases provided for in the Labour Code or in a collective agreement, their wages. Special leave on social grounds is granted for the calendar year in which the worker is entitled to it.

296. Leave with pay for creative activities is granted to workers for work on a dissertation, for the writing of textbooks and, in other cases, provided for in the law.

297. Leave without pay is granted for family and other reasons. Its length is determined by agreement between the employee and the employer.

298. Article 100 of the Labour Code sets out the rights of employers in granting leave using retained earnings (profits) and in accordance with the collective agreement or labour contract or agreement. Employers are entitled:

To establish additional leave for work on a continuous working week schedule;

To establish additional leave for employees whose performance is outstanding or who carry out particularly difficult or particularly important tasks;

To establish increased rates of pay applicable during all types of special leave on social grounds, especially that linked with pregnancy and childbirth, childcare, creative and teaching activities;

To encourage workers to spend their leave in sanatoriums, residential facilities, rest homes and centres, preventive facilities and other health institutions where a good rest helps to raise their capacity to work and boost their health, by providing full or partial payment of the cost of vouchers to use the facilities and the cost of travel.

299. For the period of annual basic leave, employees are guaranteed pay in an amount not lower than their average monthly earnings. Payment for the leave period is effected in accordance with a schedule laid down in the collective agreement, but not later than one week before the start of the leave.

300. Sectoral wage agreements are concluded between many national trade union committees, ministries and departments.

301. In this way, for example, a sectoral wage agreement for 2003-2005 was concluded on 23 December 2002 between the central committee of the trade union of mining and metallurgical industry workers and the Ministry of Industry.

302. Healthy and safe working conditions are being created in many organizations in this sector. Persons working in harmful conditions are issued with special clothing, special footwear and other individual protective equipment free of charge in accordance with established standards, and workers are also issued with milk and other food products of equal value free of charge in accordance with established standards.

### **Article 8**

303. The right to associate in trade unions is one of the most important democratic rights of citizens of Tajikistan, and is enshrined in the Constitution (art. 28) and in the Trade Unions, Their Rights, and Safeguards for Their Activities Act. The main purpose of the realization of citizens' rights to associate in trade unions is to ensure their representation and the protection of their interests.

304. The Trade Unions, Their Rights, and Safeguards for Their Activities Act of 12 March 1992 forms a solid legal foundation for the activities of trade unions. The Act not only enshrined the existing legal standards, but also introduced many new standards which are of positive value for efforts by trade unions to protect the labour rights and socio-economic rights of their members. The fundamental right of trade unions - to represent citizens and protect their labour rights and socio-economic rights - is laid down, and the State is entrusted with the duty of cooperating with trade unions in the realization of their rights.

305. The Act regulates issues relating to the representation of trade unions and their associations in drawing up collective and other agreements, and failure by employers to comply with the terms of such agreements is treated more severely.

306. The rights of trade unions in the sphere of employment have been extended.

307. The emergence of mass trade unions in Tajikistan was the result of the long-term development of the workers' movement in the defence of their interests, and occupied an entire historical period. The year 2006 will mark the eightieth anniversary of the trade unions of Tajikistan. The history of trade unions is indissolubly linked with the formation of the Tajik State and the development of the trade union movement in the former USSR.

308. The trade unions of Tajikistan are voluntary organizations uniting workers linked by common interests through the nature of their activities in the production sphere, for the protection of the socio-economic and labour rights and interests of their members.

309. Specifically, article 2 of the Act states that working people and persons studying in educational institutions, without any distinction whatsoever, are entitled to create trade unions voluntarily and without prior authorization, and also to join existing trade unions provided they respect the unions' rules and regulations. Working people have the right to create trade union organizations in enterprises, institutions, organizations and other places of work where they engage in individual employment. Unions account for not less than a third of the workforce, with a minimum of three workers. The procedure whereby non-working pensioners, the disabled and housewives may join or leave trade unions is governed by the unions' rules and regulations.

310. Trade union organizations may voluntarily set up various trade union associations based on sectoral or geographical criteria.

311. Specific features of the application of the Act in the armed forces, internal affairs agencies, national security agencies, internal forces and other military formations are defined in the legislation relating to these formations.

312. In this way, for example, under the Militia Act of 17 May 2004 militia personnel are forbidden to organize or participate in strikes or set up political parties or organizations. In their official duties they cannot be bound by decisions of a party or mass public movements which pursue political goals, or participate in acts carried out by them. The Armed Forces Act of 14 December 1996 sets out criteria relating to the possibility of creating trade unions, with certain restrictions on their activity.

313. Currently the trade union federation is the most representative organization of working people, combining 18 sectoral national committees, 3 oblast councils or federations of trade unions, 209 oblast, city and district trade union committees and 9,506 primary trade union organizations, comprising around 1,300,000 trade union members.

314. Trade unions in Tajikistan pursue their activities on the basis of the Constitution, the Trade Unions, Their Rights, and Safeguards for Their Activities Act, the Voluntary Associations Act and other legislation, as well as the country's trade union charter.



315. The charter of trade unions was approved at the seventeenth congress of trade unions on 26 May 2001 and registered in the Ministry of Justice on 31 July 2001. The charters of national sectoral trade union committees have been registered in the Ministry of Justice.
316. The new trade union charter differs radically from the previous one in that it reflects the fundamental changes which have occurred in the area of trade union development in recent years - the change in forms of ownership, the introduction of new, market-based relations and the development of a mixed economy in the context of construction of a sovereign democratic State subject to the rule of law.
317. The trade unions of Tajikistan, which attach paramount importance to social protection and its enhancement, work actively to address matters related to regulation of labour through the law, and to ensuring occupational safety at work. The trade unions of Tajikistan also pursue activities in the humanitarian sphere, which has always been considered very important. Trade unions are no strangers to education, culture, sport, leisure, tourism and medical treatment for children in the new context of the transition to market relations.
318. The relations between the federation of trade unions and its member organizations and administrative and management bodies, political parties, movements and entrepreneurs are governed by the law, which provides that in their activities trade unions are independent from State administrative bodies and economic, political and other civil-society organizations and not accountable to them.
319. Trade unions have an interest in the creation of a strong social State, and building such a State requires unity among all the patriotic forces of the country. In turn, uniting these forces requires active participation in the socio-political, social and economic life of the country.
320. Cooperation by trade unions is based on the following principles:
- Independence of trade unions vis-à-vis political parties and movements;
  - Opposition to any moves aimed at direct or indirect subordination of trade unions;
  - Cooperation on specific issues aimed at improving the position of working people and protecting socio-economic interests;
  - Support by political parties and movements for the idea of unity and development of the trade union movement in the country.
321. The Constitution and the Trade Unions, Their Rights, and Safeguards for Their Activities Act of 12 March 1992 have created a fundamentally new legal basis for the activities of trade union organizations.
322. The blueprint for the work of trade unions is based on the following principles:

Trade unions are in favour of a socially oriented market economy, i.e. the development of market relations in a spirit of respect for essential social safeguards for working people during the transition to market conditions;

Trade unions have an interest in raising output, increasing efficiency and improving labour discipline, and thereby ensuring growth in wages, material welfare and the standard of living;

Independence of trade unions vis-à-vis political parties and movements;

Opposition to any moves aimed at direct or indirect subordination of trade unions;

Guaranteeing the labour, economic and political rights and freedoms of all citizens in accordance with the Constitution and international human rights standards;

Trade unions are in favour of the settlement of labour disputes and conflicts in a spirit of social partnership, the law and the pursuit of consensus and mutual respect.

323. It is well known that for over 70 years trade unions were dependent on party and State organs and were answerable for literally everything, from socialist emulation to the distribution of goods in short supply. Today trade unions have turned their faces towards working people, concentrating their work essentially on protection of the socio-economic and labour interests of working people.

324. In this process the fifteenth congress of trade unions (1991) played an outstanding role. Perestroika initiated democratic changes in all spheres of life, and the congress of trade unions adopted a declaration on the establishment of the federation of trade unions, with new rules and regulations. The day of innovation signifies strengthening of the unity of the trade union movement in defence of the interests of working people. The federation guarantees the voluntary character of the union of sectoral and regional trade unions. Democratic centralism was replaced by the principle of federalism. There was a significant broadening of trade union democracy, and of the rights of primary trade union organizations, the sectoral central committees, the national committees, the oblast, city and district committees, and also the oblast councils of trade unions.

325. Trade unions previously played a three-in-one role, in production, protection and education. Now the trade unions consider their main role to be a protective one.

326. No less important are the legislative provisions (Trade Union Act, art. 9) which lay down that draft legislation and other regulations affecting labour and socio-economic relations are introduced by the corresponding executive bodies and economic agencies after giving prior notification of not less than a week to the appropriate trade unions. Currently, in accordance with the Constitution, trade unions do not introduce legislative initiatives, but this does not mean that they are indifferent to issues involved in the development and adoption of laws and regulations, especially those relating to occupational safety and socio-economic protection.

327. In recent years, with input from the trade unions, the Parliament has adopted such key laws as the Labour Code, the Housing Code, the Occupational Safety Act, the Trade Unions, Their Rights, and Safeguards for Their Activities Act, the Social Partnership, Contracts and Collective Agreements Act, the State Social Insurance Act, the Consumer Rights Protection Act, the Civil Service Act, the Voluntary Associations Act, the Employment Act, the Education Act, the Health Care Act, the Pensions Act, etc. The position of the trade unions was reflected in the laws on employment, State pensions, privatization of housing, etc.

328. A legislative base has taken shape in the country regulating labour relations in the context of a market economy and trade union activity.

329. In performing their protective function, the trade unions pursue a constructive approach and dialogue with the executive on the basis of equal rights. This right is enshrined in International Labour Convention No. 98 on the right to organize and to bargain collectively. Since 1991, a general agreement has been concluded annually between the Government and the trade union federation, and since 1994 three-party agreements have been concluded with the participation of the national association of small and medium-sized businesses.

330. On the initiative of the trade unions the Social Partnership, Contracts and Collective Agreements Act was adopted on 25 November 1992.

331. In keeping with this law, social partnership is based on the following principles: mutual respect and recognition of the parties as lawful and competent representatives, trust and parity, differentiation of rights and obligations, and reasonable agreement in safe guarding the interests of working people, entrepreneurs and States.

332. On 3 August 2002 the Government adopted an order relating to a general agreement between the Government, associations of employers and the trade union federation for 2002-2005.

333. The general agreement consists of the following sections: stabilization and development of the economy; development of the labour market and effective employment; social insurance and social security; protection of labour rights, occupational safety and environmental security; and development of social partnership.

334. Social insurance, its principles and its application play an important role in socio-economic life. Up to April 1996 social insurance was run by the trade unions. Currently it is the responsibility of the Government with trade union participation.

335. The system of social insurance is being reorganized in keeping with market conditions. The principal form of social security for wage-paid workers is obligatory social insurance, which can help those who, because they are unable to work or cannot find paid work, or because of the death of a breadwinner, find themselves without funds.

336. An extensive range of curative and preventive measures are carried out using State insurance funds, including health resort treatment, organized leisure and nutritional treatment.

337. There are five sanatoriums and two rest homes administered by the trade union federation. They are located in various parts of the country and specialize in curing specific disorders.

338. A total of 6,612 persons in 2003, and 6,487 in 2004, spent rest periods and recovered their health at the “Khodzha-Obi-Garm” and “Obi-Garm” resorts, in the “Shaambari” and “Ura-Tyube” sanatoriums and in the “Karatag” rest home.

339. In the past two years over 2,200 persons spent rest periods in the Ministry of Labour and Social Protection’s “Ramit”, “Kaltuch”, “Dusti” and “Kharangon” rest homes, including 300 disabled persons and Second World War veterans.

340. On the initiative of the trade union federation, the Government has been organizing summer leisure for children for some years.

341. In 2004 there were 1,010 school camps, 96 country camps, 436 work and recreation camps, 17 sport and health camps and 17 camps of the sport and prevention type in operation. In the past two years about 800,000 children have recovered good health.

342. Agreements are concluded at the sectoral level:

Between appropriate State agencies, associations of entrepreneurs and sectoral trade unions;

At the district, city and oblast level, between the corresponding local authorities, organizations of employers and trade unions.

343. Protection of the health of working people, creation of safe working conditions and prevention of occupational diseases and industrial accidents are among the main concerns of the State. Legal measures help to pursue this goal, together with the provision of equipment and materials and economic and social measures.

344. In this way, for example: a regulation relating to compensation by enterprises, institutions and organizations for harm suffered by workers as a result of severe injury, occupational illness or other harm to their health incurred in connection with performance of their work duties, was approved by decision No. 134 of the Council of Ministers on 20 March 1994, which established the liability of enterprises, institutions and organizations to pay damages for harm caused to manual and office workers as a result of severe injury, occupational illness or other harm to the health incurred in connection with performance of their work duties.

345. In accordance with article 31, paragraph 2, of the Occupational Safety Act (Act No. 460 of 24 December 1992), workers who have become disabled as a result of an accident at work are paid, in addition to the compensation for injury laid down for such cases, a single grant worth not less than the victim’s annual earnings.

346. In addition to compensation for injury as a proportion of earnings, the enterprise also pays the cost of care for victims, food supplements, prosthetic appliances and treatment in a sanatorium or resort. Victims are entitled to receive additional help at the expense of the enterprise in cases

where a commission of experts in occupational medicine establishes that they need such help and have not received it free of charge.

347. Enterprises, institutions and organizations, irrespective of their form of ownership or economic activity, are liable to pay damages for harm to the health of manual workers, office workers, members of collective farms and other cooperatives or citizens working under civil-law contract agreements and agency agreements, resulting from severe industrial injury incurred through the fault of the enterprises, either on their premises or outside, and also during travel to or from the place of work using transport supplied by the enterprises.

348. In the event of the death of a worker, his or her family is paid, over and above the established compensation to dependants, a single grant of not less than 10 times the victim's average annual earnings.

349. Enterprises pay the cost of care for group I invalids (except where special medical care is required) without the need for a committee of experts on occupational medicine. Prosthetic appliances are also supplied at the expense of the enterprise.

350. In the event of the death of a manual or office worker as a result of severe industrial injury, the following are entitled to compensation: persons unable to work who were dependants of the victim or, before the victim's death, were entitled to receive maintenance from him or her, a child of the victim born after his or her death, and also one of the parents or spouses or another member of the family, if he or she does not work and is engaged in care for children.

351. The following are recognized as unable to work: minors aged up to 16 (18 for students), or older persons if they became disabled before reaching the age of 16 (18 for students), men aged 63 or over, women aged 58 or over, and persons recognized as disabled in accordance with the established procedure.

352. A burial grant is paid in an amount not less than 20 times the minimum wage.

353. The trade union committees play a significant role in the timely and proper solution of problems of compensation for injury. Standing commissions operate at enterprises, composed of the chief engineer, the chief accountant and a legal officer, and also a member of the trade union committee. These commissions gather and review evidence confirming the right of victims to compensation.

354. There are 30 trade union labour inspectors in Tajikistan. In 2003 they carried out 1,032 technical inspections of enterprises, organizations and facilities, in both the production and non-production sectors. As a result 7,199 breaches of labour law and occupational safety rules were identified, of which 3,959 were rectified by the deadline laid down. The checks led to suspension of the work of 330 units and 39 production sectors and workshops which did not meet safety requirements and further operation of which posed a threat to the lives and health of workers. Files on 8 officials suspected of a careless approach to the task of creating safe working conditions were sent to the procurator's office, 46 officials were fined in accordance with the established procedure and 41 heads of enterprises and workshops were dismissed (see annex, tables 23 and 25).

355. Efforts to protect the socio-economic, labour and legal interests of working people have always been and remain part of the programmes and tasks of State bodies and trade unions. Trade unions pursue their role by conducting collective negotiations and establishing relations of social partnership between stakeholders at all levels through the conclusion of overall, geographical and sectoral contracts and collective agreements at enterprises, as is usual in countries with market economies.

356. In this way, for example: the amalgamated trade union committee of the Tajik aluminium plant makes extensive use of a collective agreement on issues of protection of the labour rights and socio-economic rights of working people, leading to a variety of payments to retirees and large families and the awarding of allowances to offset rises in the price of food products.

357. Long-serving staff who have conscientiously performed their duties are given preference in the distribution of vouchers (including reduced-price vouchers) for sanatoriums, residential facilities and rest homes, and also in the provision of material assistance. In 2002-2003 alone, over 4,000 persons spent rest periods in State sanatoriums and rest homes and factory-owned preventive facilities, and about 1,800 vouchers were issued free of charge. In 2003 over 1,300 children spent rest periods in the "Shirkent" health camp. Bonuses equivalent to one wage payment are paid on the occasion of workers' fiftieth, fifty-fifth and sixtieth birthdays. Individual highly skilled specialists are given priority in the allocation of housing. In the event of the death of members of workers' families (the father, mother, spouse, children, brothers or sisters), the plant provides one-time material assistance in the amount of up to 20 times the minimum wage.

358. Collective agreements between employers and trade union committees have been concluded in over 600 organizations forming part of State institutions out of a total of 1,359: in 43 per cent of enterprises and organizations in Sogd oblast, 42 per cent in Khatlon oblast, 20 per cent in Gorno-Badakhshan Autonomous Oblast, 70 per cent in Dushanbe city, and 45 per cent in the centrally administered districts.

359. In 2003-2004 sectoral wage agreements were concluded between the central committee of the trade union of workers in State institutions and the Ministries of Foreign Affairs, Justice, Finance and Defence, and also with the Ministry of Labour and Employment on labour and socio-economic issues.

360. The legislation grants trade unions extensive rights in the field of collective action. Under article 18 of the Trade Unions, Their Rights, and Safeguards for Their Activities Act, where a collective labour dispute arises between an employer on the one hand and the workforce or trade union on the other, and is not settled by a conciliation commission or through industrial arbitration, trade unions in the shape of bodies authorized by them are entitled to organize and conduct strikes in accordance with the law.

361. Under article 29 of the Constitution, citizens are entitled to participate in gatherings, meetings, demonstrations and peaceful marches as stipulated in the law. No one may be forced to participate in them.

362. The State guarantees the right of citizens to organize and conduct demonstrations and participate in them by granting citizens and their associations the use of streets, squares, parks and open spaces free of charge, and through the distribution of information by State press agencies, television, radio and other audiovisual media.
363. The Gatherings, Meetings, Demonstrations and Peaceful Marches Act provides for assistance by State executive bodies and officials in the organization of events.
364. Mention should also be made of cooperation between trade union bodies and the State labour inspectorates.
365. Trade unions support the creation of an economy in which people have the opportunity to work well and live well. As the country moves to a market economy, the number of private and collective enterprises and organizations is growing every year. On 1 January 2004 over 20,000 private and joint enterprises and organizations had been established and were in operation.
366. For the purpose of protecting the interests of working people in these sectors, a national trade union committee for non-State enterprises has been in operation since 25 April 1993. To date primary trade union organizations have been set up at 1,935 private and joint enterprises, with some 30,000 members.
367. At some enterprises in private and joint ownership, and also in local light industry, construction, the agro-industrial complex, transport and the road transport sector, incidents occur involving the unlawful dismissal of manual and office workers, violation of the rules governing working time and rest time, late payment of wages, etc.
368. On the international scene, the trade union federation, as a trade union centre, represents the overall agreed interests of the country's trade unions in the world trade union community.
369. Trade unions and their federations have the right to cooperate with trade unions of other countries, to join international trade union and other federations and organizations, and to enter into contracts and agreements with them.
370. In this way, on the initiative of the federation of trade unions of Tajikistan and the International Confederation of Free Trade Unions, a seminar on "The role of trade unions in the implementation of the poverty reduction strategy" was held in Dushanbe city in October 2004.
371. A draft agreement on migrant labour between trade unions in the Russian Federation and the federation of trade unions of Tajikistan has been prepared.
372. In this way, for example:
- On 20 May 2004 an agreement on protection of the rights of migrant workers was concluded between the trade unions of workers in construction and the construction materials industry in the Russian Federation and the central committee of workers in construction and the construction materials industry in Tajikistan;

An agreement has been concluded on cooperation in 2004-2005 between the central committee of workers in construction and the construction materials industry in Kazakhstan and the central committee of workers in construction and the construction materials industry in Tajikistan on protection of the rights of migrant workers.

373. Review of the experience of overseas trade union centres, joint study by trade union officials with such centres, coordination of action and manifestations of solidarity remain the most important aspects of trade union activity in Tajikistan.

374. Cooperation with the International Labour Organization - the only international organization in the United Nations system which serves as a forum for trilateral cooperation between governments, employers and trade unions in almost all the countries of the world - occupies a leading place. Representatives of the federation of trade unions of Tajikistan, the Ministry of Labour and Social Protection and employers regularly participate in the work of the International Labour Conference in Geneva. Seminars on social and labour problems in Tajikistan have been organized in cooperation with the International Labour Organization.

375. In recent years, the federation of trade unions of Tajikistan, as a representative of working people, has been able to institute businesslike and constructive cooperation with the Parliament, the Government and employers on ratification issues arising in the implementation of the conventions and recommendations of the International Labour Organization.

376. On ratification of the conventions and recommendations of the International Labour Organization, see the commentary on article 2 above.

377. The trade union centre and its member organizations make use of the conventions and recommendations of the International Labour Organization to settle issues of timely payment of wages, guarantees of employment, occupational safety and compliance with labour legislation.

378. The federation of trade unions of Tajikistan supports links with the International Labour Organization, the World Confederation of Labour and trade union centres in the CIS, China and EURASEC.

379. The Coordinating Council of Trade Unions of Working People of Tajikistan, Uzbekistan, Kazakhstan, Turkmenistan, Kyrgyzstan and Azerbaijan was set up to promote cooperation in protecting the interests of working people. Its formation was a response to the particular features of the socio-economic situation and the common history, customs, traditions and culture of the peoples of the region.

380. The central committee of the trade union of workers in the mining and metallurgical industry of Tajikistan supports links with the following international trade union organizations:

International Eurasian Federation of Trade Unions of Metal Industry Workers, since 1994 (Ankara);



International Association of Trade Unions - Federation of Trade Unions of the Mining and Metallurgical Industry, since 1991 (Moscow);

Trade union of workers in the metallurgical and mining industry of Ukraine, since 1991.

381. The central committee of the trade union of workers in the agro-industrial complex of Tajikistan is a member of the international union of food, agriculture and allied workers, and also of the commission of the international trade union organization of the agro-industrial complex of Russia.

382. The national committee of the trade union of workers in education and science is a member of the international association of trade unions known as "Education and science" and the world confederation of teachers.

383. The national committee of the trade union of workers in State institutions is a member of the international federation of trade unions of workers in State institutions, public service, etc.

384. The trade unions of Tajikistan work purposefully to provide legal assistance to working people and protect their lawful rights and interests. The basic content of this work is continuous monitoring of the application of labour legislation and efficient organization of services for citizens who turn to the federation of trade unions and trade union committees for help.

#### **Article 9**

385. Article 1 of the Constitution declared Tajikistan to be a social State whose policy is directed towards the creation of conditions which will provide a life of dignity and unhindered human development. Article 39 guarantees everyone social security in old age, in the event of illness, disability, loss of ability to work, loss of a breadwinner and other cases laid down in the law. Under the Pensions Act, the Social Insurance Act, the Disabled Persons (Social Welfare) Act and the Pensions (Military Personnel) Act, the right of citizens to social security in old age and in other cases is put into effect through the granting of occupational and social welfare pensions, pension supplements, allowances and compensation payments. The Pensions Act defines the following types of pension:

(a) Occupational pensions:

Retirement pensions;

Disability pensions

Loss-of-breadwinner pensions;

Long-service pensions;

(b) Social welfare pensions, and also pensions for special services to the country.

386. Women are entitled to an occupational pension on reaching the age of 58, provided that they have worked for not less than 20 years, while men are entitled to an occupational pension on reaching the age of 63, provided that they have worked for not less than 25 years (except for special pensions, long-service pensions and loss-of-breadwinner pensions).

387. Disability pensions are allocated to persons who have become disabled and lost all or part of their ability to work. On 1 January 2004, 122,778 disabled persons had been registered with the social welfare authorities. The average level of disability pension during the same period was 20 somoni and 15 dirams (data from the Ministry of Labour and Social Protection).

388. Loss-of-breadwinner pensions are payable to dependent members of the breadwinner's family who are unable to work. Pensions are allocated to children who are unable to work, parents who are unable to work and the spouse.

389. Long-service pensions are allocated to specific categories of citizens employed in work whose performance leads to loss of professional ability to work or fitness for work in advance of the age at which a retirement pension becomes payable.

390. Social welfare pensions are allocated and paid to non-working citizens who are not entitled to an occupational pension.

391. The central State agency responsible for social welfare is the Ministry of Labour and Social Protection, which pays pensions out of the Social Protection Fund. The main functions of the Fund are:

To collect insurance contributions and ensure the full and timely payment of social welfare payments by contributors;

To finance the payment of pensions and grants under the State insurance scheme;

State management of the resources of the social insurance system;

Development of State social insurance policy.

392. (See annex, tables 26 and 27.)

393. The minimum pension level is established by the President. In accordance with Presidential decree No. 1403 of 4 November 2004, the minimum retirement pension has been set at 12 somoni since 1 January 2005. The decree also raised the levels of occupational pensions by applying coefficients to the level of earnings first used for the calculation of pensions for persons who retired as follows:

<u>Year</u>	<u>Coefficient</u>
Before 1994	86.5
1994	79.5

1995	30.2
1996	9.4
1997	5.6
1998	3.0
1999	2.4
2000	1.79
2001	1.65
2002	1.55
2003	1.28
2004	1.03

394. Since 1 January 2005 the pension for special services to the country has been set at between three and six times the minimum retirement pension, depending on other pensions received.

395. Pensions are awarded by commissions set up by district or city administrations or the corresponding local bodies.

396. Article 120 of the Pensions Act grants workforces the right to draw on an organization's own funds to allocate supplements to State pensions based on the length of an employee's career, to introduce early payment of pensions to persons working in unfavourable working conditions, to pay pensions to working pensioners on more advantageous terms than those set out in the pensions legislation, to establish pension supplements for pensioners living alone, etc.

397. Under the Occupational Safety Act, the Disabled Persons (Social Welfare) Act, the Veterans Act, the Pensions Act, Presidential decrees and government decisions, elderly persons, pensioners, disabled persons, etc. are granted additional material support in the form of compensation payments, allowances, equipment (wheelchairs, prosthetic appliances, hearing aids, etc.), vouchers to sanatoriums and health resorts, etc. The State Social Insurance Act sets out the legal, economic and organizational foundations of State social insurance. It is a system whereby insured persons are provided with State-guaranteed support when they lose their earnings or income as a result of illness, severe industrial injury or occupational illness, disability, pregnancy and childbirth, unemployment, loss of a breadwinner or death, or in other cases provided for in the law, drawing on obligatory contributions from employers and citizens. State social insurance is obligatory. Under article 215 of the Labour Code, there are two forms of social insurance of workers - State and voluntary. Voluntary social insurance is effected through non-State funds, which can be set up by organizations, groups of citizens or voluntary associations.

398. The types of provision under State social insurance are as follows:

Pensions;

Allowances for temporary inability to work;

Allowances for pregnancy and childbirth;

Family allowances;

Unemployment allowances;

Burial grants (grants for last rites);

Grants for treatment of workers and members of their families, and also for other measures in keeping with the purposes and functions of occupational safety.

399. Allowances for temporary inability to work are paid in the event of illness or injury linked with loss of ability to work, when care by a family member, quarantine or fitting of a prosthetic appliance are necessary. Employees are entitled to the allowance if the temporary inability to work began during the period of work, or on the way to or from work, including the day of dismissal. The level of the allowance for temporary inability to work stands at 60-100 per cent of average earnings. The basis for differentiation in the level of the allowance is set out in article 12 of the State Social Insurance Act.

400. The allowance is payable until the person's ability to work is restored, but for no longer than four months in the case of a continuous illness, and no longer than 12 months in the case of tuberculosis. After these periods the employee must appear before a commission of experts in occupational medicine for determination of disability. The amount of the monthly allowance cannot fall below the established minimum wage.

401. The allowance for pregnancy and childbirth is payable at the rate of 100 per cent of earnings for the entire period of leave granted to a woman in connection with pregnancy and childbirth, irrespective of how many days of leave are taken before and how many after childbirth.

402. Family allowances are payable when a child is born to a family. Article 14 of the State Social Insurance Act contains provision for the following types of family allowance:

One-time grant on the birth of a child;

Monthly allowance for childcare.

403. The one-time grant is allocated as follows:

On the birth of the first child - three times the minimum wage;

On the birth of the second child - twice the minimum wage;

On the birth of the third and subsequent children - a sum equal to the minimum wage.

404. The allowance is payable at the place of work or study of one of the parents; if the parents are not working and not studying, it is payable by the department of social welfare in the area of residence.

405. Childcare allowances are granted to women who are on childcare leave until the child reaches the age of 18 months, in the amount of 100 per cent of the minimum wage each month at the place of work out of social insurance funds.

406. Under article 27 of the Promotion of Employment Act of 1 August 2003, unemployment allowances are payable to citizens who are acknowledged to be unemployed in accordance with the established procedure. The allowance payable is 50 per cent of the average wage at the person's last place of work. The calculated allowance for the last two months of work must not fall below the level of the minimum wage.

407. For recognized unemployed citizens who were in paid work for less than 12 calendar weeks over the previous 12 months before contacting the State employment agency, the unemployment allowance is payable in the amount of 100 per cent of the minimum wage.

408. Burial grants (grants for last rites) are paid in the event of the death of an insured person, and also in the event of the death of a family member dependent on an insured person. The amount of the burial grant is 20 times the minimum wage. The procedure for and conditions of payment of the grant are set out by the Government.

409. In addition, payments are made from State social insurance funds to cover medical treatment for insured persons and dependent members of their families. These payments are made in the organization or enterprise by the directly corresponding representative organ in the amount and according to the procedure laid down by the Government.

410. Employees who are in arrears in the payment of insurance contributions do not lose the right to benefits from State social insurance.

411. Contracts and collective agreements may make provision for higher levels of payments, and also additional social welfare payments, funded from the employer's own funds and voluntary contributions by employees.

412. As a result of the collapse of the social safety net after the breakdown of the Soviet Union, the World Food Programme (WFP) shifted its operations in 1994 towards a countrywide vulnerable group feeding programme in cooperation with the Ministry of Social Protection. The target groups for this feeding programme included pensioners, the disabled, housewives, orphans, refugees and others. Between 1993 and 1999 WFP distributed some 116,623 tons of humanitarian food aid to Tajikistan to a value of US\$ 60.6 million. WFP food commodities were distributed to more than 1 million beneficiaries in each of the years.

413. Between July 1999 and 2001, WFP implemented its first long-term relief and recovery programme ("Food assistance to vulnerable groups and recovery activities"), rendering assistance to more than 0.5 million people through its "vulnerable group feeding" and "food for work" scheme. Although WFP itself is implementing most of the free food distribution, many partners are involved in the distribution process, as well as in the implementation of some projects. Those partners include local and international non-governmental organizations and international organizations such as UNDP, UNHCR and IFRC (the International Federation of Red Cross and Red Crescent Societies).

## **Article 10**

414. Under article 33 of the Constitution, the family is protected by the State as the foundation of society.

415. Everyone has the right to form a family. Men and women who have reached marriageable age have the right to enter freely into marriage. In family relations and during divorce the spouses have equal rights. Polygamy is prohibited.

416. In Tajikistan a favourable trend may be noted towards the formation of families founded on traditional patterns of marriage and family relations.

417. According to the 2000 population census, 64.1 per cent of men and 64.4 per cent of women aged over 17 are married. Compared with 1979 the divorce rate has declined, from 1.6 to 1.3 per cent for men and from 3.6 to 3.0 per cent for women. Rural dwellers marry earlier than urban dwellers. In the countryside 37 per cent of men aged 30 are married, as against 31 per cent in the cities. At age 35, 48 per cent of men in the countryside and 44 per cent of men in the cities are married. Over half of urban and rural women aged 35 already have families.

#### **Total population and married population, age 15 and over\***

##### **Men**

	Total			Married		
	1979	1989	2000	1979	1989	2000
Total	1 047 530	1 422 827	1 740 742	676 866	946 378	1 115 378
Of whom:						
Urban dwellers	416 517	512 120	489 173	258 881	326 904	300 050
Rural dwellers	631 013	910 707	1 251 569	417 985	679 474	815 328

##### **Women**

	Total			Married		
	1979	1989	2000	1979	1989	2000
Total	1 111 932	1 483 191	1 769 983	681 915	955 787	1 140 093
Of whom:						
Urban dwellers	443 680	549 989	507 741	255 307	327 768	308 729
Rural dwellers	668 252	933 202	1 262 242	426 608	628 019	831 364

418. In 2000 there were 1,047,000 households in the country, containing 6,086,000 persons, or 99.3 per cent of the population. The average household size was 5.8 persons - 4.5 in the cities and about 6.6 in the countryside. The largest households are found in Khatlon oblast and Gorno-Badakhshan Autonomous Oblast (7.0 and 6.6 persons), with a figure of 6.5 in the centrally administered districts.

419. Relations within the family are governed by the Family Code, adopted in 1999.

420. The family, marriage, motherhood, fatherhood and childhood are protected by the State.
421. Legislation on the family is based on the need to strengthen the family, to build relations within the family on feelings of mutual love and respect, mutual help and responsibility, the inadmissibility of arbitrary interference by anyone in family matters, the need to ensure that family members exercise their rights and fulfil their obligations without hindrance, and the availability of protection under the law (Family Code, art. 1).
422. Marriage is celebrated in State civil registration offices (Family Code, art. 10).
423. Marriage is entered into on the basis of mutual consent by the parties. Any form of restriction of the rights of citizens on marriage or in relations in the family on social, racial, ethnic, religious or linguistic grounds is prohibited.
424. Article 13 of the Family Code sets the marriageable age at 17.
425. However, by virtue of ethnic traditions, the conclusion of marriage at the insistence of parents forms part of the customs of Tajiks and Uzbeks. The victims in such marriages are usually young girls. Such marriages are found more frequently among the rural population, whose ideas are resistant to change. Among the urban population the number of such marriages is declining.
426. The Criminal Code contains articles designed to protect the family. Under article 168, the giving away in marriage of a girl who has not attained marriageable age, by her parents or guardians, or by persons exercising authority over her, and likewise the brokering of such a marriage or the offering of inducements to such persons to give a girl away, shall be punishable by deduction of earnings for up to two years or restriction of liberty for up to five years.
427. A list of cases in which girls under marriageable age were given away in marriage in the period 1992-2003 and the first eight months of 2004 appears in table 28 in the annex. The table shows that such offences under article 168 of the Criminal Code were principally committed in Sogd and Khatlon oblasts. On 1 March 2004 the procurator of Panjakent city in Sogd oblast instituted criminal proceedings against T. Yazdonova under article 168 of the Criminal Code on charges that she gave away her under-age daughter for marriage. T. Yazdonova was found guilty by the court.
428. Under article 33 of the Constitution, polygamy is prohibited, but in practice this law is not respected, since for a second marriage only the “nikokh” religious ceremony is held, which is not officially recognized by the State, and the marriage is not registered in the appropriate offices. There are isolated incidents of proceedings instituted against men who have taken two or more wives. Under article 170 of the Criminal Code, bigyny or polygyny, i.e. cohabiting with two or more women in a single household, is punishable by a fine of between 1,000 and 2,000 times the minimum wage, punitive deduction of earnings for up to two years or restriction of liberty for up to five years.
429. In this way, M. Ibragimov, a resident of Yavan district, although registered as married to Ms. B. Ibragimova, married Ms. M. Khasanova by Muslim rite in May 2000 and thereafter cohabited with the two women in a single household. Consequently criminal proceedings were

instituted against M. Ibragimov under article 170 of the Criminal Code, and as a result he was convicted.

430. As is shown by the figures in table 29 in the annex, these offences are showing an upward trend. The reason is that in recent years the law enforcement agencies have begun to pay greater attention to these offences and to take steps to identify them and bring criminal charges against the perpetrators.

431. The family in Tajikistan is the primary cell of society and enjoys special protection on the part of the State. On 15 May each year, on International Day of Families, events are organized as well as meetings with families which have marked golden and silver wedding anniversaries, long-lived persons, families which have raised good children and enjoy prestige among the population, and representatives of the procurator's office and judicial bodies, thus promoting the role of the family in society.

432. Under article 34 of the Constitution, mothers and children enjoy the special protection of the State.

433. Parents are responsible for raising their children, and children who are adult and able to work have an obligation to look after their parents. The State watches over protection of orphan and disabled children, and their raising and education.

434. Under article 164 of the Labour Code, women are granted leave for pregnancy and childbirth totalling 70 days before and 70 days after the birth, 140 days in all (156 days in the case of difficult births, 180 days in the case of multiple births). Such leave is calculated as a total figure and is granted to women in full, irrespective of the number of days actually taken before the birth.

435. Under article 165 of the Labour Code, on completion of leave for pregnancy and childbirth, and if the woman so wishes, she is granted childcare leave until the child reaches the age of 18 months, and an allowance is paid under State social insurance over this period.

436. Under article 12 of the State Social Insurance Act, the monthly childcare allowance is payable at the rate of 100 per cent of the minimum wage until the child reaches the age of 18 months.

437. If she so wishes, the woman is also granted additional leave without pay for childcare until the child reaches the age of 3.

438. Also under this article, single grants are payable in connection with the birth of a child, the amount of which depends on the size of the family (for further details see the section on allowances for pregnancy and childbirth in the commentary on article 9 above).

439. Concern for mothers and children occupies a special place in State policy. During the transition to a market economy, and despite the economic difficulties, steps were taken to extend legislative protection for mothers and children (the Health Protection Act, the Reproductive Health



and Reproductive Rights Act, the Social Insurance Act and the Labour Code), which provide for: the right of women to take their own decisions on matters of motherhood, freedom to adopt contraceptive devices and methods, including surgical sterilization, occupational safety measures for pregnant and nursing mothers, extended leave for pregnancy and childbirth with payment of an allowance under State insurance, granting of childcare leave and so on. Under article 33 of the Health Protection Act, motherhood in Tajikistan is encouraged and protected by the State. Every woman is provided with specialist medical help in institutions in the State health-care system during pregnancy and during and after childbirth.

440. The country has the following institutions for the protection of mothers and children:

56 delivery rooms (12 in the centrally administered districts, 13 in Sogd oblast, 24 in Khatlon oblast and 7 in Gorno-Badakhshan Autonomous Oblast);

13 maternity hospitals (4 in the centrally administered districts, 3 in Sogd oblast and 4 in Khatlon oblast);

56 central district hospitals (12 in the centrally administered districts, 13 in Sogd oblast, 24 in Khatlon oblast and 7 in Gorno-Badakhshan Autonomous Oblast);

Two scientific research institutes, where women are provided with highly skilled specialist medical care and antenatal care of the foetus is provided. In 2000, 83.3 per cent of pregnant women were supervised by a doctor, 95.9 per cent in 2002 and 97.8 per cent in 2003. Medical staff attended the following percentages of births:

1991	85
1995	85.8
2000	80.6
2002	88.7
2003	88.1

441. As part of cooperation between the Government and the United Nations Children's Fund (UNICEF), a safe motherhood programme is being implemented, under which high-quality medical help is provided before, during and after childbirth. In addition, the Ministry of Health is introducing a strategy for reducing illnesses caused by iodine deficiency and iron deficiency, which is aimed at improving the reproductive health of women. This is undoubtedly having an impact on the decline in morbidity and mortality among children.

442. Under article 174 of the Labour Code, children aged under 15 may not be engaged for employment. To prepare young people for productive labour, pupils from general schools, technical training schools and secondary specialized educational establishments may, with the agreement of one parent or person in loco parentis, be recruited to perform, in their free time and until they reach the age of 14, light work which is not harmful to the health and does not disrupt their education.

443. A preliminary medical examination is obligatory before anyone aged under 21 can be recruited for work.

444. Under article 176 of the Labour Code, all workers who have not reached the age of 18 have the same rights in labour relations as adults, while they enjoy favourable treatment in the field of occupational safety, working time, leave and certain other working conditions as laid down in labour legislation.
445. The maximum length of the working week is set at 35 hours for workers aged between 15 and 18, and at 24 hours for those aged between 14 and 15.
446. Persons aged under 18 working shorter working hours are remunerated at the same level as employees in the corresponding categories working a full working day.
447. Under article 180 of the Labour Code, workers aged under 18 are granted annual paid leave of not less than 30 calendar days, which they may use in the summer or at any other time of year they find convenient.
448. In 2002 Tajikistan ratified ILO Convention No. 182 concerning prohibition of the worst forms of child labour and immediate action for their elimination.
449. It is forbidden to recruit workers aged under 18 for night work, overtime work or work on days off and public holidays, or to send them on official missions.
450. No contract providing for full individual or collective material liability may be concluded with a worker who has not reached the age of 18.
451. Article 177 of the Labour Code prohibits the use of the labour of under-age persons in heavy or underground work, work involving harmful working conditions, or work which may harm their health or moral development. Such persons are not allowed to move or lift by hand heavy objects exceeding the limits laid down for them.
452. Parents and guardians, and also duly authorized bodies, have the right to require the cancellation of labour contracts or agreements concluded with persons aged under 18 if the continuation of the work threatens their health or entails other injury for them.
453. The cancellation of a labour contract or agreement with a worker aged under 18 on the initiative of an employer without following the general procedure is permitted only with the consent of the local labour and employment agency and the commission on the affairs of minors.
454. For the purpose of enforcing laws and other regulations designed to protect the rights of minors, the office of the Procurator-General and its local offices conducted 39 checks of compliance with labour legislation on minors in 2003 and the first half of 2004. Following these checks, procurators issued 24 directives and recommendations to rectify violations of the rights and interests of minors. The procuratorial recommendations led to disciplinary proceedings against six officials from enterprises employing minors.
455. The following external aid was used in the social welfare and employment sector in pursuit of the implementation of articles 6, 7, 9 and 10, part 3, of the Covenant:

Sector	Number of agreements in force	Number of development partners in the sector	Commitments under agreements in force on 30 September 2004		Payments under agreements in force		
			Thousands of US dollars	Percentage of total	Thousands of US dollars	Percentage of total	Percentage of disbursement
Social welfare and employment	51	24	150 985	17	60 628	17.1	40

### Article 11

456. Currently the method used for determining the level of poverty is self-evaluation by the population. Using this method, 60 per cent of the population of Tajikistan consider themselves to be poor.

457. According to data from a comprehensive survey carried out in 2002 by the State Statistics Committee with support from ADB, the number of those questioned who considered themselves poor fell by 7 per cent between 1999 and 2002, from 60 to 53 per cent. Between 1999 and 2002 the nominal average wage rose by a factor of 2.8, from 11.6 somoni to 32.5 somoni. The minimum wage rose from 1.0 somoni to 5.0 somoni over this period, and to 7.0 somoni from 1 April 2004.

458. The following rises were recorded in the wages of employees in the budgetary sphere:

From 1 January 2001 - 40 per cent;

From 1 January 2002 - 40 per cent;

From 1 January 2003 - 20 per cent;

From 1 January 2004 - 25 per cent.

459. This period (1999 - first half of 2003) was also characterized by a growth trend in specific indicators of social expenditure. In this way, pensions rose as follows:

From 1 January 2001 for pensioners who retired before 1996 - by 2 somoni;

From 1 January 2002 for pensioners who retired before 1999 - by 40 per cent;

From 1 January 2003 for all pensioners - by 20 per cent.

460. Overall the analysis showed a continuation and intensification of the following negative aspects of remuneration:

Nominal wages grew faster than real wages;

Existing unjustified disparities in remuneration between sectors, within sectors and between regions increased;

There was no single system of remuneration, either in the budgetary sphere or in the material production sectors;

The minimum wage no longer fulfils a safety-net function.

461. According to statistical data, the average monthly nominal wage paid to workers for January-December 2004 was 60.79 somoni (US\$ 20.46), 37.2 per cent higher than in 2003.

462. The level of real wages (taking into account the change in the price index) has risen by 28.5 per cent over the year to date compared with the previous year - in other words, the rate of growth in real wages was 8.7 percentage points lower than the rate of growth in nominal average monthly wages.

463. Nominal wages recorded steady monthly growth in all sectors of the economy and in all regions. For the country as a whole wages rose by 13.4 per cent in December 2004 compared with November - 12.5 per cent in material production sectors and 19.0 per cent in non-material production sectors.

464. They rose overall by 18.2 per cent in Sogd oblast, by 3.5 per cent in Khatlon oblast and the centrally administered districts, by 10.7 per cent in Gorno-Badakhshan Autonomous Oblast and by 12.1 per cent in Dushanbe city, to 81.36 somoni in the country as a whole, 90.34 somoni in the material production sectors, 61.61 somoni in the non-material production sectors, 71.62 somoni in Sogd oblast, 55.92 somoni in Khatlon oblast, 97.68 somoni in the centrally administered districts, 56.47 somoni in Gorno-Badakhshan Autonomous Oblast and 159.21 somoni in Dushanbe city.

465. Despite the steady rise in nominal average monthly wages, they remain low in relation to the subsistence level. At the end of July 2003, actual consumption of only the most essential food products which form part of the consumer basket stood at 35.03 somoni per month per family member, as against 67.53 somoni per month for a reasonable level of consumption. The above figure for food products does not include expenditure on housing, services, obligatory payments, medical treatment, education, clothing and so on. It must be remembered that in Tajikistan families are large (six to eight children) and almost all contain elderly and other dependent family members, while as a rule only two or three members have jobs.

466. In 2003, 28.3 per cent of the total number of workers in all sectors were paid less than 15 somoni per month. The proportion was up to 60 per cent in the budgetary sector (46.4 per cent in the health-care, physical culture and social welfare system, 31.4 per cent in culture and the arts, 17.2 per cent in education and 14.1 per cent in administrative bodies).

467. Analysis of data on incomes and expenditure shows that, out of the total volume of cash expenditure, the population spends as follows on the most essential items alone :

Purchases of goods and payments for services, 72.8 per cent;

Payments and voluntary contributions, 14.0 per cent;

Payments for education, leisure and cultural and aesthetic development, 13.2 per cent.

468. Overall in the country wages in industry are between two and seven times as high as those of workers in the budgetary sphere. The ratio between the highest wage of workers in communications and the average level in the economy as a whole is 3.4:1. In other words, each worker in communications earns each month 3.4 times as much as the average worker in the country, but 6.1 times as much as a farm worker. Wages in non-material production sectors and for workers in the credit sector (230.90 somoni) are 10.1 times as high as those of workers in the health-care sector (22.77 somoni), 5.7 times those in culture and the arts (40.65 somoni), 5.3 times those in education (43.41 somoni) and 3.1 times those in administrative bodies (74.24 somoni).

469. The Dushanbe city *khukumat* has taken specific steps to guarantee the social rights of residents of Dushanbe and citizens of Tajikistan. However, because of economic constraints and a shortage of facilities funded from centralized capital investment, municipal construction of housing and provision of housing to citizens on waiting lists falls short of ideal levels.

470. In this way, according to information supplied by the *khukumats* of districts in the capital, 9,421 families or 47,105 persons were waiting for housing in Dushanbe on 1 January 2003.

471. Between 1990 and the first quarter of 2003 the Dushanbe *khukumat* added 4,126 flats with a total area of 351,600 square metres to the housing stock, which were allocated to families in need of better housing in accordance with the procedure laid down by law. Over the same period, persons living in 22 damaged and 28 extremely dilapidated and wretched buildings were rehoused in well-equipped flats.

472. However, owing to a shortage of resources from the State budget, a lack of funds in enterprises to finance their participation in housing construction and a lack of proper long-term credits for housing construction, the timely provision of housing to those on the waiting list is being delayed and the situation in this area remains strained.

473. A number of adverse factors affecting our country in the recent past have had a serious impact on the current socio-economic situation.

474. As a result of these factors, when the country's leadership proclaimed a policy focused on laying the foundations of a democratic, secular State based on the rule of law and a programme of market reforms, the economy was in a state of deep stagnation accompanied by rising inflation and a steep fall in standards of living.

475. In these very difficult circumstances, when energy and material resources were essentially being diverted towards ending the armed conflict and combating the natural disasters which had struck the country at that time, at that critical moment of history the country's leadership initiated a programme of economic stabilization and reforms.

476. At the centre of this strategy lay reform of the economy and the laying of solid foundations for further development of the real sectors of the economy.

477. The shift towards domestic political stabilization and reconciliation enabled the Government to focus on reforms aimed at stimulating economic growth and reducing poverty through development of the private sector and market mechanisms.

478. In the light of the economic situation and external political considerations, priorities in economic policy and change for the coming years have been developed.

479. Tajikistan's economic development priorities are founded on the country's geopolitical situation, the presence of undeveloped mineral deposits and the natural resource potential which can be used to create enterprises in the construction materials, pharmaceuticals and energy sectors, and also enterprises for processing cotton, silk, fruit and vegetables.

480. The State's efforts to implement programmes of economic reform from 1997 onwards are bearing fruit. In this way, aggregate growth in GDP for the period 1998-2003 was 49.3 per cent at 2003 prices.

481. Fairly clear evidence is provided by the fact that in the first quarter of 2004 GDP growth was among the highest in the CIS at 9.1 per cent, inflation the lowest (1 per cent), and growth in real incomes the highest at 31 per cent in March 2003.

482. Economic growth was essentially achieved as a result of higher volumes of industrial and agricultural output, provision of services and external economic activity.

483. Achievements in the field of macroeconomic regulation are manifest.

484. Privatization of small enterprises is complete, and intensive work continues on reform of medium-sized and large enterprises.

485. As a result of reforms in agriculture, the lion's share of arable land is now in private hands.

486. The Government's goals in the short and long term include annual growth of not less than 6 per cent in real GDP. Inflation must not exceed 7 per cent, and this will help to keep the floating currency stable and lead to higher per capita incomes.

487. At the same time, although specific economic successes have been recorded, it must be said that they have not yet had a significant impact on standards of living.

488. Tajikistan occupies 110th place among 174 States on the Human Development Index.

489. Poverty as defined by income level and consumption hampers access to education, health care, water supply, various energy resources, transport services and the mass media, and above all has an impact on sectors of the population which lack social protection. This is particularly clear in rural areas, where over 74 per cent of the population live. Poverty was aggravated by the civil war (see article 1, section 1, of this report).

490. In order to raise the standard of living and solve key socio-economic problems, the Government initiated the development of an all-embracing PRSP. Attainment of the goals of the PRSP in the light of the new economic circumstances is a priority task of the Government.
491. The Paper underlines the importance of ensuring more thoroughgoing economic changes and steady economic growth. This should generate benefits for most of the population from economic growth through mechanisms described in the PRSP.
492. The PRSP sets out proposals to define the path which should be followed to reduce poverty, and steps are shown which are the starting point for taking the ultimate measures to reduce poverty in the country.
493. The Government's efforts to implement the PRSP will be focused on enhancing the effectiveness of State policy, bearing in mind that it ensures the comprehensive development of the country and raises the standard of living, especially of the poorest groups.
494. The poverty reduction strategy includes the following activities:
- Stimulation of socially fair economic growth with intensive use of labour resources and a primary emphasis on exports;
  - Ensuring the provision of basic social services and their accessibility to the poorly-off population;
  - Targeted help for the most vulnerable sector of the population;
  - More efficient management and guarantees of security.
495. The Government plans to implement this programme with the help of the International Monetary Fund (IMF), the World Bank, the Asian Development Bank (ADB), the United Nations Development Programme (UNDP), other international financial agencies and donor countries.
496. The business sector, particularly in the form of small- and medium-sized enterprises, is currently expanding in various areas of the economy, but so far has not come to occupy its proper place in material production and services. Today private entrepreneurs, peasant farms and small- and medium-sized enterprises are encountering major problems in pursuing export-import activities, in the payment of taxes, in licensing and in banking services, and face a variety of checks from the many supervisory agencies.
497. The shift to market relations has widened income disparities in society. The poorly-off sectors of the population - the elderly, pensioners and single-parent and large families - find themselves in a particularly difficult situation.
498. Although specific steps have been taken to provide them with social support, most of these groups are below the poverty line. Income from the main occupation provides only a third of the

total income of the poorest 20 per cent of households. For many citizens of Tajikistan the social price of reform has proved too high.

499. In particular, this is leading to an increase in uncontrolled population movements, aggravating the imbalance in the national labour market.

500. The shortfall in investment, which is vital for implementing new capital projects and assigning existing means of production to the production process, is an extremely acute problem in Tajikistan.

501. A legal framework and infrastructure which are appropriate to the market economy are being created in Tajikistan. There is a two-chamber parliament, appropriate laws have been adopted aimed at the development of a financial and credit system, and favourable conditions have been created for the activities of foreign investors and in support of market structures.

502. The Foreign Investment Act, which ensures equal protection for the rights of investors and the property of those involved in investment activities, stipulates that foreign investment may not be nationalized or seized, guarantees that foreign investors can transfer their revenues abroad and spells out legal safeguards. The Act also grants potential foreign investors rather broad opportunities for capital investment in Tajikistan's economy, and sets out a series of legal safeguards. In addition, foreign investors in the country are offered guarantees that they may engage in investment activity on equal terms and are granted specific tax and customs privileges. Enterprises with foreign investments enjoy favourable terms for investment and other economic activity.

503. A large number of bilateral agreements protect foreign investors from political risks, and grant them the right to rapid, proportionate and transferable compensation for losses.

504. In this way, a favourable investment climate is created for investment activity by foreign investors, offering rather broad opportunities and safeguards.

505. In describing the investment climate, mention should also be made of the factors favourable to investment activity in the country, namely factors of production priced below world levels:

A relatively cheap but skilled workforce;

Low prices for some raw materials;

The possibility of exploiting relatively rich deposits of minerals and other natural resources which are easier to reach or cheaper to exploit than in other countries.

506. The economic and social development programme sets out priorities for the development of industry and agriculture, leading to a reduction in poverty and greater efficiency in the economy.

507. Over the past five to seven years a fundamental shift has taken place in the structure of the extractive and processing sectors, with growth in the former and a reduction in the latter.



508. Industrial development priorities are electric power, development of road transport, efforts to increase the proportion of cotton which is processed to make completed output, and extensive processing of agricultural produce - vegetables, fruit and medicinal herbs.

509. Bearing in mind areas of traditional activity and the raw material endowment, the following offer the greatest promise:

Harnessing of energy from mountain rivers;

Development of the extractive and processing sectors;

Development of traditional agricultural sectors, including cotton-growing, silkworm breeding, horticulture and grape-growing.

510. Investment in the electric power sector may be considered to offer the greatest attraction for foreign investors. Four large hydro units, dozens of medium-sized ones and a few dozen small ones are currently being constructed. Total electric power generation at hydro plants varies between 15 and 17 billion kWh.

511. Agriculture may be termed the next most promising sector for investment. Tajikistan has a unique bioclimatic potential, with altitudes ranging from 400 to 3,000 metres. The most valuable fine-fibre grades of cotton, as well as a wide range of ecologically pure and very tasty vegetables and citrus and other fruit, are grown here.

512. The experience of some foreign investors in Tajikistan confirms that the investment climate is favourable and effective. Efficiently operating joint enterprises include "Giavoni" (Tajikistan-Italy), which grows cotton and produces cotton fabric items, the "Zarafshon" gold-mining joint venture (Tajikistan-United Kingdom), and "Obi Zulol", producing mineral water and soft drinks jointly with the United States, the United Kingdom and others. Enterprises with foreign investment have been set up by firms and companies from countries in Europe, the Near East, south-east Asia, the United States, Canada and the CIS.

513. Although government revenues have begun to increase as the economy grows, they remain insufficient in relation to GDP, at 16.32 per cent in 2003. Each year as a result of the reduction and rationalization of expenditure the ratio of budgetary expenditure to GDP falls, to 14.2 per cent in 2003. For this reason the budget deficit was substantially reduced, to 0.6 per cent. The main problems in the tax and budgetary sphere are a persistently weak system of tax administration and inefficient tax collection.

514. The Government intends to pursue a tough monetary and credit policy in order to support the balance of payments and hold back inflation. The theory underlying its monetary and credit policy is that the velocity of money circulation will fall thanks to an increase in confidence in the national currency and the consolidation of the policy. The Government will strictly comply with the monetary and credit indicators laid down in the programme supported by IMF. Active measures to ensure repayment of overdue loans and strict restrictions on new loans should lead to a fall in financial demands on the private sector.

515. It must be realized that the flow of investment and the growth of financing are the main factors in the development of the country's economy. In this regard the State attaches special importance to attracting direct investment to the productive sectors in particular.

516. Current foreign investment in Tajikistan totals US\$ 463 million. A total of 27 joint investment projects with a value of US\$ 422,000,000 are being implemented in various sectors using credits from international financial organizations. In addition, thanks to the efforts of the Government, donors have allocated a grant of US\$ 41,000,000 for the implementation of joint and independent investment projects in the field of social welfare, reconstruction of the Dushanbe city water supply network and reforms in health and education.

517. Thanks to investment projects 196 facilities in the social sector were rehabilitated and brought into operation during this period, including 73 education facilities and 123 health-care facilities.

518. Under the second poverty reduction project, 31 small-scale projects in the fields of water supply, health care, education and electric power and gas supply have been fully completed, and repair and construction work is continuing on 26 other projects.

519. Prominent in government social policy are guarantees of the provision of social assistance, pensions and other social welfare payments to the elderly and disabled.

520. The implementation of government policy in the social sector, first and foremost in the field of social welfare and in ensuring measures to improve public health, especially the health of women and children, and the development of science, education, culture and the training of personnel, is a major concern. The State is making serious efforts in these areas. Over US\$ 130,000,000 in joint investment projects and grants (in addition to budgetary funds for these purposes) was allocated between 2001 and 2003 to tackle problems in the social sector.

521. Under the joint investment programme, around 200 social facilities were reconstructed and brought into operation in 2003.

522. Tajikistan has signed projects providing for over US\$ 60,000,000 of investment in 2004-2006, which will lead to further improvements in the education, health-care and other social sectors.

## **Article 12**

523. Under article 38 of the Constitution, everyone has the right to health protection. Within the statutorily defined framework, everyone may benefit from free medical care in State health-care institutions. The State takes steps to clean up the environment and develop large-scale sport, physical culture and tourism.

524. Other forms of medical care are defined in the law.

525. A total of 43,689 medical and pharmaceutical personnel work in the health-care system. They include 13,103 doctors in various specialities, 143 pharmaceutical chemists,

30,272 middle-level medical personnel and 171 pharmacists. The network of institutions in the Ministry of Health's health-care system consists of 1,706 health centres, 172 health units, 514 rural outpatient clinics, 217 rural district hospitals, 61 central district hospitals, 31 city hospitals, 6 oblast hospitals, 30 specialist hospitals, 3 psychiatric and 22 other hospitals, 17 maternity hospitals, 16 independent general clinics and 16 stomatology clinics, 2 scientific research institutes, 86 clinics, including 62 with provision for inpatients, 74 epidemiological units, 63 specialist centres to combat acute respiratory infections, 63 centres to combat diarrhoeal diseases, 3 centres for integrated management of childhood illness, 71 reproductive health centres and 119 other centres.

526. The Government attaches particular importance to protecting the health of the population and developing health care, and in 1997, following a multisectoral approach, adopted a strategy for protection of public health to the year 2005, based on the recommendations of the World Health Organization's Regional Office for Europe, which was reaffirmed in 2002 and extended to 2010. The strategy was essentially the first real attempt to address problems of public health and health care.

527. Over this period the following laws were adopted with the aim of protecting the health of the population:

Prevention of AIDS Act, 27 December 1993;

Donation of Blood and Blood Components Act, 27 December 1993;

Public Health and Epidemiological Safety Act, 8 December 2003;

Public Health Protection Act, 15 May 1997;

Narcotic Substances, Psychotropic Substances and Their Precursors Act, 10 December 1999;

Medicines and Pharmaceutical Activities Act, 6 August 2001;

Psychiatric Care Act, 2 December 2002;

Private Medical Activity Act, 2 December 2002;

Reproductive Health and Reproductive Rights Act, 2 December 2002;

Iodization of Salt Act, 2 December 2002.

528. National-level programmes have been adopted on the following topics:

Immunoprophylaxis, 1995-2000;

Efforts to combat tropical diseases (malaria), 1997-2005;

Prevention of iron-deficiency anaemia, to 2002;

Efforts to combat and prevent viral hepatitis B in Tajikistan, 2000-2007;

Efforts to prevent and combat HIV/AIDS/STIs (sexually transmitted infections), to 2007;

Efforts to combat tuberculosis, 2003-2010;

Developing a healthy lifestyle, to 2010.

529. The following have been approved:

A strategy for protection of public health to the year 2005, and a strategic plan to avert the threat of the spread of the human immunodeficiency virus (AIDS) in Tajikistan, 2002-2005;

A blueprint for the reform of health care to the year 2010;

A strategy for protection of public health to the year 2010;

A national plan of action on environmental health.

530. Reform of the health-care system is part of the strategic programme for economic and social development. The aim of reform of the health-care system is to develop fair and accessible health-care services and secure high-quality medical care through prioritization and strengthening of primary health-care services.

531. A priority aspect of the reform is restructuring of primary health care (PHC) on the basis of the family approach, followed by over 300 family doctors and 200 family nurses. Over 102,000 families (9 per cent of the total), or some 500,000 people (7.4 per cent of the population), receive PHC using this approach.

532. Health care is funded principally from the State budget. Funding for health care is not adequate. The level of expenditure on health care is lower than expenditure on any other social area. Since independence expenditure on health care has fallen substantially, from 6 per cent of GDP in 1992 to under 1 per cent in 2003, and these resources are unevenly distributed. Significantly smaller sums are spent on the development of primary health care despite the priority assigned under the programme for reform of the sector (see annex, tables 30-32).

533. The problems of protecting the health of mothers and children are fairly well reflected in the strategic papers "Poverty reduction strategy" (2002) and "Attaining the Millennium Development Goals" (2003), which are aimed principally at eliminating inequality between the sexes in primary and secondary education, reducing mortality among children under 5 by two thirds, reducing maternal mortality by three quarters and child mortality by two thirds, improving access to reproductive health services and averting the threat of the spread of HIV/AIDS.

534. On 6 May 2002 the Government approved a programme for the implementation of the Blueprint for State population policy for the years 2003-2015.

535. The above laws and other documents and programmes are based on various international legal instruments in the field of women's and children's rights, including the Convention on the Rights of the Child (1989), the Vienna Declaration and Programme of Action on human rights (1993), the recommendations of the International Conference on Population and Development (Cairo, 1994) and the Platform for Action of the fourth World Conference on Women (Beijing, 1995).

536. The steadily growing women's non-governmental organizations provide considerable support in the implementation of the policy for improving the reproductive health of women.

537. Over the past 10 years, in accordance with the priority accorded to the health problems of women and children, targeted national and health-sector programmes aimed at preventing and combating the most widespread diseases among women and children have been developed and introduced systematically.

538. Such programmes since 1996 have included joint projects run by the United Nations Population Fund and the Government of Tajikistan on "Increasing access to family planning information and services" (TA1/96/PO-1), "Improvement of the reproductive health service and increasing access to family planning services" (TA1/96/PO-2) and "Information, education and communication policy in the population field in Tajikistan" (TA1/96/PO-3). A programme cycle consisting of the subprogrammes "Population and development strategy", "Advocacy" and "Reproductive health" has been implemented since 2000. These subprogrammes include such projects as "Strengthening the management potential of the Ministry of Health and the National Centre of Reproductive Health and developing an information system on reproductive health" (TAT 02/01/02) and "Improving information in the field of reproductive health" (TAL 02/01/01). In connection with these projects a "Rapid assessment of the current state of the reproductive health service in Tajikistan" was carried out in 2000, on the basis of which scientifically based conclusions and recommendations were drawn up for the reproductive health service's future activities throughout the country. Reporting and accounting documentation was improved, and international indicators recommended by WHO were incorporated.

539. These projects have made a significant contribution to the shaping and development of policy and strategy in the field of improving reproductive health.

540. In efforts to improve reproductive health the Government together with its partners is implementing syringe exchanges among injecting drug users with support from co-sponsors UNAIDS (Sh1AGO5). Implementation of a harm reduction project (O81-TafShzShp and 118AGO) began, as well as a pilot project aimed at reducing risk among persons providing sexual services (WHO), and a programme to give instruction to young people in healthy lifestyles (TsMRRA and TsN1SER).

541. Concern for the health of women and children occupies a special place in State policy. The most important indicators in the mother and child protection service are infant mortality, the late foetal mortality ratio and maternal mortality. While 13.5 late foetal deaths per 1,000 births were registered in 1991, this indicator had fallen to 8.9 per 1,000 births in 2003 (5.0 in 1995, 8.5 in 2000 and 9.0 in 2002). While the level of early neonatal mortality was 13.5 per cent in 1997, in 2003 it

was 6.6 per cent; perinatal deaths stood at 26.1 per cent in 1997 and 13 per cent in 2003. The indicator of infant mortality was 40.6 per cent in 1991, 30.9 per cent in 1995, 15.5 per cent in 2000, 29.9 per cent in 2001 and 17.2 per cent in 2002. In 2003 this indicator stood at 13.5 per cent per 1,000 live births. These indicators do not reflect the real situation in the country, since infant mortality is poorly recorded. One of the reasons for the low level of registration in registration offices is the high level of home deliveries. According to data from multi-indicator cluster research carried out jointly by UNICEF and the State Statistics Committee in 2000, the coefficient of infant mortality was 89 per 1,000 live births, while mortality among children up to age 5 was 126 per 1,000 live births. Research carried out under a programme of cooperation between the Government and the United Nations Children's Fund (UNICEF) in Khatlon oblast in 2002 to study medical and social risk factors and causes of infant and maternal mortality revealed high indicators of infant and maternal mortality exceeding official statistical data by a factor of three to four. Analysis of data obtained showed that the level of infant mortality in rural areas is significantly higher (108.74 per 1,000 live births) than in the cities. It has been established that 48.0 per cent of perinatal deaths fall within the antenatal period, while 70.8 per cent of neonatal deaths occur in the first week of life.

542. Regionally speaking, high levels of infant mortality have been recorded in the districts of Tavillara (69.3 per cent), Asht (42.6 per cent), Rogun (39.4 per cent), Beshkent (36.8 per cent), Vanch (32.6 per cent), Jabborrasulov (32.1 per cent), Darvoz (30.8 per cent), Murgab (29.4 per cent), Khovaling (30.2 per cent), Kumsangir (30.5 per cent), Tajikabad (29.4 per cent), Yavan (28.6 per cent), Kukhistoni Mastchokh (26.2 per cent), Roshtkalla (25.6 per cent) and Jirgital (25.5 per cent), and the city of Kurgan-Tyube (37.7 per cent).

543. The main causes of infant mortality are disorders of the respiratory organs (39.5 per cent), infectious and parasitic diseases, including diarrhoeal diseases (25.5 per cent), and perinatal disorders (17.9 per cent).

544. Maternal mortality is one of the most urgent health problems in the country. It remains at a high level, although a downward trend may be observed: 53.0 per 100,000 live births in 1999, 45.0 in 2002, 36.6 in 2003. However, according to official statistics, this indicator is significantly higher in many cities and districts, ranging from 126.3 to 842.1 per 100,000 live births.

545. Scientific research has shown that the main causes of the high rate of maternal mortality are:

Social factors - unsatisfactory social and domestic conditions, lack of cleanliness among women, working conditions, health problems;

Medical and biological factors - frequent and multiple births, poor health among women, high frequency of extragenital disorders, high level of home deliveries.

546. The leading causes of maternal mortality remain haemorrhage during delivery (37.3 per cent), toxæmia (18.6 per cent), sepsis (16.3 per cent) and extragenital disorders (13.9 per cent).

547. One of the causes is short intervals between pregnancies: less than two years among 37.2 per cent of multiparous mothers, while 5.7 per cent of women give birth twice a year.

548. A fairly urgent reproductive health problem is abortion, which remains a widespread method of birth control. The past decade has seen the abortion rate fall more than threefold (from 223 per 1,000 live births in 1995 to 84.4 in 2002).

549. The proportion of women of childbearing age using modern contraceptive methods tripled after 1994 to a peak of 34.6 per cent in 1999. The decline in this figure in recent years is partly due to the sharp drop in the provision of contraceptives by international donors. In 2003 this indicator stood at 20.1 for the country as a whole. The level of post-partum and post-abortion contraception remains low - no higher than 16.1 per cent in some regions. In recent years the rising frequency of home deliveries, reaching over 80 per cent in some regions, has become a serious problem. Its significance lies in the fact that childbirth in domestic conditions often takes place without the participation of medical personnel. The Ministry of Health is engaged in specific activities in these areas. In this way, efforts to support and encourage breastfeeding began in 1994. All maternity institutions work on the principle of keeping mother and child together. An early start to breastfeeding has led to a reduction in post-partum haemorrhage and post-partum sepsis. The number of women undergoing operations for mastitis fell from 403 in 1995-1997 to 8 in 2002-2004, and the mortality figure of 26.1 per cent in 1997 had fallen to 13 per cent in 2003.

550. As part of cooperation between the Government of Tajikistan and the United Nations Children's Fund (UNICEF), a programme entitled "Safe motherhood" is being implemented to ensure the provision of high-quality medical care before, during and after childbirth. In addition, work has started on the development of national protocols for the provision of services to pregnant women and women in the post-partum period; this improves the quality of medical care to pregnant women and new mothers. In 2003 a project for the introduction of international definitions relating to the perinatal period and improvement of the system for recording child births and deaths, as recommended by WHO, began to function on a pilot basis. The main purpose of introducing criteria relating to live births is to ensure that all births and deaths are registered, and also that the information is internationally comparable. In addition, the Ministry of Health is introducing a strategy for reducing iodine-deficiency and iron-deficiency diseases with the aim of improving the reproductive health of women and helping to lower child morbidity and mortality.

551. In 2001 work began to introduce the WHO and United Nations Children's Fund (UNICEF) strategy "Integrated management of childhood illness", which is aimed at improving the treatment and prevention of five diseases (acute respiratory infections, diarrhoeal diseases, pneumonia, feeding disorders and anaemia), the main causes of morbidity and mortality among children under 5.

552. Tajikistan has adopted a long-term programme of immunoprophylaxis, whose aim is to reduce the level of morbidity and mortality caused by diseases that can be prevented by immunization. Major achievements of this programme are:

Introduction of a diphtheria registration and monitoring system;

Reduction in the number of outbreaks of measles;

Achieving polio-free status by 2002;

### Introduction of vaccination against hepatitis B.

553. Since 1993, with financial support from the Government of Japan through UNICEF, Tajikistan has been supplied with vaccines for primary vaccination of children up to age 1. Between 1991 and 2003 over 90 per cent of children up to age 1 were immunized (a table is attached indicating immunization coverage of children up to age 1 between 1993 and 2003 (see annex, tables 33-36)).

554. In the 1990s Tajikistan encountered major problems stemming from the period of transition, which were exacerbated as a result of the civil war. One of the most dangerous micronutrient deficiencies in medical and social terms in Tajikistan is iodine deficiency. The highest incidence of endemic goitre occurred in 1999-2000: an alarming situation arose, especially in Gorno-Badakhshan Autonomous Oblast (1,068.0 cases per 100,000 in 1999), while in 2000 the morbidity indicator stood at 3,462.4 per 100,000 countrywide, 2,591.8 in the centrally administered districts, 6,058.2 in Khatlon oblast, 1,754.4 in Sogd oblast and 2,217.9 per 100,000 in Dushanbe. The incidence of goitre in children up to age 14 is 45-82 per cent in various regions; among women of childbearing age the figure is 59.5 per cent, and among pregnant women 48-62 per cent.

555. Against this background a "National programme to combat iodine-deficiency diseases over the period 1997-2002" was adopted, followed by the Iodization of Salt Act in December 2002. As a result of these measures a lower level of morbidity was achieved over the country as a whole (1,936.5 per 100,000 people in 2003), but some regional indicators are still high (2,351.4 per 100,000 in Khatlon oblast, 3,103.3 in Gorno-Badakhshan Autonomous Oblast and 2,645.3 in the centrally administered districts).

556. Tuberculosis is also one of the most acute problems in Tajikistan. The main causes of the unfavourable epidemiological situation are poverty, unemployment, low numbers of medical personnel and shortages of anti-tuberculosis preparations and diagnostic tools.

557. Between 1995 and 2003 the indicator of morbidity from tuberculosis more than doubled from 28.4 to 66.5 per 100,000 people, but these figures do not reflect the real situation in the country. WHO experts estimate the level at 127.3 per 100,000.

558. The epidemiological situation in respect of tuberculosis in prison establishments and among migrant workers is a matter for serious concern. They account for more than 20 per cent of the population diagnosed for the first time, while tuberculosis among women following childbirth and among students accounts for 6 to 8 per cent.

559. Men predominate (55 per cent) among the population diagnosed for the first time. More than half of patients fall in the younger able-bodied category (age 15 to 45). Female patients are largely of childbearing age. Mortality stood at 8.6 per 100,000, but a rising trend has been noted. In 2003, 20 per cent of those who died were patients who had been registered for less than a year.

560. In 2002 the Government approved a "Programme to combat tuberculosis over the period 2003-2010". This programme is centred on the introduction of the DOTS strategy (directly



observed treatment strategy), an accelerated course of outpatient treatment in keeping with WHO recommendations and with support from international organizations.

561. In order to provide the population with drinking water there are a total of 699 water supply networks, including:

100 communal and 599 departmental;

929 sources of decentralized water supply;

52.1 per cent of the population has access to piped water;

105 water systems draw water from open reservoirs, which are subject to large-scale contamination from waste water;

Rural dwellers (47.9 per cent) use water for household and drinking purposes from open reservoirs and the irrigation network (which presents an epidemiological risk), including:

Boreholes without distribution systems - 8.8 per cent;

Springs - 9.8 per cent;

Rivers - 5.5 per cent;

Canals and irrigation channels - 22.0 per cent;

Tanker-delivered water - 1.8 per cent.

562. The existence of a centralized system of water supply is no guarantee of reliable access to safe drinking water. Because of the irregular supply of electric power, water systems often cease to function.

563. A total of 385 water systems (56 per cent) do not meet health requirements, for reasons which include:

Lack of a health protection zone - 249 (64.6 per cent);

Lack of a water purification complex - 221 (57.4 per cent);

Lack of decontamination facilities - 247 (64.2 per cent).

564. Of the total of 699 existing water systems, 113 (16.1 per cent) are not operational; of these, 108 (95.5 per cent) are in Khatlon oblast, including:

Kurgan-Tyube zone - 82 (72.6 per cent);

Kulyab zone - 26 (23 per cent);

Others - 5 (4.4 per cent) in the centrally administered districts.

(a) Of 100 communal water supply systems, 50 do not meet health standards, for reasons including:

Lack of a health protection zone - 43 (86 per cent);

Lack of decontamination facilities - 41 (82 per cent).

(b) Of 599 departmental water supply systems, 355 do not meet health standards, for reasons including:

Lack of a health protection zone - 206 (61.5 per cent);

Lack of a water purification complex - 178 (53.1 per cent);

Lack of decontamination facilities - 206 (61.5 per cent).

565. Availability of piped water supply:

In 1992 - 63 per cent;

In 1998 - 61 per cent;

In 1999 - 58.6 per cent;

In 2000 - 56.3 per cent;

In 2003 - 52.1 per cent.

566. Proportion of water systems which do not meet health standards:

In 1992 - 37 per cent;

In 1998 - 38.4 per cent;

In 2000 - 41.1 per cent;

In 2003 - 56.0 per cent.

567. Individuals, social institutions and industrial enterprises and organizations in cities and settlements are served by 91 sewerage systems and 270 local sewerage networks, with a throughput of 1,623.7 cubic metres per day.

568. Each year purification facilities process 191.9 million cubic metres, or 97.7 per cent of the total throughput of sewage.

569. In the country as a whole, 35.3 per cent of water samples failed to meet microbiological standards in 2001 and 30.7 per cent in 2002. In 2003 9,645 water samples were taken for health and bacteriological research, of which 2,487 (28.8 per cent) did not meet health requirements:

Pathogens were identified in 62 samples;

From 5,987 samples of water, 3,002 (50.1 per cent) did not meet health standards in respect of physico-chemical indicators. Public provision of centralized sewerage services is very low: the latest available data indicate 8.9 per cent overall, 25 per cent in urban areas and 2.4 per cent in rural areas.

570. Comparative analysis of morbidity from infectious intestinal disorders in 1993-2003 shows that water plays a major role in outbreaks. Over the country as a whole, morbidity from infectious diarrhoeal disorders is high, with a total of 1,366.2 per 100,000 persons in 2001 and 1,152.0 in 2002.

571. In 1997-1998 the epidemiological situation in respect of typhoid fever worsened markedly, with epidemic levels reached in some regions. The main reasons were the collapse of the system of quality management for piped water, waste water decontamination and removal, and rubbish removal, and the deterioration in local sanitation. Morbidity from typhoid in 1997 was 497.8 per 100,000 persons at the national level, 2,066.7 in Dushanbe, 681.5 in the centrally administered districts and 429.9 per 100,000 in Khatlon oblast. In 2003 the figures were 47.9 per 100,000 nationally, 29.3 in Khatlon oblast, 29.8 in Gorno-Badakhshan Autonomous Oblast, 69.2 in the centrally administered districts and 206.6 per 100,000 in Dushanbe (see annex, table 37).

572. Up to 1990 there were no persons infected with HIV in Tajikistan. Between 1991 and 1999 only four HIV-infected patients were recorded. The situation as regards HIV infection is rapidly worsening. Over the past two years the level of morbidity has increased more than sevenfold over the total number of registered cases for the entire 10-year period from the time of official registration. More than 80 per cent of cases have been registered in Sogd oblast. Of the total number of HIV cases, 73 per cent were recorded among injecting drug users; over 70 per cent are aged under 30. Twenty per cent of HIV cases were recorded in prisons (see annex, tables 38-41).

573. The country's economic difficulties mean that scope for HIV diagnosis is limited. The official number of registered cases of HIV infection nationwide is 317. The actual number of cases is 10 times the official figure. Young people make up 60 per cent of the population, and most of them, especially in the countryside, are ill-informed about HIV infection. Treatment of HIV using antiretrovirals is not carried out because of a lack of resources. The HIV/AIDS problem has been acknowledged at the highest level of Government. A network of State institutions dealing with this problem was organized in 1997. The AIDS Prevention Act was adopted in 1993. A national programme on HIV/AIDS problems was approved in 2000. A strategic plan to combat the threat of the spread of HIV/AIDS was approved in 2002. The strategic plan provides for raising awareness among young people through the introduction of a programme in schools entitled "Healthy living with HIV/AIDS", and the development of educational programmes among young people at large.

574. The past 13 years have seen a sharp rise in mental illness, associated with well-known events in the country (the civil war and the post-conflict period), and also economic difficulties. Extreme

stress in the form of threats to the life of individuals and that of friends and family, loss of housing and property, as well as unemployment, led to the development of post-traumatic stress-related disorders in a substantial proportion of the population. Whereas in the 1980s patients with post-traumatic disorders accounted for 5 per cent of illness, over the past 12 years this figure has risen to 25 per cent. Socio-economic instability has strengthened tendencies towards suicide. The number of suicides has increased, largely among men aged between 20 and 40. Worsening socio-economic and domestic conditions, inadequate nutrition supplying insufficient proteins, fats and vitamins, growth in the number of infectious diseases, complications in childbirth - all these have contributed to significant growth in mental retardation - to 48 per cent of overall morbidity, or 19,334 persons. They have also led to growth in psychogenic diseases such as schizophrenia. This disease presents a serious problem for the health-care system, and also for law enforcement bodies, since in periods of tension patients in this category are a danger to society, because of a tendency to display aggression towards others and towards themselves. In addition, in recent years, owing to their low standard of living, the mentally ill have been enticed by criminal organizations into transporting narcotics and other offences. Schizophrenia principally strikes those in the younger able-bodied category and, because of rapid development, leads to disability. A steady upward trend in this disease has been observed, with extremely negative impacts on the country's genetic stock. At present 40,139 patients are registered in psychiatric institutions; of these, 10,795, or 26.9 per cent of the total number of registered mental patients, suffer from schizophrenia. There are 14,501 patients in disability groups 1 and 2, or 36.2 per cent of the total number of registered patients. Identification of persons suffering from mental illnesses has declined during recent years and is carried out only on request owing to the shortage of psychiatrists, medicines, transport and rehabilitation measures.

575. Over the period 1999-2003 the psychiatric service took the following steps to improve the health of elderly persons, patients with mental disorders and the disabled:

Psychiatric care was provided in the national centre for restoration of the mental health of borderline patients;

Psycho-social consultative centres were set up within health centres and treatment and diagnostic institutions in Dushanbe city;

Psychiatric care was provided at home to elderly persons with mental disorders and the disabled;

Family nurses were trained in the provision of urgent psychiatric care;

Scientific workshops were held on urgent problems arising in the provision of psychiatric care in the period of transition;

Programmes aimed at improving the mental health of the population were implemented;

Ministry of Health lists were approved on 9 February 2001 with the aim of improving psychiatric care and raising the quality of psychiatric institutions and their level of activity;

The international organization Médecins sans Frontières - Netherlands provided support to psychiatric institutions from 1997 onwards;

Programme of psychosocial help entitled “Mental health of society”;

The medical and educational commission resumed its work in promoting the early identification and provision of help to children and young people;

The Psychiatric Care Act was adopted on 2 December 2002;

Forms of international cooperation in improving the mental health of the population;

Starting from 1997, the international organization Médecins sans Frontières - Netherlands implemented four projects in Tajikistan, supplying food and medicines, carrying out repair and reconstruction work, holding seminars on the legal protection of the mentally ill and implementing the “Mental health of society” programme;

Many programmes of medical training were implemented in close cooperation with the Soros Foundation;

The Aga Khan Foundation provided psychotropic drugs to oblast psychoneurological clinics in Gorno-Badakhshan Autonomous Oblast.

576. The spread of drug addiction in the country arouses serious concern, as demonstrated by the results of a rapid assessment of the drug addiction situation in various cities, and specifically the city of Dushanbe, carried out with consultative and financial support from the UNAIDS programme. It has been established that in recent years the growth in the number of drug users essentially took place among young people aged 20-35. As many as 22 per cent of schoolchildren have experience of drug use, while among students in higher educational establishments the figure is 8.2 per cent.

577. Among drug users registered with medical institutions, over 73 per cent are young people aged under 25. Males predominate among drug addicts, but drug addiction among women is rising. The most widespread drug among drug users is heroin, while the most popular method of drug use is injection, which is particularly dangerous in the context of the spread of the human immunodeficiency virus.

578. In this connection, the Government has been taking serious steps in recent years to combat the illegal traffic in narcotics and psychotropic substances and curb drug addiction, and a Narcotic Substances, Psychotropic Substances and Their Precursors Act has been adopted.

#### **Incidence of narcotics-related disorders per 100,000 people**

	1990	1997	1998	1999	2000	2001	2002
Nationwide	28.9	16.6	23.9	24.5	37.1	43.2	16.3
Gorno-Badakhshan	7.3	7.7	73.8	72.3	80.5	85.4	23.2

Autonomous Oblast							
Centrally administered districts	20.7	4.0	4.9	9.0	10.6	21.2	13.1
Sogd oblast	27.6	31.6	33.9	14.8	47.7	57.4	19.1
Khatlon oblast	15.5	6.1	2.7	7.1	10.6	13.9	6.1
Dushanbe city	92.6	43.4	109.0	142.3	150.2	145.0	51.4

579. Tobacco consumption brings with it a high risk of deteriorating health, the development of ischaemic heart disease, chronic illnesses and malignant tumours of the respiratory organs and, as a consequence, premature death.

580. Tobacco products cause suffering not only to smokers themselves, but also to their families and those around them, pollute the environment and harm the economy of the family.

581. A rising trend in smoking not only among adults but also among young people has been observed in recent years. In a number of regions users prefer to place tobacco powder (*nos*) under the tongue; this is cheaper and easier to obtain than cigarettes, not least for children and young people.

582. One way of shaping a healthy lifestyle is to combat smoking among the population. A national programme to shape a healthy lifestyle has been adopted; one of its main components is a change of attitudes among the population towards their health. Each year on world anti-smoking day, 31 May, events directed against tobacco and smoking are held all over the country. Scientific research and research carried out by various non-governmental organizations is aimed at identifying the extent of smoking among young people. In Tajikistan comprehensive research into tobacco consumption among young people was carried out in 2004. It produced data on the availability of cigarettes and other tobacco products, and also information on five factors which define tobacco use: availability, affordability and price; the influence of passive smoking; refusal to use tobacco; mass media and advertising; and provision of information in school curricula. Tajikistan has included these factors in its comprehensive programme for tobacco control. Research carried out in 2004 among 6,406 pupils in classes 7 to 9 produced the following results:

Prevalence - 7.8 per cent;

Have ever smoked cigarettes (young men 10.4 per cent, girls 4.0 per cent);

47.7 per cent of persons who have ever smoked began to smoke before the age of 10 (young men 47.4 per cent, girls 41.5 per cent);

1.2 per cent currently smoke cigarettes (young men 1.4 per cent, girls 0.6 per cent);

4.6 per cent currently smoke cigars (young men 5.6 per cent, girls 3.0 per cent);

47.7 per cent of persons who have ever smoked began to smoke before the age of 10 (young men 47.4 per cent, girls 41.5 per cent).

583. Local research conducted by questionnaire among final-year pupils in general schools in rural areas and cities found that 21 per cent of boys leaving rural schools use *nos* (placing tobacco powder under their tongues), while 28.5 per cent of those leaving general schools in the cities smoke cigarettes.

584. Among students in higher educational establishments the figures are higher.

585. In some regions, organized individual tobacco farming remains a profitable economic activity. Here greater use is made of the labour of under-age children and women, including pregnant women.

586. The frequency of alcohol consumption has been growing among some population sectors in recent years. The urgency of this problem stems from the growing commercialization of alcoholic drinks which do not comply with official standards, and which are produced by commercial entities and private individuals for outlets in the private sector.

587. All this is conducive to growth in the number of people, especially young people, who consume alcohol, with a consequent high risk that they will develop disorders of the liver, the cardiovascular system and the nervous system. There is a marked upward trend in the number of persons suffering from chronic alcoholism and alcoholic psychosis.

588. The Government attaches particular importance to the medical, social and occupational rehabilitation of the disabled. According to statistics from the Ministry of Labour and Social Protection, 125,866 disabled persons in various categories live in Tajikistan, including, on 1 January 2004:

Persons disabled during the Second World War - 4,789;

Participants in the Second World War - 2,817;

Disabled veterans of overseas wars - 303;

Disabled personnel from the Soviet Army - 1,124;

Disabled persons who participated in tackling the accident at the Chernobyl nuclear power plant - 476;

Disabled defenders of the constitutional order - 337;

Persons disabled in severe industrial accidents - 1,845;

Persons disabled as a result of common illnesses - 73,573;

Persons disabled from childhood - 37,732;

Persons disabled as a result of common illnesses who receive social allowances - 2,599.

589. Specialist residential homes and preventive clinics for disabled and elderly persons are located in various regions of the country:

Two psychoneurological residential centres for persons aged over 16 with 180 places each in Gissar and Vosei districts;

Dushanbe residential centre for mentally retarded children, with 100 places;

Batosh and Yavan residential centres for disabled and elderly persons with 100 places (each);

National residential centre for disabled and elderly persons in the city of Vakhdat, with 100 places;

National residential centre for disabled and mentally retarded children in the city of Panjakent, with 100 places;

Preventive clinic for veterans of the Second World War and labour veterans in Ramit, where 287 persons spent rest periods and recovered their health in 2004;

Preventive clinic in Yamchun (Gorno-Badakhshan Autonomous Oblast), where 235 persons spent rest periods and recovered their health;

“Dusti” preventive clinic in Kumsangir district, where 739 persons spent rest periods and recovered their health;

“Kharangon” national residential home for veterans of the Second World War and labour veterans in Varzob district, where 152 persons spent rest periods in 2004;

Specialist residential lycée for disabled persons aged under 35.

590. Other facilities for disabled and elderly persons are 6 in-patient social centres (in the cities of Dushanbe, Khujand and Istaravshan, and in Bakhtar, Ganchin and Vakhsh districts) and 44 home help departments. A State enterprise producing prosthetic and orthopaedic appliances is located in the city of Dushanbe, with branches in the cities of Khujand, Kulyab and Khorog; it is financed from the State budget. Problems arising in the medical and social rehabilitation of the disabled are addressed in a scientific research institute which assesses and restores patients’ ability to work. It has a 60-bed in-patient unit which treated 890 persons in 2003 and 977 in 2004.

591. On 30 June 2004 the Government approved a programme of State guarantees relating to the provision of free medical and health care, which plays the role of a social safety net in health care. The purpose of the programme is to improve access for the population, and especially the worst-off, to the main types of medical and health care. The programme sets out guarantees of medical and health care in terms of volume and facilities in the light of financial resources from the State budget for health care, as well as conditions governing public provision.

592. This programme was introduced in pilot regions (Varzob and Dangara districts) in July 2004.



593. Requirements governing the implementation of the programme are laid down in an agreement between the corresponding health-care management bodies (buyers of medical and health services) and the curative and preventive institutions (suppliers of medical and health services). Individual contributions take the form of a share of the cost of medical and health care under this programme which is payable by the patient or patient's representative at the time the service is used. The purpose of introducing this means of payment is to legalize and reduce the burden of actual expenditure by the public on medical and health care. The programme also covers issues of community participation in the planning, organization and monitoring of PHC.

594. On the basis of the Business Activity Act and the Private Medical Activity Act, doctors work in private practice alongside the State health-care system. According to data from the Ministry of Health, which has set up a special commission to issue licences for the private practice of medicine, individuals and corporate bodies engage in private medical practice in the following forms:

1. Stomatological care - 10 (6 in Dushanbe, 2 in Khujand, 1 in Vakhdat district, 1 in Tursunzade);
2. Surgery - "Sino" treatment and curative centre in Dushanbe, paediatric surgery in Dushanbe and in Khovaling district;
3. Non-traditional medical activity - four in Dushanbe city, one in the city of Khujand;
4. Out-patient and health centre and in-patient care - "Shifo" diagnostic and treatment centre in Dushanbe city;
5. Out-patient medical care in paediatric surgery in a health centre in Dushanbe city;
6. Obstetric and gynaecological care - in Jabborrasulov district;
7. Therapeutic care in the city of Tursunzade;
8. Ultrasound investigations (specialist doctor) - Dushanbe city;
9. Computer-aided diagnosis and bioresonance therapy (physiotherapy) - Dushanbe city;
10. Out-patient care in urology and andrology - Dushanbe city;
11. Cosmetic surgery, orthopaedics and therapeutic stomatology - Dushanbe city;
12. Dermatovenereology - Dushanbe city.

595. Great emphasis is placed on the development of physical culture and sport in Tajikistan. The Physical Culture and Sport Act was adopted on 15 May 1997.

596. Sports facilities are in operation where the population can engage in various forms of sport and improve their health.

597. The Tajik State Institute of Physical Culture and Sport trains trainers and teaching staff, and there is a national general boarding school, four national schools of higher sports skills, two specialist schools for Olympic trainees and 98 sports schools for children and young people, containing 31,814 pupils according to statistics from the Committee on Physical Culture and Sport. The total of 5,807 sports facilities include:

91 stadiums;

954 sports fields;

44 swimming pools, of which three are indoor.

598. In all 356,047 people engage in sport and improve their health in the country's sports facilities.

599. The Government, which is mindful of the significance of physical culture and sport for the all-round development of the population, increases funding for this sector each year (see annex, table 42).

600. A variety of sports competitions are held. A total of 55 national competitions were held in 2004, with over 5,038 participants; 1,196 athletes, including 260 girls, participated in national youth games, and 370 athletes from Tajikistan participated in international sports competitions in 2004.

601. The following voluntary sports societies also operate in the country - "Dinamo", "Trudovye rezervy", "Tajikistan", "Khosilot", "Lokomotiv", "TsSKA" and "Obshchestvo sportsmenov invalidov".

602. The Ministry of Health receives technical and humanitarian aid from international donor organizations such as the World Health Organization, Médecins sans frontières, CARE International, Pharmaciens sans frontières, KADA, the Federation of Red Cross and Red Crescent Societies, MERLIN, Project Hope, the Soros Fund, Ora-international, etc.

### **International cooperation**

#### **1. WHO (World Health Organization)**

603. Implementation of the blueprint in the following areas:

– **Strengthening of primary health care (PHC).** Technical and financial support was granted for the preparation and publication of a "PHC handbook", and WHO scholarships were granted for long-term 11-month PHC specialist courses for two specialists (currently one specialist is completing studies at King's Imperial College in England, United Kingdom, while a second specialist began study in October 2003 in Israel). Resources were also granted for training of two specialists in nursing at the Central Asian Training Centre in Bishkek.

604. Within the context of development of PHC, a start was made on integrating the reproductive health service and the DOTS strategy into primary health care.

605. WHO assisted the Tajik delegation in participating in an international conference to mark the 20th anniversary of the Alma-Ata declaration on PHC.

– **Strengthening of the hospital sector.** A WHO mission composed of a regional adviser and three experts on the hospital service carried out an evaluation of the hospital sector. A working group on rationalization of the hospital sector was set up with WHO support, and began work in November 2003.

– **Strengthening of the pharmaceutical sector.** In 2003 a WHO project entitled “Strengthening of the pharmaceutical sector” set up for the strengthening of the pharmaceutical sector worked in accordance with the working plan of work on the following points:

Development of a legal and regulatory basis to govern relations in the field of medicines and pharmaceutical activities;

Improvement of the rational use of medicines;

Raising the level of information and education of medical personnel in curative and pharmaceutical institutions in Tajikistan.

606. On 27 and 28 March 2003, in the city of Dushanbe, in accordance with Ministry of Health decree No. 113 of 24 March 2003, specialists from the WHO project on “Strengthening of the pharmaceutical sector”, with financial support from the ZdravPlus project and the Tajikistan office of the Academy for Educational Development (AED/START), held a training seminar on “The Therapeutic Committee on Medicines as an important factor in improving the use of medicines in central district hospitals” for members of the Therapeutic Committee on Medicines of central district hospitals which are piloting health reform in Bakhtar, Kulyab and Dangara districts of Khatlon oblast and the Lenin and Varzob centrally administered districts.

– **Strengthening of health information systems.** Work to strengthen the CARINFONET service network. A seminar was organized on harmonization of reproductive health service indicators, and proposals were made for expanding the list of country indicators. Heads of information systems in Tajikistan took part in a regional WHO-CARINFONET meeting held in Bishkek. ICD-10 was introduced at all levels.

– **Strengthening of the epidemiological service.** WHO evaluation missions to examine the quality of drinking water and the development of legislation, which took place in August and December 2003, assisted Tajik experts in developing an intersectoral strategy to establish priorities among problems and improve the management of the epidemiological service. Technical and financial assistance [was provided] to the national immunoprophylaxis programme entitled “Stable funding mechanisms for the immunoprophylaxis programme”.

607. With help from WHO, 79 health-care specialists travelled abroad in 2003 to participate in conferences and meetings.

608. The World Health Organization provided assistance to Tajikistan for participation by health-care specialists in conferences and meetings, study by specialists on overseas courses, deliveries of medicines (to combat tuberculosis), hosting of consultative missions and preparation and publication of materials on health care.

609. The total value of the assistance was US\$ 510,900.

## **2. Pharmaciens sans frontières International Committee**

610. Supplies medicines and medical material to health institutions, and conducts training in Sogd oblast, Gorno-Badakhshan Autonomous Oblast, and the centrally administered districts, including Rasht Valley and the city of Dushanbe.

611. Budget - €1,800,000.

## **3. The British non-governmental organization Merlin**

612. On 7 October 2003 a memorandum of understanding was signed between the Ministry of Health and Merlin, an international organization which provides medical assistance in emergencies. The memorandum covered the period from 1 May 2003 to 30 April 2004. Currently Merlin is mainly funded by the European Community Humanitarian Office (ECHO), the United States Agency for International Development (USAID), the British Department for International Development (DFID) and Jersey Overseas Aid (JOA).

613. Merlin's main areas of activity are the supply of medicines and laboratory materials, training in laboratory and clinical techniques, training in conduct of observations, health education work and research to combat infectious diseases, especially malaria, typhoid, brucellosis and anthrax, as well as repairs to the laboratories of district tuberculosis control centres in Khatlon oblast.

*Clinical training.* Seminar on malaria in the city of Kurgan-Tyube and in Sovietsky and Vosei districts - 56 participants.

*Laboratory training and assistance to laboratories (malaria and bacteriology).* Supply of reagents and other materials to bacteriological laboratories in Khatlon oblast and the laboratories of the Aral rural hospital in Vosei district and the Kizilkal rural hospital in Gozimalik district. Microscopes were supplied, and training was provided for 14 personnel of the bacteriological laboratory in Khatlon oblast and 8 personnel from parasitology laboratories in districts in Rasht Valley.

*Distribution of medicines.* Delivery of medicines to health institutions in Khatlon oblast treating typhoid, dysentery, malaria, brucellosis, acute viral respiratory infections and pneumonia.

*Health education with public participation.* Seminars were held for 60 teachers in eight districts (Kumsangir, Kabodian, Shaartuz, Dangara, Vosei, Muminobod and Shurabad) on personal hygiene, dental hygiene, diarrhoea and malaria.

*Support for primary health care.* Programme for training primary health-care personnel in identifying cases of malaria, acute respiratory infections and diarrhoea. Evaluation, observation, reporting and identification of outbreaks of these diseases; courses were held for 89 medical personnel from the Pakhtakor rural hospital in Vosei district, the Pravda rural hospital in Pyanj district and the Pakhtakor rural hospital in Shaartuz district.

*Preparedness for emergencies.* Merlin continues to hold emergency reserves for the provision of medical assistance to 50,000 persons in the event of emergencies in Khatlon oblast.

#### **4. UNICEF**

614. The United Nations Children's Fund (UNICEF) delivered safe motherhood kits for 20 maternity homes in Khatlon oblast, Sogd oblast and the centrally administered districts. Two hundred family outpatient centres and 200 medical centres were provided with equipment and medicines worth US\$ 475,000:

PHC medicines for integrated management of childhood illness were supplied worth a total of US\$ 80,000;

Leaflets and brochures on safe motherhood (300,000 leaflets) were reproduced at a cost of US\$ 6,000;

A survey of home deliveries was carried out in Khatlon oblast at a cost of US\$ 2,500;

Seminars on breastfeeding were held in Khatlon oblast at a cost of US\$ 9,000;

Four maternity homes received Baby-friendly Hospital Initiative certificates at a cost of US\$ 4,500;

World Breastfeeding Week was marked at a cost of US\$ 1,200;

Iron supplements were purchased at a cost of US\$ 20,000;

The United Nations Children's Fund (UNICEF) and the international organization ZdravPlus organized a campaign to combat diarrhoeal diseases at a cost of US\$ 1,000.

615. Total cost - US\$ 598,000.

#### **5. CARE International**

616. An agreement was signed on 26 March 2003 between the Ministry of Health and CARE International for the implementation of a programme of support for vulnerable groups.

Food aid was distributed to 60,000 pregnant and nursing women, and information on an educational programme relating to prevention of anaemia and the advantages of

breastfeeding was provided in the project zones. Implementation in the cities of Dushanbe and Tursun-zade and the districts of Gissar, Shakhrinai, Yavan, Varzob, Vakhdat and Rudaki over a period of one year starting in February 2003;

Medical equipment and medicines were supplied at a cost of US\$ 77,000;

Repairs were effected to maternity homes in the districts of Varzob, Rudaki and Bakhtar in Khatlon oblast at a cost of US\$ 33,000.

## **6. Aga Khan Foundation**

617. Four projects are under way in Gorno-Badakhshan Autonomous Oblast under the health-care programme of the Aga Khan Foundation. The oblast health administration is being assisted in development and reform of the sector.

- *Project on "Rationalizing pharmaceutical policy and management"*. Start of project October 1997, completion September 2004. The principal aim is to provide the population of the oblast with high-quality low-cost medicines through the network of pharmacies by reforming the pharmaceutical sector.

618. Project expenditure in 2003 was US\$ 250,000.

- *Project on "Protecting the health of women of childbearing age and children under 5"*

619. Start of project October 1998, completion September 2004.

620. The main purpose of the project is to reduce maternal and child mortality through planned efforts to improve the health of women of childbearing age, children and young people, principally those under 5, as the most vulnerable group.

621. Project expenditure in 2003 was US\$ 466,000.

- *"Health management information system" project*

622. Start of project January 1999, completion December 2005.

623. The main purpose of the project is to improve the existing health management information system so that its efficient use can help health managers to promptly adopt the most rational solutions in public health, and also to provide all possible assistance in this regard to the National Centre for Medical Statistics and Information.

624. Project expenditure in 2003 was US\$ 62,000.

- *Project on "Building capacity for restructuring and reform"*

625. Start of project October 1998, completion September 2004.

626. The main purpose of the project is to provide assistance in oblast-level health-care management through successful reform.

627. Project expenditure in 2003 was US\$ 213,992.

628. Total expenditure - US\$ 991,992.

## **7. USAID**

### **Zdravplus**

- Thirty titles and sets of books were provided to the No. 1 chair in obstetrics and gynaecology in Abuali ibni Sino Tajik State Medical University and Sogd oblast and four book titles to the Scientific Research Institute for obstetrics, gynaecology and paediatrics and the health-care administrations of Khatlon oblast, Sogd oblast and Gorno-Badakhshan Autonomous Oblast.
- Assistance was provided in the introduction and development of family medicine in Tajikistan (starting in 2001).
- Work with the population, information companies (starting in 2002).
- Health-care management (starting in 2002).

629. Total expenditure US\$ 115,000.

### *Project HOPE*

630. A memorandum of understanding was signed between the Ministry of Health and the Project HOPE on 12 May 2003.

631. A programme was drawn up for provision of support to the Ministry of Health in specific priority programmes such as the national programme to combat tuberculosis through introduction of the DOTS strategy and programmes of humanitarian assistance.

632. Programme of mother and child health and reproductive health in 10 districts in Khatlon oblast.

## **8. United Nations Population Fund**

633. Support is provided to educational programmes.

634. Enhancement of management and information potential in the field of reproductive health.

635.Areas: Kanibadam, Isfara, Moskovsky district, Dangara.

636.Programme for the distribution and acquisition of contraceptives.

637. Areas: Khujand, Ayni, Shakhristan, Kanibadam, Shurabad, Kulyab, Moskovsky district, Dangara, Darband, Garm, Jirgatal, Rogun, Tajikabad, Tavildara, Khorog, Roshtkalla, Isfara.

638. Programme for strengthening information services in reproductive health at the national level.

639. The international organization UNFPA distributed contraceptives in 22 districts at a total cost of US\$ 534,000.

## **9. United Nations World Food Programme**

640. An agreement was signed between the United Nations World Food Programme and the Ministry of Health on 29 September 2003, to cover the period from 15 September 2003 to 14 September 2004. During this period WFP will, depending on circumstances, provide food aid to patients in psychoneurological institutions under project IF/2003/09, as follows:

Flour	159,090 tons
Vegetable oil	5,966 tons
Iodized salt	1,988 tons
Peas	15,909 tons
Total	182,953 tons.

641. Distribution was carried out in October and November 2003.

642. WFP will distribute food from its stores in Gorno-Badakhshan Autonomous Oblast, Khatlon oblast, Sogd oblast and the city of Dushanbe.

## **10. International Federation of Red Cross and Red Crescent Societies**

643. Distribution of medicines under the programme "Support in the form of medicines to treatment and preventive institutions" in 2003 and 2004 for 763 rural outpatient units and medical centres in Khatlon oblast and the centrally administered districts. Distribution was carried out between 22 and 30 September 2003. Medicines worth 116,427 euros were distributed to medical centres and outpatient units, and medicines worth 73,253 euros were distributed to health centres and central district hospitals.

644. Total expenditure €189,680.

## **11. Swiss Agency for Development and Cooperation. Tajik-Swiss project to support reform of the health-care sector and development of family medicine**

645. Start of project January 2003, completion December 2005.



646. The main purpose of the project is the provision of help to improve health and enhance public access to medical services, especially on the part of the poor. It is being carried out in Varzob and Dangara districts. The districts of Rudaki, Gissar, Tursunzade, Shakhrinau and Kolkhozabad may be added.

647. Total project expenditure - 2,119,000 Swiss francs.

#### **12. Counterpart international**

648. The international organization Counterpart bought four wheelchairs at a total cost of US\$ 800.

#### **13. Government of Japan**

649. Provision of modern medical equipment to city maternity home No. 3 and specialist departments of maternity homes at a total cost of US\$ 160,000.

#### **14. Saudi Development Bank**

650. Allocated a grant of US\$ 3,000,000 for the restoration of and provision of equipment for the AG and P Scientific Research Institute Clinic.

#### **15. World Bank Health Project Coordination Centre**

651. The International Development Association of the World Bank granted a credit of US\$ 912,000 for the reform of PHC in 2003.

652. A Swiss grant for health care totalled US\$ 140,000.

653. Total amount US\$ 1,052,000.

#### **16. Asian Development Bank**

654. Project for the rehabilitation of the social sector. In 2002-2003 payment was made for contracts worth US\$ 3.7 million. A contract worth US\$ 2.3 million was signed. In January 2004 US\$ 1.4 million was paid. The total amount payable under the contract is US\$ 6.8 million.

### **Article 13**

655. The main strategy in education is the provision of access for all to basic education and increased coverage of secondary education. In this context priority is given to raising the quality of education at all levels.

656. Human rights in the field of education are guaranteed by the Constitution (art. 41). The State guarantees general basic compulsory education in State educational institutions free of charge. Within the framework laid down by law, everyone can receive free general secondary education,

initial vocational education, secondary vocational education and higher vocational education in State educational institutions. Other forms of education are defined in the law.

657. The legislation sets out the legal, organizational, social and economic foundations for the development of education in the country, lays down the structure for the educational system and principles to govern its regulation and management, powers and areas of activity, and also constitutes a legal basis for other laws and regulations in the field of education. The most important of these define a strategy, goals and purposes for the development of education, including:

The Education Act (2004);

The Presidential decree of 3 December 1999 on enhancing the role of women in society;

The programme for the socio-economic development of Tajikistan, 2001-2005;

Blueprint for a national school (1994);

State educational standards (1997);

Programme for the State educational system in the field of human rights;

National blueprint for education (2002);

Poverty reduction strategy paper, education sector (2002);

Programme for the computerization of basic and secondary schools, 2003-2007 (2002);

Government decision No. 199 of 19 April 2001 relating to acceptance of girls in higher educational establishments in accordance with the Presidential quota for 2001-2005;

Government decision modifying the indicators relating to the Presidential quota for acceptance of girls (without entrance examinations) in higher educational establishments, 2001-2005;

Government decision No. 508 of 2 December 2003 relating to a State programme for the improvement and study of the Russian and English languages, 2004-2014;

National plan of action to raise the status and role of women, 1998-2005;

Government decision No. 291 of 30 June 2004 relating to a plan for measures to reform education, 2004-2009.

658. Article 6 of the Education Act guarantees the right to education for all citizens, irrespective of their ethnic origin, race, sex, language, regional convictions, political situation or social or property status. Implementation of the above-mentioned measures will help to secure equal opportunities in education in the difficult economic conditions of the period of transition arising from the acute economic crisis. Of particular note is the orientation of legislation towards ensuring

gender balance in education and the creation of specific conditions for compliance with educational standards through the issue of new textbooks, computerization of schools and efforts to expand the study of Russian and English. In addition, free basic education and gender equality in compulsory education are guaranteed to citizens.

659. According to the 2000 population census, 99.8 per cent of the population aged between 9 and 49 were literate. The share of illiterate persons aged 9 and over according to the census was 0.2 per cent (see annex, table 38).

660. A principal factor restricting access to education is disease and the consequences of the civil war, including refugees, poverty and the consequent lack of clothing and shoes as well as money for purchasing textbooks and school supplies.

661. It should be pointed out that there was a rise in the length of school attendance in the years up to 2000 - 11.2 years for males aged 40-49 and 10.3 years for females aged 30-39. Over the past 20 years the members of the younger generation have been receiving less education than their parents. Males aged 20 have now reached the same level of education as males aged over 50, and a lower level of education than those aged 30-40. Young women nowadays are less educated than elderly women, reflecting significant gender achievements in the past. It must be recognized that past achievements in education are significant, but they are now at risk. The problem of a fall in the level of education is exacerbated by the continuing growth in the population, and the associated numbers of pupils at all levels of education between 1999 and 2003, which grew by 12.6 per cent (from 1,617,900 to 1,821,000), as well as a fall in the share of State educational expenditure in gross domestic product from 10.8 per cent in 1992 to 2.8 per cent in 2003 (a factor of 3.8). Access to education has been and remains a key political issue in Tajikistan. For example, on 1 January 2004, 28.3 per cent of the total population were studying at various levels in continuously functioning educational institutions. With the opening of new types of general educational establishments (lycées and gymnasiums) and classes for gifted children as well as specialist schools in social and humanitarian fields, for example, teaching of mathematics, economics and natural sciences in Tajikistan now offers many options and alternatives. At the same time, a phased reform of the education system is under way: the purposes and content of education have been radically reviewed, new curricula and syllabuses have been developed, some subjects have been combined and teachers' weekly workload has been increased by two hours. In this connection hourly pay rates for teachers have been raised by 25 per cent. Structural changes are being carried out in order to create more favourable conditions for enhancing the financial independence of educational institutions and devolve certain management functions to them. The legal and regulatory foundations of the education sector are being reviewed. Changes were made to the Constitution in 2003, while in 2004 a new Education Act was adopted to foster the development of the non-State sector and paid-for services. At the same time, the question has arisen of maintaining existing achievements (only positive ones, of course), and adapting the future development of the education system to higher requirements. The education system must be reformed against a background of inadequate growth in use of the system, the actual capacity of government and parents, the low standard of living of the population, the exodus of highly skilled staff from the education system as a result of low salaries, the continuing deterioration in the infrastructure and equipment of educational institutions, the lack of sufficient textbooks and teaching aids and the growing numbers of pupils who fail to attend classes.

662. In accordance with the Constitution, a single system of continuous education is in operation. General secondary education (from class 1 to class 11) is the crucial link in the chain of continuous education, providing pupils with basic scientific knowledge, occupational and vocational skills, the development of individual creative abilities, the foundations of morality and preparation for a self-supporting future.

663. The education system is based on the principle of unity and close links between education and the national cultural traditions of the Tajik people and other peoples living in the Republic. It encompasses the following institutions:

Continuously functioning pre-school institutions;

General schools (primary education from class 1 to class 4, basic education from class 5 to class 9 and general secondary education from classes 10-11);

Out-of-school children's institutions - supplementary education;

Initial and secondary vocational and technical institutions, colleges and training schools;

Higher vocational institutions;

Evening and correspondence courses for students aged over 16.

664. Access to general schools on a geographical basis is ensured in Tajikistan through optimal distribution of schools. A broad and diversified network of general educational institutions has been inherited. A scientific educational potential has been created, and a thirst for knowledge has been inculcated in the population. Access to and participation in education form a key element of State policy. Primary education is free. The procedure for acceptance in class 1 is laid down in the Education Act and the regulations of each educational institution. Acceptance of children who have reached the age of 7 in the first class of primary school is obligatory. Subsequently children who have completed the primary curriculum move to class 5 in basic schools. Continuation of study after primary school is guaranteed by the law. Each year after school begins (during the summer), general schools in each district and population centre identify and register children of school age in order to include them in compulsory education (see annex, table 43).

665. General secondary education is composed of three levels (primary, general basic education and general secondary education) and is provided in primary schools. General basic education is provided in secondary schools, which in turn include three stages. The issue of continuous study at each stage of education is addressed in the Regulations on institutions of general education. Citizens of Tajikistan aged under 16 have a right to general basic education (lasting nine years) in daytime general educational institutions. At the third level (class 10) of general school, pupils are accepted in accordance with their wishes, skills and interests on a competitive basis. Article 17 of the Education Act stipulates that, together with free instruction, paid-for instruction may be organized on the basis of an agreement between the two parties at the request of parents or parental representatives.

666. By decision of educational management bodies and by agreement with local authorities, young people aged 16 or over who systematically commit unlawful actions or violate the rules of an educational institution may be expelled. In the case of orphans or children left without parental care, the matter is settled in agreement with the guardianship authorities. In such cases the educational management body, together with the local authorities, must consider whether to place the pupil in employment or transfer him or her to another educational establishment. The raising and instruction of orphans and children left without parental care is organized in general schools, children's homes or boarding schools. General educational establishments which are licensed for vocational training may, under contracts with enterprises, organize initial vocational training in the form of additional educational services, against payment, by agreement with parents or parental representatives. Under the Constitution, basic education (class 1 to class 9) is compulsory and free for all children. Until 1996 general secondary education (class 1 to class 11) was compulsory and free, but as a result of the collapse of the Soviet Union and the subsequent civil war, the former system of education is beyond Tajikistan's means.

667. Data from the Ministry of Education show that in the academic year 2003/04, there were 3,745 general educational establishments in Tajikistan, including 44 providing evening and correspondence courses. A total of 1,641,700 students attended daytime general schools, including:

• I. Primary education (class 1 to class 4)	689,700 pupils
Girls	331,000 pupils
• II. Basic education (class 5 to class 9)	805,200 pupils
Girls	374,900 pupils
• III. General secondary education (classes 10 and 11)	146,800 pupils
Girls	58,200 pupils.

668. The main purpose of vocational and technical education is to train students in a skill for employment in industry or agriculture. At the same time, students receive a general secondary education. In the academic year 2003/04, there were 73 technical training schools in the country, containing 23,900 students, including 7,200 girls. They provide a two-year course following class 9, and a one-year course following class 11.

669. Secondary vocational establishments (colleges, technical schools and training schools) provide comprehensive vocational and academic instruction in occupations in the field of education, health care, agriculture and many other industrial and technical sectors. Aside from secondary vocational education, students receive a general secondary education and can continue their instruction in institutions of higher education. Colleges attached to institutions of higher education offer an opportunity to graduates, on a competitive basis, to continue study from the third level of higher vocational education.

670. Given the limitations of the State budget, expenditure on ensuring free basic general secondary education is directed first and foremost to the following areas:

Salaries and insurance contributions;

Electricity, water and telephone;

Food products for the youngest classes;

Internal expenditure and office items;

Major repairs;

Purchase of equipment.

671. Boarding in boarding schools and technical training schools includes, in addition to the above-mentioned expenditure, accommodation in a residence, three meals per day, minimal costs of clothing, footwear, provision of textbooks, school supplies and expenditure connected with raising of the pupils and protection of their health.

672. Parents meet costs of transport, school uniforms, footwear, school supplies, purchase and rent of textbooks, mass amenities, school meals, routine repairs, etc. (see annex, table 44).

673. Education is one of the best available tools for securing equality and eliminating gender disparities. One of the main principles in State education policy is that girls and women should be given equal rights with men. In order to increase access to higher education and reduce gender disparities, a "Presidential quota" is set each year for girls from remote mountain regions in accordance with Government decision No. 199 of 19 April 2001 relating to acceptance of girls in higher educational establishments. In addition, with support from UNDP, a teaching centre has been set up with accommodation for girls from remote mountain districts, in which, in addition to their studies in a higher educational establishment, they receive instruction in management and leadership qualities. Furthermore, the poverty reduction strategy paper stipulates that in future students from poorly-off families and orphans will be granted interest-free loans to be paid off after they complete their vocational education. Higher vocational education is provided on the basis of general secondary and vocational secondary education. Instruction in institutions of higher education on a competitive basis is provided free of charge under the State budget within a State quota. All remaining students accepted over and above the State quota conclude an agreement for instruction against payment. The Education Act also provides that everyone has the right to study for a second degree against payment. If subsidiaries are included, Tajikistan currently has 38 higher vocational institutions, 8 of which are private. There were 108,000 students in 2003, including 15,900 in non-State higher vocational institutions who paid for their education in full. Fees are set on the basis of estimated expenditure per student per year. The estimates are agreed with the Ministry of Education and other ministries and departments which supervise higher educational establishments.

674. In non-State (fee-paying) educational institutions, fees are set by the board of governors. In higher educational establishments instruction is given in the national language (67.3 per cent), and also in Russian (29.2 per cent) and Uzbek (3.5 per cent) depending on demand and the capacities of the education system. The right to choose one's language of instruction is guaranteed by setting up teaching language groups. As a result of the chronic underfunding of higher education, the proportion of students receiving free education is declining each year, while the proportion of fee-paying students is rising. Instruction in higher educational establishments was previously free,

except for students studying at the expense of industrial and agricultural enterprises before 1995. In 2003-2004, the share of non-fee-paying students rose to 51 per cent.

675. In order to set up a system of elementary education for those who have not followed or have not completed a course of primary education, the State guarantees free basic evening and correspondence education in general and specialized institutions. For children of disabled persons and children undergoing lengthy convalescence, schools and boarding schools linked to sanatoriums have been set up under the Ministry of Health. For example, 117 pupils, including 46 girls, were studying in the "Karatag" National Tuberculosis Sanatorium in 2003. In the "Ravshan" sanatorium in Sogd oblast, 311 students were studying, including 32 girls. The country also possesses 11 boarding schools in which more than 1,690 mentally and physically disabled children and young people receive a basic education. The non-governmental organizations "Adabsoro", "Nasimi Navras", "RCVC", "Mekhr" and "Scout Association" have set up educational and vocational training centres to teach literacy and basic vocational skills to children and young people who have not received a basic education. Such centres have also been set up for children not enrolled in schools, including homeless children, over-age children and those from refugee families. General educational establishments provide instruction to adults by means of daily, correspondence and distance education, and for external students. Representatives of local authorities participate in the educational process together with teaching staff. Non-governmental organizations engaged in informal education are found in Sogd, Khatlon and Gorno-Badakhshan oblasts.

676. Obstacles to the successful introduction of reforms in the education sector stem from the fact that, after the break-up of the USSR, the civil war and the subsequent economic collapse, the education system was in crisis, resulting from the chronic underfunding of its basic needs, such as the construction of new premises and the rehabilitation of the 20 per cent of previously operating schools which had been destroyed by war and natural disasters. The condition of schools has sharply deteriorated - more than 50 per cent of buildings and utility connections require major repairs, and over 164 schools are damaged, especially in rural areas. In many schools, buildings are not heated and fresh drinking water is not available, with the result that infectious diseases increase every year among pupils, leading to a significant fall in school attendance, with an adverse impact on the quality of the educational process. Everywhere school buildings and equipment are undergoing rapid deterioration and destruction, making it difficult to ensure their normal operation, and study of the most important subjects, such as physics, chemistry, biology and geography, has lost its attraction. According to statistics for the academic year 2001/02, only 47 per cent of schools have specially equipped facilities for these subjects. There are gymnasiums in 28 per cent of schools and libraries in 70 per cent. Tajikistan still lacks an industry producing visual aids, teaching equipment, lathes, sewing machines, computers, school furniture and school supplies, which were previously imported from other CIS countries. The breaking of economic ties and the lack of State allocations for these purposes have made acquiring these items very difficult. Currently the provision of furniture and equipment to educational establishments falls short of educational requirements, and sometimes there are three rather than two children to a desk in primary classes.

677. Instruction is carried out in two shifts in almost all schools, but in some there are three shifts because of insufficient space. Over the country as a whole up to 63 per cent of pupils attend the first shift, up to 35 per cent the second shift and up to 2 per cent the third shift.

678. Out of the total number of schools, only around a quarter are built in accordance with standard models, while the remaining 75 per cent are built from local construction materials and have no central water supply or heating.

679. In rural areas there are schools with no floors, small windows and poor natural and artificial light. Often primary schools are located in adapted premises consisting of two or three classrooms.

680. In pursuance of the national blueprint for education, the decisions of the Dakar Forum on “Education for all”, the poverty reduction strategy paper and the programme for the development of education, 2004-2010, the Government’s principal purpose in education is to provide access to basic education for all and expand the coverage of secondary education. High priority is given to raising the quality of education, which has suffered over the past 10 years for a variety of reasons. Taking into account the underfunding of education, the Government is fully resolved to increase resources earmarked for basic and secondary education, which is a decisive factor. The main lines of education policy are improving access to education, especially for pupils from poor families, raising school attendance and ensuring gender equality through modernization and reform of the education system and ensuring participation by all political, economic and social institutions in the raising of children. Special attention is paid to the introduction of new technologies, the development of new curricula and textbooks, the rehabilitation of schools, provision of new equipment, management of educational resources and teaching potential, legislative reform, reform of financial management, whereby financing will be based on calculation of costs per pupil or student, expansion of vocational training, and effective monitoring in evaluating quality and planning. Pursuit of these measures should ultimately produce the following achievements:

Goal No. 1. Ensuring universal primary education. The goal is to ensure by the year 2015 the greatest possible coverage of primary education among boys and girls, raising the level of coverage from 82.9 per cent in 2000 to 96.8 per cent by 2015, in order that all children, especially girls, children from deprived backgrounds and children from ethnic minorities should have unhindered access to free, compulsory, high-quality primary education. Great emphasis must be placed on the passage of pupils from one class to another. While in 2002 the level stood at 96.4 per cent, it is planned to raise the level to 98.8 per cent by 2015. The most important goal of compulsory primary education will be to raise quality in all areas and ensure a high success rate, in order that pupils should obtain recognized and comparable results in their studies, particularly as regards literacy, mathematics and key skills. Reaching these goals will draw not only on the extremely limited resources from the State budget earmarked for education, but also on additional sources of funding, including funding from foreign investment at an average level of US\$ 1.7 million per year.

Goal No. 2. Promoting equality between men and women, expanding rights and opportunities for women. The principal task is to eliminate inequality between the sexes in the field of primary and secondary education, preferably by 2005 and no later than 2015 at all levels of education.

Reaching this goal will require a substantial increase in investment in basic and secondary education, in the context of steady and all-round operation of the education sector, closely linked with strategies aimed at eliminating poverty and developing society, which



must create a safe and healthy exclusive learning environment that will promote successful study and the achievement of precisely defined levels of success by boys and girls. Reaching these goals will require an average of US\$ 1.3 million per year from foreign investment.

Goal No. 3. In order to eliminate all types of inequality between the sexes by 2015 at all levels of education, including secondary and higher vocational education, it is necessary to meet the educational requirements of all members of society on a basis of equal access to the corresponding educational programmes, acquisition of vital skills and civic education. In addition to local sources of funding, reaching these goals will require each year an average of US\$ 0.75 million from foreign investment.

681. Over the 10-year period from 1989 to 2000, the overall level of education rose by 5.1 per cent, while the level for women rose by 7 per cent. Although over the country as a whole there was a rising trend in the level of education due to higher qualitative indicators (including a rise of 34.7 per cent in the number of citizens who had received secondary education, and 2.7 per cent for higher education), among women the level of education overall rose by 37 per cent for general secondary education alone, while according to other indicators the level dropped; for example, the number of women who had received higher education dropped by 18 per cent over 10 years (see annex, tables 45 and 46).

682. Out of all children accepted in class 1 in primary school in the academic year 1993, 91.4 per cent reached class 5 (90.9 per cent for girls). In 2003 this indicator rose to 98.4 per cent (girls 98.8 per cent). Statistical analysis shows that upward movement of pupils has risen over the last five years at all levels of secondary school. In basic schools it grew from 75.4 per cent (girls 72.0 per cent) in 1998 to 87.3 (girls 74.1 per cent) in 2003.

683. Numbers of students entering and leaving general educational institutions are shown in tables 47 to 51 in the annex.

684. Each year 118,000 pupils, including 58,500 girls, complete basic school (classes 1 to 9).

685. Of the total number of those completing class 9, some 86 per cent continue their studies, entering class 10, technical training schools or secondary vocational institutions, while the remaining 14 per cent leave the education system, generally to enter the labour market.

686. An average of 58,500 persons leave complete secondary school (class 11) each year. Girls make up 37 per cent of this number. Each year 37.3 per cent of those leaving secondary schools continue their education in higher educational establishments, while only around 25 per cent of girls enter higher education after completing full secondary school.

687. Around 9,600 pupils enter secondary vocational institutions each year, while around 6,500 graduate, 55 per cent of whom are girls.

688. Around 24,000 students enter higher educational establishments each year, and 12,000 graduate, of whom 24 per cent are girls.

689. There are 45 evening and correspondence schools in Tajikistan, in which around 18,700 pupils pursue their education each year, including 5,400 women, or 29 per cent of the total. Of the total number of graduates from evening and correspondence schools, around 150 students on average receive a certificate of basic general education each year, while 5,100 receive a certificate of full secondary education, of whom only 28.7 per cent are women.

690. Together with basic educational institutions, supplementary institutions are in operation, which were set up mainly to engage in educational activity through additional educational programmes for children and adults and efforts to meet all the educational needs of citizens, society and the State. There are around 90 non-school children's institutions in the country, attended by around 42,000 pupils on average per year. Most of these are creative centres for children and young people, including centres for young technicians and naturalists, children's tourist centres, children's music and arts schools, libraries and popular creative circles. Vocational guidance centres, retraining courses, computer studies courses, accounting courses and so on have been introduced to enable adult manual and office workers to continuously improve their skills and raise their level of education.

#### *Funding of the education system*

691. The collapse in the economy which followed the break-up of the USSR led to a sharp reduction in funding in the social sector. Education funding dropped by a factor of 3.9 in 12 years, from 10.8 per cent of GDP in 1992 to 2.8 per cent in 2003 (see annex, table 52).

692. In real terms, taking inflation into account, independent experts from the World Bank and the Asian Development Bank estimate that per capita incomes have fallen by 90 per cent since 1991. Against the background of such a crisis, the Government cannot fund education solely from the State budget. In recognition of the situation, it is doing its utmost to seek additional sources of funding, including credits from international financial organizations. Over the past five years the education system has received more than US\$ 14 million in international credits and grants. According to experts, taking into account the existing growth of up to 2.5 per cent in student numbers each year, it will be necessary to allocate not less than 10 per cent of gross domestic product for education from all sources of funding in order to achieve education of high quality.

693. The education budget each year is allocated as follows:

Pre-school education	4.7 per cent
General education	77.7 per cent
Initial vocational education	3.5 per cent
Secondary vocational education	2.8 per cent
Higher vocational education	5.0 per cent
Retraining	0.6 per cent

Capital investment	1.0 per cent
Other expenditure	5.4 per cent

694. The system of State funding of education is based on a series of criteria, including numbers of teachers, in accordance with the syllabus and curriculum. Account is also taken of rises in the cost of communal services and communications, expected annual inflation and growth in student numbers. The budgets of regional education departments are drawn up in the light of these criteria and funds are allocated to educational institutions as follows:

- Salaries;
- Pension and insurance contributions;
- Internal and office expenses;
- Catering costs for initial classes;
- Purchase of equipment;
- Major repairs.

695. In recent years expenditure on salaries and communal services has enjoyed protection in the event of a reduction in the State budget or its partial suspension. One characteristic of State funding is that it is impossible to move resources from one budget line to another, and this slows down efforts to address urgent problems facing educational establishments. Given a large State budget deficit and an unstable economic situation in the country, education funding is channelled towards improving the accessibility of education.

696. The ratio between State expenditure on education per student and GDP per capita more fully reflects the level of State expenditure on the education system from the standpoint of coverage and population structure. In order to ensure access to high-quality education, this indicator should stand in the range 20-25 per cent, whereas in 2003 the level was 8.1 per cent, based on the following figures:

Population (millions)	6.2
GDP per capita per year (somon)	694.0
Expenditure on general education (millions of somoni)	91.0
Number of pupils in general schools (millions)	1.6
Expenditure per pupil per year (somon)	56.8
Expenditure per pupil as a percentage of GDP per capita	8.1



In secondary vocational institutions 50.6 per cent-49.4 per cent

In higher educational establishments 24.8 per cent-75.2 per cent.

704. The consequences of the civil war, high levels of adult emigration and the persistent economic crisis led to the emergence of many refugees and large families which had no steady source of income or resources for purchasing school uniforms, footwear, textbooks and school supplies needed for school attendance. This gave rise to a group of social misfits - beggars, children and young people working at markets, street traders and vehicle washers. These are generally children from underprivileged families; special measures must be adopted and the required conditions created if they are to be attracted into education. Unfortunately, there are no precise statistics on this sector of the population.

705. In order to create a system of elementary education for those who have not followed or not completed a full course of primary education, the State guarantees free basic education in specialized institutions. In the country there are 67 boarding schools for orphan children and children from underprivileged families, which each year accommodate and teach some 10,800 pupils, of whom 2,545 (23.4 per cent) are girls. Most of these children require special lessons. It should be noted that because of underfunding, all institutions for orphan and disabled children experience considerable difficulties in carrying out major repairs to buildings and equipment. School supplies, clothing and footwear, healthy food and medicines were purchased. In Tajikistan there is no system for training specialists to teach and raise children with special needs who have been placed in residential institutions. Such institutions are staffed by specialists trained in ordinary universities and secondary teacher-training institutions.

706. The right to education of disabled persons and students with limited abilities is enshrined in the Constitution and the Disabled Persons (Social Protection) Act. Special educational institutions, classes and boarding institutions have been established for children requiring special education, depending on their age, level of development and state of health (disabled children with disorders of the locomotor system, deaf children, children with late-onset deafness, blind children, mentally retarded children, children in poor health who are carriers of tuberculosis, and minor offenders). However, the limited State funds do not allow all disabled children to have access to education. According to research carried out by UNICEF in 2000, children with special needs, who do not enjoy equal opportunities for development, constitute one of the most vulnerable groups among the population. Approximately 400 disabled children do not enjoy opportunities and conditions for integration in society, since most of them live in families and do not benefit from access to education or rehabilitation services. In the view of UNICEF, one alternative to the existing specialized children's institutions is the creation of a comprehensive community system of social services to meet the needs of vulnerable children and their families. The main problems encountered by specialized educational institutions for children and young people suffering from disorders of the locomotor system, blindness, deafness and so on are minimal financial support from national and local budgets, and also from the special resources of ministries and departments which, under Presidential order No. RP-330 of 23 February 2001, are earmarked for support for special pre-school, school, medical, social and inpatient residential institutions responsible for providing them with continuous care. As a rule, there is no hot water in the special institutions, and the toilets are not adapted for the needs of disabled residents. These institutions are inadequately staffed with

skilled specialists, individual teaching aids and visual aids. The funds they receive do not allow proper nutrition or medical care.

707. For those who cannot attend general schools, the Ministry of Education has adopted regulations on the organization and conduct of external examinations, under which they have the right to obtain certificates of primary, basic and secondary education.

708. The problem of reduced achievement in education is complicated by the demographic factor and the fact that the education sector as a whole has insufficient internal financial resources, materials and equipment. According to existing forecasts, the school-age population of the country will rise by 47-50 per cent between 2000 and 2015, and this may make it difficult for Tajikistan to achieve the Millennium Development Goals and the targets laid down by the Dakar Forum on education for all. However, at the same time there are favourable potentialities for overcoming the manifestations of crisis in the education system.

709. The role of rural schools is extremely significant. In 2001, there were 3,148 rural schools in the country (over 85 per cent of the total number of schools), containing 1,176,050 pupils (around 73 per cent of the total number of pupils), and 77,808 teachers (more than 77 per cent of the total). The impact of the decline in rural schools on the overall development of education is very noticeable. Rural schools are more dependent on regional and local budgets, national factors and the economic capabilities of oblasts and districts, political decisions by local authorities and their competence, the economic situation in agricultural enterprises and farms, and the social situation within the region. The quality of education in rural schools lags far behind that of city schools. Only 34.2 per cent of pupils passed a literacy test in rural areas, against 48.9 per cent of children of the same age in urban areas.

710. The main reasons for non-attendance by children at school are illness, lack of clothing and footwear, textbooks and school supplies and the fact that they work at home. Other reasons are long distances from the population centre to the school, a reluctant attitude towards school on the part of the pupil or his or her parents, or the need to earn additional income for the family budget.

711. The main reason for which pupils drop out of school is poverty and its consequences. According to a sample survey, boys drop out more often than girls. A school meals programme organized by the United Nations World Food Programme between 1999 and 2003 in 1,671 schools throughout the country covering over 367,000 children led to a rise in school attendance. Organized school meals raised school attendance in all regions covered by the programme from 6 per cent to 16 per cent.

712. On 30 June 2004 the Government adopted decision No. 291, on a plan for reform of the education system over the period 2004-2009, with a view to the reform and more effective development of the education system. In order to lower the level of poverty, increase incentives for teachers and ensure equality of access at all levels of education, the decision provides for the following measures: raising the proportion of GDP spent on education; increasing the salaries of education personnel (Presidential decree No. 1403 of 4 November 2004 raised salaries for education personnel starting in 2005); reducing the number of hours devoted to each subject in general and initial vocational schools; updating curricula and syllabuses for general and initial vocational

schools; increasing the working week for teachers by two hours and the hourly salary by 25 per cent; preparing proposals for merging some subjects and consequently reducing pay rates for teachers; shifting to funding of educational institutions on the basis of standard expenditure per pupil per year; amending the plan for the certification of higher and secondary educational establishments on the basis of the skills of teachers, who must teach two or three subjects each; drawing up regulations relating to salaries of personnel in the education system; reviewing the procedure for the allocation of grants to students in vocational and secondary schools and higher educational establishments; modernizing the structure of initial vocational schools, secondary schools and higher educational establishments on the basis of the requirements of the economy and the blueprint for national education, and drawing up curricula and syllabuses for further training for teachers in general schools.

713. In addition, the programme of State investment for 2006 provides for changes in the existing gender imbalance, improving conditions of access to education for poor pupils and enhancing the role of private initiatives in education, as well as rehabilitating the physical infrastructure and providing pupils with textbooks and school supplies.

714. On 30 December 2001, with the aim of creating conditions for improving access to education and alleviating poverty, the Government adopted decision No. 585 on payment of grants to poorly-off families whose children are studying in general schools. Under this decision, the worst-off families have an opportunity to receive a grant of 2 somoni per month for each child in school aged between 7 and 15, which is paid from the local budget in the school where the child is studying. The grant is paid to no more than two children in each family.

715. As implementation of the poverty reduction strategy paper proceeds, the Government will take decisions in the following areas:

Allocation of credits for higher education for a certain category of students;

Organization of meals for pupils in primary school;

Granting of allowances for children from poor families and orphans;

Creation of an alternative form of education for children from refugee families and over-age children who are not attending school;

Improvements to the machinery for granting benefits to students from remote districts, including the Presidential quota;

Improvement of teachers' workloads and regulation of the number of pupils per class.

716. In addition, in 2000, as part of the education reform, the Government, in cooperation with UNICEF, took steps to implement the Child-friendly Schools Initiative over the period 2000-2004, aimed at introducing modern teaching methods, creating a child-friendly environment and reducing the drop-out rate, particularly among girls.

717. Basic and secondary education are provided in six languages, but the bulk of pupils study in Tajik (73.7 per cent), Uzbek (23.1 per cent), Russian (2.1 per cent) and Kyrgyz (0.9 per cent).

718. Whereas in Soviet times schools for ethnic minorities received substantial grants and technical assistance from Moscow, they are currently dependent solely on the limited State budget for education, which gives rise to a number of difficulties in reforming such schools and providing high-quality education for all children from ethnic minorities. First and foremost, there is no clear conceptual basis for educational reform on this issue. Currently such schools are distinguished primarily by the language of instruction, rather than its specific content, such as study of the cultural and historical heritage and popular traditions.

719. As a rule such schools follow curricula and syllabuses supplemented by certain elements imposed by State educational rules (for example, in history, the geography of Tajikistan and the Tajik language). Mention should also be made of the State's limited ability to train teachers for schools containing ethnic minorities. Currently pre-diploma training is available only for Tajik-language, Russian-language and Uzbek-language teachers. The Government is unable to train teachers in other countries, such as Kazakhstan or Turkmenistan. Only the professional development of Kyrgyz-language teachers is possible in Kyrgyzstan, thanks to an intergovernmental agreement.

720. At the beginning of the 2004 academic year, as a result of financial restrictions:

Only 75 textbook titles in Tajik out of 145 had been published;

Only 22 textbook titles in Uzbek out of 153 had been published.

721. The Government and the Ministry of Education are taking steps to provide children with textbooks in their mother tongue. In 2004 an agreement was concluded with Russia and Kyrgyzstan for the purchase of textbooks for primary schools in Russian and Kyrgyz published in those republics.

#### **Material conditions for teaching staff in the education system**

722. Salaries of teaching staff in the State education system are not comparable with those of industrial workers owing to State budget restrictions. Comparative data are set out below:

#### **Average salary (in somoni)**

Years	Education system	Industry	Ratio of salaries of workers in education to that of workers in industry (%)
1999	7.6	35.8	21.2
2000	11.6	47.1	24.6
2001	17.2	71.2	24.1
Years	Education system	Industry	Ratio of salaries of workers in education to that of workers



			in industry (%)
2002	25.6	92.5	27.6
2003	34.4	114.7	30.0

723. As the table shows, the average monthly salary of workers in the education system is not only not comparable to that of workers in industry, but there is an average disparity of 25 per cent. The findings of sociological research carried out by the National Committee of Trade Unions of Scientific and Educational Workers in 2000 show that on average between three and four non-working family members are dependent on each person working in education.

724. As a result of the lack of incentives, many highly skilled teachers have been forced to leave the profession, to be replaced by unskilled staff - around 10 per cent of teachers have attended only general secondary school. On average teachers work half as many hours again in extra hours, and are also obliged to offer private lessons and coaching.

725. In rural areas, teachers are forced to spend much of their time working on their individual plots in order to feed their families. This has led to a significant drop in the quality of teaching, since the teachers have no incentive to prepare their lessons properly because of the lack of an adequate reward. In pursuance of Government decision No. 291 of 30 June 2004, relating to a plan for the reform of the education system over the period 2004-2009, teachers in classes 1 to 4 were assigned 18 hours of teaching per week from 1 September 2005, and teachers in classes 5 to 11 were assigned 16 hours a week. As curricula were changed, rates of pay for teachers in general schools were increased. As part of the reform of the education system, teachers were assigned an extra two hours a week from 1 January 2004, while the rate of pay per hour was increased by 25 per cent. In order to improve the material circumstances of workers in the education system, Presidential decree No. 1403 of 4 November 2004 increased the wages of carers in pre-school institutions by 70 per cent from 1 January 2005, those of teachers in primary classes by 70 per cent, those of teachers in classes 5 to 11 in general schools by 60 per cent and those of other workers in the sector by 50 per cent.

726. In the non-State education sector there are 48 general educational establishments (schools, lycées and gymnasiums) and 8 universities. They contain a total of 15,900 students, while non-State general schools contain 14,129 pupils, less than 1 per cent of the total number of pupils. The law lays down no special restrictions for the opening of non-State educational establishments. Fees are payable for instruction in them, and this is the most important restriction on access, but demand exists in a certain sector of the population.

727. Under the Education Act, levels of funding in non-State institutions may not fall below levels of funding for State educational institutions in the same area. The process of and procedure for the use of the resources of non-State educational institutions obtained from sources not prohibited by legislation are set out in the articles of association of the institution concerned. Local authorities may give financial support to non-State educational institutions which have been accredited, on the same scale as for pupils in State general schools.

728. Students in non-State vocational institutions have the right to transfer to other educational establishments, including State establishments, which follow curricula of the appropriate level and

speciality. Students in non-State universities who are studying part time enjoy special additional leave, the right to a shorter working day and week and other advantages laid down in the legislation.

729. The main constraining factor which reduces access to all levels of education is insufficient funding, the rise in the direct cost of education, linked with the 2.5 per cent annual increase in the number of students, the fall in family incomes and the growth of inflation.

730. International aid received for the realization of the right to education is indicated in table 53 in the annex.

#### **Article 14**

731. In order to create the necessary conditions for realization of the right of children to all-round physical, intellectual, spiritual and moral development, rules and regulations have been drawn up on the basis of the applicable legislation and international undertakings in the field of education entered into by the Government of Tajikistan.

732. Access to education for all and the actual receipt of education by all are guaranteed by the applicable legislation and international legal instruments in the field of education signed by the Government of Tajikistan. They served as the basis for the adoption in 1994 of a blueprint for national schools, which is designed to achieve five basic goals:

1. To protect and strengthen children's health;
2. To develop their intellectual abilities;
3. In the process of study, to provide moral education for children;
4. To imbue children with a love of peace, humane relations and a feeling of civil pride;
5. To enhance the role of schools in the development of children.

733. Achievement of these goals is fostered by the introduction of more humane and democratic values in the education sector, and also through differentiation and integration of the process of study. In addition, in order to widen opportunities for the multifaceted development of pupils in primary classes, and to improve the quality of life, it is essential to extend the network of musical, artistic and other educational institutions.

734. Developing primary education and ensuring access to high-quality education in pursuit of the decisions adopted at the Dakar Forum on Education for All (Senegal, 26-28 April 2000) will call for significant financial investment from all available sources, including grant aid from international donors.

735. Calculations which take into account population growth point to an annual requirement of US\$ 35-61 million for the development of free primary education, including:

From local and regional budgets	US\$ 21.2 million;
From the national budget	US\$ 1.0 million;
From foreign investors	US\$ 38.0 million.

736. Currently international assistance is playing a major role in the development of education. For example, non-reimbursable aid in 2003 totalled US\$ 13,123,650, including:

	<u>US dollars</u>
1. United Nations World Food Programme	8,163.0
2. Aga Khan Foundation	503.4
3. IREX	460.0
4. International Foundation for Electoral Systems	76.5
5. UNICEF	505.0
6. CARE International	362.6
7. Save the Children England, United Kingdom	29.7
8. GTZ Germany	137.2
9. HARVEST KOREA	10.0
10. DAAD Germany	2.6
11. Embassy of Japan	941.3
12. United Nations Development Programme	49.3
13. Relief International	400.0
14. Red Cross	6.75
15. ACCELS America, United States	1,074.8
16. Embassy of China	85.2
17. ORA International	159.6
18. SADR	156.7.

### Article 15

737. Under articles 30, 40 and 41 of the Constitution, every citizen has the right to make use of information media, the right to take part freely in the cultural life of society and in creativity to make use of artistic, scientific and technical achievements, and the right to education. Cultural and spiritual values are protected by the State. Intellectual property is protected by the law.

738. Articles 17 and 26 of the Constitution guarantee citizens' rights and freedoms irrespective of their ethnic group, race, sex, language, religion, political convictions, education or social or property status.

739. Funding of various cultural sectors in the period 2001-2004 is outlined in table 54 in the annex.

740. The following organizations are currently active in the cultural sphere:

2,562 cultural institutions, including:

1,018 clubs;

Thirty-nine State museums, including:

- Three in the city of Dushanbe;
- Seven in Sogd oblast;
- Sixteen in Khatlon oblast;
- Five in Gorno-Badakhshan Autonomous Oblast;
- Eight in the centrally administered districts;

Forty-one culture and leisure parks;

Twenty-four people's theatres;

Thirty-six singing and dancing groups.

Fifteen State theatres, including:

- Five in the city of Dushanbe;
- Six in Sogd oblast;
- Three in Khatlon oblast;
- One in Gorno-Badakhshan Autonomous Oblast;

Six State concert institutions.

741. There are 1,368 State libraries containing a total of 12,642,642 books.

742. All issues relating to development of the culture of ethnic minorities in Tajikistan are dealt with in the Constitution. Cities such as Dushanbe, Kanibadam, Tursunzade and Chkalovsk, and Jilikul, Jirgatal, Spitamen and Jabborrasulov districts, contain cultural groups representing the Uzbek, Russian, Kyrgyz, Turkmen, Korean and Azerbaijani peoples, which cooperate with oblast and district cultural offices in holding cultural events. There are four theatre collectives which use national languages - the V.V. Mayakovsky Russian theatre in Dushanbe and the A.S. Pushkin theatre and puppet theatre in Chkalovsk, working in Russian, and the Burkhanov Uzbek-language theatre in Spitamen district.

743. Currently there are no special programmes for the study of the history and culture of ethnic minorities in educational institutions. However, various subjects encompass this topic:

Ancient history of Tajikistan;

History of the peoples of Tajikistan;

Political science;

Russian language;

History of religion;

Foundations of the State and the law;

Ethics and aesthetics;

Musical folklore;

Musical ethnography;

Musical literature in the countries of the Commonwealth of Independent States (CIS);

History of music in the CIS countries;

World musical literature;

Classical dance;

Artistic achievements of peoples.

744. One of the main instruments governing activities for the cultural development of all peoples in Tajikistan is the Culture Act and its articles 4 to 7, which set out the law in the field of culture and the rights of national and ethnic minorities:

To make unhindered use of nationwide and universal cultural achievements;

To engage in all types of creative activity in keeping with their interests and abilities;

To acquire intellectual property, to preserve the secrets of one's skill and to make unhindered use of one's creative achievements and others irrespective of origin, racial and ethnic group, sex, language, education, religion, social or property status or type of occupation. Further, representatives of all national and ethnic groups living in Tajikistan have the right to preserve, develop and protect their cultural distinctiveness and organize cultural enterprises and institutions, national cultural centres and societies.

745. Currently there is no State information programme publicizing efforts to combat prejudice which leads to racial discrimination. However, the promotion of racial, ethnic or religious exclusiveness or intolerance is prohibited under articles 6, 22 and 34 of the Press and Other Mass Media Act.

746. Currently the following ensembles and artistic groups are run by ethnic minorities in the country:

“Dilkhoroj” - an Uzbek artistic ensemble under the leadership of S. Badalov (Dushanbe);

“Dustlik” - a Tatar-Bashkir artistic ensemble under the leadership of R.K. Fulatova (Dushanbe);

“Slavyanochka” - a Russian-Slav artistic ensemble in the Russian-Tajik (Slav) University (Dushanbe);

“Beshkarsak” - an Uzbek artistic ensemble (Yavan district);

“Turkmeny” - a seven-member Turkmen family artistic ensemble (Jilikul district);

“Umed” - a 25-member Uzbek artistic ensemble under the leadership of Samadova (Spitamien district);

“Assor” - an 18-member Uzbek ethnic ensemble attached to the “Assor” production complex (in the city of Kanibadam).

747. The “Umed” artistic ensemble and the “Assor” Uzbek ethnic ensemble operate through the corresponding cultural agencies. The other groups are in the non-State sector.

748. At present 67 oblast, city and district newspapers are published in the country.

749. There are three titles in Russian and 63 combined (Tajik-Uzbek) editions.

750. In addition, three titles are published in the Tajik-Kyrgyz language - “Karotegin-Karotegin” (Jirgatal district), and in the Tajik-Shugnon language - “Marifati Shugnon” and “Shokhdara” (Roshtkalinsk district in Gorno-Badakhshan Autonomous Oblast). The newspaper “Dusti” is

published for national minorities, printing material in Russian and Tajik and using ethnographic material in other languages.

751. At the same time, 221 newspaper and magazine titles are published in the country. These include 4 government newspapers, including 1 in Uzbek and 1 in Russian, 67 specialist and other newspapers, including 1 in Uzbek and 14 in Russian, 24 large-circulation newspapers, including 7 in Russian, and 19 private newspapers, including 7 in Russian.

752. The magazines include 63 specialist titles, including 1 in Uzbek and 27 in Russian.

753. Of the total number of titles (309), 71 newspapers and 18 magazines are in State hands. The remaining 222 newspaper and magazine titles are outside the State sector.

754. There are also six news agencies which produce output in Russian:

- The “Novosti Tajikistana” independent agency - founded by M. Khojaev, M. Khabibullaev and the “Sham” national scientific production company (Dushanbe);
- The “Aziya-plyus” information and analysis agency - founded by U. Babakhanov (Dushanbe);
- The “Infokon” news agency - founded by the agency workforce (Dushanbe);
- The “Inter-press-servis” news agency - founded by N. Karshibaev (Dushanbe);
- The “Mizon” scientific, analytical and news agency - founded by A. Valiev (Dushanbe);
- The “AIR OCEAN” news agency - founded by the “AIR OCEAN” corporation (Dushanbe).

755. The following historical and cultural monuments of universal and national significance are to be found in Tajikistan:

Two historical and cultural centres (the Gissar historical and cultural reserve and the Khulbuk historical and cultural reserve);

1,894 historical and cultural monuments, including:

- 1,268 archaeological sites;
- 327 historical sites;
- 299 architectural sites, including:
  - 47 in the city of Dushanbe;

709 in Sogd oblast;

382 in the centrally administered districts;

507 in Khatlon oblast;

249 in Gorno-Badakhshan Autonomous Oblast.

756. Tajikistan is a party to the following international agreements on protection of cultural values:

Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954);

UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (1972);

UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970).

757. Under articles 30, 40 and 41 of the Constitution, every citizen has the right to take part freely in the cultural life of society and in creativity and to make use of artistic, scientific and technical achievements, and the right to education.

758. In addition, special legislation governs legal relationships in specific areas of cultural, scientific and educational activity:

The Theatre and Theatrical Activity Act of 2 December 2002;

The Library Activity Act of 21 May 2003;

The Cultural Property (Export and Import) Act of 6 August 2001;

The Museums and Museum Collections Act of 28 February 2004;

The Popular Handicrafts Act of 23 June 2003.

759. One of the main items of legislation used in directing the development of culture in Tajikistan, including freedom of creative activity, is the Culture Act of 13 December 1997.

760. Articles 1, 4 and 5 of this Act define the purposes and principles of State policy, as well as the rights of citizens in the field of culture. These articles provide legal guarantees of free cultural activity and secure the rights of citizens in the field of culture irrespective of their origin, racial or ethnic identity, sex, language, education, religion, social or property status or type of occupation.

761. Currently vocational training in the field of culture and art is provided by:



- 10 educational establishments, including 2 at the higher level: the M. Tursunzade Tajik State Institute of the Arts, with 1,069 students, and the Tajik National Conservatory with 206 students;
- Six colleges, with 1,034 students;
- Two national secondary boarding schools, with 707 pupils;
- Two lycées attached to colleges, with 178 pupils;
- 79 musical and artistic art schools, with 9,747 pupils.

762. A scientific research institute on culture and information operates under the Ministry of Culture.

763. The application of scientific progress is regulated by the Science and State Scientific and Technical Policy Act (arts. 3 and 11).

*Article 3. General provisions concerning those carrying out scientific and technical activity*

764. Scientific and/or technical activity shall be carried out in accordance with the procedure laid down in the present Act, by individuals who are citizens of Tajikistan, and also by foreign citizens and stateless persons in the context of the rights laid down in the legislation of Tajikistan, and by corporate bodies provided that their articles of association contain provision for scientific and/or technical activity.

*Article 11. Main purposes and principles of State scientific and technical policy*

765. The main purposes of scientific and technical policy are the development, rational distribution and effective use of scientific and technical potential, enhancement of the contribution of science and technology to the development of the economy, the pursuit of the most important social tasks, the introduction of progressive structural transformations in the field of material production, the raising of its effectiveness and the competitiveness of production, improvement of the environmental situation and protection of the information resources of the State, strengthening of the defensive capacity of the State and the security of individuals, society and the State, and strengthening of the links between science and education.

766. State scientific and technical policy is implemented on the basis of the following principles:

- Recognition of science as a socially significant sector which defines the level of development of the productive forces of the State;
- Openness and the use of various forms of public consultation in selecting priority areas in the development of science and technology and the evaluation of scientific and technical programmes and projects whose implementation is carried out on a competitive basis;

- Guaranteeing the development of fundamental scientific research as a matter of priority;
- Integration of scientific, technical and educational activities through various forms [of] participation by workers, students and research students in educational institutions offering higher vocational training in scientific research and experimental projects by means of the creation of science teaching complexes in educational establishments offering higher vocational training, scientific organizations within the academy of sciences which enjoy official status, and also scientific organizations in ministries and other State agencies;
- Support for competition and business activity in science and technology;
- Focusing of resources in priority areas in the development of science and technology;
- Fostering of scientific, technical and innovative activity by means of economic and other incentives;
- Development of scientific, technical and innovative activity through the establishment of State and scientific centres and other machinery;
- Development of international scientific and technical cooperation.

767. Tajikistan is a party to international conventions, including the Aarhus Convention. The Aarhus Convention, on access to information, public participation in decision-making and access to justice in environmental matters, is a new type of environmental agreement and directly relates to relations between society and government bodies.

768. The right to exchange information on scientific progress is guaranteed in article 9 of the Science and State Scientific and Technical Policy Act:

“Those engaged in scientific and/or technical activity have the right to exchange information, except for information containing data subject to State, official or commercial confidentiality.”

769. Protection of nature is the duty of everyone (Constitution, art. 4).

770. Laws and programmes for the protection of the environment occupy a special place in protection of the right to life.

771. Section IX, chapter 24, of the Criminal Code is devoted to offences against environmental security, in connection with the infliction of harm to the health and life of the population. Chapter 7 of the Code of Administrative Offences is devoted to administrative offences in the field of the environment, for which administrative liability is laid down. The Nature Protection Act, the Air Protection Act, the Minerals Act, the Specially Protected Nature Areas Act, the Industrial and Consumer Wastes Act, the Hydrometeorology Act and the Land Code, the Water Code, the Forestry Code and the Air Code have been adopted.

772. The country's legislation sets out the main areas of public participation in addressing environmental problems and access to information relating to protection of the environment.

773. By decision No. 534 of 30 December 1996, on measures for the implementation of the State Ecological Programme, the Government approved the State Ecological Programme for the period to 2008. The State Programme of Environmental Education for the period to 2010 was approved by the Government in decision No. 93 of 23 February 1996.

774. In 2002 the Government adopted a strategy for the reduction of poverty. This instrument was the first to address socio-economic and environmental issues in an integrated manner.

775. A national blueprint for the rational use and protection of water resources has been drawn up. On 22 April 2003, Act No. 20, the Environmental Assessment Act, was adopted.

776. On 31 August 2001, on the initiative of President E.S. Rakhmonov of Tajikistan, the United Nations General Assembly adopted a resolution declaring the year 2003 International Year of Freshwater. The Government adopted a decision on the holding of an international forum on the problems of freshwater and rational use of water resources in Dushanbe in September 2003. The forum adopted a decision to declare the period 2005-2015 "Water for life" decade. This initiative was endorsed by the United Nations in December 2003.

777. The material and moral interests of authors of literary, scientific and artistic works are protected under the Copyright and Neighbouring Rights Act (13 November 1998) and government decisions on the minimum level of remuneration to authors for the publication of scientific, literary and artistic works (1 July 1999), the minimum level of remuneration to authors for the public use of literary and artistic works (1 July 1999) and the minimum level of remuneration to authors of artistic, graphic and photographic works for the press (4 February 2002). In addition, the following articles of the Criminal Code and the Code of Administrative Offences may be used to protect the holders of rights:

- Article 156 of the Criminal Code, "Violation of copyright, neighbouring rights and the rights of patent holders";
- Article 158 of the Code of Administrative Offences, "Sale, hire or other unlawful use of copies of works or phonograms for commercial purposes", and also article 164, "Violation of the procedure for accounting for income, failure to present an income declaration or failure to present such a declaration on time, and inclusion of false information in such a declaration", and article 165, "Concealment or reduction of profit or income or concealment of other taxable items".

778. Under the Copyright and Neighbouring Rights Act, copyright is extended to scientific, literary and artistic works which are the result of creative activity, irrespective of their purpose or value or means of expression.

779. No formalities are stipulated as to the manner in which copyright or neighbouring rights arise or are realized.

780. Authors, composers, inventors, etc. enjoy the following personal non-property rights in respect of their works:

1. The right to be recognized as the author of the work he or she has created (copyright);
2. The right to use, or authorize the use of, the work under the real name of the creator, under a pseudonym or without indication of name, that is, anonymously (the right to a name);
3. The right to publish, or authorize the publication of, a work in any form (the right to publication), including the right to withhold works from publication;
4. The right to protect a work, including its title, against any form of misrepresentation or other attack which is capable of injuring the honour and dignity of the creator (the right to protection of the creator's reputation);
5. The right to inviolability of the work.

781. The creator enjoys the following property rights in respect of the work:

- The right to reproduce the work (the right to reproduction);
- The right to distribute copies of the work by any means: sale, hire, etc. (the right to distribution);
- The right to import copies of the work for purposes of distribution, including copies made with the authorization of the holder of exclusive copyright (the right to import);
- The right to display the work publicly (the right to public display);
- The right to perform a work in public (the right to public performance);
- The right to communicate the work (including display, performance or broadcast) to the general public by means of broadcast and/or rebroadcast (the right to broadcast);
- The right to communicate the work (including display, performance or broadcast) to the general public by cable, line or other similar means (the right to communication by cable);
- The right to translate the work (the right to translation);
- The right to modify, arrange or otherwise revise the work (the right to revision).

782. The holder of a right who learns of the unlawful use of items of intellectual property has the right to report the matter to the local internal affairs bodies, while anyone who has violated copyright or neighbouring rights is liable to proceedings under civil, administrative and criminal law.

783. Currently the Ministry of Internal Affairs is reviewing the issue of developing a programme of coordinated actions by law enforcement and monitoring agencies to combat the unlawful production, distribution and performance of items of intellectual property, with the help of government agencies responsible for cooperating to prevent breaches of the law in this area.

784. Problems arising in connection with the transfer of goods containing items of intellectual property across the borders of Tajikistan are handled by the Ministry of State Revenues and Taxes.

785. Currently a number of problems are being encountered in the exercise of customs control over the movement of such categories of goods across the border, primarily because the owners of intellectual property rights or interested third parties must demonstrate a personal interest in preventing the violation of copyright by others. For this purpose they must contact the customs authorities in advance to request the inclusion of such items in a register for the purpose of protection of their rights when such goods are imported or exported.

786. As is well known, Tajikistan is currently preparing to enter the World Trade Organization. One of the conditions for its entry is compliance with the requirements of the TRIPS Agreement (Agreement on Trade-related Aspects of Intellectual Property Rights), which covers the trade-related aspects of intellectual property, the protection of copyright and neighbouring rights, trademarks, geographical indications, industrial designs, patents, the rights and obligations of plaintiffs and respondents, administrative measures and the procedure for the movement of intellectual property across borders.

787. The procedure for the seizure of counterfeit copies of items of intellectual property is governed by the rules for customs control of the movement of goods containing items of intellectual property across the border, which were adopted by the Government in decision No. 185 of 30 April 2002.

788. Under the applicable legislation, individuals and corporate bodies importing goods which contain items of intellectual property must, during customs processing, present to the customs authorities certified evidence of copyright or patent for the item, as well as evidence that the item has been included in the register kept by the customs authorities.

789. In accordance with the requirements of current legislation, the holder of a right who learns of the unlawful import or export of goods containing items of intellectual property may contact the regional customs offices of the Ministry of State Revenues and Taxes, or the Ministry itself.

790. At present the legislation does not specifically lay down the amount of intellectual property which may be imported or exported by individuals for their personal use.

791. In order to combat the illegal trade in goods containing items of intellectual property, the Ministry has drawn up an order relating to the inclusion of holders of rights in items of intellectual

property in the register held by the customs authorities for the purpose of protection of their rights when such goods are imported or exported by other persons who do not have such rights over them. However, in such cases the problem arises that if the holder of the right to items of intellectual property does not contact the national patent information centre in the Ministry of the Economy and Trade and the customs offices of the Ministry of State Revenues and Taxes to register such rights, no such action is taken in defence of his or her rights.

792. The Items of Cultural Value (Import and Export) Act of 6 August 2001 instructs the Ministry of Culture to define categories of items which are of cultural value, and to carry out assessments of items of cultural value declared for export, temporary export or return after temporary export. The functions stemming from the Act are enumerated in Government decision No. 380 of 29 August 2003.

793. The protection, development and distribution of scientific and cultural achievements are regulated in particular by the Culture Act of 13 December 1997. This Act provides as follows:

*“Article 5. Rights of citizens in the field of culture*

*“Citizens of Tajikistan, irrespective of their origin, racial or ethnic group, sex, language, education, religion, or social or property status or type of occupation, have the right:*

- “• To make unhindered use of nationwide and universal cultural achievements;*
- “• To engage in all types of professional and non-professional (amateur) creative activity in keeping with their interests and abilities;*
- “• To acquire intellectual property, to preserve the secrets of one’s skill and to make unhindered use of creative achievements;*
- “• To make unhindered use of moral, aesthetic and other values and benefit from State support in the defence of their national cultures;*
- “• To make free use of their own items of cultural value and the stock of State libraries, museums and archives. Restrictions on the use of items of cultural value are laid down in legislation;*
- “• To receive a humanitarian and artistic education without restriction, and to freely choose the form and method of instruction;*
- “• To take an interest in protection of the heritage of the past and in contemporary cultural items;*
- “• To own property of historical and cultural significance, collections, buildings and structures, institutions, enterprises and other cultural objects. The procedure for the acquisition and use of cultural objects is regulated by legislation;*

- “• Under the legislation of Tajikistan, for the purpose of the development of items of cultural value, to create organizations, institutions, enterprises, associations, creative unions and other public organizations and to work as an intermediary in the field of cultural activity in accordance with the procedure laid down in the legislation;
- “• To present in public the results of their creative activity abroad, including for the purpose of sale in accordance with the procedure laid down in the legislation;
- “• To engage in cultural activity in foreign countries, and to set up cultural organizations in other States in accordance with the legislation of those States.”

794. The right to make use of the results of scientific progress is laid down in the Civil Code and in the Science and State Scientific and Technical Policy Act.

795. Article 18 of the Civil Code, “Legal capacity of citizens”, and article 19, “Content of the legal capacity of citizens”, guarantee, inter alia, the freedom necessary for scientific research and creative activity:

*“Article 18.*

“The capacity to possess civil rights and bear obligations (civil legal capacity) is acknowledged equally for all citizens.

“The legal capacity of each citizen arises at the time of birth and ceases upon death.”

*“Article 19.*

“Under the law, citizens may own property, including foreign currency, both within and outside Tajikistan; inherit and bequeath property; freely move around the country and choose their place of residence; freely leave and return to the country; engage in any activity which is not prohibited by law; set up corporations independently or jointly with other citizens and corporations; carry out any transactions not prohibited by law and enter into obligations; enjoy the right of intellectual property over inventions, literary, scientific or artistic works, or other results of intellectual activity; demand compensation for material or moral injury; and possess other property and individual rights.”

796. The same topic is addressed in the Science and State Scientific and Technical Policy Act:

*“Article 3.* General provisions concerning those carrying out scientific and technical activity

“Scientific and/or technical activity shall be carried out in accordance with the procedure laid down in the present Act, by individuals who are citizens of Tajikistan, and also by foreign citizens and stateless persons in the context of the rights laid down in the

legislation of Tajikistan, and by corporate bodies provided that their articles of association contain provision for scientific and/or technical activity.

“In pursuance of the present Act, State bodies shall:

- “• Guarantee creative freedom to those carrying out scientific and/or technical activity, granting them the right to choose the direction and methods of scientific research and experimental projects;
- “• Guarantee protection from unfair competition to those carrying out scientific and/or technical activity;
- “• Acknowledge the right to justified risk in scientific and/or technical activity;
- “• Guarantee freedom of access to scientific and technical information, except in cases specified in the legislation of Tajikistan in respect of State, official or commercial confidentiality;
- “• Guarantee the training, further training and retraining of scientific workers and specialists in State scientific organizations;
- “• Guarantee the funding of projects implemented on the instructions of the State.”

“*Article 7. Administration of scientific and technical activity*

“Administration of scientific and/or technical activity shall be jointly based on the principles of State regulation and self-administration.

“The State authorities, scientific organizations, organizations providing scientific services and organizations in the social sphere shall, within their sphere of competence, define appropriate priority areas for the development of science and technology, set up systems of scientific organizations, and carry out intersectoral coordination of scientific and/or technical activity, the development and implementation of scientific and technical programmes and projects, the development of modes of integration of science and production, and realization of the achievements of science and technology.

“Scientific and/or technical activity is managed in such a way as not to violate creative scientific freedom.”

797. In 2002 workers in the Academy of Sciences proposed 11 products for use, and activities for a total of 57,800 somoni were carried out under contract. Extrabudgetary grants totalling 160,500 somoni were used to fund scientific research. Two patents were granted.



798. Scientists in Tajikistan are carrying out scientific research jointly with foreign scientific organizations. Scientific institutions within the Academy of Agricultural Sciences are cooperating with four international centres and the United Nations food programme, as well as:

- The International Centre for Agricultural Research in Dry Areas (ICARDA) in Aleppo, Syrian Arab Republic, to study generic resources and set up gene banks for local plants (cereal crops, leguminous crops, vegetables, watermelons, melons and gourds and fodder crops), and to study soil and water resources;
- The International Maize and Wheat Improvement Centre (CIMMYT) in Mexico, to study world collections of agricultural crops and create starting material and new varieties of cereal crops suitable for conditions in Tajikistan;
- The International Plant Genetic Resources Institute (IPGRI) in Rome, Italy, to study the genetic resources of woody forest crops;
- The International Crop Research Institute for the Semi-arid Tropics (ICRISAT) in Hyderabad, India, to study genetic resources and create new varieties of oilseed crops (groundnuts) suitable for conditions in Tajikistan.

799. In addition, scientific institutions within the Academy of Sciences are jointly working with the United Nations food programme to study the genetic resources of agricultural livestock and create gene banks for local species in Tajikistan, and study relations between livestock and nature.

800. New wheat varieties (Norman-37, Tasikar-35, Somoni and President) and barley varieties (Azal, etc.) were developed and introduced following joint work with international scientific centres.

801. A number of new varieties and strains of groundnuts and other agricultural crops are undergoing testing in State breeding centres.

802. Recommendations have been drawn up for the development of arid regions of the country (Beshkent, Karalang, etc.) and the growing of agricultural crops in arid conditions.

803. At present Tajikistan is cooperating in various ways with foreign foundations and organizations in the field of culture:

The cultural fund of Japan allocated a grant of US\$ 450,000 to support the orchestra of the S. Aini State Academic Theatre, Opera and Ballet.

The following grants were allocated by the Soros Foundation:

- US\$ 1,000 (2001) and US\$ 12,040 (2002-2004) to the Firdousi National Library;
- US\$ 4,000 (2002) for the Rudaki National Museum of History and Local Lore in the city of Penjikent;

- US\$ 4,300 (2002) for the central library in the city of Vakhdat;
- US\$ 146 (2002) for the museum in the city of Vakhdat;
- US\$ 4,000 (2003) for the A. Lokhuti central library in the city of Dushanbe;
- US\$ 4,000 (2004) for the M. Mirshakar national children's library;
- The Swiss development agency allocated a grant of US\$ 500 to the M. Mirshakar national children's library in 2001.

804. Tajikistan's international cultural and scientific links are being constantly broadened. In the past five years these links have been particularly intensively developed in the fields of education, science and technology, taking the form of bilateral and multilateral agreements and other forms of cooperation. Cooperation is being expanded with such international organizations as UNESCO, WIPO and the Soros and Eurasia foundations, and projects have been carried out with their help in the field of education, science and culture, with the participation of scientists and teachers from higher educational establishments in Tajikistan.

805. In 2001, 4,876 books on various scientific topics (political science, economics, diplomacy, jurisprudence, reference works, art, etc.) were donated by the Soros Foundation to libraries in Tajikistan.

806. A number of joint measures have been taken in the past two years using grants received, and newly published books have been sent free of charge to libraries.

807. Information centres, computer sections and electronic libraries have been opened in the national library and in the T. Asiri public library.

808. Institutes within the Academy of Sciences carried out the following projects and allocated the following grants with support from international organizations:

With support from the American National Geographic Society in the United States, staff from the Botanical Institute took part in a Tajik-American expedition to the Pamir and the basin of the river Varzob, accompanied by two American botanists - Isan Ali Al-Shekhbaz, the head of the department of Asian flora, and James Solman, the head of the herbarium in Missouri Botanical Garden. A total of 300 leaves of herbs collected during the expedition were sent to these gardens. US\$ 12,000 was allocated for the expeditions.

Under the "PharmAll" project (Institute of Tissue Culture in Gatersleben, Germany), work has begun to set up a collection of varieties of Allium (onions) in the Dushanbe and Khorog botanical gardens, Varzob mountain botanical station and PBI support centre in Jilandakh. As part of this project, and with a grant from the Volkswagen Foundation, graduate student P. Kurbanova pursued practical work to set up a databank of plants in the Allium species. Scientific equipment (a microscope, a digital camera and computers) was obtained, and

several field trips by institute staff to various areas of Tajikistan were organized. €7,000 was allocated for this project.

In 2002 the laboratory of experimental ecology and biological methods in the Institute of Zoology and Parasitology received a grant of US\$ 4,000 from the international non-governmental organization Mercy Corps, which was used to obtain bio-pesticides and test them semi-industrially against vegetable and cereal crop pests.

809. The Institute of Plant Physiology and Genetics received the following grants:

1. The laboratory of physiology and genetic selection carried out work under grant No. 20014 JB from the Civilian Research and Development Foundation on the use of the fungus *Triticum dimorphum* to create pathogen-resistant cereal crops. The amount of the grant was US\$ 42,000.

The sum of US\$ 13,000 was received in 2003. This grant was used to organize a scientific mission by laboratory head S. Naimov to Kansas Agricultural University in the United States to carry out joint work, and a mission to Moscow to participate in the third international Russia-Iran Conference. An appliance for electrophoresis of proteins was purchased for US\$ 2,800.

2. The laboratory of the biochemistry of photosynthesis carried out work under an ISESCO project on analysis of plant communities in Tajikistan and forecasting of changes in them as a result of human impacts.

3. Institute staff took part in the following: an international conference on carbon exchange in the ocean and climate organized by NATO; the third General Assembly of the Association of Asian Academies of Science and a conference on biotechnology (Jerusalem, Israel); a NATO conference on integration of science and technology systems of central Asian Republics in the Western world (Ankara, Turkey), using a NATO grant; and a training course on potato production, storage and seed management (Wageningen, Netherlands). In 2002 the Academy of Sciences of Tajikistan engaged in cooperation with scientific institutions in CIS countries and further afield.

810. The Institute of Mathematics supported scientific links with the V.A. Steklov Mathematical Institute, the computer centre, the Institute of Market Problems in the Russian Academy of Sciences, the Institute of Hydrodynamics, the Institute of Water and Ecological Problems in the Siberian section of the Russian Academy of Sciences and the M.V. Lomonosov Moscow State University.

811. As part of this cooperation joint scientific research was conducted, scientific publications were issued and scientific information was exchanged.

812. Under a bilateral agreement, the S.U. Umarov Physical and Technical Institute is carrying out work in the laser optical acoustics laboratory of the physics faculty of Lomonosov University on the problem of thermal non-linearity in photo-acoustic experiments.

813. During a scientific mission at the Institute of Molecular and Atomic Physics in the National Academy of Sciences of Belarus, the laboratory of molecular spectral analysis carried out joint

experimental research into the influence of high pressures (up to 200 atmospheres) on the transformation of contours of infrared absorption bands and the combinational dispersion of the light of complex multiatomic molecules.

814. Also in the framework of the Navruz regional experiment, the S.U. Umarov Physical and Technical Institute carried out joint research with the Sandia National Laboratories in the United States, the Institute of Physics of the Academy of Sciences of Kyrgyzstan, the Institute of Nuclear Physics in the National Nuclear Centre in Kazakhstan and the Institute of Nuclear Physics in the Academy of Sciences of Uzbekistan.

815. Staff from the laboratory dealing with renewable energy sources and study of materials visited the Institute of Engineering Sciences and Technology in Topi, Pakistan, to continue joint work on the problem of the use of non-traditional sources of energy, in particular, in processing organic wastes into biogas and using organic semiconductors.

816. The Nikitin Institute of Chemistry continued work with the Institute of Pharmacology of the Russian Academy of Medical Sciences, inter alia in developing a technology for obtaining new pharmaceuticals using chemical synthesis and natural compounds. Joint research was carried out in geochemistry and analytical chemistry with GEOKHIRAN and the Institute of Plant Chemistry of the Academy of Sciences of Uzbekistan in the study of medicinal plants.

817. Staff of the Institute of Geology maintained close scientific contacts with colleagues from geological institutes in the CIS countries, including the All-Russian Institute of Mineral Raw Materials in Moscow; the Amalgamated Institute of Geology, Geophysics and Mineralogy of the Siberian section of the Russian Academy of Sciences in Novosibirsk; St. Petersburg State University; the Geological Institute of the Russian Academy of Sciences; staff of the Institute of Palaeontology of the Russian Academy of Sciences; the All-Russian Geological Institute in St. Petersburg; and the A.P. Vernadsky Institute of Geochemistry of the Siberian section of the Russian Academy of Sciences in Irkutsk.

818. The Institute of Earthquake-proof Construction and Seismology cooperated with institutions in the academies of sciences and scientific research institutes in CIS countries - Russia, Uzbekistan, Kazakhstan, Kyrgyzstan and Armenia.

819. The Institute of Earthquake-proof Construction and Seismology cooperated with the Embassy of Japan in Tajikistan in monitoring the construction of facilities being built or reconstructed with financial support from the Embassy of Japan under grant aid to small-scale projects. As part of this cooperation the Institute monitored the construction, repair and reconstruction of six buildings, including three schools, a training centre, a boarding school for blind children and a family medicine outpatient centre.

820. The Institute of Mathematics maintained scientific links with overseas centres and scientists in the United States, Germany, Romania, Greece, Poland, China, Japan, Canada, Slovenia, Slovakia, Israel, the Islamic Republic of Iran, etc.

821. Staff from the Institute of Astrophysics are members of various international scientific organizations; seven of them are members of the International Astronomical Union, the European Astronomical Society, the Euro-Asian Astronomical Society, the American Geophysical Union, etc.

822. Scientific links were maintained with the international Committee on Space Research (COSPAR), and also with scientists in the Russian Federation (the D.K. Shternberg State Astronomical Institute in Moscow State University) and in Germany (M. Planck Institute for Extraterrestrial Physics).

823. The library of the Institute continued to receive various foreign astronomical periodicals under an agreement with the International Astronomical Union.

824. The Botanical Institute cooperated with the Institute of Botany and Plant Introduction of the Ministry of Science and Higher Education of Kazakhstan, the Botanical Institute of the National Academy of Sciences of Ukraine, the Missouri Botanical Garden in the United States and the Institute of Tissue Culture in Gatersleben, Germany.

825. The Institute of Zoology and Parasitology maintains traditional scientific links with zoological and parasitological institutions in Russia (the Zoological Institute of the Russian Academy of Sciences, the Institute of Parasitology of the Russian Academy of Sciences, the All-Russian Institute of Vegetable Cultivation and the All-Russian Institute of Plant Protection) and other CIS countries.

826. The Institute of Plant Physiology and Genetics maintained contacts with the K.A. Timiryazev Institute of Plant Physiology in the Russian Academy of Sciences.

827. Joint work continued on photosynthesis of genotypes of the cotton plant with the Institute of Genetics and Experimental Plant Biology of the Academy of Sciences of Uzbekistan and the Uzbek cotton-breeding centre.

828. The Pamir Biological Institute cooperated with the Institute of Soil Science and Photosynthesis of the Russian Academy of Sciences, the K.A. Timiryazev Institute of Plant Physiology of the Russian Academy of Sciences, the Institute of Plant Protection and the Institute of Agricultural Microbiology of the Russian Academy of Agricultural Sciences, Tomsk State University, the Almaty central library system, the Mountain Botanical Garden of the Dagestan Scientific Centre of the Russian Academy of Sciences, the Institute of Cell Biology and Genetic Engineering of the National Academy of Sciences of Ukraine, the V.R. Williams All-Russian Scientific Research Institute on Fodder, the Institute of Plant Chemistry of the Academy of Sciences of Uzbekistan, the VILAR company and the Scientific Research Institute on Formation in Moscow.

829. For many years the Institute of Gastroenterology has maintained scientific contacts with the I.M. Sechenov Moscow Medical Academy, the Russian Medical University and the Pharmacology Department of the Scientific Research Institute on Experimental Medicine of the Russian Institute of Medical Sciences.

830. The laboratory of physiological and genetic selection of the Institute of Plant Physiology and Genetics has been included in the Tajikistan national programme for selection and seed management of wheat under the auspices of the German technical centre and CIMMYT.

831. Staff of the Pamir Biological Institute maintain scientific links with botanical gardens in Germany (in Bielefeld and Bayreuth), the Missouri Botanical Garden in the United States and the Pakistan Institute of Entomology and Ecotoxicology.

832. The Institute of Gastroenterology continued working contacts with the company "Gedeon Richter", and issues relating to cooperation for the approval of new medicines used in gastroenterology were examined.

833. The Ministry of Culture has signed a number of international agreements on cooperation in the sphere of culture: an international agreement on cultural cooperation with the Government of Kuwait (18 April 1995); the Russian Federation (September 1995); Belarus (1996); Uzbekistan (1998); the Islamic Republic of Iran (27 November 1998); China (1998); Germany (1999); Armenia (2004); and CIS agreements on cooperation in the protection of copyright and neighbouring rights, 24 September 1993 and 6 March 1998.

834. Annexes, 54 tables (30 pages).

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