

Alternative Report on the Observance of the  
International Covenant on Economic, Social and  
Cultural Rights by the Republic of Tajikistan  
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## INTRODUCTION

The Republic of Tajikistan had ratified all main UN Human Rights documents, but for a long time failed to comply with the requirement to submit the regular reports on the implementation of these documents.

In 2002, The Commission on the Implementing the International Obligations of Tajikistan in the Field of Human Rights under the Government of the Republic of Tajikistan was created. The Expert Groups with mandate to prepare the reports to different UN Committees on Human Rights were created. The members of each Expert Group include the representatives from both governmental institutions and from non-governmental organizations.

The preparation of the National Report on Implementation of the International Covenant on Economical, Social and Cultural Rights (ICESCR) to the UN Committee on Economic, Social and Cultural Rights on the Observance of the International Covenant on Economic, Social and Cultural Rights ended in 2005. . The process of preparation of the National Report was open; the Expert Group organized the Round Tables for the discussion of the draft report. International experts, representatives of government, civil society and international organizations participated in these Round Tables.

The national report, being the initial report in Committee of the United Nations for economic, social and cultural rights covers all basic legislative norms regulating questions, covered ICESCR. The Report openly describes certain shortcomings of the national legislation and practice, the problems related to the implementation of economic, social and cultural rights in Tajikistan. Nevertheless, the National Report did not cover numerous issues of concern.

The present alternative report on the process of performance by the Republic o Tajikistan of the International Pact the economic, social and cultural rights during the period since 1999 for 2006 is prepared by the Tajikistan Bureau on Human Rights and Rule of Law. We thank the following organizations for the given information: NGO "Law and prosperity", NGO "Gender and development", Public Foundation "Panorama", the International Organization on Migration in Tajikistan, the International organization on Labor in Tajikistan and also Department of United Programme of UNAIDS in Tajikistan.

During the preparation of the report all accessible information has been used: the analysis of press, the official data, and also the following researches and publications:

1. Monitoring Report "Access to psychiatric services in Tajikistan", Bureau on Human Rights, Dushanbe 2006.
2. Monitoring report on the observation of HR at Children's homes, Boarding Schools and other specialized institutions for children in the Republic of Tajikistan, Bureau on Human Rights and Rule of Law, Dushanbe 2006.
3. The report "Situation with observance of human rights in Tajikistan, 2005", Human Rights Bureau.
4. Research report "Efficiency of institutional and legislative basis for provision of the rights of the persons, being under trusteeship and guardianship, NGO "Law and Prosperity", Dushanbe 2005.
5. The report on research Application of the legislation in sphere of trusteeship and guardianship (revealing of infringements of the rights of children - orphans and children who have stayed without care of parents), NGO "Law and prosperity", Dushanbe 2006.
6. The research report on realization of the Document of strategy of reduction of poverty (2002-2006), NSIFT (National Social Fund of Tajikistan).
7. Report on implementation of the Document on Poverty Reduction Strategy in Shahrituz, Kabodiyon, Khovaling districts of Khatlon region, NGO "Law and prosperity", 2005.

8. An express-evaluation of child labor in cities of Tajikistan (Dushanbe and Kurgan-Teppe), Research center "Sharq" and the International Labor Organization (ILO), May - August, 2005
9. Research report "Situation of women on labor market and in sphere of employment: ways of poverty reduction in Tajikistan", Sofia Kasimova, 2004
10. Research "Gender aspects of development of rural population of Tajikistan, Alla Kuvatova, 2004.
11. Activity of farms of Tajikistan in by gender section: problems and features, Tatyana Bozrikova, Public Foundation "Panorama", 2004.
12. "Tajikistan on the way to gender equality", research is carried out by the group of NGOs with support UNDP, SAD, UNFRA, Dushanbe 2004.
13. "Review of the legislation of the Republic of Tajikistan about counteraction to people traffic", is prepared by request of IOM (International Organization for Migration), April - May, 2004.
14. "White slavery and children traffic" in Tajikistan, the International Labor Organization (ILO), scientific and research center "Sharq", July 2006.

In the alternative report the information is submitted concerning the majority of the rights recognized by the Pact and freedom. The report contains the chapters under following articles of the International Pact about the economic, social and cultural rights: 2, 6, 7, 9, 10, 11, 12, 13. Unfortunately, we could not cover all the articles of the ICESCR. Each chapter contains information on legislation and practical implementation of the relevant right fixed in ICESCR. The last Chapter of this Report contains the Recommendations. We believe it is important for the Government of Tajikistan to follow these recommendations in order to improve the Human Rights situation in the country.

Our aim, while preparing the Alternative Report, was to provide the members of the UN Committee on Economic, Social and Cultural Rights and all interested parties with the information on the implementation of the ICCPR that would complement the National Report. The report is represented to UN Committee on Economic, Social and Cultural Rights within the framework of consideration of the initial report of the Republic of Tajikistan on ICESCR. In the report we have tried to concentrate attention on the most problematic spheres during performance ICESCR. The given data essentially supplement the information given in the National report. Working on the report, we did not aspire to a refutation of the official information and confrontation with an official position of the Republic Tajikistan.

Speaking generally about Human Rights situation in Tajikistan, we would like to note some positive changes that took place during the last years with regard to the respect of certain rights such as:

1. Reduction of quantity of people living below the breadline. From 1999 to 2003 the number poor was reduced from 83 % up to 64 % of population of the Republic of Tajikistan.
2. Work on reforming of social security system has been started in the Republic Tajikistan.
3. The Concept of health reform has been accepted in the Republic of Tajikistan.
4. The National plan of action on reforming system of primary professional education and education in the Republic of Tajikistan for 2006-2015 has been accepted.
5. The State Program "Basic directions of the State policy for provision of the equal rights and opportunities of men and women for 2001-2010" have been accepted.

At the same time performance by the Republic Tajikistan of obligations under the Covenant has met the certain difficulties. Collapse of Soviet Union has caused the break of the economic relations which have caused behind self an economic crisis. Five years' civil war which has carried away lives of 50 thousand people has left after itself 25 thousand widows and 55

thousand orphans. Financial crisis has compelled the Government to stop sharply the programs of social security developed in the Soviet time, and along side with it, considerably to cut down expenses for education systems and health services. Because of lack of financing, institutes of a social infrastructure have been put in conditions of a survival. The most part of the population were unprotected because of the collapse of developed social security system. Now 64 % of the whole population lives in the absolute poverty. The labor market has endured significant transformations. Reduction of demand in a domestic labor market has caused the big stream of uncontrollable labor migration, about 25 % of able-bodied population (more than 400 thousand person) every year migrates in searches of work. Transitional consequences were especially negatively reflected on the female part of the population of the country. Working volume has increased for women in connection with that the most part of able-bodied men, has been compelled to migrate in searches of work. Reviving traditionally patriarchal attitudes have considerably lowered the status of women in a society. There was spreading of early marriages, a compulsory marriage, polygamy and home violence. All above-stated conditions promoted development of the traffic in women and children.

Thus, the basic problems of Human Rights are connected to a system effectiveness of social security, access and quality of education, access to health services, children labor, people traffic, labor migration, a gender inequality, etc. In the alternative report the detailed information on these problems is submitted.

We hope that the Alternative Report will contribute to the improvement of Human Rights situation in the Republic of Tajikistan.

#### **Article 2 ICESCR (General framework within which the Covenant is implemented)**

***1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.***

***2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.***

***Under the obligation on realization of the social, economic and cultural rights it implied that the state is observes these rights (does not break itself), protects (from infringements by the state and private organizations) and provides (allocates necessary financial resources and accepts institutional measures).***

In accord with article 1 of the Constitution of Republic of Tajikistan: «Tajikistan, being the social state, creates the conditions which are providing a worthy life and free development of each person».

After appropriation of independence the Republic of Tajikistan has run into problems: an economic crisis, disorder of system of social services, dissonance of education systems and public health services, damping of demand on a national labor market and as consequence a

mass migration, decrease in the status of women in a society, work of children, traffic in human beings, etc.

It is necessary to note, that the Government had been undertook a steps on struggle against poverty, the traffic, a gender inequality and on reforming education systems, public health services and social protection. There are:

1. Document about Strategy on Reduction of Poverty (DSRP).
2. The Concept of reforming of social services system in republic Tajikistan (from July, 2nd, 1998)
3. The Concept of public health services reform of Republic of Tajikistan (from March, 4th, 2002)
4. Strategy of Republic of Tajikistan on public health care during till 2010 (from November, 5th, 2002)
5. The State concept of reforming of basic vocational education and teaching system in republic of Tajikistan (from October, 1st, 2004)
6. The National plan of action on reforming of basic vocational education and teaching system in Republic of Tajikistan for 2006-2015 (from June, 3rd, 2006)
7. The Concept of a state policy of assistance of the population employment of republic of Tajikistan for 2006-2012 (from May, 3rd, 2006)
8. The National plan of action on protection of the rights and interests of the child for 2003-2010 (from July, 4th, 2003)
9. The National plan of action on improvement of women position of Republic of Tajikistan, on increase of the status and a role of women for 1998-2005 (from November, 5th, 2002)
10. The State Program «the Basic directions of the State policy on maintenance of the equal rights and opportunities of men and women for 2001 2010» (from August, 8th, 2001).

However realization of the accepted state concepts, strategy and plans of action on institutional reforms in main areas of social sphere goes by very slow rates and are not always successful. In some cases documents have declarative character more. In that case is affects absence of the system approach, a low level of awareness of state employees about the accepted documents, lack of coordination between the state bodies which are responsible for implementation of the set tasks.

So realization of the National plan of action of Republic of Tajikistan on increase of the status and a role of women on 1998-2005 and the State program «the Basic directions of the state on maintenance of the equal rights and opportunities of women for 2001-2010» have confronted with difficulties.

Gender approaches are poorly introduced in operating socio-economic strategy of the state (for example, the Document about Strategy on Reduction of Poverty). Though the National strategy of development RT for the period up to 2015 (NSD) contains special sections «Maintenance of gender equality» and reflects some gender problems in sections on macroeconomic and reforms of the government but gender approaches are not introduced. In system of indicators there are no indicators on access of women to services of public health services, to the ground, etc.

Committee on affairs of women and families it is made responsible on realization of gender policy. But without presence of corresponding structural divisions in the ministries and departments, with well-marked of the powers, the certain problems and the answerability it is difficult to suppose, that the accepted state programs on maintenance of gender equality will be effective. There are insufficiently developed the mechanisms of social partnership between the state, a civil society and business-structure. Actions on the gender policy are poorly financed. So the Government has financed the State program «the Basic directions of a state policy on maintenance of the equal rights and opportunities of men and women in Republic of Tajikistan on 2001-2010» from the state budget, but the allocated funds are not enough for realization of set missions and aims. At distribution of financial assets is not applied the principle priority and a

transparency. As a result many lead actions within the limits of the State program poorly promoted achievement of set aims.

Realizations of the Document about Strategy on Reduction of Poverty (DSRP) is also has met the certain difficulties, have not been reached all set aims and missions (for detailed information see article 11 of the present report).

### ***Corruption***

In complex economic conditions the Republic has collided with the phenomenon of corruption.

In April, 2005 has been passed the law “About struggle against corruption”. According to the new law the responsibility for corruption crimes bear not only citizens of Tajikistan, but also representatives of foreign diplomatic missions operating in Republic and the international organizations, involved in such crimes. In the law is given more extensive concept of corruption, subjects, principles and concrete measures on struggle against corruption, its prevention and also are certain the concrete bodies which are responsible for struggle against this phenomenon. At State Office of Public Prosecutor RT has been created anticorruption management. In connection with the accepted measures has increased the quantity of criminal cases on the facts of corruption. Anticorruption Management of the State Office of Public Prosecutor of Tajikistan for eight months 2005 had been raised 125 criminal cases on the facts of corruption. Criminal cases have been raised basically concerning employees of law enforcement bodies. However concerning workers of Office of Public Prosecutor it has not been initiated any cases<sup>1</sup>, notwithstanding, corruption is widespread in the bodies of Office of Public Prosecutor too<sup>2</sup>.

On results of research<sup>3</sup>, corruption in Tajikistan exists in conditions of strong executive authority, strong interrelation of political and economic elites, influence of policy on economy, and also in a situation when daily corruption became the mass phenomenon. Internal corruption is being also in those fields as law enforcement bodies and judicial authority, public health services and education, tax and customs services, trade and transport. As major factors of distribution of corruption are mentioned regionalism, related communications, falsifications, extortion. The further growth of corruption in the country can lead to its economic and political isolation that in turn, will essentially complicate its internal political position. Researches have shown, that, despite of presence of the anticorruption law in the country, the level of corruption continues to grow.

### ***Protection of the rights covered by ICESCR***

Alongside with the specified problems in maintenance by the state of the social and economic rights, in Republic of Tajikistan there are significant problems in sphere of observance and protection of these rights.

Based on Limburg principles of realization of ICESCR observance of article 2.2 «it is necessary to support the control over judicial bodies and other procedures of judicial protection» (item 35 the Limburg principles).

In accordance with article 10 of Constitution RT the conventional principles and norms of international law and international treaties are a component of legal system of RT, have a priority above the national legislation of Republic of Tajikistan. The international instruments have direct action and in case of discrepancy between the national legislation norms and the international acts are applied international acts. Nevertheless, judicial and law enforcement practice are shows, that at a competition of the international and national norms authorities, courts and law enforcement bodies, as a rule, prefer positions to national legislations. We do not know about precedent practice of invocation of norms of the Pact. Very small quantity of

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<sup>1</sup> Avesta, on December 9<sup>th</sup>, 2005.

<sup>2</sup> Radio BBC, “Majalai Osiyoi Miyona”, the Persian, March 2006.

<sup>3</sup> «Corruption in Tajikistan: Public opinion”, the UN Program of development (UNDP) and Strategic Researches Center at the President RT.

employees of courts and Offices of Public Prosecutor are known about international norms, including International Covenant on economic, social and cultural rights. Unfortunately, the level of legal consciousness and literacy of the population in this area remains also to the lowest, people frequently do not address for judicial protection of the social and economic rights. Necessary measures are not undertaken for capacity of the legal education of employees of law enforcement bodies and educations of the population.

### ***Independence of courts and judges***

The judiciary in Tajikistan is in quite poor condition and remains under the firm control of the executive. Independence of courts and judges raises numerous concerns. The main concerns are related to the procedure of appointment and removal from the office, rotations, qualification examinations, salaries, financial dependence, and the role of prosecutors and the Council of Justice.

The President has the unabridged power to determine the number of judges in the country, the location of their posting, and their salary level. He may also remove them from office largely at will (a power that he has not very often exercised, but that has a chilling effect on the independence of judges). The Constitution and the law do provide for judicial immunity, but the pressure is applied by use of forced resignations and the transfer of judges to less desirable districts.

1. The far-reaching power of the Council of Justice impedes the real independence of judges and courts in Tajikistan. The Council of Justice is a body of the executive. It has seven members. One of the members is a representative of the Supreme Court, one is a representative of the Parliament, and the other members are appointed by the President. The Council of Justice has full control over the activity of judges. For example, in order to invite a judge to training or a conference, he/she must get permission in the Council of Justice. While the Bureau on Human Rights was conducting its Monitoring, the judges asked to obtain a permission of the Council of Justice in order to reply to the questionnaire.
2. The president can remove a judge from the office before the end of his/her term by the request on the Council of Justice. Only judges of the Constitutional Court, the Supreme Court and the High Economic Court have at least some formal additional guarantees, and the Parliament decides on the issues of their appointment/removal from the office. All other judges are highly dependent on the President.
3. In cases where a judge has several sentences that were reversed by higher level courts, that judge may be penalized – he/she may not be appointed for the next term, or even removed from the office. Thus, the judges try to give maximum sentences in order to avoid such pressure. That means that judges can be and are de-facto punished for their actions taken in their official capacity. Statistics (conviction rate) indicate that the courts generally follow the lead of prosecutors. Moreover, the prosecutors influence courts in several ways, such as a letter of concern (chastnoe predstavlenie) placed in the judge's file stating that the judge misjudged a case and/or special appeals (supervisions). No meaningful process exists under which other judges, lawyers, and the public may register complaints regarding judicial conduct.
4. In recent years, the pressure on judges has been rising; there are more proceedings against judges accused of taking bribes or issuing a knowingly unlawful sentence. For example, currently there is a proceeding on Mr. Aliev, a judge of Khudzhant City Court. He is accused of misjudging cases – adopting knowingly unlawful sentences.

Nevertheless, on the opinion of his lawyer the real reason for the prosecution of this judge is the fact that he acquitted Mr. Soliev (citizen of Uzbekistan) and Mr. Faridun Zikriev.

5. The judiciary has very little opportunity to influence the amount of money allocated to it. The Government of Tajikistan makes decisions about the amount of funds to be allocated to the Supreme Court and High Economic Court by the request of the Chairpersons of these courts and for all other courts, by the request of the Council of Justice. The Council of Justice administrates the budget. Although the budget for courts shall be a specific line in the State budget, in the Law on State Budget of 2004 there was no line for the expenses of each court. The Ministry of Justice explained that the Law of State Budget has “not for dissemination” where the amount of funds allocated for courts and other law-enforcement bodies is stipulated.
6. Salaries of judges are insufficient to support families. A judge receives about 20-30 US dollars a month, amount absolutely insufficient for living. The financial insecurity contributes to the corruption and to the lack of independence and impartiality of a judge<sup>4</sup>.

In view of the above by the UN Committee on Human Rights have been born concerning Tajikistan following recommendations: «It is necessary to guarantee full independence and impartiality of judicial authority, by means of establishment of the independent body which are lodge with powers: nominating judges, their promotion and application to them of measures of disciplinary influence at all levels, and also compensations of judges with the due account of duties assigned to them and character of their official functions»<sup>5</sup>. At the moment, goes reforming of judicial-legal system of the country. At Council of Justice is created the working group on reforming judicial system. There was developed the projects of codes of practice (Code of penal procedure, Code of civil procedure, Administrative Code). Reform of Constitutional court RT has begun. However, unfortunately, all these reforms have not passed wide discussion among the public, and there is no opportunity to make the analysis of the given programs and projects.

#### ***Absence of national independent institute on human rights protection***

In Tajikistan there is no national independent institute on human rights protection (Ombudsmen). Although an opportunity of creation of similar body for a long time are discussed in a society, but till now from the state have not been taken a measure on creation of national institute on human rights protection.

Existing in RT the special mechanisms and bodies of the human rights protection, such as the Department of the constitutional guarantees of the rights of citizens of Executive Board of RT, do not eligible to the full criteria of efficiency of means of human rights protection. So, the reference to these bodies does not attract review the cases or any other obligatory actions from officials. These bodies have the right to ask the relevant design organizations to undertake the certain actions only, for example, to ask Office of Public Prosecutor about initiation of criminal case or review the cases by way of supervision.

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<sup>4</sup> The report of NGO on the implementation of International Covenant on Civil and Political Rights by the Republic of Tajikistan, May 2005

<sup>5</sup> Concluding observations of UN Committee on Human rights, CCPR/CO/84/TJK, item 17.

## Article 6 ICESCR (The right to work)

***1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.***

***2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programs, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.***

Tajikistan - the country of children and youth. Middle age of population of Republic of Tajikistan work out 22, 8 years, and 46 % of the population are children and teenagers till 16 years<sup>6</sup>. Despite of the tendency of growth crisis, high relative density of children and youth in structure of the population of Tajikistan promotes enough preservation of the high level of birth rate (27, 1 per mille) and a low death rate (5, 1 per mille). The Natural increase is equaled 22, 0 per mille<sup>7</sup>. Along with population increase is growing the demand for the foodstuffs, the habitation, and the cultivated area, water supply, generating capacity, and working places. Objective opportunities of maintenance of the population are decrease. Hasty growth of the population and increase quantity of dependents is promoting "rooting" of poverty.

The large influx of labor supplies is complicates an adverse situation on a labor market<sup>8</sup>. Slump in production, privatization have result in releasing of a labor supplies from public sector and decrease in need for an additional labor supplies. Development of the deindustrialization process during market reforms has led to decrease in employment in the industry from 21 % in 1991 up to 8 % in 2003<sup>9</sup>. The significant part of able-bodied population was distributed in less effective branches of agriculture, a personal part-time farm, haggling, and has settled in housekeeping. Simultaneously has increased the number of unemployed, the stream of labor emigration was generated. It was came down the relative density of economically active population which in 2002 made 1904 thousand person, or 29, 3 % from all population of the country<sup>10</sup>. In Tajikistan is kept the lowest average salary in comparison with other CIS countries. So, the average monthly salary in 2004 made 15 US dollars<sup>11</sup>.

### ***Unemployment***

For last five years the official rate of unemployment has grown from 1, 7 % up to 3,2 %<sup>12</sup>. However only three quarters of the registered unemployed draw benefit, which size makes 1,5 US dollars a month. The majority of unemployed are not registered, a real rate of unemployment base on methodology of International Labor Organization are work out 11,3 %, including in cities of 13,2 %, in a countryside of 10,9 %. Unemployment rate of men is work out 12,3 %, women - 9 %. The largest unemployment rate is work out of youth (68,9 %)<sup>13</sup>. The majority of them is dependents in family or receives the limited incomes due to casual earnings.

<sup>6</sup> Republic of Tajikistan. The updated estimation of poverty. On January 6<sup>th</sup>, 2005. the Document of the World Bank. The report № 30853-TJ, c.xi, pages 65-66.

<sup>7</sup> In the same place, pages 25-26.

<sup>8</sup> Over a period between two censuses since 1989 till 2000 the growth of able-bodied population has made 124,1 %, i.e. 2,1 % annually. The population of RT on results of census on January 20-27<sup>th</sup>, 2000. Dushanbe. The State committee on statistics RT. 2002.

<sup>9</sup> Statistical yearbook RT 2003. Dushanbe, the State committee on statistics 2003, page 69.

<sup>10</sup> Statistical yearbook RT 2003. Dushanbe, the State committee on statistics 2003, page 64.

<sup>11</sup> Yearbook of Republic of Tajikistan 2004. Dushanbe, the State committee on statistics RT, 2004, page 102.

<sup>12</sup> Yearbook of Republic of Tajikistan 2004. Dushanbe, the State committee on statistics RT, 2004, page 102.

<sup>13</sup> Information bulletin on food safety and poverty in Republic of Tajikistan, № 2/2004. Dushanbe, the State committee on statistics RT, 2004, page 85.

At once the actual number of unemployed in republic can be above due to latent and not registered unemployment. The latent unemployment represents a partial employment of the population when because of production hold-up the part of workers is in the compelled holidays or work in a mode of incomplete working week or the working day<sup>14</sup>.

The state are take steps for the decision of a problem of maintenance of workplaces, formations of modern legislative base adjusting questions of the right to work, perfection of structure of management of bodies of service of employment, realization of training programs and retraining. It was passed a laws “About assistance to the population employment”, «About associations of employers», rules and procedures adjusting mechanisms of functioning of a labor market. It is developed “General scheme of creation of workplaces for the period 2006-2010”, for women are created the employment service, take steps on reforming of professionally - Technical Training. All these measures are carried out also with a view of realization the Document about Strategy on Reduction of Poverty (DSRP).

In spite of efforts of the government on creation of new workplaces (perfection of structure of management of employment bodies, carrying out of fairs of vacant places) many workplaces are remained not unclaimed in view of low payment, or discrepancy to requirements of qualification of an available labor forces. The lead fairs of vacant places have not completely captured a labor market that was showed in growth of unemployment<sup>15</sup>.

Persons without a permanent residence, unemployed in services of employment are not registered, to them render only consulting and information services.

The employment service bodies are operating, as a matter of fact, in very truncated sector of a labor market. And as the state policy of rendering assistance to unemployed is realized in many respects through these structures, as a whole efficiency of such policy is limited.

At employment, the person necessarily should have a permanent residence, without that the person does not employ. The given problem is especially characteristic for those persons who released from places of imprisonment. It is an additional obstacle for the device for work of the persons who are released from places of imprisonment. Refugees and immigrants of necessity collide with the same problem.

### ***Labor migration***

Labor migration owing to economic instability is the actual phenomenon for Tajikistan. A significant part of the able-bodied man's population it is compelled to leave for earnings outside of Republic. The basic countries accepting the Tajik migrants are the Russian Federation and Kazakhstan.

Statistics about quantity of labor migrants are contradictory. Nowadays according to State committee on statistics the total of labor migrants is work out more than 450 thousand person. According to Migratory service at the Ministry of Labor and Social Protection of the population of RT on the end of 2005 it is officially registered more than 350 thousand labor migrants. About 337 thousand of them are in the Russian Federation. According to the International organization for migration (IOM) and Center «Sharq» the quantity of external labor migrants depending on a season reaches from 500 thousand up to 1 million people. And according to a society of Tajik in Russia number of labor migrants annually reaches 1 million 500 thousand person. Remittances carried out by labor migrants bring the essential contribution to economy of the state. So according to the research centers of the Russian Federation, annually labor migrants are transfer

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<sup>14</sup> Socio-economic situation of RT for 2002, 2004 years.

<sup>15</sup> The project of the final report about realization of the Document about Strategy on Reduction of Poverty (2002-2006 years).

to Tajikistan from 700 up to 800 million dollars. It besides, that the annual budget of Tajikistan amount to 230-240 million dollars<sup>16</sup>.

On a number of factors the migrants collide with abusive practice and infringements of their rights.

First, the educational level and qualifications of migrants from Tajikistan is insufficient for a legal labor market; low qualification or its absence force migrants to agree on illegal employment.

Secondly, labor migrants are insufficiently informed about procedure of lawful entrance, residing and reception of work.

Thirdly, the people who have despaired on the native land agree on any working conditions and residing.

Fourthly, potential migrants from Tajikistan, gathering to go abroad on earnings, poorly know language of the country of entrance.

Sociological researches show, that 47 % of migrants do not know Russian, 82 % from them never addressed to national societies of Tajikistan or representation of State migratory service abroad, 77 % do not know the address and phones of embassy of Tajikistan in the Russian Federation, and 48 % - cannot receive the earned means from employers<sup>17</sup>.

Many problems are connected with legal illiteracy of migrants, lack of the information, absence of cooperation between the accepting and sending countries. Insufficient developed of the migratory legislation in the CIS countries plays a negative role, as well as countrywide infringements of human rights.

Migrants collide with abusive practice and extortion at all stages of departure: during travel to destination, during work in a host country, and on a return way home. Complexity of registration procedure in the Russian Federation, large sums of bribes which accompany with it, promotes disclamation by migrants from registration.

Researches have shown that the quantity of Tajik labor migrants legally working abroad has made no more than 10 %<sup>18</sup>. Illegal employment of the Tajik migrants includes following basic kinds:

- Work by hire without registration of appropriate sanctions and acknowledgement;
- Realization of labor activity not according to the received sanction, but under the overdue and sham sanctions;
- Employment by enterprise and individual labor activity without corresponding registration of sanctions, licenses and appropriate registration in the state bodies (tax, social security, etc.), and also under the counterfeit (falsity), shams and overdue documents;
- Engaging in forbidden (criminal) occupation (the organization of prostitution, traffic in arms and traffic in human beings, spread of drugs, etc.).

Formally illegal employment does not depend from presence of registration. However migrants without the registration, illegally being in territory of countries, cannot get legal work.

Employers in the certain sectors use the developed situation and use exploitation way work by hire and work of migrants. There are the most frequent examples of exploitation:

- Work by hire without drawing up of documents;
- Very low salary;
- The length of working day: the usual working day of the migrant is 10-12 hours, more than 5 % of the Tajik migrants have 14-18 hour working day;
- Absence of days off and holidays;

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<sup>16</sup> The report "Situation with observance of Human Rights in Tajikistan, 2005". Bureau on Human Rights and Rule of Law.

<sup>17</sup> News agency "Avesto", on March 23<sup>rd</sup> 2006.

<sup>18</sup> News agency "Avesto", on March 23<sup>rd</sup> 2006.

- Arduous working conditions;
- Restriction or absence of social privileges;
- Absence of a labor safety;
- Dismissals without the prevention;
- Refusal to pay of salaries.

Mostly the labor migrants in construction, an agriculture, and housekeeping get in slavery or the conditions approached to slavery. At them is taking away the documents. Employers are inhibiting to freedom of movement, or migrants do not fall outside from their place work and residing because of fear before militia.

There is known a case when on construction of large object near St.-Petersburg illegally worked more than 3 thousand workers from Tajikistan. All of them have been recruitment by a Turkish construction engineers. The management of this company has withdrawn passports of workers and motivated this situation with that local militiamen constantly drive a place for and detention of builders, take away their passports, and forcing of company representatives to pay to a local police station the huge sums of the redemption for the withdrawn documents of their workers<sup>19</sup>.

### ***Discrimination in sphere of employment***

The analysis of official statistics in sphere of employment shows, that the governmental authorities ignore problems of discrimination. The available statistics is trace through the level of unemployment by the following attributes: sex, age, family status (take into account the fact of a marriage status, instead of presence or absence of children), disability.

In the official statistics in not represented the level of unemployment among ethnic and religious minority, pregnant women and mothers of infants, the refugees, the immigrants of necessity, applicant for asylum, stateless persons, foreign citizens, persons without registration on a residence, the persons consisting in trade unions and being trade-union active workers, released of imprisonment places.

This situation is show that the state doesn't concern on discrimination problems.

The national legislation is enacting the equality of the rights and freedom of citizens. In accordance with article 17 of Constitution RT: «The State guarantees the rights and freedom of everyone irrespective of its nationality, race, sex, language, religion, political opinion, education, social and a property status. Men and women are equal in rights». Prohibition of discrimination in labor relations is enacted in article 7 of the Labor Code. The national legislation does not enacting the attribute of disability as discrimination.

In republic there is no anti-discrimination legislation. As a whole it is looked through in the legislation of Republic of Tajikistan the tendency of inclusion of a principle of equality and freedom, but not an interdiction of discrimination. It is necessary to note that fact that the concept of discrimination is not given in one act of law, including Constitution RT. The constitution of the country is only the guarantor of equal application of the rights and freedom, without an unequivocal interdiction of discrimination, as any entrenchment on equality of the rights and freedom. It is mean that even the Constitution does not give exact definition of discrimination, and the legislation does not give the differentiate expression such as “restriction of rights”, “the state guarantees” and “discrimination” as there is no a uniform expression among practicing lawyers, legislators, law enforcement bodies.

The article 10 of Law RT «About state service» provides «equal access of citizens to state service» on replacement of a vacant post. Also part of 10 of article 22 (the same law) provides restrictions of right on «display of bureaucracy, regionalism, and prepossession or favor... ». However practice is shown constant display of discrimination approaches to selection of the staff. So, everywhere, at all levels of the government power is applied clannish, parochial,

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<sup>19</sup> Traffic in women and children in Tajikistan. International organization for migration in cooperation with the research center “Sharq”, July 2006, pages 28-30.

regional, party approaches. For example, only in one of divisions of Management of the railway, many employees compelled to enter party in power under threat of dismissal, and employment of new employees passed also at reception of the consent about the subsequent the introduction into it<sup>20</sup>, that is direct infringement «equality of opportunities in the field of work» article 7 of the Labor code<sup>21</sup>.

### ***On the physical disability evidence***

In conformity with Standard rules, the person with any form of physical disability both in countryside, and in city areas should have equal opportunities for productive and bringing income labor activity on a labor market<sup>22</sup>. For maintenance of it, it's important to eliminate artificial barriers to integration into a life, as a whole, and in sphere of employment, in particular. International Labor Organization has noted that very often physical barriers created by a society, in such areas as transport, habitation and workplaces, are used then as the justifications explaining why persons with any form of physical disability cannot be borrowed by labor activity<sup>23</sup>. For example, until workplaces will be projected and be created so that to make their inaccessible to wheelchairs, employers can "justify" the failure to employ the persons chained to invalid carriages<sup>24</sup>.

In accordance with part 4 Law RT «About social security of disabled person in Republic Tajikistan»: the State bodies create conditions to disabled person (including using armchairs-carriages and seeing eye dog), for access to inhabited, public and industrial buildings, constructions and premises, unobstructed using public transport and transport communications, a communication facility and the information, free orientation and movement. In practice is not satisfying the given requirement of the law. So office buildings, premises, public transport remain inaccessible to use by persons with physical disability.

### ***New trades trainings for disabled persons and creation of conditions for their training***

In accord with item 2 article 6 of Covenant are demanded the "Professionally - technical training and preparation". These demands should reflect needs of all persons with any form of physical disability, should pass in the integrated structures and to be planned and realized at all-round participation of representatives of persons with any form of physical disability<sup>25</sup>.

In accordance with article 24 of Law RT «About social security of disabled person»: the Republic guarantees to disabled person necessary conditions for going to school and vocational training. According to article 30 the same Law vocational training and improvement of professional skill of disabled person are provided in educational institutions, at the enterprises and in the organizations (specialized or the general type) in concert with establishments of the social help according to the individual program of rehabilitation.

Poor disabled persons are the socially most-excluded group of the population in view of the limited opportunities they can not independently to solve problems of employment and job training. Within the limits of realization Document about Strategy on Reduction of Poverty (DSRP) it was planned to improve training of persons with physical disability to new trades and creation of conditions for their training. According to the information of organization the Right and prosperity in areas of Khatlon region (Shaartuz, Qabodiyon, Khovaling) do not function teaching institutions or courses which are helping disabled person to get new professional skills. According to disabled persons, they not feel any support from authorities.

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<sup>20</sup> Interview with employee of Railway Administration.

<sup>21</sup> The initial Shadow reports about progress of execution by Republic of Tajikistan the International Covenant on Civil and Political Rights.

<sup>22</sup> Standard Rules on the Equalization of Opportunities for persons with Disabilities, General Assembly resolution 48/96 of December 1993, a rule 7.

<sup>23</sup> A/CONF.157/PC/61/Add. 10, page 12.

<sup>24</sup> General Comment № 5 of the Committee on social, economic and cultural rights (the Eleventh session, 1994).

<sup>25</sup> General Comment № 5 of the Committee on social, economic and cultural rights, item 24.

### ***The right to work of orphan-children who have remained without care of parents***

The article 35 of Constitution RT read as follows: «Everyone has the right to work, to free choice of vocational and job, a labor protection and to social protection against unemployment». The legislation creates the child labor with the limited age category. So in accord with article 172 of Labor code RT it is not permitted to hire of labor those persons who are younger than 15 years.

For preparation of youth for industrial work is permitted to employment of pupils of comprehensive schools, professionally-technical training colleges, average specialized educational institutions, for performance of the easy work which is not causing harm to health and not breaking of training process at leisure on achievement by them 14 age with the consent of one parents or replacing his/her person.

Usually, the alumnus of educational establishments of basic vocational education for orphans children and children who have remained without care of parents and who have a little skills and experience, it is much more difficult to find work. Basically preference it is given graduates of usual educational institutions. Therefore it is necessity to make available workplaces on quotas for the purpose of maintenance of employment of the given category of citizens and increases of their competitiveness on a labor market.

So article 175 of the Labor Code is provides that the employer is obliged to employ graduates of comprehensive schools and other persons who are younger than 18 years, directed by service of employment of the population by way of employment on workplaces because of the established quota.

Statute «About procedure of employment by quota of those persons who are needy to social protection and experiencing difficulties in employment» is fixed guarantees of employment status of persons who demanding special social support. Also Statute is specify the procedure of workplaces provision by quota among persons who are needy to social protection and experiencing difficulties in employment but children-orphan and children who have remained without care of parents are not specified.

In accord with article 21 of Law RT «About assistance of employment of the population» graduates of general educational establishments have the right of passage to the priority procedure of vocational training, improvement of professional skill and retraining. Educational bodies by inquiry of bodies of service of employment should represent the information about professional-qualified structure of release and number of the graduates who are requiring to employment.

There are no make effects on employment of graduates by the state care establishments.

So according to the information of organization the Right and prosperity graduates of boarding schools are not provided with workplaces by workers of the state bodies (Hukumats, educational bodies, social service, employment service, state care establishments). The given situation are appear because of the graduates is not apply to employment services. At employment is not preferred to graduates of the state care establishments, and workplaces are given in accordance with general practice, under condition of the written reference.

There is no communication between services of population employment and state care establishments in re about availability of vacant workplaces, and also professionally-qualification structures and number of the graduates who are requiring employment. There are not created conditions for use of the priority right at employment of children-orphan and children who have remained without care of parents, who are not capable to compete on a labor market.

Pupils of boarding schools do not receive any vocational training which are preparing of them for the future labor activity. There are lacks of vocational training and employment of the given

category of children, scientifically-methodical bases are not developed for social and labor adaptation of children too.

### ***Protection against economic exploitation (forced labor)***

#### *Boarding schools and children's homes*

According to Law RT «About education» in educational establishments is not supposed to attract of pupils and foster children for the agricultural and other works which have been not connected with educational process<sup>26</sup>.

The statute of boarding school defines that «labor education of pupils is carried out on the basis of connection of training with socially useful, productive work based on local conditions and needs, participation in actions on environment protection, work in clubs and circles on interests, in educational workshops, a part-time farm, student's cooperative societies, in other amateur associations of schoolboys, at the enterprises, in collective farms and state farms». Participation of pupils in various forms of educational and labor activity is built on a principle of gratuitousness, the initiative and independence<sup>27</sup>. In January, 2006 the president of Tajikistan E.SH.Rahmonov had been published the Decree which is forbid to attract of pupils to a various sort of the works which are prejudicing to educational process during academic year.

In Tajikistan is kept the problem of exploitation of child labor. Until recently was widely applied the sending of pupils of boarding schools on gathering of a cotton. This situation is very negatively affects to quality of training. A situation with attraction of children is diverging from region to region. So according to director of a boarding school in Shaartuz area sending of children on cotton gathering is strictly forbidden but in Sogd region the pupils of a boarding school for homeless children of Spitamen area annually send on cotton gathering. According to pupils, the daily norm of cotton gathering makes 20 kg., and work of children is not paid.

If boarding schools or children's homes have homestead land so often pupils are employed on such lands: cultivate ground and gather in the crops which are intended for replenishment of a food ration of establishment.

In those cases if in establishment are spent any repair work, pupils can be involved as "assistants" (move logs, pipes) and such help is not paid. According to pupils of one of establishments of Sogd region, once in a boarding school was brought about 15 Lorries with a brick, and all this brick were moved and placed by children (both boys, and girls). According to one of pupils he has personally moved about 3 thousand bricks. Another time pupils moved in a boarding school of 8 bags with an onions each on 50 kg.

Work of pupils can be used in housekeeping at the personnel of establishments. For example: cleaning of the house, care of cattle and etc.

Sometimes pupils perform works outside of establishment, under the request of local population. So, according to pupil of one child's home, she is together with others pupils, in the evening's works on next and other court yard: clean on the house, erase clothes. Usually the payment is made by products<sup>28</sup>.

#### *Mental health clinics*

In accord with article 26 of Law RT «About the psychiatric support» one of problems of the medical- prophylactic institutions which are rendering the stationary psychiatric support, are medical care and social-working rehabilitation of those persons who suffering from mental disorder. The basic role of social-working rehabilitation of mentally sick persons is to distract the patient from thinking and to enable him/her to conduct a normal way of life. The procedure of

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<sup>26</sup> Law RT «About education», article 23.

<sup>27</sup> Statute about boarding school of Republic of Tajikistan, item 25.

<sup>28</sup> The report on monitoring «Observance of the rights of child in children's homes, boarding schools and other specialized establishments for children in Republic of Tajikistan. Bureau on Human rRights and rule of law, Dushanbe, 2006.

enlist the services of patients, kinds of work therapy, the form of compensation and other questions connected with enlist the services of patients of psychiatric facility are not adjusted by the legislation.

In view of a principle of 13 (3) “Principles of protection of mentally sick persons and improvement of the psychiatric supporting” therapeutic medical treatment in the establishments which are result to forced labor is incompatible with Pact positions.

In all psychiatric facilities as a method of medical treatment of patients is provided therapy. Patients are involved in work under own consent.

Patients of female branches basically, help to support cleanliness in branch, wash own things, help to clean vegetables in kitchen and bring food from kitchen in branch. Patients-men help in a part-time farm, and perform seasonal work, pick vegetables and fruits. In Sogd regional psychiatric hospital in Isfara area patients who are concerned with work therapy, have an additional ration, for instance adding to a feed of one egg in day, fruits.

Patients do not receive monetary compensation for work<sup>29</sup>.

**Article 7 ICESCR (The right to just and favorable conditions of the work)**

*The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular:*

*(a) Remuneration which provides all workers, as a minimum, with:*

*(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;*

*(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;*

*(b) Safe and healthy working conditions;*

*(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;*

*(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays*

### ***Right to Just and Equal Remuneration for Work of Equal Value***

Minimal size of salary is fixed to guarantee that less amount is forbidden to be paid (page 35, Constitution of Tajikistan). The minimal size of salary is approved by the President of the Republic of Tajikistan. There is no law on living wage in Tajikistan and officially approved calculations about the cost of minimal and average basket of goods. In connection with this it is not possible to identify how much the minimum salary satisfies living wage and covers expenses of the basket of goods and etc. Calculation mechanism of the minimal salary is not developed in accordance with living wage that does not guarantee to workers and their families satisfaction of minimal living needs.

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<sup>29</sup> The report by results on monitoring “Access to psychiatric support in Tajikistan”, Bureau on human rights and rule of law, Dushanbe, 2006.

In April 2006 by the Presidents decree the minimal size of the salary has been fixed for TJS 20,00 (USD 5,9).

There is a professional segregation, i.e. predominance of women in one profession (as a rule low paid) and men in other. For women it is an activity in the sphere of securing of vital activity and family: education, health, production of foodstuffs on private land, in agricultural, in certain fields of light industry – production of fabrics, cloth, where salary is low for 4-8 times in comperance with fields of industry and construction. As a result the salary of women is low for 1,5 then of men.

Inequality of rights among women has strengthened because of intensive situation on the labor market. In conditions of unemployment, rapid competition for work vacancies, women because of system collapse of social protection of maternity and childhood are considered as the „second grade” staff.

Changes on the labor market more often push women to low paid and combine jobs. In most cases privatization brought up to the loss of professions, occupied by women.<sup>30</sup>

Gender inequality more clear appears in housekeeping and taking care of the family by women. This daily activity is not considered, not paid and not recognized. Because of the daily double burden, joint duty of women in Tajikistan is approximately longer for 2 hours in campervans with women from industrially developed countries and about for 1,5 hour longer then of men. From the total volume of working time among men non paid activity composes 43,6%, while among women it is 72,7%.<sup>31</sup>

There is existing discrimination of women in payment for the equal work and the scale of rank. Such facts exist in the private sectors of economics, mostly on small and medium enterprises. To prove the fact of discrimination is enough complicated, as labor relations on such enterprises stay shady.

Presently existing problem is connected with difference in the salary for men and women for the same profession. The problem is unavailability for women to have highly paid jobs. Thus discrimination in salary is a result of discrimination in the process of hiring. Employees are interested in hiring of men for highly paid vacancies. Thus only low paid jobs are available to women. Gender requirements are usual and common practice during the hiring. There are no any measures, taken to eliminate such discrimination.

Situation with the level of salary in budget sphere is significantly worst, then in the private sector.

### ***Minimal protection conditions on the production and labor hygiene***

The Law of Tajikistan makes enough provision for legal expenses, providing security of working conditions for health of staff.

State supervision over observance of law on labor and rules of labor protection is executed by specially authorized state agencies and inspections, which are independent in their activity:

- Parliament of the Republic of Tajikistan, people’s delegates of Gorno-Badakhshan Autonomous Oblast, regions, districts and local authorities of all levels execute control over observance of law on labor in order, provided by law of the Republic of Tajikistan.
- State labor inspection of RT of the Ministry of labor and social protection of RT has been established in 2002. It consists of 60 state labor inspectors, which execute inspection on enterprises of all forms of property jointly with representatives of the Ministry of Internal

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<sup>30</sup> White slavery and children traffic in Tajikistan, International Organization for Migration and scientific research center “Sharq”, July 2006.

<sup>31</sup> Tajikistan on the way to gender equality, Dushanbe 2003, p. 8-9.

Affairs and Professional Units. For the last 9 years of 2005 were conducted 985 inspections on enterprises and establishments.

The effectiveness of the existing mechanism is doubtful, as state labor inspection's agencies conduct, as a rule, only paper inspections, moreover by documents presented by employees. Among possible forms of reaction in regard to breach of law on labor protection, state inspectors prefer notifications about elimination of breaches addressed to employees and impose fines. State labor inspection has a right to coordinate activity of all supervising agencies, however strong mechanism of coordination is not developed.

A big category of people is excluded from the sphere of acting of the law on labor protection. So, norms of Law of the Republic of Tajikistan on „Labor protection in the Republic of Tajikistan” is not spread on persons concluded civil legal agreements. Besides that, in practice a big group of workers can not use rights and obligations, fixed in the law „On labor protection” without proper legalization of business relations, including those, who work with civil legal agreements in case of legalization by employees of actual business relations with civil legal agreement. Illegal (or so-called shady) occupation is especially widely spreaded in small business.

Government politics is more directed to the establishment of different protecting people measures of social and economic character. These are additional holidays, connected with harm working conditions, fixing of compensations and increase to the salary, reduced work day and weeks and etc. Thus the accent is made not on prevention on reducing of harm of the work condition, but on compensation measures. The Government does not stimulate employees to invest funds into labor protection.

Meanwhile on practice there does exist a problem of non-provision of minimal security conditions on production and labor hygiene. As the research on „Situation of women on the labor market and occupation sphere: poverty reduction approaches in Tajikistan” has shown the main number of women are working in bad sanitary and hygiene work conditions – no water in the toilet, often duty water flows from the tap, electricity cutting, garbage under windows. Especially it is spreaded among institutions of education system, health, which are located in rural area, where mainly women work. More better conditions often are noted in private, joint-stock enterprises and international organizations. Relatively better conditions are in state organizations, especially locating in centers.

Labor protection of the majority of working women is not observed. In most cases women do not know about existing of special measures for labor protection and in conditions of unemployment accept even bad sanitary and hygiene conditions and lack of special measures for protection.

In accordance to the data of expert research all experts confirm that worst work conditions are observed in agricultural area, especially in cotton, tobacco sectors of the country.<sup>32</sup>

Certain problems exist in the sphere of provision of minimal favorable work conditions of nonages. Only small number children are working in good conditions. About half of the covered by research on “Express-evaluation of child labor in Tajik cities (Dushanbe and Kurgan-Tepe)” are working outside, despite of season and weather. These are street sellers, hawkers of tea, newspapers, corns and etc., car washers, porters, refueling servers, learners in car service and shoes cleaners (“We work on the street in any weather. Bad conditions – street, lots of people walk on it, lots of cars drive on it, noisy, hot in summer, cold in winter, lack of warm cloth). As well the following are the main problems of work conditions of children:

night work: children working in bakeries, sellers of tea on car stations, markets work late;

Overload: loaders push handcarts with the load of more then 70-120 kg on the distance of more then 1 km. Intensiveness of loaders' work is that children are not able to work more then 15-20 days, after that they have to quit for rest.

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<sup>32</sup> Study report “Status of women on the labor market and sphere of occupation: ways of poverty reduction in Tajikistan, S.R. Kasimova, Swiss Cooperation Office in Tajikistan, Dushanbe 2005, p.38-41.

Also almost half of the covered by research children use not suitable or dangerous equipment, such as not suitable hand tools, electronic equipment, stoves, capacitance under pressure, freezers.

Some children already have got harm on production or were witnesses of being harmed by their friends. Because of illegal status children do not have protection. There is no possibility to have in case of emergency a professional medical aid and, as a result, lack of the first aid kit. Only limited number of employees pays for the treatment in case of harm on the work. In the rest of cases expenses are covered by parents (relatives), or children do self-treatment. Almost half of children do not know what to do in case of getting harm on the work.<sup>33</sup>

### ***Principle of equality of rights during promotion at work***

National labor code does not contain any regulations, concerning rights of the worker for promotion at work. In this connection it is necessary to take measures from the Government's side, directed to provision of the minimal level of guarantees to workers in this sphere, for stimulating of employees to develop and approve local regulations, identifying criteria and conditions.

### **Article 9 ICESCR (The right to social security)**

***The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.***

The article 39 of the Constitution of Republic of Tajikistan read as follows: «Everyone is guaranteed to social security in an old age, in case of illness, physical inability, disability, loss of the supporter and in other cases defined by the law».

In accord to laws RT «About pension fund scheme of citizens of Republic of Tajikistan», «About the state social insurance», «About social security of disabled persons in Republic of Tajikistan», «About pension fund scheme of military men» the rights of citizens to social security and in other cases it is realized by granting labor and social pensions, supplementary pension, grants and indemnifications.

The existing state system of social protection has complexities because of growing number of requiring people and destructions of the owing system of protection because of disorder of the Soviet state. The quantity of not protected, vulnerable layers of the population every year increases. Besides pensioners and disabled persons, to this category of the population also able-bodied citizens with a low payment, and families with a lot of children, and the families which have lost supporters, etc. Number of pensioners on 2001, consisting on the account in bodies of social protection of the population, has made 556, 1 thousand person, from them 294 thousand (52 %) - are women<sup>34</sup>. Though the formal network of social protection operates through payments of pensions and indemnifications, its addressing is not always adequate and effective. The size of pensions makes 35 % of the salary, and the average salary does not exceed one third of living wage.

### ***General provisions of pension fund scheme***

The Document about Strategy on Reduction of Poverty (DSRP) provides perfection of system of pension fund scheme which will be based on stage-by-stage introduction of the mechanism of

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<sup>33</sup> «Express-evaluation of child labor in cities of Tajikistan (Dushanbe, Kurgan-Tepe)», Research centre "Sharq", ILO, Dushanbe 2006.

<sup>34</sup> Statistical year-book of Republic of Tajikistan. Dushanbe, 2002.

stocking system relying on guaranteed by the state of pension fund scheme for persons of the senior generation. In these purposes the state planned to develop conforming legislative acts. In medium-term prospect is provided creation of three-storied system of pension fund scheme: the minimal pensions guaranteed by the state; the pensions given on obligatory pension insurance; the pensions given due to not state pension funds. DSRP does not define concrete term of transition of Tajikistan to three-storied system. There are not certain terms of the decision of questions of purpose of long-service pensions to workers of education, public health services, art and workers of other branches of economy.<sup>35</sup>

With a view of reforming pension system have been accepted changes and additions in the Law «About the state social insurance» and the new Law «About not state pension funds», but, unfortunately, real results are not reached yet.

In Tajikistan there are no conditions for introduction of stocking system, namely the developed bank system, the financial market and a low level of corruption. Now the Government tries to introduce only its separate components<sup>36</sup>.

The DSRP is providing perfection of pension reform. However the local bodies of social security which could initiate process of reform of pension system and give to the Government the offers, do not know about intentions presented in DSRP. In areas there is no information about pension reform and what exactly is undertaken by the government for improvement of pension system in Tajikistan. Bodies of social security do not represent any offers to the conforming ministries and departments for improvement of system of social security of the population, including pension system.

Till now it is not solved a question on pensions to workers of education, public health services, art. According to the DSRP should solve a question on granting to these categories of workers the pension on a length of service.

Numerous for last decade changes of rules of calculation of pensions, the account of the employment history and earnings should provoke growth of complaints to wrong calculation of pensions, including for the objective reasons (workers of bodies of social protection are not always know the new rules of calculation of pensions). Infringements concern: illegal removal of perks, refusals in purpose of pensions, including preferential, wrong calculation of the experience, underpays.

### ***Social security of members of farmer facilities***

The law «About farmer facilities» from March, 5th, 1992 provided creation farmer facilities in the form of the legal body, and all questions of social security were solved according to the acts providing questions of social security for legal bodies. With adoption of the Law «About farmer facilities» from March, 10th, 2002 to form the farmer facilities it became possible without formation of the legal body. Members of farmer facilities have been recognized businessmen.

Individual businessmen to who concern the members of farmer facilities, alongside with others, qualify to labor pensions. According to the article 3 (item 6) of the Law of Republic of Tajikistan «About pension fund scheme of citizens RT» «persons who are engaged individual labor activity, including on conditions of individual (group) rent or a personal (farmer) facilities - under condition of payment of insurance payments in Fund of social protection of population RT».

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<sup>35</sup> Monitoring of realization of the Document about Strategy on Reduction of Poverty (further DSRP), NGO «Rights and prosperity» and NGO «Chashma», 2006.

<sup>36</sup> Interview with the deputy chairman of Fund of Social protection of the population of Tajikistan Davrona Valieva, «Avesta», on May 3<sup>rd</sup> 2006

Individual businessmen are subject to the state insurance because they monthly pays the sum of the patent into which enter social payments<sup>37</sup>. So monthly for members of farmer facilities is paid the social tax at a rate of 25 % from a wage fund and 1 % in a pension fund. However, in the law «About the state social insurance» individual businessmen are not designated, as the persons who are a subject obligatory state insurance. In enactment «About the order of maintenance with grants on the state social insurance in Republic of Tajikistan», this category of persons (individual businessmen) also is not specified. Moreover, item 2 of the enactment read as follows: «Benefits ... stand out to the workers who are working under the labor contract at the enterprises, in establishments and the organizations of all patterns of ownership on which is conducted the account of working hours according to Labor Code RT and a subject obligatory social insurance according to Law PT «About the state social insurance». Individual businessmen do not keep account working hours, such order is not stipulated. The question on maintenance with pensions and grants demands legislative regulation.

According to article 88 part 1 (section «Award of pension») of Tax Code RT the application for award of pension to citizens and members of their families moves directly in a regional (city) department of social security on a residence of the applicant. However the Law «About social security of citizens RT» does not give precise procedure of calculation of pension for individual businessmen.

According to research<sup>38</sup> of the nongovernmental organization «Right and prosperity», in departments of social security is not conducted statistics, how many members of farmer facilities during 2002-2005 have retired. Heads of local departments of the social security captured by research, could not answer a question how the pension to members of farmer facilities is appointed, being individual businessmen and how to individual businessmen are paid benefits and privileges.

Moreover, in one of the areas captured by research individual businessmen did not address for reception of benefits.

In especially vulnerable position there were women-members of farmer facilities as the legislation does not provide payment of benefits on care of the child, maternity allowance, grants to sanitary-preventive treatment, etc. to women-businessmen. That has especial value in a kind of that for given time as the main labor in an agriculture act women and this tendency gather pace. So, for seven years (1995 - 2002) number of collective farmers has increased twice<sup>39</sup>.

With adoption of the new Law «About farmer facilities» (from May, 10th, 2002) members of farmer facilities have actually lost the right to benefits and privileges. Especially strongly it was reflected to women since they in a greater degree require support. Legislatively mechanisms of reception of social benefits are not certain, such as the temporary disablement allowance, maternity allowance, etc.

The legislation connected with labor attitudes is not stipulated for market conditions. There are not settled the questions of the account of working hours of individual businessmen and definitions of the employment history for definition of the size of pension. The order of pension fund scheme is not arrange legislatively for members of farmer facilities.

Workers of social security bodies have no order and do not know, what order of registration of pensions and benefits of individual businessmen.

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<sup>37</sup> Tax Code of RT, article 259, item 4, part 1.

<sup>38</sup> Administration of legislation for maintenance of the rights of farmers, NGO «Right and prosperity», May 2005.

<sup>39</sup> From 117, 0 up to 235, 1 thousand person. Work and employment in Republic of Tajikistan /the Statistical collection/. Dushanbe, 2004. page 24.

### ***Free-of-charge sanatorium treatment for the pensioners and disabled persons***

Document of Strategy for Reduction of Poverty makes provisions for the provision of pensioner and disable persons with free passes for free-of-charge sanatorium treatment. Besides that art. 42 of the Law “About social security of disable persons in the Republic of Tajikistan”: Disable persons have right to the free-of-charge sanatory, extra passes to sanatoriums and free-of-charge transportation to the therapy place.

The results of monitoring on DSRP realization conducted by the NGO “Law and prosperity” in the Khovaling district has shown that from the 2003 to the March, 2006 only 16 persons received free passes to sanatoriums. 6 persons have obtained free passes to the sanatoriums in the 2005 in the Kabadian district. According to the statistical data there are 1351 pensioners in the district. Departments of social security do not have information about which categories of citizens were provided with passes (pensioners, disable persons etc.) It shows that the process of free passes distribution is not transparent. Limited quantity of people knows that disable and pensioners have right to free passes to sanatoriums. State bodies responsible for the implementation of abovementioned right do not inform population about possibility to obtain free passes.

### ***Development of domiciliary social assistance service for the incapacitated citizens***

This kind of activity was also foreseen in the Document of Strategy for Poverty Reduction. According to the results of monitoring on DSPR<sup>40</sup> there are no special domiciliary social assistance services for the single pensioners and disable people in the three districts (Shartuz, Kabadian, Hovaling) of Khatlon region. Local budgets do not have provisions for the separate finance needed for creation of such social assistance services. Disable people do not receive any help from the departments of social security if population.

### ***Social security of the orphanages***

Orphanages are the most vulnerable group. According to the Law “About social security” children and other people have right to social security in the case of loss of breadwinner. In accordance with articles 153-154 of the Family Code of Republic of Tajikistan children under trusteeship and guardianship in the state child’s institution have right to the:

- pensions;
- dowries and payments.

In accordance with article 38 of the Law “About social security of the citizens of Republic of Tajikistan”: orphanages (who don’t have both parents) should receive the pensions during their staying in the state child’s institutions. Other children under full state care should be paid 25% of the pension. In accordance with article 44 of the abovementioned Law the orphan amount pension defines from the income of both parents. Legislation makes provisions for the payment of pensions to the adopted children. According to article 138 of the Family Code: “Child retains the right to the pension in connection with parents’ death after the adoption”.

In accordance with article 47 of the Provisions “About trusteeship and guardianship organs”: “The sum of pensions, dowries and alimonies should be transferred to the trustee or guardian disposal and should be spent for the best interest of the child”. Such practice is undeveloped or just simply don’t works.

According to the research,<sup>41</sup> conducted by the NGO “Law and prosperity” more than half of children under trusteeship and guardianship and also in the state care institutions do not provided with pensions. The causes of such situation are that trustees do not know about the right of the

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<sup>40</sup> Monitoring report on implementation of Document on poverty reduction strategy in Shahritus district, Khatlon region, NGO “Law and prosperity”, 2005.

<sup>41</sup> Study report “Law enforcement in the sphere of guardianship (revelation of breaches of law of orphans and children devoid of parent guardianship)”, NGO «Law and prosperity”, Dushanbe, 2006. The research has been conducted in the 8 districts of Republic of Tajikistan from the December, 2005 to February.

children to the pensions or the procedures for pension receiving and state bodies responsible for consideration of pension award.

### ***Social security of HIV/AIDS and the members of their families***

In accordance with article 15 of the Law “About HIV/AIDS preventive measures”: State party ensures the social protection of the HIV/AIDS and the members of their families including pensions and benefits payment, social-public services and assistance in getting the education, retraining and job placement. The problem is that for the special social security HIV/AIDS should open their status. Many HIV/AIDS don’t open the status because of fear of misunderstanding, abruption and fear from the society. The majority of population does not have enough knowledge about HIV/AIDS.

### **Article 10 ICESCR (Protection of the family, mothers and the children)**

***The States Parties to the present Covenant recognize that:***

***1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.***

***2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.***

***3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.***

### ***Family protection***

In accordance with national traditions in Tajikistan family is being considered as an object of protection by the Government and society. As in accordance with the article 33 of the Constitution of the Republic of Tajikistan: “Family, as a base of society, is under protection of the Government”. The base of on the national family’s legislation is a Family Code of the Republic of Tajikistan that covers enough and reflects all aspects of the family right.

Article 6 of the Family Code says: “If by the international agreement of the Republic of Tajikistan are approved rules, different from the family legislation, in this case should be used international agreement rules.” Thus on base of above mentioned it is possible that acting in the Republic norms of family legislation are enough and de-ju makes provision for protection of the family by the Government and society.

### ***Right to get marriage***

Individuals with any form of disability have equally with others right to get married and have their own family. Often these rights are ignored and their implementation is refused, especially in case of individuals with mental defects.<sup>42</sup>

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<sup>42</sup> Fundamental observation "Human rights and disability", final report, prepared by Mr. Leandro Despouy the Special Rapporteur on human rights and disability, (E/CN.4/Sub.2/1991/31, 190 и 193).

In accordance with the Constitution of the Republic of Tajikistan, page 33 everyone has right to get married easily. In family relationships and during divorce spouses have equal rights.

At the same time the Family Code of the Republic of Tajikistan, article 14 does not permit getting of marriage to those from which at least one is recognized incapable, as a result of mental defect, the marriage can be dissolved by the statement of one of the spouses, guardian of the spouse, recognized by the court incapable and also by the public prosecutor.

The procedure of recognition of an individual as the incapable, as a result of mental defect significantly limits rights of the individual with mental diseases. Thus, recognition of the individual incapable, as a result of mental disease is possible in legal form by the statement of relatives, staff members, state and public organizations, public prosecutor, guardianship agency, mental hospital and by the initiative of the court.

The same individuals have rights to hand in an application to the court about reinstatement in capability. An individual, recognized incapable by the court is deprived of his right to hand in an application about reinstatement in capability.

### *Yearly marriages*

There is a practice of yearly marriages existing in Tajikistan. Though, in accordance with the legislation of Tajikistan marriage age is fixed in 17 years, in many districts of the country, especially in rural area are defused marriages among 14-16 years old young girls that are registered by “nikoh”

Legal registration of the marriage is imposed on civil register offices. Family Code determines marriage age for men women in 17 years (art.13.1) and only in exception cases the court has a right to reduce marriage age by the request of individuals, who want to get married, which not less then one year for men and women (art. 13.2). Despite that there are cases of getting married by young girls before the fixed period.

The most widespread non registered marriages are in Khatlon, RRS and Dushanbe.

Among the main reasons for yearly marriages in Tajikistan the following are noticeable:

- Reduce of marriage age in legislation from 18 to 17 years;
- Changes of stereotypes in relation to marriage age of young girls;
- Social and economic (worsening of living situation of families);
- Demographical (as a result of civil war and labor migration of men for long a period).

Yearly marriages create problems on the family level and on the Government level too. Consequences of yearly marriages for women can be different. Often young girls, because of the yearly marriage, have to stop their study and this reflects not only the status of the family, but their status on the labor market and society.

Getting marriage and child-bearing influence more on life of women, then men, especially when the woman gets married in young age. Getting yearly married often brings to the inequality between men and women. Lots of women, who have got married men older then themselves at very young age, have limit independency and as a result disadvantage in decision making, especially at reproductive behavior, that have influence on their health. In accordance to the medical certificate yearly pregnancy and delivery (at the age of 20) is extremely not advisable for female construction.

From the social and economic point of view a young family suffers because of economic, living, social and culture issues. One more disadvantage of yearly marriage is a risk for young women to become widows at relatively young age that is connected with high level of death among men. In accordance to the population census form 2000 number widows of the average age (45-59) compose 15,7%, among women of older then 51,3%. Widowhood among men both for average

and old ages significantly low then for women. The percentage of widows among men in the age of 45-59 compose 2,9%, in 60 and older 16,7%.<sup>43</sup>

### ***Right for getting married on the base of free choice***

There are list of factors, which do not allow talking about that marriages are being made on the base of free choice. These are the followings:

1. Significant influence of parents on the potential choice of bride and groom. Big number of marriages is made by the offer of parents and is based on their personal choice; however it is noticeable that the bride and the groom have an opportunity to refuse.
2. For young girls one more reason of low choice is an absence of young men, who left in search of a job.
3. To date the practice of related marriages, having baneful influence on the gene fund is not eliminated.
4. Giving marriage of under age young girls.

### ***Forced marriage***

During the consideration the problem of the forced marriage it is necessary to divide it on two types. Forced marriage (or compulsion to get married regardless of women or man desire) as a kind of family violence and forced marriage as a type traffic.

„Getting married by force” is a widespread form of the family violence in Tajikistan. In the Republic family and marriage relationships are secured in the Constitution and Family Code. Equality of spouses is provided in number of articles. Thus, article 1.4 says that „regulation of family relations is done in accordance with principals of voluntariness of the marriage of man and woman, equality of rights for both of the spouses in the family”. Because of national cultural traditions, which have become stronger after independence in Tajikistan, the issue of the period for getting married and choice of spouse depends mainly from parents. Often parents decide themselves (especially in case of young girls) when and with whom their children can start joint life. In accordance to the research of organization „Gender and Development”<sup>44</sup> every 20th woman has been forced to get married. Forced marriage depends on the level of education of women, thus more often women with secondary education are forced to get married rather than women with high education. Influence of parents on the choice of the spouse for daughter is spreaded in all regions of the Republic, but more often it happens in RRS, Khatlon and Sugd regions. In GBAO and Dushanbe women are more independent in choice of the spouse. As a rule women do not approach to law-enforcement authorities because of low legal illiteracy.

Forced marriage by agreement with parents of the girl – this event exists as a trend of internal traffic. Removal and giving in marriage to Uzbekistan by agreement with parents or relatives was carried out till 2002. Majority of young girls forced to get married were under age, marriages have been done by mullah (nikoh) without documents. This kind of traffic can be considered as type of home violence, as often women get married as the second, third or fourth wife with a purpose to serve in the family of her husband.

Forced marriage of women migrants, done by fraud or violence in receiving countries is spreaded both in Russian Federation and countries of Persian Gulf. There are facts existing about plural forced marriage, which is plasticized in the big migrant communities of Russian Federation. Thus by story of the International Organization for Migration in Tajikistan a woman left for Russia to find her lost husband – labor migrant and after long result less investigations she had no money to come back home. By suggest of her knows she requested her countryman, who was a famous khoja – seller on the Cherkisky market to lend money. He by fraud persuaded her to get married with his countrymen-seller and after certain period divorced her. After that he gave her several times in marriage and received money for this from the customs.

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<sup>43</sup> Violation problem in gender statistics, NGO “Gender and Development”, Dushanbe 2004.

<sup>44</sup> Problems of violence in gender statistics, NGO “Gender and development”, Dushanbe 2004.

A big obstacle in international cooperation for struggle with the given problem is a deep divergence in national legislation. Thus still not solved an issue with Tajik female citizens, moved to Afghanistan. They have been forced to get married and now in accordance with afghan law only their husbands can decide their destiny. As husbands refuse to let them back home, thus all negotiations are in a deadlock.<sup>45</sup>

### ***Poligamy***

One of the ways of protection of the family by the government is a prohibition for polygamy approved by article 3, p.33 of the Constitution and approved in article 170 the Criminal Code of the Republic of Tajikistan that stipulates punishment for polygamy in the form of penalty from 1 to 2000 minimal salaries, that makes it a huge amount after increasing of the minimal salary in April 2006 to TJS 20, 00. This type of punishment is not realistic. The other side of this punishment is that the penalty is withdrawn for the benefit of the government, but not the family suffering from male polygamy.

Also article 170 of the Criminal Code of the Republic of Tajikistan stipulates punishment "in the form of correctional works for the period of 2 years or restriction of liberty up to 5 years". Such punishment does not find any support and understanding with population and contradicts to common sense is not widely used by the court practice. It is necessary to note that citizens who got such marriage often have high social status and in any time can be liable to blackmail or pressure with a purpose of bribe in exchange of freedom or for making of desired decision from the side of interested structures and individuals.

It is noticeable that the third and fourth wife become not young women, but in majority widows, divorced with one or several children or women of mature age, able to make deliberate choice and not regulated their personal life because of the certain reasons. They create their families on the base of religious act „nikoh“, which is not registered in civilian registry office and is a reticent form of family establishment that disfigures official statistics of marriages.

One of the sides of such marriages can be considered as a result of lack of special state programs for support of unwed mothers with underage children. Compensations, paid to unemployed mothers are scanty (usually they compose of three to one minimal size of monthly salary in decrescent way, depending on quantity of children, e.i. from TJS 36,00 and less and are paid as an one time grant). Badly function infant schools and school establishment. Practically in many kindergartens do not exist groups for day nursery that would allow mothers with small children to work. Food and salary of the teachers and nannies in such establishments is formed mainly from the funds paid by parents in the frame of monthly payment, which is in average TJS 15,00 to 30,00.

For spreading of monogamy religious factor makes influence more noticeable. There were constructed thousands of new mosques during the period of independence in all corners of the country and huge number of new ministers of religion (mullahs, students of Islamic institutions madrasah and etc) accordingly with new social group of individuals – khojas (those who went on pilgrimage to Mecca). Just by the official data<sup>46</sup> from 1992 to 2004 every year about five thousand people went on pilgrimage (for the period of 13 years independence almost 65 thousand people). If to consider that average tajik family consists of five members, then under their influence with taking into account relatives is a significant part of the population, who follow at different levels Islamic canons in a private life and law of shariyat that lets to have four wife.

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<sup>45</sup> White and children slavery in Tajikistan, International Organization for Migration and research centre “Sharq”, July 2006.

<sup>46</sup> Collection of statistical data for 2004.

Besides that, in particular careless attitude in relation to official responsibilities of government authorities, who are responsible for issuing of passports and where notes on marriage, divorce and children does not exist as well promotes increasing of polygamy.<sup>47</sup>

### ***Economic, social and cultural rights of women and children in case of divorce***

National legislation enough regulates economic and social rights of women and children in case of divorce, but only in case if the marriage has been officially registered. At the same time increases number non registered marriages when individuals not go beyond religious act as “nikoh”

The main problem of such marriages is that after divorce an issue of sharing of assets for both of the spouses is not under the effectiveness of the Family Code of the Republic of Tajikistan, but under the norm of civil legislation. As a result, widows or women after divorce usually stay with minimal assets and mainly without home (as per tradition the woman leaves in her husband’s house or with his parents), work and resources of income and with small children. Hence, because of the difficult financial situation such woman, mainly in rural area, is not allowed even in her own home.

This is confirmed by data of the Public Union „Rushd” of Khatlon Region of the Republic of Tajikistan, which has conducted research with the goal of identifying of property and economic situation of divorced women. In accordance to the research 82% of divorced women in Khatlon Region after divorce do not get immovable and get back to their parents’ and relatives home. At the same time in 94% of divorces children stay with their mothers.<sup>48</sup>

Effective tool for provision of equality of rights and obligations of spouses in relation to getting married, during the marriage and after divorce, especially for women, could be “Marriage agreement”, provided by article 40 of the Family Code and containing all conditions. However, civil registry offices and other state agencies do not take measures for implementation of the “Marriage agreement” in practice and do not conduct propaganda activities with youth.

### ***Right of the child for upbringing in the family (deinstitutionalization)***

Tajikistan has irritated from the social system the way of pledging of social services and in accordance with this the deinstitutionalization (placing of children in boarding schools and children’s home) is the key approach for solving orphans’ problems and others left without parents guardianship. The total number of child establishments of boarding schools type is 84.<sup>49</sup> Presently there are 11 000 children in boarding schools, who are in charge of the Government. In accordance to UNICEF in Tajikistan, as a minimum 80% of children being in charge of the Government have their biological parents. Mainly they come from poor families. Poor families send their children to boarding schools being sure that children will have better conditions with access to free of charge education and food. This confirms that there is no system for support of such families. Instead of development and implementation of addressed system of support, children are placed in child establishments.

Mainly children homes and boarding schools are oriented to collective upbringing of children, but for all that no attention is paid to individual development of children. Unfortunately, these establishments do not perform their function of social reintegration of children. In accordance to the research done by Bureau on Human Rights worsening of quality of education in boarding schools, lack of social skills education and social orientation, lack of access to the high education and development of professional career deprive children in boarding schools

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<sup>47</sup> Alternative NGO report on the implementation of the International Covenant on Civil and Political Rights, May 2005, article 23.

<sup>48</sup> 17 March, 2005, «Asia-Plus»

<sup>49</sup> Country report of the Government of Tajikistan at the 2<sup>nd</sup> international conference “Children in State establishments”, Stockholm, May 2003

opportunity to participate with others in social life. There is a system of collective punishments in establishments, when because of fault of one of the children the whole class or group can be punished.<sup>50</sup>

Children Rights Commission of the Government of the Republic of Tajikistan with the support of UNICEF from 2003 to 2005 has conducted a pilot project for support of the process of deinstitutionalization in the Republic of Tajikistan. Two districts of Sugd region (north part of Tajikistan), including pilot boarding school in B.Gafurov district and two additional districts located in south part of Tajikistan, Khatlon region were covered by the project. In total four boarding schools were transformed into day centers. The state program on deinstitutionalization is not approved. And placing of children in boarding schools remains prioritized “type of assistance” to poor children.

In conclusion the UN Committee on Children Rights expressed its alarm in connection to big number of children left without family upbringing and has recommended to take measures for support of families, for provision, promotion and strengthening of the practice of guardianship, orphanages of family type and other types of alternative guardianship similar to family.<sup>51</sup> Unfortunately, national legislation does not provide existing of the family type children’s homes and do not regulate issues foster families.

### ***Adoption***

In April 2006 there been moved amendments to the Family Code of the Republic of Tajikistan about prohibition for international adoption. Approval of such decision was motivated by lack of double-sided or multy-sided agreements with other states and lack of opportunity to have information on further existing of the child and his life conditions. From another side there are no enough grounds to assume that international adoption can be harmful to children. Before cancellation of international adoption there were 20 cases of adoption of tajik children by internationals. Presently there are fifty thousand of orphans and new norm of the law limits their chances to have safe family.<sup>52</sup>

### ***Child labor***

Conducted by UNICEF in 2005 research on child labor in the Republic of Tajikistan showed that working children are limited in access to education and health, and are exposed to exploitation. Presently child market has formed in Tajikistan. Increasing of the given problem promote: demographic pressure, reduce of education level, mass poverty, development of market spreading of shady economics and accordingly shady occupation. It is very complicated to evaluate spreading of usage of the child labor. State agencies and international organization present contradictive data, thus in accordance to the Ministry of Labor and Social Protection of Tajikistan usage of labor of children from 5 to 14 years old compose 1% from the total number of children. At the same time in accordance to data of UNICEF using of child labor form 5 to 14 years old compose 20% form the total number children in Tajikistan.<sup>53</sup>

In accordance to the research done by Scientific and Research center “Sharq”, mainly, children work in the sphere of service. They work as loaders, sellers of packages, help on the market, car washers and exchange money for drivers of the bus stops, constructors, common labors and refuellers. The main part of children starts to work in 10-12 years. Mainly these are children from poor families: refugees and internal moved, who lost their home and property after the civil war, families leaded by woman, including families of labor migrants during the absence of the man, families having many children, families with pensioners, disables, sick dependants, extremely poor families and families where parents have low level of education and where

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<sup>50</sup> Monitoring report on “Loyalty of child right in children’s home, boarding schools and other specialized institutions”, Human Right Bureau and Law, Dushanbe 2006.

<sup>51</sup> KИP/C/15/Ад. 136, parag. 30, Final comments, Children Rights Committee.

<sup>52</sup> Radio German wave, Nigora Bukhari-Zade, April 2006.

<sup>53</sup> Radio BBC, «Central Asia Article», pers., March 2006.

mother is a housekeeper without education.<sup>54</sup> This shows lack of addressed support to poor families from the Government.

Often children work in bad conditions. The main problems are:

1. Illegal status, because of that working children do not have support;
2. night work;
3. overloading: they push hand-carts with a load of more than 7—200 kg on the distance more than 1 km;
4. Lack of having professional medical care in case of emergency

As a rule, working children have the following risks:

1. Treat for health because of the wasting work and overloading, harmful work conditions. For example workers of cotton shops are children, who get harm because of dust, bacterial dust, cold, wind during the winter period
2. Defective and insufficient food. As a rule, working children eat two times per day at home. On the work place they have bread or pie, as they do not want spend money and time to get hot food.
3. Transport events (car washers, refuellers, loaders, money changers and conductors), where working children have more risk to become victims in comparison with those who do not work. Often children do not know road rules that become a risk for those who work on the street and markets.
4. Violence on the street – street children companies attack working children and denude money, food, cloth. Also tax and law-enforcement authorities can offend and beat working on the market children. Psychological violence, humiliation of children on the working place.
5. Impossibility of school and work combination, when preference is given to the work, as a result the child loss future perspectives.<sup>55</sup>

In accordance with the Labor Code of the Republic of Tajikistan it is prohibited to hire children before 15. The main problem is a shady occupation, when activity of children is not regulated and labor relationships are not legalized. This satisfies employees as child labor is cheap (children agree to work on low paid and non prestigious jobs), the society treats patiently to usage of child labor, control over labor activity does not exist.

### ***Violence against women***

Violence of women in Tajik society is a serious issue. Presently it is complicate to evaluate forms and scales of violence of women in Tajikistan. Statistical report mainly include data about crimes registered by the Ministry of Internal Affairs, for which in accordance to the Crime and Civil Code of the Republic of Tajikistan blamed persons can be punished. But statistics does not cover the whole problem. There do exist such forms and types of violence because of which population does not approach to law-enforcement authorities and thus they are not registered in statistical reports. Among reasons why women do not approach for help to law-enforcement authorities the common are: lack of trust to such agencies, scare of husband and relatives and shame. In this connection the level of violence of women is more high then the official data.

According to researches conducted by the NGO “Zan va zamin” (woman and land) during six months of 2005 were registered 200 cases of suicides of women one of the causes is violence

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<sup>54</sup> «Express-evaluation of child labor in Tajikistan (Dushanbe and Kurgan-Tepe)”, Research center “Sharq”, ILO, Dushanbe 2006.

<sup>55</sup> Express-evaluation of child labor in Tajikistan (Dushanbe and Kurgan-Tepe)”, Research center “Sharq”, ILO, Dushanbe 2006.

against women. Only in the Sogd region for the six month of 2005 were registered 127 cases of suicides. In the 98% of cases women died. According to the researches of UNIFEM in Tajikistan annually more than 70% of women became a victims of family violence.<sup>56</sup>

Practically there is no statistics about violence in the family, at the work and place of study, which can exist in the form of moral outrage and psychological pressure. Facts of sexual solicitation are not enough considered. Often it is because of the tradition, dictated to woman to subordinate to her husband, relatives, keep silence and suffer. In accordance to the state programme on “Main directions of state politics for provision of equal rights and opportunities of men and women in the Republic of Tajikistan for the period of 2001-2010” the Government is obligated to establish National analytical center at the Ministry of Internal Affairs for collection and learning of information about women, however still such center does not exists. There are no special units in the system of law-enforcement agencies that would specialize on investigation of events, connected with home violence. In 2005 network of NGO “League of women-lawyers”, NGO “Modar”, NGO “Traditions and modernity”, NGO “Gender and development” have developed a draft of Law “On social and legal protection form violence in the family”, however the legislation is not passed yet.

In national legislation does not exist clear definition of concepts such as: moral outrage, sexual solicitation (as a form of violence), that is why appear problem of their measure. In connection definition that violence in human recognition is associated first of all with rough physical or sexual forms of violence, thus forms of psychological violence are seldom identified. In most of the cases of violence in the family stay latent, as population do not want to talk about them.

Such situation brings to that population’s association of violence is not in accordance with reality and the level of knowledge is very low. In accordance to information of organization “Gender and Development” more then half of the covered individuals were exposed to violence in different forms; in family or at work. Violence in relation to women often happens in the family or place of the work. In family it is mostly done by husband or parents. The most popular forms are psychological types of violence such as swear-words, insults and notes in rough form. Beside these forms of violence women are forced by physical, sexual violence, isolation or prohibition to contact friends, to study and work.

The following reasons for spreading of violence in Tajikistan:

1. There is no special law, protecting women from violence in the family and existing legislation does not allow coping with problem. Obstacles are legal illiteracy of citizens and lack of knowledge about their rights.
2. Increase of poverty, unemployment, social unequility. In condition of transformation period is observed increasing economic dependance of women from their partners and vulneability on the labor market.
3. Traditions and connected with them gender stereotypes. Thus many forms of violence in the family are not recognized by population.

There is no concrete action plan and strategy for struggle with violence in Tajikistan. By National action plan for improvement of women situation in the Republic of Tajikistan is made provision for establishments of crisis centers for support of women, exposed by different forms of violence, installation of “trust phones lines”, establishment of the legal education system for problems connected with violence. However as showed the research done by the organization “Gender and Development” a very limit number of women approach to crisis centers and use the “trust phone lines”. The thing is that population is poorly informed about such organizations and their activity.

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<sup>56</sup> Radio „Ozodi”, program „Majalai habari”, taj., November 2005.

### ***Traffic in human beings***

Expansion of people traffic, including white slavery and children traffic is promoted by several factors: as a result of military conflict, poverty expansion, weakness of recognition of rights, reduce of women status in the society, mass flow of labor migrants and others. It is very difficult to identify number of women and children who became victims of the traffic fro 2000-2005. People traffic has been identified as a crime only in 2003 with including to the Crime Code of the Republic of Tajikistan, page 130<sup>1</sup> (“People traffic”)

In accordance to information of State Prosecute of the Republic of Tajikistan, only in 2005 there were registered 230 crimes, connected with recruitment for sexual exploitation, prostitution and people traffic, from which 66 cases are subject to illegal recruitment of people with the goal of exploitation.<sup>57</sup> Out of them 55 cases were found out in Sugd region, 13 in Dushanbe. In accordance to information of International Organization for Migration in 2002 646 Tajik women were sold by local criminal groups.<sup>58</sup> From 2004 to December 2005 by IOM were registered 133 cases of people traffic.<sup>59</sup> In accordance to expert evaluation every year 300 of Tajik women have got moved from Tajikistan with the aim of sexual exploitation.<sup>60</sup> Crime, connected with people’s traffic stay latent because of that suffered and their relatives approach very seldom to the law-enforcement agencies and approach for help, especially if they are in other country.

There are the following most popular types of traffic of people from Tajikistan: removal of people with the aim of forced labor, removal with the aim of forced prostitution and sexual exploitation, force to carriage of drugs, removal organs, forcing children to cadge, removal for debts, including exploitation, forced marriage, forced military service.

The Government has taken certain measures for solving of problem on people traffic such as amendments to legislation and passing of Law “On struggle with people traffic” from 15 July 2004. By the order of the President of the Republic of Tajikistan in July 2005 was established Special Working Group for return of people traffic’s victims, who are in Countries of Persian Gulf, in particular States of Arabian Emirates. By the Resolution of the Government of the Republic of Tajikistan from 4 January 2005 from representatives of according ministries and departments was established Intradepartmental commission for struggle with people traffic.

At the same time with achieved it is necessary recognize list of defects of legal regulation and practice that disturb efficient struggle with people traffic.

Despite of passing of the Law on struggle with people traffic and Crime Code contains list of articles explaining people traffic, absent comments and instructions on this matter and makes influence weak training of judges. In this connection there are fears that these crimes will stay without punishment or will be punished by other articles. Also there is existing problem of insufficient training of the court system staff, law-enforcement agencies in migration system, moreover for a long time people’s traffic was identified as a migration. The weakest part in the process of legal regulation in the sphere of people traffic is a protection of victims. Thus from 2005 are taken measures for return of victims to motherland, but adequate measures of legal, psychological, medical and social character (protection of victims in the process of crimes investigation, establishment of centers for support and help of people traffic’s victims, measures for integration of victims to the family and society and etc.) of such persons. Lack of protection of victims, which are witnesses in the process of people traffic and being a part of organized crime disturb investigation of cases of people traffic. Traffic’s victims are afraid to approach state agencies because of the publicity and chase. Victims’ scare is enough justified, there is no mechanism of witnesses and plaintiffs.

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<sup>57</sup> Evening Dushanbe, 17.03.2006, c. 7

<sup>58</sup> Observe of migration systems in CIS. International center for development of emigrational politics. September 2005 r., Vienna, 2005

<sup>59</sup> Report of Mamadrajabova N. – on the right of manuscript

<sup>60</sup> Interview with journalist , 2005

One more problem promoting spreading of the traffic is a soft punishment for lost and falsification of the documents. Exchange of passports, started in 2002 rapidly reduced quantity of false documents in Tajikistan, but still soft punishment for falsification of documents and simply loss of passport, corruption among authorized persons in law-enforcement agencies promote spreading of falsification of documents and is a favorable factor for people traffic.

#### **Article 11 ICESCR (The right to an adequate standard of living)**

***1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.***

***2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:***

***(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;***

***(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.***

#### ***Poverty***

Poverty is the most actual problem for the Tajikistan. There is an opinion that poverty is a consequences of the civil war, Soviet Union disintegration caused unemployment and descent of the salary and also disasters. However according to World Bank documents there are other causes of the poverty it is bad governance, unemployment, inadequate measures for solving current problems.

Slump of the average wage (in 6-8) in the years of independency reduced the demand on the home labor market. So average wage in the 2004 was only 155 USD<sup>61</sup>. Women are in the worst position because they are usually work in the fields of agriculture, education, health service where level of wage is lower. Mothers with many children who don't have sources of income are the very vulnerable group. Low income forces Tajik citizens to seek job abroad.

In spite of economical growth started from 2000 Tajikistan still the most poor country in the world with GDP 236,6 USD on per capita (2003)<sup>62</sup>. This data is approximate because there is no Law about living wage and officially adopted calculation of minimum and average market basket. There is not possibility to calculate real level of GDP per capita in the Tajikistan.

According to research on evaluation of level of poverty in Tajikistan which have been conducted on July, 2003 by World Bank the number of poor peoples reduced from the 1999 to 2003 from 83% to 64% of total population of Tajikistan. The line of poverty was defined as level of income lower than 2,15 USD in the day, with the correcting to the purchasing power parity on the regions of Tajikistan.

Tajikistan has many aspects of poverty. There are followings: low income and consuming capacity, limited capacity of income acquisition, fixed access to the education, medical care, water service, heating, governance.

<sup>61</sup> Annual of the Republic of Tajikistan (2004), State statistic Committee, page 102.

<sup>62</sup> Annual of the Republic of Tajikistan (2004), State statistic Committee, page 154.

### ***Document of Strategy on Reduction of Poverty (DSRP)***

On 28th of 2002 Mjlisi Oli (Parliament) has adopted Document of strategy for the poverty reduction (DSRP). The document implemented by the World Bank (WB), Asian Development Bank (ADB), United Nations Development Programme (UNDP) and other international financing organizations and donor-countries.

The main aims of the strategy are increasing of the real income of the people in the country and equitable distribution of the economical growth results.

The mechanisms of DSRP implementation were directed to the:

-stimulation of the speeded social-equitable, labor-intensive, oriented to the export for the economic growth;

- fair and effective distribution of the basic social service;

- address support of the more poor people;

- effective governance and safety improvement.

For the achievement of the stated objectives were realized sectoral politics policy for the modernization of the social sphere, development of the economy, rehabilitation of objects of social infrastructure and environment protection.

According to the DSRP package of measures was realized till the middle of 2006. Actual implementation of the adopted strategy started from 2003.

Basic implemented measures were determination of legislation and administrative procedures, rehabilitation. Unfortunately measures for the structural reforms did not receive its wide-spread occurrence.

The Document of Strategy on Reduction of Poverty did not achieve timely qualitative results in spite of its experimental character and multispectral approach. There was not unified approach and mechanisms of process regulation that is why resources which were spent did not achieve maximum results. DSRP did not become a basic strategic document of the country which defines purposes and priorities foreseen from the beginning.

National Strategy of Development is elaborating at the present time. It is supposed that all disadvantages and defects of DSRP will be taken into consideration in the National Strategy of Development (NSD). In the NSD will be systematized purposes and priorities of development and will be insured vertical and horizontal connection with macro economical planning all strategic purposes will incorporated to the united structure.

### ***Forced resettlement***

On March 13, 2003, the chairman of Varzob region (close to Dushanbe) took the decision to resettle 31 families from Puguz and Begar villages of Varzob-Kal'a chamoat to another place. The decision of resettlement of the families was taken due to the state needs to enlarge the road Dushanbe-Khudzhand, and was based on the Record of the Meeting of Government of the Republic of Tajikistan of February 2, 2003. Numerous unlawful interferences with people's private and family life were registered in this case.

According to Article 64 of the Housing Code of the Republic of Tajikistan "demolition of a dwelling due to the State or public need for free the land, can take place only after the evicted persons are provided with an equal dwelling. In the case described above, the inhabitants were informed about the resettlement on April 18, 2003. On April 24, 2003 their houses were destroyed by using special machines; and they were not provided with new houses. They were informed that they will be resettled to the village Changalak, but the houses for them were not yet ready. People were forced to live in temporary placements they could find for a year. Some stayed at the relatives' houses, some - in the local sanatorium, in a mosque. The only compensation they received was an amount of 1,500 somoni (500 US dollars), and the local officials took 500 somoni from this amount for "construction materials for new houses." The cases of violations while distributing even this small amount of compensation were registered. In

cases where some families lived in different houses but on one plot of land, only one of the families was given compensation.

The norms of Article 36 of the Housing Code that provides for the 12 square meters per person in a dwelling were violated. The dwelling shall also comply with the standards and technical requirements. The houses of the settlers do not correspond nor to the size of the houses they had before neither to the norms of housing legislation, and have no conveniences. Thus, the Ibrokhimovs, a big family of 11 people (in fact – 4 families of different generations) received one small two-room house of 40 square meters. In the Begar village where they lived before, they had their own two-store house. While resettled, they were promised two houses. The chair of the household got a disability after all the sufferings. He and his wife have to live in a corridor, and the conditions of their life in the wintertime are extremely hard.

The houses of settlers break down; all of them are already in emergency condition, as they were built in an inappropriate place, on yielding ground. They also break down due to the wind from power line that is close. The Khukumat (local administration) did not allow any technical commission to examine the place of residence of settlers; there was no certification for their houses. The settlers have no documents for their houses and have no residence registration. This leads to violation of their rights related to social protections, as they cannot receive any social allowances without residence registration. The houses are situated on top of a mountain. The local administration promised to organize public transport that would connect the settlers' village with the main road, but still did not fulfill its promise. The life of the settlers is extremely hard, as they have no shops, there is no food brought to the village, no first-aid post. The electricity and water are supplied only for some hours and sometimes not everyday. The land plots are very small. The basis of life, of work of settlers is broke down, and they have no means for living.<sup>63</sup>

### ***Right to property and housing***

According to the article 36 of the Constitution of Republic of Tajikistan: "Everybody has the right to housing. This right is ensuring by the realization of the state, public and individual construction". According to the article 51 part 4 of the Housing Code of the Republic of Tajikistan orphan children and also children under guardianship (trusteeship) in the case of placement to the state child's institution or to the relative (trustee) retain their right to property and housing. Right to housing retains during the time of education (students), advance training, for the period of defense work, under arrest and service the sentence.

Besides, in accordance with Housing Code of Republic of Tajikistan art.35 part 2 individuals returned from the state child's institution or relatives, trustees and guardians shall be provided with dwelling out of term if immigration to the previous dwelling is impossible.

According to the research<sup>64</sup> conducted by the NGO "Law and prosperity" children do not provided with dwelling after returning from the state child's institution or from the guardians (or trustees) in the case of impossibility to live in the previous dwelling. The causes of such situation are connected with the fact that there is no housebuilding in the regions and also children do not apply to the local government administration for the housing provision because of legal illiteracy.

Legislation do not make provisions of variants of providing with housing orphanages and children under trustees (guardianship) who don't have dwelling after returning from the state child's institution, completion of the military service and also service the sentence. National

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<sup>63</sup> Alternative NGO report on the implementation of International Covenant on civil and political rights by the Republic of Tajikistan, May 2005.

<sup>64</sup>Report "Law enforcement in the sphere of guardianship (revelation of breaches of law of orphans and children devoid of parent guardianship)", NGO «Law and prosperity», Dushanbe, 2006.

legislation does not regulate the issues how registered and accounted orphanages and children devoid of parent guardianship and on the living place or residence and which state body responsible for the registration.

Legal representatives of the children devoid of parent's guardianship (trustees, guardians, relatives, administration of child's institution) should settle a contract about transferring of the housing to the ownership of children (privatization) for the better protection rights of the children to the housing.

National legislation do not make provisions for the privatization or settling a contract on ownership for the children devoid of parent guardianship in the case if right of ownership to the apartment have only minors or if it is a service flat.

In accordance with article 9 (part "c") of Provisions "About trusteeship and guardianship organs" abovementioned organs should draw up inventory of the property of the minors devoid of parent guardianship. In accordance with part "g" of the same article trusteeship and guardianship organs should take measures for the protection of attached property. According to the article 48 Regulations "About trusteeship and guardianship organs": "Trustees or guardians should manage the property of person under care and also take other measures connected with management and keeping the property. Trustees and guardians should annually send writing report to the organs of trusteeship and guardianship not later than 15<sup>th</sup> of February. These organs can demand from the trustees and guardians reports before the expiration of the term. Reports should be checked substantially and in the case of its admission confirmed. Otherwise explanations and recharge notes demanded from the trustees and guardians".

According to the organization "Law and prosperity" data the representatives of local authorities do not take appropriate measures for the safe custody of housing of children who are under trusteeship or in the state child's institutions. There are not special measures for the protection of the housing of children under trusteeship or in the state children's institutions. In many cases at the time of location of children in the state child's institutions relatives are looking after dwelling of children. The measures for keeping the property and housing are more formal. Often relatives take apart the property of the children during their location in the child's homes and boarding schools. There is not property inventory. Measures for keeping the property are not taken in the practice. Trustees do not submit writing reports to the trusteeship and guardianship organs because they do not know that it is necessary. At the same time trusteeship and guardianship organs do not demand report on the property administration from the trustees and guardians of children devoid of parent's guardianship.

### ***The right to adequate standard of living of orphanages and children devoid of parents' guardian***

In accordance with article 16 of the Regulations „About boarding school in the Republic of Tajikistan" orphanages and children devoid of parents' guardian exempted from charges for the being in the Bording School and are on the full state maintenance. Legislation does not have definition what full state maintenance includes. For example, according to the article 19 of the Regulations - about to a boarding school in RT, "...pupils are provided with 4 time feed according to the approved norms and methodical recommendations on catering services and also with clothes, footwear, textbooks, stationery, plays and toys". Also in accordance with article 19 However, by the legislation it is not stipulated commenting positions concerning to the mentioned norms.

There is a lack of financing which is insufficient for a covering of all charges for the children maintenance in the state child's institutions.

### ***Feeding***

The legislation does not stipulate the certain sum which should be allocated for the maintenance of one child. As has shown by the research, actually the various sums of money are allocated for a feed of one child in various establishments. From 60-65 dirams (0,18-0,2 \$) (the smallest sum - a boarding school of area Shaartuz) up to 2,5 somoni (0,75 \$) (the rehabilitation center "Oasis", Khujand). It is on the average allocated 85 dirams (0,25 \$). This sum is obviously insufficient for a covering of all charges on a protein-high-calorie feed.

Very often, a food prepared without meat, a feed monotonous for macaroni, pearl barley, tea often without sugar.

The majority of establishments have no their own farm. However administration of separate establishments makes the efforts for the decision of this problem it is very difficult to do because of lack of finance.

### *Living conditions*

Very often children live in conditions unsuitable for residing. The most part of premises demand repair. Two establishments from the 14 covered in the monitoring conducted by the Bureau on Human Rights are in an emergency condition. In the special boarding school (for children with a delay in development) in Kulyab ceiling falling by the big pieces, huge apertures. According to children and the personnel, during the fall-winter period water proceeds through apertures in a roof of the building. In a boarding school very coldly. Walls are peeled, a floor not painted for a long time, dirty. From rooms in which the roof proceeds, for the period of rains, children move in other rooms when will pass seasons of rains and the winter will end, children again will settle on rooms where they were earlier. The heaviest situation is observed during the fall-winter period. Restrictions in submission of the electric power lead to reduction of its submission till several hours in a day. Because of absence of heating system, the electric power is the basic source for development of heat. Budgetary funds do not suffice on purchase of fuel. In some establishments children are compelled to sleep in clothes. In one of establishments on 2-3 beds are shifted together that to children was warmer. In such conditions children suffer frequent colds, an enuresis, etc.

### *Clothes, footwear*

In conditions of deficiency of budgetary funds, the administration tries to spend them for articles of prime necessity and products; the insufficient attention is paid to clothes and footwear. Basically, the stock of clothes and footwear will replenish due to the humanitarian help. Very often, such clothes are not new. Because of frequent washing, clothes in the unsatisfactory washed off condition.

Practically, all establishments have shortage of footwear which quickly wears out. So, at the moment of visiting one of boarding schools (the end of December) pupils went in summer footwear.<sup>65</sup>

### *Disabled children*

In accordance with Standard Rules to the need to ensure that persons with disabilities have access to adequate food, accessible housing and other basic material needs, it is also necessary to ensure that "support devices, including assistive devices" are available "for persons with disabilities, to assist them to increase their level of independence in their daily living and to exercise their rights".<sup>66</sup>

Except for it, according to the instruction on the organizations of health services anti-epidemic and sanitary-and-hygienic actions in houses-boarding schools for aged and invalids - patients are

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<sup>65</sup> Monitoring report on the observation of HR at Children's homes, Boarding Schools and other specialized institutions for children in the Republic of Tajikistan, Bureau on Human Right and Rule of Law, Dushanbe 2006.

<sup>66</sup> See Standard Rules on the Equalization of Opportunities for persons with Disabilities, General Assembly resolution 48/96 of December 1993, rule 4.

provided conducted and wheelchairs, orthopedic products. According to the Law of RT "About social security of invalids ", one of kinds of the social help is maintenance with armchairs-carriages, orthopedic products. Except for it, according to the instruction on the organizations of health services anti-epidemic and sanitary-and-hygienic actions in houses-boarding schools for aged and invalids - patients are provided conducted and wheelchairs, orthopedic products.<sup>67</sup> As has shown by the carried out research, the state does not appear almost the help on maintenance of children of invalids (DCP) crutches, wheelchairs. At many children of means of transportation are in an unsuitable condition. In Digmai's house-boarding school there are 62 children with physical inability. On all branches are available only two wheelchairs.<sup>68</sup>

## **Article 12** (The right for physical and mental health)

***1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.***

***2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:***

***(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;***

***(b) The improvement of all aspects of environmental and industrial hygiene;***

***(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;***

***(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.***

### ***Access to medical care***

According to article 38 of the Constitution of the Republic of Tajikistan – "Everyone has the right to health protection. Everyone, in the frameworks determined by the law, uses free-of-charge medical care in official bodies of public health services. The state takes measures on improvement of an environment, development of mass sports, physical training and tourism. Other forms of rendering of medical aid are determined by the law".

Since August, 2005 health services in Tajikistan have been officially posted paid. Ministry of Health had been developed the price-list of quotations for medical services, and also a package of guaranteed services according to which to vulnerable groups of the population medical services should appear free-of-charge. However in some months after introduction of new system, representatives of Ministry of Health have declared that with adaptation of new system there were problems, and the Basic document of rendering of the medical sanitary care citizens

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<sup>67</sup> Instruction on the organizations of health services anti-epidemic and sanitary-and-hygienic actions in houses-boarding schools for aged and invalids , p. 4.

<sup>68</sup> Monitoring report on the observation of HR at Children's homes, Boarding Schools and other specialized institutions for children in the Republic of Tajikistan, Bureau on Human Right and Rule of Law, Dushanbe 2006.

of Tajikistan has been curtailed before its full completion. For the present time the document of rendering of the medical and sanitary care to Tajik citizens is not brought in action.

Nevertheless, granting of medical services in Tajikistan remains to the population de facto paid. So according to the information of the organization Right and Prosperity in Shahrituz district of the most part of the population covered with research, is not given free-of-charge medical aid. In hospitals there are lists of the medicines given on the part of the international organizations for free-of-charge rendering of services of a certain category of patients. The population collects monthly, under the list, till 10-20 dirams for transportation of seriously ill patients the central regional hospital. Free-of-charge, under the initiative of medical staff, renders only such services, as to an injection and systems. Statistics of rendering of the free-of-charge help it is not conducted.<sup>69</sup> It is necessary to add, that such situation is observed in territory of all Republic.

### ***Infant mortality***

Health indicators are the main the in defining of the health in society. Birth of health child creates main preconditions for his/her further development, especially as important components of physical and mental health are laid in yearly childhood.

It depends from economic and education level of the family, parents' health, especially of mother, period of pregnancy, delivery and yearly infant period and access to qualified medical care.

Without consistent realization of complex measures on the principals of intersectional approach it is not possible to rely on successful management of all factors of health.

Reduce of infant mortality and mortinatality in the Republic of Tajikistan never the less of measures, which have been noted in the National report on the process of implementation of ICESCR, goes slowly. In the Ministry of Health of Tajikistan notes number one the problem of maternity and child health. Child mortality before 1 year has increased in 2006 17,1 per 1000 newborns. In 2005 this indicator composed 16,4 per 1000 newborns. As per the minister of health increasing of statistics is connected with conducted in the Republic monitoring activities by the Ministry and improvement of registration of maternity and infant mortality and reduces of home deliveries.<sup>70</sup>

### ***Motherly mortality***

Child's health depends and closely is in close connection with health of a mother<sup>71</sup>. Reasons and factors influencing on high infant mortality are closely connected with status of women and their access to households and economic resources. Weak health during pregnancy brings to increasing of the risk for pre-natal development of the infant during development. There is dissatisfied nutrition in 61% of Tajik families and use of all foodstuff per head has been reduced from 1992.<sup>72</sup>

In accordance to statistics the level of motherly mortality has increased. Thus for the last six months of 2005 indicators of motherly mortality have composed 40,5 per 100 000 live-born, for the same period of 2006 these figures compose 50,2 per 100 000 of live-born. It would be possible to avoid majority of mortalities thanks to improvement of service quality, equipment, pharmaceuticals and access to service. There are 45,4% of women died from bleeding in RRS

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<sup>69</sup>Monitoring report on implementation of Document on poverty reduction strategy in Shahrituz district, Khatlon region, NGO "Law and prosperity", 2005.

<sup>70</sup> Official website of the Ministry of Health of the Republic of Tajikistan, [www.health.tj](http://www.health.tj)

<sup>71</sup> Disabled children. Care and nursing (Manual for trainers), Dushanbe 2004r.

<sup>72</sup> Implementation of gender approaches in Poverty Reduction Strategy (Tajikistan), country gender evaluation, Asian Bank of Development, May 2006.

and 33% from puerperal infection in Dushanbe in accordance to data of fast evaluation of the reproductive health medical facilities (The Government of the Republic of Tajikistan and UNDP 2003).

Risk factors connected with motherly mortality are large in number. For example in 2002 more than 40% of women in whole republic and up to 80% in some regions have had home delivery, while in 1990 less than 10% had delivered at home (The Government of the Republic of Tajikistan and UNDP 2003). General reduce has started from 1999 (World Bank) and the difference between women from poor and reach families is getting increase. Increasing of home deliveries talks about collapse of local health system and finance incapacity of families to pay for medical service.<sup>73</sup>

#### ***Access to water***

In accordance to the Ministry of Health in July 2006 have reduced indicators for typhus, jaundice, but at the same time per 86 cases (in comparison with 2005) increased number of dysentery and per 1,1 cases number of intestinal disease. The main reason is a bad quality of drinking water. Thus in accordance to statistical data only 53% of population is provided with clean drinking water. More than 50 % of the water supply system does not meet requirements. Especially it concern rural area. In particular 39% of regional networks do not have protection system.

#### ***Situation and legal status of HIV/AIDS***

There were registered 544 people, infected with HIV/AIDS for 1 July 2006 in accordance to official information of USAIDS and organizations, dealing with struggle of HIV/AIDS spreading. In accordance to Global report of UNAIDS on Global epidemic of HIV/AIDS for 2006 approximate quantity HIV infected in Tajikistan for the end of 2005 in average composed 4900 and gets varies from 2400 to 16000 people. There are 177 HIV infected only in prisons.<sup>74</sup>

Presently in accordance with UN Programme on HIV/AIDS policy volume of testing for HIV/AIDS is getting reduced. At the same time there is approach of look-out epidemic observance, anonymous voluntary examination for HIV/AIDS and psychological and social consultancy are being implemented. But because of the economic difficulties (in particular, lack of reagents for HIV//AIDS diagnostic) necessary volume of examination is not provided.

There is law in the republic of Tajikistan on “ Struggle with HIV/AIDS”, that includes number of aspects, protecting rights of HIV/AIDS infected, in particular: right for respected and humane attitude, exclusionary disparagement; right for admission to hospitals, right for pensions and compensations for HIV infected and etc. There are no special regulations in Tajikistan against discrimination that would describe protection of certain groups of people, especially vulnerable to discrimination at HIV/AIDS (sex worker, youth, labor migrants, prisoners).

In accordance with article 9 of the Law of Tajikistan on “Resistance to HIV/AIDS”: “If foreign citizens being in Tajikistan have HIV/AIDS they have to be deported”.

In most of the cases HIV/AIDS infected do not tell about their status as they are afraid of aversion form the society. In accordance to information of “Guli surkh” organization, when HIV infected approach for medical service they face with fastidious attitude form the medical staff, scare, lack of knowledge and how and where the help should be done (mostly medical staff think

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<sup>73</sup> Implementation of gender approaches in Poverty Reduction Strategy (Tajikistan), country gender evaluation, Asian Bank of Development, May 2006.

<sup>74</sup> Strategic plan of HIV/AIDS spreading prevention in the Republic of Tajikistan for the period 2002-2005.

that this help should be done in special departments by specialists), importunate interest, and being on duty avoid to render medical service.

Such attitude is in educational institutions, during labor relations, during approach of HIV infected to law-enforcement authorities. Never the less that there were cases of breach of law of HIV infected it is not known about cases of juridical recourse because of unwillingness to open him/her status.<sup>75</sup>

Before 2006 there was no practice for treatment of HIV/AIDS infected. Thus by information of the Ministry of Health, only starting from September 2006 treatments of HIV/AIDS infected has been started in Tajikistan. Presently there 60 people are covered with treatment. The treatment is done on free of charge base and they are provided enough with medicals. Today there is enough quantity of medicals for such category of people. Given activity is done in the framework of implementation of the grant of global Fund for HIV/AIDS prevention, TB and malaria. Beside that for effective struggle with this disease on the base of Republic Center for struggle with HIV and Regional Centre of Sugd region lab equipment has been installed. Depending on results of analysis infected people will get treatment accordingly.<sup>76</sup>

### ***Tuberculosis***

Situation with spreading of TB in the Republic of Tajikistan stays still difficult. In accordance with data, especially this infection is rapid in prisons and some military units.

For example, there have been defined 142 TB infected for the last three years in military units of Kulyab area of Khatlon region. In accordance to Khairullo Mamaduloev, the Deputy of the Military Public Prosecutor majority of TB infected is servicemen of military unit 2931, located in Shurabad district. After hospitalization and examination in TB hospital of Kulyab, these servicemen further were recognized ineligible for military service and were discharged. Reasons for infection among servicemen are the weather and food in military units. There are situations when during the medical examination of conscripts medical commission recognize them health and mobilize to military service says Mr. Mamadulloev. Increase of TB infected at some point is connected with carelessness of medical commission members.<sup>77</sup>

Complicated situation stays in prisons. As per the Ministry of Justice there are 13 thousand of people; out of them 550 are women and 90 under age. There is a lack of finance of the system, for one prisoner is TJS 1, 00 and 51 dirams (USD 0, 44). Also stay problem of overloading of prisons, in some prisons instead 800 prisoners there are 1000. It brings to spreading of different infections, in particular TB. There are 1600 TB infected persons in prisons. There are two specialized hospitals for TB infected prisoners. However these hospitals can not place all TB infected and most of them are in prisons with others. On 11 August 2003 the Ministry of Health of the Republic of Tajikistan has issued an edict on release of sick prisoners. TB is included to the list of diseases, which can be used as a ground for release. However for the last two years in accordance to unofficial data none of the infected prisoners has been released. In accordance to official information just for the first half year of 2006 form TB and cardiovascular diseases have died more then 40 people, last year from TB have died about 70 people.

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<sup>75</sup> Information is provided by Department of Unified Programme of UNAIDS in Tajikistan.

<sup>76</sup> Official website of the Ministry of Health of Tajikistan,  
<http://www.health.tj/index.php?option=news&task=viewarticle&sid=167>

<sup>77</sup> Radio "Sadoi Khuruson", information analitical programme, tajk., Russian Radio „Oriono”, Programme „Akhbor”, tajk., June 2005.

### ***The right for mental health***

The Law “On Psychiatric Help” (Article 5) states that people with mental disorders have all the rights and freedoms of the citizens as provided for by the Constitution of the Republic of Tajikistan. These rights might be restricted on the basis of mental disorders of a person only in cases provided for by the Law “On Psychiatric Help” or another normative act of the Republic of Tajikistan.<sup>78</sup>

According to the data of the Ministry of health of Republic of Tajikistan on the July, 2006 there is more than 40 thousands officially registered mental sick persons in Tajikistan.<sup>79</sup> But the real numbers could be much higher because relatives of people with mental disorders often do not apply to the psychiatric clinics.

According to the report on monitoring “Access to psychiatric services in Tajikistan”, conducted by the Bureau on Human Rights lack of financing is badly influence to the quality of service of psychiatric clinics of Tajikistan.

There is significant shortage in medicines, in particular – neuroleptics. As a rule, psychiatric facilities have only five-six types of medicines.

The relatives of the patients have to pay for 50 to 90 percent of medicines’ cost. The psychotropic medicines are expensive; and their cost duplicate in provinces due to supply shortages. The medicines-correctors are in shortage. Funds allocated by national/local budgets cover 10 to 20 percent of medicines needed daily for the successful treatment.

State of health of many people worsens due to the lack of medication in absence of other methods of therapy. Patients become more aggressive and dangerous for themselves (suicide risk) and for people around them. The staff members recognize that they are forced to invent new ways of calming down the patients. Interviewed psychiatrists and nurses shared that they have to tie up the patients to beds. In one facility, the monitoring team has seen the room with bars on windows and on the door. Four patients were kept in this room. The staff member explained that these are the most aggressive patients; and they are kept in this room as there are no sedative medicines. When crisis ends, they are transferred to the regular ward.

Two methods of treatment are in use – work therapy and medication. Innovative methods of treatment are not applied; there is no appropriate equipment, medicines. The staff does not have possibilities to receive professional training on new methods. There is no therapeutic physical training. Psychotherapy is not used either.

In case if a patient gets ill (other diseases, not related to mental health), he/she is transferred to the central district hospitals. Only facility has a venereologist and a dentist on the staff. Most of psychiatric facilities are situated faraway from the central district hospitals and cannot afford the transportation costs. According to the staff, the psychiatric facilities only use the medicines that “are time-proved” with well-researched characteristics. Two facilities held the List of Legally Approved Medicines and the List of Medicines at the disposal of the facility. Facilities do not adopt written directions that would regulate the use of medicines; the only description available is the label information. Some facilities also had the handbook on the medicines provided by the organization “Medecins sans frontieres”.

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<sup>78</sup> Monitoring Report “Access to psychiatric services in Tajikistan”, Bureau on Human Rights, Dushanbe 2006.

<sup>79</sup> Data of Ministry of Health of Republic of Tajikistan.

According to the Article 13 of the Law «On Psychiatric Help»: Treatment of persons with mental disorders is carried out with written consent of the patient or his legal representative. The written agreement shall be kept in the medical documentation.

Patient has a right to recall his consent for treatment. No such cases are known. Only relatives can recall the consent and they take the responsibility for the consequences. The patient him/herself does not have such possibility. Patient is considered capable to give informed consent for treatment if he/she is able to understand what happens and know why he/she is in the psychiatric facility. With regard to the patients transferred to the hospital from outpatient clinics, consultations are held with the doctors of a respective clinic. As a rule, the patients are considered as incapable to give the consent for treatment.

***Right for health security of orphans and children left without parents' guardianship***

In accordance to the monitoring<sup>80</sup>, conducted by the Bureau on Human Rights in all covered by research boarding schools for orphans and children left without parents' guardianship works both doctors and nurses. Not in all medical facilities medical point is available. Because of the lack of finance the first aid kits contain limited set of medicines (iodine, bandage and basic medicines and etc.). There is only first aid is available in such medical facilities. If the child requires qualified medical care then they approach to the nearest hospitals. Only in two out of 12 covered by the monitoring is transport available. In the rest of cases children are driven by passing transport or by walk if the facility is not far. In emergency cases ambulance is used. Medical care to orphans is paid by the boarding school or by relatives (guardian) if any and in this case treatment is paid by them. Nevertheless that the boarding schools can have equipment but access is limit. Thus the boarding school for children with physical and mental defects in Hissar has all necessary medical equipment for treatment and prevention of children with poliomyelitis and disabled children. However during autumn and winter period the equipment is not used because of the problem with electricity.

If the child needs serious surgery then treatment is paid by the state, but lack of finance does not allow for every needy have the surgery. For the last years disabled children are supported by different organization: Svaytoslav Holland Society, Ora-International, "Law and prosperity" with support of Act Central Asia.

**Article 13 ICESCR (*The right to education*)**

***1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.***

***2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:***

***(a) Primary education shall be compulsory and available free to all;***

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<sup>80</sup> Monitoring report on the observation of HR at Children's homes, Boarding Schools and other specialized institutions for children in the Republic of Tajikistan, Bureau on Human Right and Rule of Law, Dushanbe 2006.

*(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;*

*(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;*

*(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;*

*(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.*

*3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.*

*4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.*

Tajikistan has inherited from USSR high level of education, literacy was almost universal. But for the last ten years the system has destroyed. To date there exists a big, although not registered, level of illiteracy.<sup>81</sup> In accordance to article 41 Constitution of Tajikistan: "Everyone has right for education...Everyone in the frames of defined by law have an access to free of charge general, secondary, primary, professional, secondary professional and high professional education in state education institutions". Poverty, faced by 62% of population, has left after-pains on the access to the education. Despite that getting of secondary education is obligatory, however socio-economic problems of the last years have become reason for children to be behind of education. There is an observed tendency of number of the children, not covered by education in connection with that either children work or their parents are not able to buy books, cloth and other facilities, necessary for study.

### ***Financing***

Regardless of requirements, part of expenditures for education in 2005, in accordance with the Ministry of Education of the country have composed only 3,5 % of GDP (gross domestic product). Such level of expenditures is much low then in developing countries.

Obviously in regional financing that is explained by different basis of incomes of the local authorities as more then 80% of financing of the primary and secondary education comes from local budget. That is why poor districts are not able to support current expenditures, such as salary of teachers, investment of infrastructure, books and equipment for pupils<sup>82</sup>.

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<sup>81</sup>From the interview with the Head of Dushanbe Office of UNICEF Yukio Mokuu.

<sup>82</sup> Implementation of gender approaches in the Poverty reduction strategy , Tajikistan, Asian Bank of Development, May 2006, page 71.

### ***Staff drain in education system***

Average salary of teachers in Tajikistan is approximately 65-69 Tajik Somoni (USD 21,6-23). Presently low salary, poverty and non prestige of profession promote flow-out of highly qualified teachers, who enlarge number of labour migrants. The main contingent is in Russia, Kazakhstan and other countries of foreign countries.

Only in March-April 2006 in Panjakent (Sugd Region) 70 teachers of general education schools left to Russia in search of job and the main reason is a small salary and poverty. Currently there is a lack of 550 teachers with high education<sup>83</sup> in 136 schools of the district. There is a lack of 9000 teachers on the basis of 1,5 rate presently in secondary schools in accordance with the Ministry of Education's information.

Also flow-out increases because of relatively small package of financial privileges (compensation for public utilities for the size of TJS 12,00 and 10% from average rate for purchase of books and periodicals).

For activity in remote area and arriving into place teachers need privileges. Enhance of social protection of new teachers, working in remote areas would solve problem of lack of teachers.

Often the salary is paid late. Schools depend from local authorities and salaries are often paid on the republic level. That is why local authorities are not able to solve the problem of staff drain. For compensation of the lack among teachers, schools mainly work for two shifts. To fill in vacancies people without high education are hired too<sup>84</sup>.

### ***Corruption in education system***

Many studies show that a high level of corruption still exists in education system. Although secondary education is officially free of charge however many schools collect certain amount from pupils. During the inspection conducted by Anticorruption Department of the General Office of Public Prosecutor was discovered that starting from the junior staff to the head almost every single school illegally collect money. There is a strong recompense in some schools – TJS 10,00 (USD 3,00) from each pupil per month during the year for replenishment of their funds. Teachers take money from parents for admission of the children also. There are existing schools that charge TJS 100,00 (USD 30,00) from parents for an admission, some schools collect money from pupils under pretence of renovations. Thus, nevertheless, that in the city school #53 has got TJS 480,00 (around USD 150,00) from the state budget, however teachers collected money from pupils for the amount of TJS 260,00 allegedly for renovations, which in fact they used for their personal needs<sup>85</sup>.

In secondary schools parents are pushed to make presents to teachers. Lack of financing is so rapid that in some schools pupils have to supplement teachers' salary. Thus in one of the Dushanbe schools teachers charge from children TJS 2,00 (USD 0,8) for permission to play computer games during the lesson of information science<sup>86</sup>.

Corruption in secondary schools becomes apparent as illegal tutoring. Accordance to the Law of the Republic of Tajikistan „About Education” additional teaching in general secondary schools of state education institutions along with free of charge, can be conducted on parents' wish (or persons, replacing them) on the base of dual agreement with payment. Although the full list of additional paid educational services and samples of calculation for additional paid services is developed, however common rate for all schools does not exist. Each school should develop its

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<sup>83</sup> From the interview with the Head of Education Department of Panjakent Kamarddin Boboev (Radio 'Ozodi', 'Mahallai Khabari Programme', tajk., from 9 May 2006)

<sup>84</sup> From the interview with the head of secondary school of Shugnan district of GBAO.  
<http://news.ferghana.ru/detail.php?id=2842&mode=snews>

<sup>85</sup> From the interview with Deputy Chairman of the Anticorruption Department of the general Office of Public Prosecutor Marizo Khalifaev.

<sup>86</sup> <http://news.ferghana.ru/detail.php?id=2842&mode=snews>

rates considering existing material and technical resources, educational potential and quantity of additional hours over school programme<sup>87</sup>.

### *Coverage with education*

Number of children not attending the school increase especially because of economic reasons. Accordance to international NGOs' information coverage with school education in Tajikistan has decreased from almost 100% in 1990 to 40% in 2006.

In accordance of Ministry of Education of Tajikistan, presently about 30% of children have left out of the school and solving of this problem is the main problem of the Government. In accordance with UNICEF Tajikistan 65% of pupils of secondary schools do not attend classes, which have a negative influence on the level of education in the society.

Most children do not attend schools because of the poverty and bad quality of education. „Children in remote areas often help parents in subsidiary work on the field or they sell agricultural products on the side of the road or on the market. Girls often leave school after primary classes” – says Sadridin Naimov, a teacher of secondary school from Khatlon Region. City children are forced to work on markets, shops, restaurants and public transport and even on the construction. Also there are facts happen when children do not attend schools because of the lack in cloth and shoe. The Government has taken some measures directed to assistance and support of families for compensation of expenses for education of the children, in particular, such measures were provided in the Document of Poverty reduction, but visible results are not achieved. (See point „Implementation addressed financial compensation of very poor families”, alternative report in the process of implementation of Republic of Tajikistan ICESCR, art.9)

### *Right for education in gender aspect*

For the last years gender situation fast became worst because of the collapse of education level among women, illiteracy of women and girls is increasing, their economic dependence from men, superposing in incomes, traditional stereotypes make women sexually dependent, sacrifices of violence, yearly marriage, pregnancy and prostitution.

Reduction of specific gravity of the girls in secondary schools start after the fourth class and it is normal in rural area. About fall in education among women says reduction of young women among the students at universities. If in 1985 number young women composed 42% from the total students, in 1994 they were 28%, in 1998 25%. In 2003-2004 young girls composed 24,8% from the total number of students of universities<sup>88</sup>.

Reasons are poverty of parents that force them to sacrifice funds for education for purchase of essential commodities – food and cloth. In such condition parents have to make selection of those children, which will be sent to get education. Accordance to vested traditional stereotype, strengthened under the influence of resurgent religious institutions, especially in remote area, it is considered that education for boys is more important rather than for girls. Because in the future boys are essential getters in the family. Destiny of girls, as a rule, is assistance at home and yearly marriage.

The Government of the Republic of Tajikistan takes special measures for enhance of training of highly qualified female specialists for rural area. Starting from May 1997 the president's quota has been established for admission of young girls to universities without entrance examination. However the quote is implemented only for ¼, besides that 70% of admitted girls gave up their study, mainly because of marriage. Often girls, admitted by the quote are behind, as they have weak secondary preparation in a rural school.

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<sup>87</sup> From the interview with the Chairman of Planning Management and Economy of the Ministry of Education of the republic of Tajikistan Mahrifat Azizova.

<sup>88</sup> Recourse: State Committee of Statistics of Tajikistan 2004.

Recognizing demonstration of attention from the side of Government structures to gender problems in education system, it has to be noted that realization of planned measures in many respects depends from financing that presently is still restricted<sup>89</sup>.

### ***Disabled children, Children with illnesses and children with special requirements***

In school programs of many countries it is recognized, those persons with any form of disability can have the best education in the frame of secondary school.<sup>90</sup>

Disabled children have also right for education. As in accordance with a Law of the republic of Tajikistan on „Social rehabilitation of disables in Tajikistan”: „Institutions of people education jointly with institutions of health and social protection of population are required to provide infant and non-school education of disabled children and getting of secondary, special secondary and high education”<sup>91</sup>. For those children whose disability in physical and mental maturity does not allow them to study in common secondary school, the government organizes special (support) secondary schools, boarding schools and classes and provide teaching, upbringing and treatment of the children and their preparation to socially useful work.<sup>92</sup> Besides this if necessary Department of Education opens classes for children with disabilities.<sup>93</sup>

Based upon international experience of education for disabled children, formulated in Salamanca declaration of UNESCO, approved by 92 countries members of UNO, implementation of the right for education of all disabled children can be provided by means of creation of conditions for their education in the system of general education. Such approach, composing in many countries the base of measures for execution of important right of disabled for social integration is not implemented in practice. As in Penjikent (Sugd Region) out of nine schools only two are one-storied, but the rest of the schools are no appropriate for children with disabilities, there are no elevators.<sup>94</sup> Practically there are no programs for integration of disabled children into general education.

### ***Disabled children covered with education***

Remains practice of placing of disabled children in special establishments, access to education in such establishments is seriously limited.<sup>95</sup> Mainly disabled children study in specialized boarding schools.

There are 2128 children covered with education that compose about 11% (19471 from general number of disabled children from birth, information of the Ministry of labor and Social Protection of the population), if to compare information of the Ministry of Education about number of disabled children in child infant schools and boarding schools for children with disabilities and mental deficiency – 3436 children, which compose 39% from number of children in health institutions (11 395 children on registration). Specific gravity of disabled children, identified and registered by education institutions in Tajikistan, compose 17,6% (data for 2004).<sup>96</sup>

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<sup>89</sup> Tajikistan on the way to gender equality, Dushanbe 2003, page 51.

<sup>90</sup> A/47/415, point 73. Law of the Republic of Tajikistan „On social rehabilitation of disables in Tajikistan, page 24”.

<sup>91</sup> Law of the Republic of Tajikistan “On Social Rehabilitation of disables in Tajikistan”, page 24.

<sup>92</sup> Law of the Republic of Tajikistan “On Education”, page 17.

<sup>93</sup> Regulation about general education, point 12

<sup>94</sup> Monitoring report “On Right for education of disabled children”, Bureau on Human Rights and initiative group Penjikent, May 2006 .

<sup>95</sup> Final comments of the Children Rights Committee (CRC/C/15/Add. 136), point 36.

<sup>96</sup> Disabled children, Tajikistan 2004.

Adducted data have to be receivable conditionally, as narrow information about children with physical and mental defects does not exist. So far are not solved problems with identifying, registration and composition of impartial statistical data about children with development disabilities by age category and level of marked defects that does not allow to develop a programme for their full coverage with special education.

Problem of lack of the exact data about number of disabled children is connected also with some parents who do not apply to the local authorities to register their child. From one side it because of the low material level and from another side because of passive attitude of parents towards disabled children' education, which is connected with stereotype that a child with physical and mental defects will not be adopt to the society.

There is a lack of basis of specialized facilities for education of children with physical and mental defects.

In boarding schools children with development defects experience difficulties subsequently lack of financing and highly qualified staff.

So, practically in all facilities apparently existing rapid shortage of books with an easy programme in tajik language for children mental defects. So in special boarding school (for children with mental defects) in Kulyab town of Khatlon region pupils of the ninth class get books for 1-3 classes of the primary school, but even these books are not appropriate for the level specialties of children with mental development problems in Tajikistan<sup>97</sup>. Pointed problem remains development of study programs, manuals in Tajik and other languages for boarding schools.

There are no specialists-defectologists and speech therapists. For specialized education institutions (infant schools and boarding schools) training of specialists conducts at the „Defectology” department of the Faculty of Psychology and Pedagogics at the Tajik State Pedagogical University. Specialists, graduated the faculty of Defectology do not come to their work places. In 2005 only 5 persons have been admitted (the reason is none prestigiousness of the profession). Programs for preparation of speech therapists, oligigaphrenopedagogics are old and have been not changed since Soviet period. Curriculum for training of child psychologists to work with disabled children does not exist. In 2006 the Defectology department has been closed.

### ***Disabled children not covered with education***

But probably the worst situation is observed in institutions that are under the authority of the Ministry of Labor and Social Protection of the population and number of such institutions is six throughout the country. There are existing child departments in old people's homes, where are children kept from the age five to eight. Old people's homes are rehabilitation facilities and do not possess upbringing and educational functions. Children being in boarding schools are not in the field of vision of education authorities. So, in infant department of old peoples home and boarding school of Degmai Jabor community of Rasulovsky district out of 62 children none goes to school. Educational activities are not done. There are no specialists to work with disabled children and no teachers in the list of staff members. Children do not develop and by the age of eighteen are transferred to the adult department<sup>98</sup>.

### ***Right for education of orphans and children devoid of parent guardianship***

In accordance with regulation on boarding school of the Republic of Tajikistan, getting of education for children is the main priority of children's homes and boarding schools.

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<sup>97</sup> Monitoring report on the observation of HR at Children's homes, Boarding Schools and other specialized institutions for children in the Republic of Tajikistan, Bureau on Human Right and Rule of Law, Dushanbe 2006.

<sup>98</sup> Monitoring report on the observation of HR at Children's homes, Boarding Schools and other specialized institutions for children in the Republic of Tajikistan, Bureau on Human Right and Rule of Law, Dushanbe 2006.

In case of lack of conditions orphans, adults devoid of parents' guardianship are educated either in children's homes, boarding schools or in secondary schools.

In most cases classes are organized in boarding schools and in rare cases foster children attend rural schools, located not far.

Studying in boarding schools, foster children get more isolate for the society, integration does not happen. Educational process in boarding schools face with certain difficulties; shortage of books, additional lessons are not conducted, after graduation foster children, as a rule are, sent to nonprestigious professional technical colleges.

### ***General secondary education***

Teachers of boarding schools and children's homes work in difficult conditions. Average size of the salary varies between TJS 25-45. There is no special literature (books and journals) for teachers to have opportunities to use new methods in work.

There is a noticeable lack of trainings for raising the level of teachers. Inadequate providing with visual materials, equipment and staff for conduction of laboratorial classes in chemistry and physics leads to loss of interest to the educational process. Visual materials in most cases are self-made. So, for example: in children's home #2 of Leninsky district all labor lessons and housekeeping are taught only theoretically because of the lack of equipment and visual materials.

There is rapid lack of books practically in all establishments. But even existing books are old. In this situation one book is used by 4-5 persons. There is problem existing with books in Tajik language. So, in accordance with the Charter of the children's home #2 of Leninsky district the teaching language is Russian, in spite of the fact that among the foster children few are Russians. Children from Tajik families go through difficulties during learning of materials. Assiduity and perception of materials by soviet books are very low.

There is lack of stationery. Allocated recourses are not able to cover demand in stationery. Partly this demand is covered by international organizations, but even this assistance is not able to satisfy all.

### ***Equalization***

One of the main problems in the process of education is inconsistency of age among pupils in respect of the class, where they have to study.

In accordance with Regulation on secondary schools for support of pupils not coping with curriculum the Pedagogical Unit organizes correctional classes<sup>99</sup>.

One of the priorities in education system is getting of certain mental outfit by children by specific age. There are often „social orphans”, pedagogically desolates children get to the establishments of hostel type, who missed school education for years. For such children it is very difficult get on well in curriculum. Usually such children are kept for one grade low (or even more) then their coevals. As per a teacher from boarding school of Kulyab town there is sixteen years old guy, who is in the fifth class and learns ABC book.

Issue of lagging behind the curriculum is existing almost in all boarding school. Children left behind the curriculum require additional lessons. Conduction of additional lessons is not paid and it is natural, that teachers do not pay enough attention to this.

### ***Material and technical basis***

Education process greatly gets difficult by buildings' conditions, which have been not renovated for a long time and do not have heating.

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<sup>99</sup> Regulation on "Secondary School", point 12.

In view of the fact that boarding schools in most cases are located in former kindergarten or schools, thus they practically do not have places for self-preparation. Furniture has been not renovated for the last 10-15 years. All periods of use are elapsed, often it is no to be renovated. Material and technical basis in some establishments in poor condition. So, in the boarding school of Kulyab town the building is in emergency condition, walls are in deep cracks, desks are old, no education materials and rooms for self-preparation.

Especially it is difficult during autumn and winter period. There is bad cold in classes because of the limit in supply of electricity and saving of fuel. Foster children learn in outer clothing. Sometimes administration have to install small stoves (stoves, heating with coal, firewood with a flue moved to the street), which can warm the room a little. Such conditions do promote education process<sup>100</sup>.

### ***Right of orphans for high education and children devoid of parent guardianship***

Presently, when unemployment is increasing and economical opportunities of the main part of population are limited, orphans practically are in conditions of physical surviving, as primary professional education is one the main resources of relatively deserving future for orphans and children devoid parent guardianship, That is why graduates of boarding schools need support for continuation of education both in primary professional and high schools.

None work done for provision of continuation of education among orphans and children devoid of parent guardianship after graduation of boarding schools.

The only one support after graduation is issuing of assignments to graduates to of no prestige primary state professional and educational institutions, mainly for training of metalworkers, turners, seamstresses, cooks and etc. To continue education in high school is possible only for few.

The reason is that access to high education depends from opportunities to pay informal payment, more low levels of education, such as trade schools become shelter for orphans, who can not have education somewhere else<sup>101</sup>.

In accordance with Human Rights Bureau's information in 2005 out of 19 graduates of one of the boarding schools only 3 were able to be admitted to high schools. But even in case of continuation of education former foster children have to provide themselves with stationery. Received scholarship does not allow to cover all current expenses. Rapid issue remains provision with accomodation.

## **RECOMENDATIONS**

The authors of this report developed the following recommendations with regard to the respect of the norms of the International Covenant on Civil and Political Rights by the Republic of Tajikistan. The recommendations are divided into blocks dealing with different articles of the ICESCR.

### **Article 2 ICESCR**

By development and realizations of the state programs, strategy and concepts to provide the system approach; coordination of state bodies; to spend the wide fact-finding company among the state employees about the accepted documents; to provide conforming financing.

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<sup>100</sup> Monitoring report on the observation of HR at Children's homes, Boarding Schools and other specialized institutions for children in the Republic of Tajikistan, Bureau on Human Right and Rule of Law, Dushanbe 2006.

<sup>101</sup> Study report "Law enforcement in the sphere of guardianship (revelation of breaches of law of orphans and children devoid of parent guardianship)", NGO «Law and prosperity», pages 23-24, Dushanbe, 2006.

To provide participation of the public in discussion of developed laws, the state programs, concepts and etc.

It is necessary to carry out control over observance of the rights in social sphere, including the state and civil control (the noncommercial organizations, trade unions, the supervisory councils and etc.).

It is necessary to strengthen independence of Council of Justice, in particular by increase in its structure of quantity of judges.

It is necessary entrust to judicial system independently to dispose of the budget.

To provide adequate training judges, workers of Office of Public Prosecutor, officials, deputies of parliament and other target groups in the field of the international standards and mechanisms of protection of the economic, social and cultural rights.

To introduce educational legal programs for the population, to carry out wide information work by the international-recognized economic and social rights.

It is necessary to take measures for the prompt creation of independent national institute on human rights protection.

## **Article 6 ICESCR**

### *Unemployment*

To raise efficiency of Service of the population employment activity with the purpose of realization of programs in the field of employment.

### *Labor migration*

To improve methods of migration management so that to eliminate the depth reasons of traffic in human beings connected with migratory processes;

To create and support effective legal channels of labor migration;

To legalize and stimulate the working agency firms on employment abroad.

Periodically to spend wide campaigns on increase of migrants knowledge on all questions connected with labor emigration;

To make activate propaganda activities of mass media, in particular TV and radio on increase of the population knowledge on risks of employment abroad.

### *Discrimination in sphere of employment*

In future legislator ought to develop and pass the Law «About elimination of all forms of discrimination» and to give the precise definition of appellations.

### *On the physical disability evidence*

The state ought to provide creating conditions for an unimpeded access of disabled person to a social infrastructure.

### *The right to work of orphan-children who have remained without care of parents*

It is necessity to provide the priority right to children-orphan and children who have remained without care of parents at employment.

It is necessary to organize of professional classes in boarding schools in which will realize gradual transition from labor training to professional.

To create and develop youth labor exchanges, the centers of employment and vocational training of teenagers.

It is necessary to carry out the duly conclusion of contracts with bodies of service of employment to put on list for employment of children-orphan.

### *Protection against economic exploitation (forced labor)*

#### *Boarding schools and children's homes*

It is necessary at a legislative and local levels (documents of establishment) to adjust the cases of attraction of pupils to work, to develop the standards which are interfering of exploitation of child labor.

To eliminate practice of child labor using, in particular attraction of children to agricultural works.

Participation of pupils in various forms of labor activity should proceed under their consent and initiative.

To provide protection of pupils against exploitation from administration and the personnel of establishments, and also from other persons on which request pupils go on performance of various works.

## **Article 7 ICESCR**

### *Equal remuneration for the labor of equal value*

To protect women from discrimination by gender in labor area.

### *Minimal protection conditions on the production and labor hygiene*

Establishment of legal and standard basis for labor protection and environment, appropriate to new economic relations;

Establishment of special state agencies, divisions in agencies of economic management of labor protection;

To strengthen professional units' participation in conduction of analysis on labor protection status at enterprises, firstly, non-government sector of economy and in improvement of the state registration and reporting at these issues;

Provide obligatory insurance of workers by enterprises from accidents and professional illnesses, organization of foundations for labor protection;

To enhance control over observance of law on labor protection;

Promote development and approval of local regulations, identifying criteria and conditions for promotion.

## **Article 9 ICESCR**

### *General provisions of pension fund scheme*

Introduction of alternative pension systems

It is necessary to decision of a question about award of long-service pensions to workers of education, public health services and art.

### *Social security of members of farmer facilities*

Precisely to define the status of farmer facilities and its members. It is necessary legislatively to define the order of labor mutual relations, between the head of farmer facilities and its members.

Legislatively to define procedures of award, calculation of pensions for individual businessmen.

Legislatively to define procedures and the mechanism of payment of social benefits to individual businessmen, including members of farmer facilities.

To pay attention to social security of women-members of farmer facilities.

### *Free passes to sanatoriums for the pensioners and disable people*

To develop program for the provision of low-income pensioners and disable people with medical-preventing passes.

To take measures to ensure transparency of the process of free passes on medication and rest distribution.

### *Development of domiciliary social assistance service for the incapacitated citizens*

To make provisions for the financing of domiciliary social assistance service. International and national organization should be involved in the process.

To develop program for ensuring assistance to the single pensioners and disable people. Proposals for the improving of the activity of the assistance service should be directed to the Ministry of labor and the social security of population.

## **Article 10 ICESCR**

### *Economic, social and culture rights of women and children in case of divorce*

Civilian registry offices to increase to the due level propaganda activity on marriage registration and implementation of the „Marriage agreement”, as an effective tool for protection of the both spouses, articles 40-47 of the family Code of the Republic of Tajikistan.

Develop and implement through the national legislation the way of conclusion of special agreements in the frame of civil right and with taking into account of family legislation between persons, living in civil marriage with a goal to provide equality in property issues.

To exclude art. 170 of the Criminal Code.

### *Child labor*

Conduct deep and fundamental analysis of existing in the Republic legal acts and sphere of child labor.

On base of conducted analysis execute development of effective legal regulation. Norms, regulating child labor and extermination of worst forms of the child labor or forced labor and efficient abolishment of all forms of obligatory and forced labor have to be reflected in law in clear view.

To conduct programs for law-enforcement authorities child labor and its worst forms.

To develop system of norms for prohibition of all forms of the child labor and directed:

1. Identification and investigation cases of the worst forms of the child labor;
2. Creation of mechanisms of protection in case of forced and other forms of the child labor.

Promote increasing of family incomes of the population in Tajikistan, for this to develop programmes for support of family, especially for those which are headed by woman (loans programmes, development and support of the small business, business training of women and etc.);

Develop measures for the support of working parents of children; training of parents in child rights protection, informing population about dangerous of child labor.

Strengthen potential of social services of communities, support and promote community projects, directed to development of local communities.

Support girls education and in general education of women. Develop state measures for returning of girls to high schools and schools.

Activate the work for supply of schools with school staff, books, which have to be free of charge for poor families and families headed by women.

Improve material and technical condition of schools and increase salary of teachers; Organize training and consulting centres in child centers and orphanages;

Promote development of institutional approaches in the frame of country to solve the problem of child labor and especially of its worst forms.

### *Violence against women*

Soon passing of the law on social and legal protection from violence in the family.

For legislation to identify associations like moral outrage, moral insults and sexual solicitation;

Development of the project on mechanism of registration of information about violence, especially in the family;

Establish special units in the system of law-enforcement agencies for prevention from the violence in the family;  
Development of list of indicators by the State Committee for Statistics of the Republic of Tajikistan for identification of violence by gender and age in accordance with international requirements;  
To the statistical report of law-enforcement include the following indicators for definition of violence in relation to women: number of forced marriages, number of forced sexual relations, number of home violence (in accordance to registration of region and district Crisis centers and trust phones)  
Establishment of the national data base and including to the statistical report on violence in relation to women, information from Crisis centers in the republic, established by local and international organizations;  
Wide use of gender statistics in informational companies, which are directed to the change of public opinion about situation with women in the Republic of Tajikistan, increasing the level of legal culture of the population, forming of the sense of responsibility and respect of law, understanding of harmony between rights and obligation (Mass Media and Ministry of Justice);  
Organization and conduction of regular trainings by state and non-government organizations for the staff of law-enforcement structures on problems with violence in relation to women.

#### *Traffic in human beings*

Develop legislation for struggle with people traffic and removal.  
Forseen extradition of persons, blamed in crimes connected with people traffic.  
Develop legislation ground in the sphere of protection of victims-witnesses of people traffic.  
Develop comments to article 130.1 of the Crime Code of the Republic of Tajikistan.  
Take direct measures for return, provision with medical and social rehabilitation of children – victims of people traffic.  
Conduct specialized trainings on people traffic for increasing of qualification of law-enforcement agencies in the Republic.  
Organize training of law-enforcement agencies staff on dealing with people traffic's victims.  
Develop and implement programme of assistance and reintegration of people traffic's victims. In realization of such programme have to participate all interested departments and non government organizations.  
Establish special rehabilitation centers for people traffic's victims both for adults and children.  
Develop politics, including company for confidentiality and anonymity of victims, on the base of human rights principals, which include confidentiality and human dignity.

#### **Article 11 ICESCR**

##### *Right to property and housing*

There is need to elaborate provisions about housing rights and interest protection of the orphanages and also children devoid of parent guardianship.  
To fix on the legislative level order and procedures of consideration of issues on disposition of dwellings (purchase, exchange, permutation) of orphanages and children devoid of parent guardianship. Also the procedure for the privatization of apartments of orphanages and children devoid of parent guardianship.  
To fix on the legislative level obligation of legal representatives (trustees, guardians, relatives, administration of child's institution) to settle a contract for transferring the dwelling to the ownership of orphanages and children devoid parents guardianship. In the case when children live alone and from the moment of their placement to the state child's institution or to the trusteeship or guardianship.

While forming the budget to take into account finance with designation for purchasing the housing for the orphanages.

*The right to adequate standard of living of orphanages and children devoid of parents' guardian*

To make provisions on the legislation level comment statement about what includes full state maintenance in the state child's institutions and children's homes.

To increase financing for the article „feeding” in the boarding-schools and children's homes.

To increase financing for the article „clothes, footwear” in the boarding-schools and children's homes.

To ensure no-break power to the boarding-schools and children's homes in the fall-winter period.

To repair premises which are in the emergency condition (special boarding school (for children with a delay in development) in Kulyab and Digmai's house-boarding school for the aged and disabled people with department for the children).

*Disabled children*

To pay attention to the provision of disabled people with wheelchairs, orthopedic products.

## **Article 12**

*Access to medical care*

Soon acceptance of the package of guaranteed free health services.

*Situation and legal status of HIV/AIDS*

It is necessary to develop sub legislative acts, regulating rights of HIV/AIDS infected.

Development of policies, prohibiting testing for HIV/AIDS for all goals, connected with offering of the job (appointment, promotion, training, education, bonuses and etc.)

Increasing of professional training of court staff, law-enforcement authorities and advocacy.

*The right for mental health*

Optimization of funds allocation. Despite the economical difficulties that Tajikistan meets at current stage, the optimization of funds allocation is necessary in order to ensure respect of the economic and social rights of patients and staff of the psychiatric facilities. Programme based funds allocation shall be adopted. Transparency in use of the funds is a prerequisite for attraction of possible private and corporate donors, humanitarian aid agencies.

De-institutionalization of the psychiatric services

To develop independent psychiatric services in the country as well as services aimed at protection of the patients' rights and the rights of the staff of psychiatric facilities. Development of a network of private clinics might be important for diversification and improvement of services.

Rehabilitation therapy shall constitute an inherent part of any treatment plan. It shall be applied in conjunction with modern medication.

To ensure active patient's participation in the treatment. It implies obtaining informed consent of a patient for the treatment. Patient's participation in development of the treatment plan is the core guarantee of the right to information and the right to adequate treatment. New practices of patient's participation shall be introduced through training for psychiatrists and for other medical staff (nurses).

*Right for health security of orphans and children left without parents guardianship*

Increase finance of budget articles, allocated for medical care

Pay attention to sanitary and hygiene norms in boarding schools

## **Article 13 ICESCR**

### *Disabled children, Children with illnesses and children with special requirements*

Develop and create different forms for disabled children to get education.

To emphasize individual educational home to those, who are not able to attend temporary or constantly secondary schools because of state of health.

Reestablish and provide control over the general education programs of persons, who are on the long in-patient treatment (more than 21 days);

Take measures for coverage with education of children in children's homes for old and disables;

To create special educational conditions for integrated education of disabled persons in accordance with psychological and pedagogical and medical testimony (contra-iction) in general and combined education institutions;

Develop defferent forms of integration in secondary schools;

Promote education of disabled children at home;

### *Right for education of orphans and children devoid of parent guardianship*

Conduct comprehensive research on loyalty for high education for foster children of children's homes and boarding schools.

Provide trainings for increasing of qualification for the staff of child establishments.

Provide foster children of boarding schools and children's homes with books and stationery.

Pay attention and provide the process of education basis with material and technical (furniture, education materials and etc.)

Put into practice correctional classes for children behind the curriculum.

Implement into curriculum principals of skills development and practical usage of knowledge.