

**Country Visit to Tajikistan**  
**Report of June Zeitlin, the Special Representative of the**  
**OSCE Chairperson-in-Office on Gender Issues**  
**November 1-5, 2014**

## **Introduction**

The goal of my visit to Tajikistan was to examine and raise issues related to gender equality. During my visit, I concentrated primarily on how violence against women was being addressed as well as women's political participation. My trip was framed by the OSCE's commitments on gender equality. These include promoting gender equality and gender mainstreaming within the organization, and encouraging states to implement OSCE gender equality commitments in six priority areas (protection against discrimination, prevention of violence against women, promotion of women's participation in the political and public sphere, promotion of women's participation in conflict prevention and resolution, enhancement of equal opportunities for women in the economic sphere, and the creation of national mechanisms to promote the advancement of women).<sup>1</sup>

I wish to extend my thanks to the government officials, members of Parliament and all of the individuals who took the time to meet with me during my visit to Tajikistan. I would also like to thank the OSCE Mission in Tajikistan and the Swiss Cooperation Office in Tajikistan for the warm welcome and for arranging the extensive and informative program with government representatives, parliamentarians, and members of civil society.

The following report reflects my views as the Special Representative of the OSCE Chairperson-in-Office on Gender Issues and is based on the discussions with government officials, members of Parliament, and NGO and civil society representatives (see attached list of meetings). The report concludes with my recommendations.

## **Legal and Institutional Context**

In preparation for the visit to Tajikistan, I reviewed the following documents and publications: Tajikistan's Responses to the List of Issues of the CEDAW Committee,<sup>2</sup> Tajikistan's Combined Fourth and Fifth Periodic Report to the CEDAW Committee,<sup>3</sup> the CEDAW Committee's

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<sup>1</sup> See generally OSCE, GENDER EQUALITY <http://www.osce.org/gender/41497>.

<sup>2</sup> Comm. On The Elimination of Discrimination Against Women, Replies of Tajikistan to the List of Issues to be Taken Up In Connection With The Consideration of Its Combined Fourth and Fifth Periodic Reports, *available at* [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTJK%2fQ%2f4-5%2fAdd.1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTJK%2fQ%2f4-5%2fAdd.1&Lang=en).

<sup>3</sup> Comm. On The Elimination of Discrimination Against Women, Combined Fourth and Fifth Periodic Report of the Republic of Tajikistan, U.N. DOC. CEDAW/C/TJK/4-5 (2011), [hereinafter Tajikistan's Fourth and Fifth Report], *available at* [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTJK%2f4-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTJK%2f4-5&Lang=en).

Concluding Observations to Tajikistan's Fourth and Fifth Periodic Report,<sup>4</sup> and the shadow report From De-Jure Equality Towards De-Facto Equality.<sup>5</sup> These documents provided a comprehensive overview of the legislative, social and cultural aspects of gender equality in Tajikistan.

The Constitution of Tajikistan provides for equality before the law for all citizens, men and women.<sup>6</sup> Article 7 of the Labor Code prohibits discrimination based on sex in employment and Article 143 of the Criminal Code criminalizes such discrimination.<sup>7</sup> Tajikistan has additional international commitments to gender equality through its ratification of CEDAW and the CEDAW Optional Protocol among others.<sup>8</sup> The Constitution incorporates ratified treaties, including CEDAW, into domestic law and recognizes the supremacy of international law.<sup>9</sup>

## **Domestic Violence**

The new law on Prevention of Violence in the Family entered into force in March 2013. The law, as its title denotes, is focused on prevention. It amends the Administrative Code and for the first time defines domestic violence. The law is intended to lead to the development and expansion of a range of services for victims of domestic violence, including crisis centers, shelters, psychological counseling, health and social services and legal advice. There are currently thirty-three crisis centers and three shelters functioning throughout the country. Offices for advice and medical assistance for victims of domestic violence are also available in some maternity hospitals.

I had the opportunity to visit the Bovari Crisis Center in Dushanbe and the Women's Resource Center in Kulyab. Both centers counsel victims of domestic violence and provide legal advice as well as a range of other services. They are very impressive programs with well-trained and highly professional staff.

The Committee of Women and Family Affairs is responsible for implementing and monitoring government policies and programs on gender equality, including the new law on prevention of domestic violence. The Chairperson of the Committee reports to the Deputy Prime Minister.<sup>10</sup> The Committee prepared and the Deputy Prime Minister approved the State Program on

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<sup>4</sup> Comm. On The Elimination of Discrimination Against Women, Concluding Observations of the Comm. On the Elimination of Discrimination Against Women, U.N. DOC. CEDAW/C/TJK/CO/4-5 (2013) [hereinafter CEDAW Concluding Observations], available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTJK%2fCO%2f4-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTJK%2fCO%2f4-5&Lang=en).

<sup>5</sup> FROM DE JURE EQUALITY TOWARDS DE FACTO EQUALITY, SHADOW REPORT ON THE IMPLEMENTATION OF THE CEDAW CONVENTION (2012) [hereinafter De-Jure to De-Facto Shadow Report] available at [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/TJK/INT\\_CEDAW\\_NGO\\_TJK\\_13366\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/TJK/INT_CEDAW_NGO_TJK_13366_E.pdf).

<sup>6</sup> Tajikistan's Fourth and Fifth Report, *supra* note 3, at 4.

<sup>7</sup> *Id.* at 4.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

Prevention of Domestic Violence Action Plan (2014-2024), which sets out the implementation of the new law. Agencies must report to the Committee twice a year on implementation.

The law also emphasizes the need for public education. The Committee has used television and other media to speak publicly about the problem of domestic violence and explaining that it is against the law. They are planning to conduct events with local authorities and civil society to present the new program and discuss its implementation.

The new law does provide for the issuance of protective orders by the police. A violation of the protective order can lead to sanctions, including administrative detention and fines. However, it does not make any changes to the criminal law so domestic violence by itself is not a crime.<sup>11</sup> However, a physical assault, including between family members, may be prosecuted as a crime.<sup>12</sup>

The Ministry of Interior has been among the first ministries to begin to address the issue of domestic violence. Since 2010, the Interior Ministry has been collecting information from police precincts on domestic violence, including number of complaints filed and cases prosecuted. The most recent data from the Ministry for the first nine months of 2014 shows that 1441 cases of violence in the family were registered. Of these, male perpetrators were identified in 944 cases and female perpetrators in 490 cases; 7 were identified as teenagers. In this reporting period, 214 criminal cases were opened mainly for serious and severe physical injury caused as a result of violence in the family. Seventy-two protection orders were issued by the police for the first time since the new law was passed. No protection orders were issued in 2013.<sup>13</sup>

In addition, the Ministry has established five special police units where a woman police officer is assigned to work specifically on domestic violence. I had the opportunity to visit one of these units in Kulyab and to learn first-hand about the difference such a specialized unit—even with just one person—could make. It was noted that the Ministry hopes to expand this program.

The Ministry has also developed training materials on domestic violence and made the training mandatory for all students at the Police Academy. Currently, 10% of police workers are women, and the highest ranking woman in the Ministry is a colonel, who leads a sub-working group on gender aspects of police reform.

At the presentation of Commentary on the Domestic Violence law which took place on 1 November 2014, the Senior Advisor to the President of Tajikistan on Legal Issues also presented the actual status of the implementation of the new law. The implementation was discussed by the Chairperson of the Committee on Women and Family Affairs and the consultative group of Parliamentarians who developed the new domestic violence law. Representatives of civil society

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<sup>11</sup> De-Jure to De-Facto Shadow Report, *supra* note 5, at 14.

<sup>12</sup> Comm. On The Elimination of Discrimination Against Women, Summary Record of 1171<sup>st</sup> Meeting—Consideration of the Combined Fourth and Fifth Periodic Report of the Republic of Tajikistan, ¶ 52, U.N. DOC. CEDAW/C/SR.1171 (2013) available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSR.1171&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSR.1171&Lang=en).

<sup>13</sup> Presentation by Solieva Zumrad, Head of Int'l Relations of the Ministry of Internal Aff. of Tajikistan, *NGO-Government Dialogue Towards Effective Implementation of CEDAW in Tajikistan*, December 5, 2014.

also had an opportunity to present their views on the new law and made recommendations for further action. They maintain a Unified Data Base from the existing crisis centers and women's resource centers around the country. It includes data on all forms of domestic violence, including physical violence, psychological violence and economic violence. While this is the most comprehensive collection of data on domestic violence that currently exists, it does not include reporting from every part of the country.

### **Women's Political Participation**

There are no quotas in the election law in Tajikistan. And to date, political parties have not adopted any voluntary quotas or other special measures to promote women in decision making. Currently, women represent 19 percent of MPs, all from the ruling party.<sup>14</sup> I had the opportunity to meet with the Group of 8, women from the eight registered political parties in Tajikistan who have come together in support of an inter-party platform to promote greater representation of women in decision making. They are promoting various approaches to increase women's representation in the upcoming elections next year, including a 30% quota for female representation on electoral lists.

Tajikistan does require, however, that most ministries (excluding the Ministry of Defense and a few others) select a woman as the deputy minister. Local bodies also require that the vice-head be a woman.

### **CEDAW and Other International Obligations**

In September 2013, the CEDAW Committee considered the combined fourth and fifth periodic report of Tajikistan. In its Concluding Observations, the CEDAW Committee requested Tajikistan to report back in 2015 on paragraphs 18: Violence against Women and 32: Disadvantaged Groups of Women.<sup>15</sup> A working group of government representatives was formed under the leadership of the Committee on Women and Family Affairs under the National Action Plan on Implementation of International Commitments headed by the Vice-Prime Minister. A dialogue has been organized by with two former members of the CEDAW Committee with the government and women's NGOs to discuss reporting and implementation.

In April 2013, Tajikistan was elected as a member of the UN Commission on the Status of Women for the period of 2014-2018. Therefore, as a member of the CSW during the discussions of Beijing Plus 20 and the Post-2015 Development Goals, Tajikistan will be well positioned to contribute to the global outcome of these important processes.

### **Recommendations**

#### **Violence Against Women**

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<sup>14</sup> INTER-PARLIAMENTARY UNION, *Tajikistan Report—Last Election* [http://www.ipu.org/english/parline/reports/2309\\_e.htm](http://www.ipu.org/english/parline/reports/2309_e.htm) (last visited Dec. 20, 2014).

<sup>15</sup> CEDAW Concluding Observations, *supra* note 4, ¶ 40.

The government should give priority to the mobilization of resources and recruitment of professional staff, including by partnering with NGOs, for the effective implementation of the State Program on Prevention of Violence in the Family. It is critical to establish adequate services, particularly shelters, psychological and family counseling for victims of domestic violence as well as better trained social workers and legal services in all regions of the country. The Committee on Women and the Family should closely monitor implementation by the various government agencies and take steps to address gaps in implementation.

The government should also undertake more extensive collection of data building on data collected by the Ministry of Interior to document the incidence of domestic violence, reports to the police, use of services, cases referred to the courts and their outcomes. This could also include the Unified Data Base from the crisis centers maintained by NGOs.

The Ministry of Interior should expand the number of women police units to other regions of the country and also take steps to strengthen the integration of gender-responsive policing in broader police reform efforts. Training of law enforcement personnel, judges and prosecutors on domestic violence should be continued and expanded.

The Parliament should consider including domestic violence as a specific crime in the criminal code.

The government should strengthen collaboration with civil society and dedicate increased resources for public education campaigns on preventing domestic violence, including challenging traditional assumptions and practices. This should include a specific focus on educating youth that domestic violence is not acceptable by using the venue of the public school system to communicate this message.

### **Women's Political Participation**

The government and political parties should take concrete steps to increase women's political participation, including consideration of adopting a 30% quota for representation of women with specific goals and timetables for both national and local governing bodies. Parliament and political parties should look to best practices from the OSCE region, including the resource materials and tools developed by ODIHR.