

TAJIKISTAN 2016-2021
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CIVIL SOCIETY ORGANIZATIONS OF THE
REPUBLIC OF TAJIKISTAN
“Tajikistan NGOs Coalition for the rights of specific
groups”

The review is prepared by civil society organizations of the Republic of Tajikistan, and covers 2016-2021 years.

In preparation of the review, the following organizations have contributed:

1. PO “Bureau of Human Rights and Rule of Law”
2. PO «Jahon»
3. PO “Independent Center for Protection of Human Rights”
4. PO “World of Law”
5. PO “Parent Association of Children with Disabilities”, Dushanbe
6. PO “League of the Disabled Women “Ishtiroq”
7. PO “Safoi Konibodom”
8. Public Foundation “Legal Initiative”
9. Public Foundation “Your Choice”
10. Coalition of Public Organizations “From Legal Equality to Actual Equality”
11. Tajikistan Network of Women Living with HIV
12. National Association of Disabled Persons of Tajikistan

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I. WOMEN'S RIGHTS¹

Over the last 5 years, the Government of RT, in order to provide for empowerment of women, adopted new strategic laws and statutory instruments, intensified the activity for implementation of the Law "Concerning the prevention of domestic violence", increased the number of annual President's grants to support business women, applied quotas for girls from remote rural areas when entering high education institutions.

Nevertheless, in practice, in many areas, there is observed discrimination of women, primarily indirect, deterioration of a wide range of indicators in women comparing to men, in exercising legally provided rights in the area of labor and employment, education, access to resources, and in other areas. Public monitoring of implementation of adopted programs shows the failure to implement a good deal of the planned measures. The Government reports that there are established and functioning 33 crisis centers and their branches in the republic that provide support to violence victims, but, violence victims have fairly limited access to necessary services.

Domestic violence is not criminalized. There is an ever increasing number of online cases of violence against girls and women, committed via Internet. On the Internet, there are initiated Hodisa.tj, Hodisa_tj2 and Hodisa_TV sites, based on Instagram platform, and a channel in Telegram, which dishonor girls and women².

Implementation of the state measures for promotion of gender equality is impeded by several systemic factors:

- Low capacity of mechanisms to implement the legislative provisions for the equality between men and women in all areas and poor introduction of gender approaches in sectoral legislation. There is no obligatory gender-based expert examination of newly adopted laws and statutory instruments.
- Lack of regular monitoring and evaluation of implementation of adopted measures and expected results based on a system of indicators developed.
- Insufficiency of financial resources and lack of gender-based budgeting for implementation of planned measures.
- Low capacity of inter-agency cooperation and absence of adequate inter-sectoral approach in developing political measures for empowerment of women.
- Infrequent application of a differentiated approach to assessment of opportunities and needs of various groups of women (rural and urban, young and elderlies, with/with no disabilities, etc.) in activity planning, etc.

Restrictions in the context of the pandemic have affected the access of women to various types of services, including healthcare services, and related to other morbidity cases.

The impact of several factors on men and other family members, such as loss of job or its full absence, stresses, traditional gender stigmatization attached to family relationship during the pandemic, has exacerbated the issue of domestic violence against women and girls.

Recommendations:

1. Adopt a Law on the equality and protection from discrimination.
2. Conduct continuous monitoring and evaluation of implementation of adopted gender strategies and programs, based on a system of indicators developed, with consideration of SDG objectives. Regularly publish reports following the results of monitoring and evaluation (M&E) on websites of ministries and departments, and in mass media.

¹ Information from the Coalition of Public Organizations "From Legal Equality to Actual Equality"

² <https://newreporter.org/2021/02/09/kak-blogery-v-tadzhikistane-sozdali-svoyoye-muzhskoe-gosudarstvo/>,
<https://asia-times.org/glavnaya/9921-kto-pozorit-tadzhikskih-zhenschin-i-devushek-v-socialnyh-setey-.html>

3. Improve legislation in terms of implementation mechanisms of the Law of RT “Concerning the state guarantees of equality between men and women, and their equal implementation opportunity”, obligatory gender-based expert examination of newly adopted legislative instruments, etc.
4. Criminalize all forms of gender violence, including spousal sexual assault, online violence.
5. Introduce changes to legislation related to re-categorization of domestic violence cases into public-private charge/prosecution category, provision of free legal assistance at all stages of defense and administration of violence-related cases, including free secondary legal assistance.
6. Accelerate the establishing of the Interdepartmental Council for prevention of gender violence under the Government of RT.
7. Government of RT to develop and approve a communication strategy for promotion of gender equality and eradication of gender violence in the society.
8. Ensure the state support to crisis centers, and provide rehabilitation services and safety to those affected by gender violence.
9. Engage more actively CSOs in the process of development, implementation, monitoring and evaluation of policy for ensuring the actual equality of women.
10. Develop gender-sensitive plans of actions to provide a package of social services, focused on vulnerable groups of women, during the pandemic, including healthcare services, and related to other morbidities, and after the pandemic.

II. RIGHTS OF THE CHILD

Health and demographic survey in Tajikistan (HDST³) in 2017 suggests that the under-five child mortality rate over the last 10-14 years has decreased. But, public healthcare still falls behind international and regional mean values for mother and child health⁴.

In order to facilitate the implementation of the national legislation and international legal commitments of RT in the area of protection of the child’s rights, as early as in 2001, there was established a National Commission on the Rights of the Child. In 2017, Government of RT decreed⁵ a new Regulation on the child’s rights commissions.

In March of 2015, there was adopted the Law of RT “Concerning the protection of the child’s rights”. In 2016, there was approved title of authorized position of the Child Rights Ombudsman. In 2016, there was adopted Procedure for identification and registration of children deprived of parental care⁶. In 2017, there was approved Instruction for education institution’s workers on prevention and response to cases of violence against children⁷.

There are amendments introduced in the selection criteria for placing children in child care centers and boarding schools. There was signed order⁸ on transformation of 4 child care centers, for 0-4 year olds, to family and child support centers. These changes are the process of de-institutionalization. At the present time, there is observed a decreasing number of children placed in child care centers, including children with disabilities. A system of re-referral of vulnerable children to receive alternative services has improved.

Despite the change in the criteria for placing children in boarding schools, many vulnerable families need long-term social assistance to cope with difficult life situations.

³ Health and demographic survey of Tajikistan

⁴ Source: <https://www.adb.org/ru/news/adb-grant-improve-maternal-and-child-health-care-tajikistan>, <https://tj.sputniknews.ru/country/20190812/1029635587/ABR-Tajikistan-borbu-detskoy-smernostyu.html>

⁵ Approved by Resolution of the Government of the Republic of Tajikistan as of January 25, 2017, № 29

⁶ Approved by Resolution of the Government of the Republic of Tajikistan as of October 6, 2016, № 419

⁷ Resolution №11 of the Research Guidance Council of MOH of RT, as of 21.12.2017

⁸ Order was signed by the Ministry of Health and Social Protection of Population of RT in accordance with a plan of the National Commission on the Rights of the Child under the Government of RT in 2018.

A mechanism for implementation of the legislative provision⁹ on foster family care is still under development¹⁰.

Violence against children still remains a matter of deep concern. In Tajikistan, the scale of violence against children is highly underestimated. Violence is the most common form of disciplinary punishment at the level of local communities in the country. Bullying and harassment against peers is also one of the forms of violence, particularly in schools¹¹. In the Law on the protection of the child's rights, there are not reflected issues of protecting a child from violence and exploitation, and there is no explicit ban on physical punishment. The Law on the responsibility of parents for child education and training does not also stipulate for direct prohibition of the cruel treatment of children. Administrative penalties imposed on parents for violation of this law do not facilitate the economic sustainability of families.

Self-isolation during the coronavirus disease pandemic¹² has exacerbated the problem of domestic violence in Tajikistan, including also violence against children. Parents, who experience economic and social hardships, often vent their anger on the children¹³.

Up to nowadays, there are observed cases of early marriages¹⁴. Early marriages are not infrequent events in rural areas. In Tajikistan, every year, Civil Registry Offices register around 80'000 new families. From among this number, 750–2500 pairs are families where the bride is underaged¹⁵. One should not also forget about latent cases of early marriages. The Family Code¹⁶ allows, in exceptional cases, the reduction in the marriage age, through court action, down to 17 years, at a request of those intending to marry. A list of such exceptional cases is not disclosed, and such wording is not in the best interests of children.

In accordance with legislation, only citizens of Tajikistan may adopt a child, with the ban imposed on the adoption of children by foreign citizens. This restriction resulted in cases when even relatives of child, who have the citizenship of another country, are not allowed to adopt children who have become orphans.

Recommendations:

1. Develop and adopt a comprehensive strategy in regard to children that includes, among other things, emergency situation response measures¹⁷.
2. Include in legislation the explicit ban on violence against children.
3. Build capacity in the area of data collection regarding children.
4. Develop practices of re-referral of vulnerable families to residential family support services.
5. Exclude from the Family Code the option of reduction in the marriage age down to 17 years.
6. Build capacity of the Commissions on the Rights of the Child and provide sufficient funds.
7. Ensure the observation of the child's rights in closed and semi-closed institutions.
8. Strengthen interdepartmental and inter-sectoral cooperation for integrated assessment of family and child needs, as well as planning assistance in the best interests of the child.

⁹ Law of RT “Concerning the protection of the child's rights”

¹⁰ This process is coordinated by the Department for protection of the child's rights under the Ministry of Education and Science of RT.

¹¹ Source:

<https://www.unicef.org/tajikistan/ru/%D0%BF%D1%80%D0%B5%D0%BA%D1%80%D0%B0%D1%89%D0%B5%D0%BD%D0%B8%D0%B5-%D0%BD%D0%B0%D1%81%D0%B8%D0%BB%D0%B8%D1%8F-%D0%B2-%D0%BE%D1%82%D0%BD%D0%BE%D1%88%D0%B5%D0%BD%D0%B8%D0%B8-%D0%B4%D0%B5%D1%82%D0%B5%D0%B9>

¹² The presence of COVID-19 in Tajikistan was officially announced on April 30, 2020.

¹³ Source: <https://rus.ozodi.org/a/30630371.html>

¹⁴ Source: <https://cabar.asia/ru/prava-detej-v-tadzhikistane-est-kuda-stremitsya>

¹⁵ <https://ia-centr.ru/experts/tilav-rasul-zade/rannie-braki-v-tadzhikistane-nasledie-stereotipov/>

¹⁶ Article 13, Part 2

¹⁷ Such as COVID-19 pandemic

9. Envisage in legislation the right of relatives, who reside outside Tajikistan, to adopt children deprived of parental care.

Sexual Violence against Children

Issues of sexual education are tabooed in the society, and children, when they encounter violence cases, feel unsafe to communicate these to parents or teachers. Risk factors of abusive treatment of children are still not studied. When reviewing various research works, one may conclude that primarily such factors are cultural and gender-related rules and stigmatization, inequality of gender and incomes in the family, etc. Organizations dealing with the rights of the child emphasize that children are subjected to sexual violence on the part of family members, close relatives, and neighbors. Often, such cases are revealed when a girl becomes pregnant and/or gives birth to child. In this case, girls incur censure on the part of neighbors, family members, school¹⁸.

The Criminal Code of RT has a gap in establishing a lower age limit to engage in sexual intercourse without any compulsion and coercion. In practice, those affected in these crimes may be recognized children at the age of 11, 12 years and etc., but who have not reached the age of 16 years.

Recommendations:

1. Include in the criminal legislation¹⁹ the definition of a minimum age of consent²⁰ for sexual intercourse. In case of sexual intercourse with a person, who has not reached the minimum age, regardless whether there was consent of the child or not, one should determine that such act is rape.
2. Exclude the possibility of granting amnesty for those who committed sexual abuse of children.
3. Train parents and children for protection from sexual violence (protection of personal integrity).

III. RIGHTS OF PEOPLE LIVING WITH HIV (PLHIV)

Action against HIV/AIDS, including the prohibition of discrimination, is provided in a separate chapter of the Public Healthcare Code of Tajikistan adopted in 2017. The National Program to act against HIV for 2017-2020 was adopted.

PLHIVs encounter stigmatization and discrimination. Women living with HIV (WLHIV) are subjected to discrimination and violence both in family and society, and on the part of intercourse partners, other family members, health workers, policemen, etc. Number of cases of violence and discrimination against WLHIVs, on the part of various people and organizations, after detection of HIV-positive status, has significantly increased²¹.

Health and demographic survey of Tajikistan (HDST 2017)²² shows that there are still some misconceptions about HIV transmission.

¹⁸ Source: Activity of civic institutions to control stigma and discrimination (based on the research findings), Public Foundation “Nota Bene”, 2019. [http://notabene.tj/Doc/Taj/%D0%9E%D1%82%D1%87%D0%B5%D1%82_%D0%BF%D0%BE_%D1%80%D0%B5%D0%B7%D1%83%D0%BB%D1%8C%D1%82%D0%B0%D1%82%D0%B0%D0%BC_%D0%B8%D1%81%D1%81%D0%BB%D0%B5%D0%B4%D0%BE%D0%B2%D0%B0%D0%BD%D0%B8%D1%8F%20\(1\).pdf](http://notabene.tj/Doc/Taj/%D0%9E%D1%82%D1%87%D0%B5%D1%82_%D0%BF%D0%BE_%D1%80%D0%B5%D0%B7%D1%83%D0%BB%D1%8C%D1%82%D0%B0%D1%82%D0%B0%D0%BC_%D0%B8%D1%81%D1%81%D0%BB%D0%B5%D0%B4%D0%BE%D0%B2%D0%B0%D0%BD%D0%B8%D1%8F%20(1).pdf)

¹⁹ In the Article 141 of the Criminal Code of RT “Sexual intercourse with a person who has not reached the age of 16 years”

²⁰ The consent of a child should be confirmed by psychological expert examination, as well as judged by the age of a person who committed a crime.

²¹ Key challenges of sexual and reproductive health of women living with HIV in Tajikistan through the lens of human rights (based on the research findings). Tajikistan Network of Women Living with HIV, 2019

²² Accessible on the website: [http://stat.wv.tj/storage/TjDHS%202017%20KIR%2004Apr2018%20\(RUS\).pdf](http://stat.wv.tj/storage/TjDHS%202017%20KIR%2004Apr2018%20(RUS).pdf)

²³ Article 125 of the Criminal Code of RT

There is criminal liability of PLHIVs stipulated for HIV infection²³. Actually all PLHIVs engaging in sexual intercourse may be subjected to criminal responsibility according to this article. Informed consent of partner in this case does not matter²⁴. In 2020, amendments were introduced to the criminal legislation²⁵, stipulating for deprivation of freedom, for a term from five to ten years, for violation of sanitation and hygiene standards, and disease control standards, including HIV infection committed in case of emergence and spread of human life-threatening disease or with implementation of quarantine restrictive measures.

HIV-infected persons are not allowed to be taught in health education institutions²⁶.

One of the prerequisites to marriage is that persons who intend to get married should undergo compulsory medical examination²⁷. Without it, Civil Registry Offices have no right to register marriage. Introduction of compulsory testing before marriage has a number of negative consequences, first of all, in terms of observing basic human rights to personal privacy, and right to start a family. One of the negative consequences of compulsory examination may become denial of marriage registration and increase in the number of unregistered marriages. In compulsory testing before marriage, observance of confidentiality becomes practically impossible, since testing is followed with the disclosure of status. Registration of marriage in rural area is made by local governments that often fail to observe confidentiality, as well as deny marriage registration to PLHIVs.

Compulsory testing does not often imply pre-test and post-test counseling.

Not willing to get through compulsory medical examination and have treatment of HIV-infection will result in administrative fine²⁸ (approximately, from US\$ 110 to US\$ 160).

Hiding the source of HIV-infection and contacts will also result in administrative fine (approximately, from US\$ 55 to US\$ 110).

Access of women living with HIV to public healthcare and reproductive rights is impeded.

The right of parents or legal representatives of children delivered by mothers with HIV to receive milk substitutes is not supported by an implementation mechanism.

Recommendations:

1. Introduce amendments to the Family Code and replace compulsory medical examination of persons intending to marry with voluntary and confidential testing.
2. Decriminalize the Article 125 of the Criminal Code of RT. Bring to criminal responsibility only for intentional HIV-infection under general article for infliction of grievous bodily harm.
3. Develop a mechanism for provision of breast milk substitutes for children delivered by mothers with HIV.
4. Exclude from Article 207 of the Criminal Code of RT “intentional HIV-infection”.
5. Exclude from legislation the administrative liability of PLHIVs.
6. Abolish the provision prohibiting PLHIVs from being taught in health education institutions.
7. Hold liable physicians, health personnel, government officials, who have access to information on the HIV detection, for disclosure of confidential information.

²³ Article 125 of the Criminal Code of RT

²⁴ Alternative spotlight presentation on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, in relation to women living with HIV and women from affected groups, “Tajikistan Network of Women Living with HIV”.

²⁵ Article 207 of the Criminal Code of RT

²⁶ Resolution of the Government of RT, as of 25.09.2018, № 475, on the List of Diseases that discourage persons affected by them from being taught in health education institutions.

²⁷ In 2016, amendments on getting through compulsory medical examination were introduced to Articles 14, 15 of the Family Code of the Republic of Tajikistan.

²⁸ Article 119 of the Code of Administrative Offences of RT

IV. PERSONS WITH DISABILITIES

One of the important achievements of Tajikistan for the last years is the signing of the Convention on the Rights of Persons with Disabilities (CRPD) by the President of the country, Emomali Rakhmon (March 22, 2018). In 2020, there was adopted the National Plan of Action for preparation of Tajikistan to ratification of CRPD for 2020-2024; there was approved the National Program for rehabilitation of persons with disabilities for 2017-2020, etc. As compared to the past parliamentary elections in March of 2020, in electoral districts, there were partially created conditions for voting of PWDs²⁹.

Persons with disabilities have no opportunities to exercise their rights in practice for different reasons, for example, absence of sign language interpreters, lack of equal opportunities to receive education, lack of meaningful aids and appliances, etc. Persons with disabilities face various challenges, such as domestic violence (rape on the part of relatives), housing issues, pension issues, removing the status of disability, dismissal from work, difficulties with movement, access to maternity, and access to quality education. There is a high level of self-stigmatization among persons with disabilities who perceive themselves as vulnerable and require constant care and attention³⁰.

Women and girls with disabilities are subjected to multiple discriminations. They have limited access to reproductive rights. Many girls and women, with different types of disability, are regularly exposed to domestic violence. During the pandemic, the number of domestic violence cases has increased.

Definition of disability depends on the ability to work, and it does not comply with the International Classification of Functioning, Disability and Health (ICF). Being subject to the degree of incapacitation will restrict access of PWDs to employment.

A reform to integrate the sphere of social protection with public healthcare fell short of expectation. Construction and beautification spheres do not pay enough attention to the issues of a barrier-free environment, as well as barriers of the ambient environment that do not provide for equal opportunities and implementation of rights in relation to physically challenged people.

COVID-19 pandemic has again revealed that social assistance and services were left in the basket, and the public healthcare system has faced the enormous number of challenges.

There are many outstanding issues in the sphere of access of PWDs to education, employment, healthcare, social services, etc.

Not enough attention is paid to mental health. No integrated strategy in the sphere of mental health is adopted so far. Some psychiatric conditions and autistic disorders are not included in a list of morbidities that shall encourage granting the status of disability.

Legislation of the Republic of Tajikistan guarantees to children with disabilities (CWD) receiving free education, including general education institutions. But, priority is given to special education of CWDs; in general education institutions, there are no meaningful aids and appliances to facilitate the education of CWDs, training programs, dedicated specialists and training materials. Legislation does not provide for aided children with disabilities to receive higher education, interests of disabled persons of group III with sensory impairment.

²⁹ OSCE-ODIHR, in 2019, adopted Guidelines on the encouragement of people with disabilities to participate in political life, where a contribution of Dushanbe Conference was noted. In 2020, before the parliamentary elections in the country, these Guidelines were handed over to the Central Commission for elections and referendum of RT.

³⁰ Source: Activity of civic institutions for control over stigma and discrimination (based on the research findings), Public Foundation “Nota Bene”, 2019.

Resolution “Concerning the list of diseases that discourage persons affected by them from being taught in health education institutions”³¹ restricts the right of persons with disabilities to receive health education.

Recommendations:

1. Ratify the UN Convention on the Rights of Persons with Disabilities.
2. Bring the description of disability into compliance with international human rights standards.
3. Adopt a new Law on the protection of PWDs that corresponds to international standards.
4. Develop and adopt a state program for employment of PWDs.
5. Adopt an integrated instrument in the sphere of mental health protection.
6. Bring to responsibility construction companies that ignore the legislative provisions in the sphere of facility construction with due regard to the needs of PWDs.
7. Separate the spheres of social protection and public healthcare.
8. Create equal conditions in the sphere of socio-political life for all PWDs and introduce respective amendments to legislation.
9. Ensure the accessibility of education institutions of all levels to children and adults with disabilities.
10. Include autistic disorders in the registry of incapacitating neurological disturbances in RT.

V. RIGHT TO ADEQUATE STANDARD OF LIVING

National legislation stipulates the possibility to protect the right to adequate housing, as per pre-judicial and judicial procedure. In Tajikistan, there is in force the outdated Housing Code of 1997.

Legislator will guarantee the provision of adequate residential premises instead of the one pulled down. One of the guarantees for protection of citizens' rights in case of forced eviction is access to information on urban area development plans and related demolition/evictions.

State authorities, with a short notice of forthcoming eviction/resettlement, conduct campaigns to inform citizens on planned activities. But, this timeframe is not enough that also violates the right of citizens to prepare complaints and applications to superior authorities or to court.

Legislator has captured this in the Urban Development Code of RT, but, there are outstanding practical issues of exercising this right. Legislation of Tajikistan does not elaborate the definition of eviction of citizens “for community and state needs”. There are neither envisaged guarantees for protection of citizens' rights in cases of eviction, nor developed provisions on the priority of homeowner's interests over others. In practice, it will bring about large-scale internal resettlements with violation of the right of citizens – homeowners.

“Environmental Migrants ” is a new type of resettlement³². In case of refusal of environmental migrants' families to resettle, a subsidized loan in the amount of US\$ 300 and a lump sum material assistance around US\$ 10 will not be provided to them.

There is lack of access to information on local laws and statutory instruments, as well as on calculation of pecuniary market-based compensation rates. The Urban Development Code of RT stipulates for engagement of independent assessor, nevertheless, in practice, there is no institute of independent assessors.

Construction of residential buildings, without obtaining special construction permits (structures built without the requisite legal permits and approvals) will bring about eviction, often with no provision of alternative housing or a building land plot.

There is evident improper supervision over activity of construction companies in terms of fulfilling obligations on the land development, provision of citizens with ownership documents for purchased

³¹ Resolution of the Government of RT №475, as of September 25, 2018

³² Governed by Resolution of the Government of the Republic of Tajikistan “Concerning the mid-term plan of organized resettlement of environmental migrators for 2017-2020 years”

property.

Recommendations:

1. Adopt a new Housing Code.
2. Provide access for evicted persons to information and justice.
3. Make a Master Urban and Rural Development Plan accessible and understandable. Indicate timelines and priority ranking of sites being subject to demolition.
4. Capture in legislation the definition of eviction of citizens “for community and state needs”.
5. Envisage the guarantees to protect citizens’ rights, in cases of eviction, and develop provisions on the priority ranking of homeowners’ interests over others, and market-based rightful compensation for the residential premises being pulled down.
6. Conduct continuous monitoring of forced evictions on the part of the HRO, in collaboration with civil society representatives.

VI. RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH

Public Healthcare

In 2017, Code of Public Healthcare of RT was adopted. On June 22, 2019, the State Program of Reproductive Health for 2019-2022 was approved. In the first quarter of this year, public healthcare sector of Tajikistan received TJS 344 million of budget funds out of TJS 440.7 million planned funds that is 78,1% of the planned volume³³.

Findings of the Health and Demographic Survey of Tajikistan (HDST)³⁴, conducted in 2017, show that the under-five children mortality rate over the last 10-14 years has decreased from 51 deaths per 1000 live births, within the span of 10-14 years before the survey (2003-2007), to 33 deaths per 1000 live births, in a period of 0-4 years preceding the survey (2013-2017).

From 2012, the percentage of married women using the recent contraception has not actually changed, with the total family planning requirements among married women remaining still sufficiently high.

“Public healthcare in Tajikistan, over the last several decades, has improved, but, it still falls behind international and regional mean values of maternal and child health. Child mortality rates in the country is 20 neonatal and 37 infant deaths per 1000 of live births, as compared to target indicator for sustainable development goals that is 12 neonatal and 25 infant deaths per 1000 of live births³⁵.”

COVID-19³⁶

On April 30 – on the eve of the WHO’s delegation visit to Tajikistan, first cases of COVID-19 were announced³⁷. As response measures to the pandemic, in June 2020, there was issued Order of the President of RT (№1544) “Concerning the prevention of the impact of COVID-19 on the socio-economic spheres of the Republic of Tajikistan” that contained a set of measures to support vulnerable groups of population.

³³ Sources: <https://asiaplustj.info/ru/news/tajikistan/economic/20200603/gosbyudzheta-tadzhikistana-nedofinansiroval-zdravoohranenie-v-pervom-kvartale-pochti-na-100-mln-somoni>, <http://minfin.tj/downloads/hisobot%201%20kv%202020.pdf>

³⁴ Survey was conducted by the Statistical Agency under the President of RT and Ministry of Health and Social Protection of Population of RT, accessible on the web-site: [http://stat.wv.tj/storage/TjDHS%202017%20KIR%2004Apr2018%20\(RUS\).pdf](http://stat.wv.tj/storage/TjDHS%202017%20KIR%2004Apr2018%20(RUS).pdf)

³⁵ Source: <https://www.adb.org/ru/news/adb-grant-improve-maternal-and-child-health-care-tajikistan>, <https://tj.sputniknews.ru/country/20190812/1029635587/ABR-Tajikistan-borbu-detskoy-smernostyu.html>

³⁶ Sources: Observance of human rights in Tajikistan during the COVID-19 pandemic, PF “Nota Bene”, 2020. http://notabene.tj/Doc/Taj/Covid-19_%20briefing%20paper_2020.pdf. Assessment of the impact of COVID-19 response measures on human rights in Tajikistan, September of 2020, International Partnership for Human Rights (IPHR)

³⁷ Source: <https://tj.sputniknews.ru/country/20200430/1031157325/tajikistan-vyyavlen-novyy-koronavirus.html>

As estimated by the World Bank³⁸, the country is to face one of the worst economic outlooks for several decades to come. Data of Survey “Listening to Tajikistan” for May show serious shocks in the labor market and abrupt decrease in money remittances. More than 41% of households reported reduced consumption of food. Among households that approached in May for medical assistance, 17.5% indicated the impossibility of receiving it. In May, there were observed outages and rapid increase in unemployment, as well as 70% reduction of job vacancies compared to January of 2020. According to official statistical information, inflation of food product prices had accelerated.

Starting from March of 2020, the country received financial, relief and food assistance from some countries and international organizations in order to prevent the spread of the pandemic. Despite the flow of assistance provided by the world community, as alleged by independent mass media, civil activists and users of social media, health personnel faced acute shortages of personal protective equipment. Health personnel of some hospitals, on the condition of anonymity, reported that medics were obliged to purchase PPEs on their own means.

At a press-conference in the early 2021, there were announced data of the Ministry of Health and Social Protection of Population of RT on the spread of coronavirus infection: as by February 12, 2021, there are 13,3 thousand cases of COVID-19. Among them, 99,3% of patients recovered, 90 persons died. The Minister of Health and Social Protection of Population informed that during the pandemic 26 health workers died, and among them – 18 from coronavirus infection. Local specialists and analysts are skeptical about the official statistics stating that the scale of morbidity and mortality due to coronavirus and pneumonia is many times higher than that claimed by local authorities³⁹.

COVID-19 crisis, like in many other countries, has revealed gaps in the healthcare system of Tajikistan. Access to health facilities may be impeded, particularly in remote or mountainous areas. In emergency situations, such as the continuous COVID-19 pandemic, the absence of easily accessible hospitals is of pressing concern.

As the official statistics of the Ministry of Health and Social Protection of Population of RT is bare of credit among population, there was initiated a website kvvj.info, where citizens reported on the relatives, friends and acquaintances deceased due to diseases similar to COVID-19.

New amendments, as of 2020, to the Criminal Code of RT have introduced a punishment for “intentional spread of infectious diseases”; amendments to the Code of Administrative Offences of RT carry a punishment for non-observance of social distancing and failure to wear face masks in public settings. Additionally, there are adopted amendments related to journalists, bloggers and civic activists. For dissemination of “incorrect” and “untrue” information, through mass media or with the use of Internet, on the COVID-19 pandemic, there are prescribed fines.

Crisis centers reported on the increase in the number of domestic violence cases during the active spread of COVID-19.

Schools announced “temporary holidays” from April 25 and, hereby, they failed to offer online education programs or any other educational services.

Recommendations:

1. Continue efforts aimed at reduction of maternal and infant mortality rate.
2. Communicate information on COVID-19 and funds allocated to control the coronavirus infection, in a transparent, correct and timely manner.

³⁸ Economic and social impact of COVID-19: Updated information received from the Survey “Listening to Tajikistan”, July of 2020, World Bank. <https://www.vsemirnyjbank.org/ru/news/factsheet/2020/07/13/economic-and-social-impacts-of-covid-19-update-from-listening-to-tajikistan>

³⁹ Source: <https://rus.ozodi.org/a/31099581.html>

3. Develop local, medium-level, sustainable health structures that facilitate access to quality medical assistance for vulnerable residents of Tajikistan and combine the construction of new health facilities with health staff training.
4. Increase the volume of assistance to health facilities in rural area.

Right to Labor

Labor legislation has a classified list of grounds for discrimination, with no regard to such discriminatory approach for health reasons or gender identity, etc.

Due to the excessive legislative immunity of such workers as persons with disabilities, minors, pregnant women and others, many employers are not willing to give employment. There are no incentives created for employers to employ vulnerable groups of population.

There is a stable trend in debt growth with every year, despite the efforts to regulate the matter by state⁴⁰. The growth of arrears in wages is observed actually in all types of economic activity. COVID-19 pandemic has had a negative impact on the activity of many sectors of the country's economics, wherefore the issue of wage arrears has exacerbated that sometimes may result in drastic consequences⁴¹. Federation of independent trade unions of Tajikistan has pointed out that they consider wage arrears only in relation to workers of those organizations that are members of the trade unions of Tajikistan.

Shadow Market

The term "mardikors"⁴² (general labor) is deeply rooted in the shadow sector of the country's economics. They are often cheated and, instead of a promised amount of money, they receive less or do not receive anything. General labor services are also offered by hired female workers ready to attempt any hard labor for the sake of US\$ 2-3 per day, drudging without any guarantees provided for by labor legislation.

In Tajikistan, for 2020, there are officially registered more than 53'000 unemployed people, with the emergence of chaotic labor markets passed for normal. Experts are confident that the official unemployment statistics does not reflect the real situation. The situation in the labor market has had exacerbated due to the country's unpreparedness to the coronavirus disease pandemic.

Due to the national peculiarities of Tajikistan, lack of legislative regulation, actual vulnerability of women, in particular, young girls, sexual harassment may also be the cause of low-level employment of women in Tajikistan.

Recommendations:

5. Ratify the ILO Convention 190 on the eradication of violence and harassment in the labor sphere.
6. Ratify the ILO Convention 158 on the termination of employment relations.
7. Take efficient measures to reduce and prevent the emergence of wage arrears.
8. Develop an anti-crisis job creation program in the context of COVID-19 pandemic.

⁴⁰ According to data of the Statistical Agency of Tajikistan, before August of 2018, wage arrears of enterprises were TJS 23 million (around US\$ 2.5 million). In September of 2019, total arrears in wages, with due regard to the past years, exceeded US\$ 3.9 million. According to the data presented, from January till July of 2019, overdue wages increased by US\$ 1 million. As by the early August of 2020, total wage arrears in Tajikistan, with due regard to the past years, made more than TJS 65.1 million (more than US\$ 6.3 million). Statistical Agency under the President of RT has provided data on wage arrears from the beginning of 2020 – more than TJS 29.7 million or 45.6% of the total wage arrears.

⁴¹ On 26/10/2020, a security officer of Dushanbe International Airport, 38-years old Sherafgan Khodzhaikulov, had committed suicide using service pistol. Relatives explain the act of the perished person by the fact that he did not receive salary during 9 months. In the airport administration, they claim the opposite.

⁴² "Mardikors" are general workers who mass up in large markets (bazars) and ready to be hired for any job, for a small sum of money, without concluding labor contracts; they sell manpower and set themselves a price for their labor.

9. Develop and capture in legislation tax and other incentives for employers to engage vulnerable groups of population.
10. Survey the phenomenon of labor markets (“mardikors”), including female workers, and offer alternative options for vocational education and training, and employment.
11. Capture in legislation the notion of sexual harassment at workplace and introduce criminal liability for all types of sexual harassment.
12. Ensure efficient legal remedies with direct and indirect discrimination in employment relations.
13. Reduce a list of occupations prohibited for women.
14. Intensify the work with trade unions and other workers’ representatives.