

Universal Periodic Review
(25th session, April-May 2016)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Tajikistan

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	State party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	28/08/1992, notification of succession	<i>N/A</i>	<i>N/A</i>	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	17/08/2010, ratification	<i>N/A</i>	<i>N/A</i>	Right to take part in cultural life
Convention on the		<i>N/A</i>	<i>N/A</i>	Right to take part in

Protection and Promotion of the Diversity of Cultural Expressions (2005)	24/10/2007, ratification			cultural life
--	--------------------------	--	--	---------------

II. INPUT TO PART III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS, TAKING INTO ACCOUNT APPLICABLE INTERNATIONAL HUMANITARIAN LAW TO ITEMS F, J, K, AND P

Right to education

1. NORMATIVE FRAMEWORK

1.1 Constitutional Framework

1. The **Constitution of Tajikistan of 1994 (as amended in 2003)**¹ enshrines the right to education in **Article 41**, which provides: “Everyone shall have the right to education. The basic general education shall be compulsory. The state shall guarantee the free of charge general basic compulsory education in the state educational establishments. Everyone shall get free of charge general vocational, primary specialized, vocational specialized and higher specialized education in the state educational establishments, within the framework determined by law. Other forms of education shall be determined by law”.
2. Moreover, according to **Article 34**, “A mother and a child shall be entitled to special care and protection by the state. Parents shall be responsible for the upbringing of children, and adult and employable children shall be responsible for care and provision of parents. The state shall care for the protection, upbringing, and education of orphaned and invalid children”.
3. **Article 35** states: “[...] Using women and children labor shall be prohibited in heavy and underground works and in harmful conditions.”
4. **Article 17** provides “All people shall be equal before the law and the court of law. The state shall guarantee the rights and liberties for every person irrespective of his nationality, race, sex, language, religious beliefs, political persuasion, knowledge, social and property status. Men and women shall have equal rights”.

1.2. Legislative Framework

¹ <http://www.unesco.org/education/edurights/media/docs/ae8c0f7576f3d9f63ff2055592a9cb6b7f95227a.pdf>,
<http://www.wipo.int/wipolex/fr/details.jsp?id=10268>, Accessed on 28/04/2015

5. The Law of the Republic of Tajikistan “On Education” (adopted on 27 December 1993, partially amended in 1994, 1995, 1996, 1997 2003, 2004 and the version currently in effect was adopted in 2013)
6. The Law of the Republic of Tajikistan “On Primary Vocational Education” (2003);
7. The Law of the Republic of Tajikistan “On Higher and Postgraduate Professional Education” (2003); and
8. The Law of the Republic of Tajikistan on “Responsibility of Parents for Child Education and Upbringing” (2011);
9. The Law of the Republic of Tajikistan on “Pre-School Education and Care” (2013)².
10. The framework for education in Tajikistan is set out in a suite of legislation, ensuring rights of children to education and the roles and responsibilities of government, headmasters, teachers, and parents. The Law on Education, as revised in 2013, stipulates that all children, regardless of health, nationality, race, sex, health status and religion have **the right to free education**.³
11. Several other laws, additional rules and regulations also relate to education for children with disabilities, and concern all levels of government: the *Poverty Reduction Strategy of the Republic of Tajikistan for 2007-2009* which envisages the development and implementation of measures for inclusive education, the *Law On Social Protection of Disabled Persons in the Republic of Tajikistan*, the “**Standard Regulation for Educational Institutions of Boarding School Type in the Republic of Tajikistan**” on admission, regulation, tasks, organisational arrangements, administration, financing and health services in these schools, as well as the “**Explanation to the Curricula for Special Boarding Schools of General Education for Children with Physical and Mental Disabilities** [...]”.⁴
12. “**Article 24** of the *Law On Social Protection of Disabled Persons in the Republic of Tajikistan* (adopted in 1991, latest revision in 2008) also contains provisions related to

² UNICEF, Overview of Tajikistan http://www.unicef.org/tajikistan/overview_27465.html (accessed on 12/06/2015)

³UNICEF, Education Equity Now <http://education-equity.org/?p=1088>

⁴ OECD, Reviews of National Policies for Education - Kazakhstan, Kyrgyz Republic and Tajikistan 2009 (Students with Special Needs and those with Disabilities), 2010, pp. 189-190

Link for free internal access: <http://www.oecd.org/dataoecd/54/33/43851447.pdf> (Accessed on 25 March 2014)

education and professional training for disabled persons. It confirms that people with disabilities in Tajikistan possess the same social, economic, political and personal rights and freedoms as guaranteed in the Constitution for all citizens of Tajikistan. Among other provisions, this Law contains articles on education and vocational training, on access to employment and social support and the creation of a barrier-free community. It guarantees the necessary conditions for receiving education, whereas the provision of pre-school and all levels of formal education, as well as extra-curricular education for disabled children, are to be ensured by the educational institutions jointly with the bodies of public health and social protection. The law allows for a positive discrimination of disabled persons with respect to admission to secondary special and higher education (entry quotas). At the level of general and special preschool education, if school attendance is not possible, home schooling should be provided. The corresponding educational institutions must thereby assist the parents in educating their disabled children at home.”⁵

1.3. Policy Framework

i) General information

13. “The Tajikistan Ministry of Education has technical oversight over education, however in practice it is difficult for it to regulate education facilities set up by local authorities or other ministries, and the legislation on roles and responsibilities is not yet clear. [...]”⁶
14. In 2005, a **National Strategy for Education Development for the Republic of Tajikistan (2006-2015)**⁷ was adopted.
15. In addition, the **Poverty Strategy of the Republic of Tajikistan for 2010-2012**⁸ contains policy towards education.
16. “The specific arrangements for education are largely described in the National Strategy for Education Development (NSED). The NSED, up to 2020, was approved by the Government in July 2012. Its main goal is to create the conditions to ensure universal

⁵ OECD, Reviews of National Policies for Education - Kazakhstan, Kyrgyz Republic and Tajikistan 2009 (Students with Special Needs and those with Disabilities), 2010, p. 204

Link for free internal access: <http://www.oecd.org/dataoecd/54/33/43851447.pdf> (Accessed on 25 March 2014)

⁶ OECD, Reviews of National Policies for Education - Kazakhstan, Kyrgyz Republic and Tajikistan 2009 (Students with Special Needs and those with Disabilities), 2010, p. 23

Link for free internal access: <http://www.oecd.org/dataoecd/54/33/43851447.pdf> (Accessed on 25 March 2014)

⁷ National Strategy for Education Development for the Republic of Tajikistan (2006-2015), available online at: <http://planipolis.iiep.unesco.org/upload/Tajikistan/Tajikistan%20Education%20Plan%202006-2015.pdf> (Accessed on 25 March 2014)

⁸ Poverty Strategy of the Republic of Tajikistan (2010-2012), available online at: http://planipolis.iiep.unesco.org/upload/Tajikistan/Tajikistan_PRSP_2010-2012.pdf (Accessed on 25 March 2014)

access to relevant and quality education. Acknowledging all those challenges in the education sector as described above, the NSED sets out three objectives: (i) to modernize education content; (ii) to re-structure the education system; and (iii) to improve access to quality education.”⁹

17. “A Local Education Donor Group under the Development Coordination Council coordinates policy dialogue between the Government and development partners. This group has also been instrumental in assisting Government in the preparation of its latest application under the Global Partnership for Education (GPE), approved in June 2013. In addition, the DCC assisted in the application for the GPE Education Plan Development Grant, approved in October 2013, of which the funds have supported a Joint Sector Review in April 2014, and the development of the Education Action Plan 2015 – 2017, along with a monitoring and evaluation framework and costing and financial model.”¹⁰

ii) Inclusive Education

18. “The Law on Education, as revised in 2013, stipulates that all children, regardless of health, nationality, race, sex, health status and religion have **the right to free education**.”¹¹ (no additional information)
19. “An Inclusive Education Working Group was established in 2013 bringing together key actors in the field, including donors, civil society, and government. In addition, the GPE-4 includes a component that promotes inclusive education and provides for the development of further teaching and learning materials to support mainstreaming of children with disabilities as well as the rehabilitation of schools for accessibility.”¹²
20. “(...) children from poor households, working children, children from single-parent households, children in institutions and children in rural and remote areas are at risk of dropping out or have dropped out, and a minority have never attended school. Most children in conflict with the law are institutionalized and thus receive education, but are at high risk of dropping out-of-school.”¹³

iii) Quality education

21. “The MoES estimates that out of 3,747 schools in the country, 18% are in emergency conditions (with the majority of them being unsafe) and 3.5% are situated in railway cars

⁹ UNICEF, Overview of Tajikistan http://www.unicef.org/tajikistan/overview_27465.html (Accessed on 12/06/2015)

¹⁰ Ibid.

¹¹ UNICEF, Education Equity Now <http://education-equity.org/?p=1088> (Accessed on 12/06/2015)

¹² UNICEF, Overview of Tajikistan http://www.unicef.org/tajikistan/overview_27465.html (Accessed on 15/06/2015)

¹³ UNICEF, Overview of Tajikistan http://www.unicef.org/tajikistan/overview_27465.html (Accessed on 12/06/2015)

and private homes. In addition, 30% of schools require major rehabilitation work (related to roof and floor replacement). Many of these facilities lack lighting, heating, water and basic sanitation.

22. Further, many schools are either closed or poorly attended by students and teachers during the winter period (which lasts up to 5 months in the mountainous areas). As a result, the curriculum cannot be fully provided in such schools. The stock of school furniture is also old, much of it dating from the Soviet period. The dire state of schools is the result of damage caused during the severe civil war in the mid-90s. It is also the result of the chronic underinvestment that afflicted the sector for much of the 1990s and early 2000s when the economy collapsed in the wake of the dissolution of the Soviet Union.
23. The rapidly growing school-aged population put additional pressure on the education sector in general and, in particular, on the system's ability to accommodate school aged children."¹⁴

iv) Curriculum

24. "Tajikistan, with the support of UNICEF and the Aga Khan Foundation, approved a new curriculum for alternative or community-based early childhood provision in June 2013, also using child-centred approaches. The curriculum will be applied in classrooms with teachers trained in the new methods (UNICEF, 2013f)."¹⁵
25. "At present, the MoES is working towards developing a curriculum that is competency-based, moving away from the current knowledge-based curriculum. To date, standards for the revised curriculum have been set and work on the revised curriculum is ongoing."¹⁶

v) Financing of education

26. "The Government's commitment to education is reflected in the education budget which has been steadily increased as a percentage of GDP from 3.4% in 2007 to 4.0% in 2013 (excluding the Public Investment Programme (PIP) and Non-Budgetary Funds (NBF)). Despite these increases, the levels of financing are inadequate to meet system needs or to make significant improvements to the quality of education.

¹⁴ UNICEF, Overview of Tajikistan http://www.unicef.org/tajikistan/overview_27465.html (Accessed on 12/06/2015)

¹⁵ EFA GMR 2000-2015: achievements and challenges" p. 69
<http://www.google.fr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CDEQFjABahUKewjB0-7znYrGAhVCPRQKHakrADI&url=http%3A%2F%2Funesdoc.unesco.org%2Fimages%2F0023%2F002322%2F232205e.pdf&ei=49p6VYHWJcl6UKnXgJAD&usg=AFQjCNEso8XWrRKjEk2uHje6KUzaMmevuw&bvm=bv.95515949,d.d24> (accessed on 15/06/2015)

¹⁶ UNICEF, Education Equity Now <http://education-equity.org/?p=1088> (Accessed on 12/06/2015)

27. The efficiency and equitable distribution of public spending has increased in recent years as a result of the introduction of per capita financing (PCF), which now covers all general secondary schools. For instance, the average class size in the final wave of schools adopting PCF increased from 19.4 in 2009 (before PCF) to 20.7 in 2012 (two years after adoption). In terms of equity, whereas in 2010 only 82% of all general secondary schools had an approved budget in line with the formula-based budget (being in compliance was defined as having a budget that was 95% or greater of the budget as calculated using the PCF formula. This cut-off is based on the regulation that districts are entitled to reallocate up to 5% of the district-level budget, while ensuring that no school receives less than 95% of the budget as calculated by the PCF formula.), in 2011 95% of schools had a PCF-compliant budget. The switch to PCF provides greater budgetary autonomy to schools and gives responsibility to school management to manage resources effectively and efficiently, and to work closely with communities on school development planning, budget formation and expenditure monitoring. Approximately 35% of school directors have received adequate training on financial management and pedagogical leadership.”¹⁷

vi) Gender equality

28. “Tajikistan’s National Strategy for Education Development (NSED) 2015 included television and radio campaigns to promote girls’ education. The more recent NSED 2020 continues the use of media campaigns, but aims specifically at improving the particularly low enrolment of girls in post-compulsory secondary education (UNICEF, 2013b), 90 girls for every 100 boys in 2012.”¹⁸

29. “The Ministry of Education and Science has made some initial strides in addressing girls’ education. Increasing girls’ enrolment in school is a focus of policy and strategy. The National Strategy for Education Development (NSED) contains basic strategies to have media campaigns promoting girls’ education and establishes the Centre for Gender Pedagogics.”¹⁹

2. COOPERATION

¹⁷ UNICEF, Overview of Tajikistan http://www.unicef.org/tajikistan/overview_27465.html (Accessed on 12/06/2015)

¹⁸ EFA GMR 2000-2015: achievements and challenges” p. 167

<http://www.google.fr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CDEQFjABahUKewjB0-7znYrGAhVCPRQKHakrADI&url=http%3A%2F%2Funesdoc.unesco.org%2Fimages%2F0023%2F002322%2F232205e.pdf&ei=49p6VYHWJcl6UKnXgJAD&usq=AFQjCNEso8XWrRKjEk2uHje6KUzaMmevuW&bvm=bv.95515949,d.d24> (accessed on 15/06/2015)

¹⁹ UNICEF, Overview of Tajikistan http://www.unicef.org/tajikistan/overview_27465.html (Accessed on 12/06/2015)

30. Tajikistan is **party** to the 1960 UNESCO Convention against Discrimination in Education since 28/08/1992.
31. Tajikistan did **not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:
- **Sixth Consultation** of Member States (covering the period 1994-1999),
 - **Seventh Consultation** of Member States (covering the period 2000-2005),
 - **Eighth Consultation** of Member States (covering the period 2006-2011).
32. Tajikistan did **not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:
- **Fourth Consultation** of Member States (covering the period 2005-2008),
 - **Fifth Consultation** of Member States (covering the period 2009-2012).
33. Tajikistan did **not report** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** of Member States (1993). However, it **reported** within the framework of the **Second Consultation** of Member States (2011).
34. Tajikistan is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

1. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

35. Freedom of expression is enshrined in Article 30 of the Constitution and guarantees all citizens the right to free speech and free publishing while restricting publications aiming to promote discrimination and hostility.²⁰
36. Defamation is regarded as a criminal offense and can lead to fines or imprisonment of up to 2 years.²¹

²⁰ See the Constitution of Tajikistan on the government's website: <http://www.president.tj/en/taxonomy/term/5/28>.

²¹ <http://www.legislationline.org/download/action/download/id/1707/file/207b8150765af2c85ad6f5bb8a44.htm/previous>

37. Access to information is outlined in Tajikistan's new law On Periodical Print and Other Mass Media. Lawmakers are to develop concrete steps to make practical the new legal provisions.²² Mechanism of implementation of the law as to be developed yet.

2. MEDIA SELF-REGULATION

38. Tajik Media Council, established in October 2009, as well as its code of professional ethics are two essential elements of media self-regulation in the Republic of Tadjikistan. The Council is comprised of 9 members elected during the annual conference of media industry representatives. It adjudicates complains and works to strengthen norms of professional ethics. The Law on Public Associations provides for legitimacy of the Council as a self-regulatory body.

3. SAFETY OF JOURNALISTS

39. UNESCO recorded no killing of journalists in Tajikistan so far. Journalists operate in a safe environment.

3. RECOMMENDATIONS

Right to education

40. **Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)**

41. 88. The recommendations formulated during the interactive dialogue and listed below have been examined by and enjoy the support of Tajikistan:

- i. 88.11. Further expand the educational activities in the field of human rights with the focus on law enforcement, civil service and vulnerable groups (Turkey);
- ii. 88.15. Take into account gender equality in all areas, in view of providing equal access to decision-making positions within the government as well as to education, justice and land (Switzerland);

²² <http://nansmit.tj/15328/>:

- iii. 88.32. Adopt legislative measures to criminalize and prosecute gender violence at public instances, as well as establish shelters for women victims of violence and train staff involved into investigations of those cases (Spain);
 - iv. 88.36. Intensify measures in comprehensively addressing the problem of human trafficking and violence against women, including by, among others, implementing social, educational and legal safeguards, public awareness campaigns to sensitize the community and to continue building law enforcement capabilities and capacities (Malaysia);
 - v. 88.53. Ensure that abusive child labour practices are eliminated and promote access to education of these children in a vulnerable situation (Uruguay);
 - vi. 88.55. Incorporate in the domestic law the explicit prohibition of child labour; adopt an array of measures to guarantee inclusive education and the non-discrimination of children with disabilities in the regular education system (Spain);
 - vii. 88.56. Continue efforts to expand the right to education, especially in connection with the education of children (Saudi Arabia);
 - viii. 88.57. Develop programs allowing girls to stay in the educational system and avoid early drop-outs and the same should be provided for children with disabilities (Costa Rica);
 - ix. 88.58. Devote increased attention to spreading a human rights culture through educational institutions and media (Saudi Arabia);
 - x. 88.59. Consolidate efforts of the systematic integration of human rights education and training in the school system with specific and updated programs for the State personal and the security agents (Morocco);
 - xi. 88.67. Increase its efforts in the area of health, education, guarantee the interest and protect rights of women and children, and promote overall social and economic development (China);
42. 89. The following recommendations enjoy the support of Tajikistan, which considers that they are already implemented:
- i. 89.3. Consider enacting legal prohibition to the use of corporal punishment (Brazil); Enact legislation to achieve the prohibition of corporal punishment of

children in all settings, including in the home and in schools as a matter of priority (Romania);

- ii. 89.4. Adopt legislation to explicitly prohibit all forms of corporal punishment everywhere, launch awareness-raising campaigns on the negative impact of corporal punishment in children; and provide training to teachers, parents, community leaders and penitentiary institutions officers (Uruguay).
- iii. 90.28. Prohibit corporal punishment of children in all settings and guarantee children's rights to adequate standard of living with special attention to orphans, providing them with access to safe drinking water and education (Slovenia);

43. 91. The recommendations below did not enjoy the support of Tajikistan:

- i. 91.3. Remove the ban on wearing the hijab in schools and universities, and the prohibition on teachers under the age of 50 wearing beards (United States);
- ii. 90.43. Bring the Law on freedom of conscience and religious organizations in compliance with international norms, promote religious tolerance and remove restrictions imposed on religious education, activities of religious organizations and religious dressing (Canada);

44. 92. Tajikistan offered the following comments:

- i. 92.1. Regarding the recommendation No. 91.1, the Law on the Responsibility of Parents for the Upbringing and Education of Children is in line with Tajikistan's international obligations; it expresses the will of the people of Tajikistan and is aimed at protecting the interests of children;

45. Analysis:

Tajikistan adopted the NSED in 2012, revised the Law on Education in 2013 and adopted the Law on Pre-school Education and Care in 2013. Tajikistan also took steps in order to improve the curricula of primary institutions, inclusive education and equitable allocations of resources. Tajikistan developed human right awareness campaigns, notably in the field of gender equality and children with disabilities. To the extent of available information, human rights education was not yet integrated into the curricula, also no additional steps were taken to promote human rights education, as well as developing the implementation of policies against gender based violence.

46. Specific Recommendations:

1. Tajikistan should be strongly encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
2. Tajikistan could be encouraged to continue its efforts toward inclusive education, Vocational Education and Training, quality of education and access to education for vulnerable groups
3. Tajikistan could be encouraged to continue developing awareness raising campaigns notably by taking steps to ensure a better representation of gender equality in school curricula
4. Tajikistan should be encouraged to continue taking steps in order to improve the curricula and equitable allocation of resources

Cultural rights

47. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Tajikistan is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Tajikistan is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of opinion and expression

48. Tajikistan is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.²³

²³ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

49. Tajikistan, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974.