

**Country session:** Tajikistan

**Date of session:** 13 September – 14 September (76<sup>th</sup> Session)

## Background information

[OHCHR press release](#)

[Webcast](#)

[Audio file](#)

Summary records: [CRC](#) / [OPSC and OPAC](#)

## Reporting

### Reporting methodology

Regular reporting procedure

Simplified reporting procedure

**Concluding Observations with urgent measures**

### State report:

Common core document	
<a href="#">Initial submission</a>	12 February 2004

CRC		OPAC		OPSC	
No. of report	3 <sup>rd</sup> – 5 <sup>th</sup>	No. of report	1 <sup>st</sup>	No. of report	1 <sup>st</sup>
Due date	24 November 2015	Due date	5 September 2004	Due date	5 September 2004
Submission	17 March 2016	Submission	14 November 2016	Submission	14 November 2016
<a href="#">Written replies to LOs</a>	<b>Due date:</b> 16 June 2017 <b>Submission:</b> 29 May 2017	<a href="#">Written replies to LOs</a>	<b>Due date:</b> 16 June 2017 <b>Submission:</b> 29 May 2017	<a href="#">Written replies to LOs</a>	<b>Due date:</b> 16 June 2017 <b>Submission:</b> 29 May 2017

**Additional information:** With regards to the State's report on OPSC, the Committee noted that data on the sale of children, illegal adoption, child prostitution and pornography were lacking.

### Public reports from children's rights defenders

<a href="#">Alternative reports / Additional Information</a>	
NGOs	<ul style="list-style-type: none"> <li>▪ ISS;</li> <li>▪ Anti-Discrimination Center Memorial;</li> <li>▪ Global Initiative to End All Corporal Punishment of Children;</li> <li>▪ Bureau on Human Rights and Rule of Law;</li> <li>▪ Public Foundation "Legal initiative".</li> </ul>

## State delegation

High level and multisectoral delegation led by the Minister of Justice, Mr Rustam Shohmurod, who was supported by representatives of the Statistical Agency under the President of Tajikistan, Ministry of Internal Affairs, Ministry of Education, and Ministry of Health and Social Protection.

See the list of State delegation representatives [here](#), and [here](#).

## Committee's Task Force members

Name & Last Name	Country
Ms. Amal Salman ALDOSERI (CRC / OPAC)	Bahrain
Ms. Renate WINTER (CRC)	Austria
Ms. Hynd AYOUBI IDRISI (OPAC / OPSC)	Morocco
Ms. Ann SKELTON (OPSC)	South Africa

## Dialogue description

### i. Character of the dialogue

The atmosphere of the dialogue was cordial. The answers of the State delegation to the Committee's questions focused mainly on developments in law. The responses furthermore contained numerous data and figures.

### ii. General assessment made by the Committee

While the Committee commended the adoption of the Children's Rights Act, it expressed its deep concerns about the lack of implementation of numerous law and the wide discrepancy between law and practice. In this regard, the Committee specifically highlighted the *de facto* discrimination of children in particularly vulnerable or marginalized situations. The Committee stressed that a lot remained to be done to improve the situation of children and to realize their rights. The Committee put particular emphasis on the need to effectively address the issues of child poverty, malnutrition, and corruption.

### iii. Main issues discussed:

#### *Convention on the Rights of the Child*

- **Family environment and alternative care:** The Committee was deeply concerned about the huge number of institutionalized children as a result of families' inability to afford to care for them. The Committee also raised its concerns with regards to children of labour migrants. Committee members asked about specific measures undertaken to support families and to prevent the abandonment of children. The delegation explained that from 2014 to 2016, significant funding had been allocated to medical and social services. Allowances were granted to low-income families and preferences were given to families with a large number of children or families with two or more children with disabilities. There were centres providing assistance to vulnerable families and programs to train foster families. The delegation explained that parents who failed in the upbringing of their children were subjected to criminal and administrative penalties, and that guardianship and tutorship associations provided assistance to children left without parental care. Moreover, the delegation said that deinstitutionalization was a priority and remarked that access to resources were of key importance.

- **Children with disabilities:** The Committee expressed its deep concerns about the discrimination of children with disabilities. Committee members asked whether there had been any developments in the process of ratifying the CRPD and stressed with concern the limited access to education, insufficient support provided to families as well as the lack of social welfare allowances. The delegation replied that the Government was currently considering ratifying the CRPD and explained that in 2016, some 20 800 children had received care; that a strategy for early diagnosis for disability was currently being implemented; that the Ministry of Health and Social Protection had launched a series of programmes to support organizations to promote the inclusion of children with disabilities; that public awareness raising activities were being carried out; and that various efforts had been made to train teachers.
- **Juvenile Justice System:** The Committee voiced its concerns with respect to the lack of a specialized juvenile justice system. Committee members pointed out that the Tajik law allowed for children to be deprived of their liberty for less serious crimes and that children were not systematically separated from adults in places of detention. The delegation replied that a program to reform the justice system had been adopted in June 2017. This reform promoted a justice system which confirmed to the rights of children. Furthermore, the delegation explained that there were plans to establish specialized courts for children but that this would require amendments of the Constitution. In the meantime, training was provided to judges and the Supreme Court had developed a procedure for ruling on civil, criminal and family cases involving juveniles. The delegation also stressed that a lot of preventative measures were taken to ensure that children were less likely to get in conflict with the law. For example, a service providing for comprehensive support to children had been set up.

*Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*

- **Trafficking in children:** While commending significant efforts made to combat trafficking, the Committee expressed concerns about the occurrence of trafficking in children in the country, and pointed out that the prosecution rate for trafficking offences remained low. The delegation replied that a newly enacted law aimed at preventing human trafficking and to provide victims with assistance. This law covered not only victims of trafficking but also homeless children and children in street situations. A department to counter trafficking had been set up, and there had been 40 cases of trafficking in the past five years. All steps possible were taken to reintegrate child victims in society, and all victims of trafficking had access to a rehabilitation program run by the IOM. In addition, efforts were being made to raise awareness among parents, including on the dangers of trafficking as well as on gender-disparity, and various troops and staff had undergone training courses.
- **Treatment of child victims of sexual exploitation:** The Committee expressed its great concerns relating to how the Tajik law treated children who had been subjected to sexual abuse and exploitation in prostitution and asked the delegation to clarify whether a child could be arrested rather than treated as a victim. The delegation replied that there was not a clear answer to that question. It explained that the it was an administrative offence to engage in prostitution.<sup>1</sup> If a 16-year old girl was involved in prostitution, this was formally speaking characterized as an offence. However, due account was taken of the children's circumstances, such as if they had been forced into prostitution because of poverty reasons. Children below the age of 16 years were not subject to prosecution and were offered support and assistance where required.

<sup>1</sup> Please note that this was the terminology used by the State delegation. Child Rights Connect does not support terms or concepts such as "child prostitution" or "child prostitute", as this could indicate that a child has consented to be involved in prostitution or lead to an assumption of (co)responsibility of the child in her/his own exploitation. See further [ECPAT's Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse](#).

*Optional Protocol on the Involvement of Children in Armed Conflict*

- **Dissemination:** The Committee inquired whether the Optional Protocol had been disseminated, if it had been made available to children and professionals, and whether relevant actors were being trained. The delegation replied that judges and law enforcement officials had undertaken training, including on the participation of children in armed conflict, and that International Humanitarian Law was taught in military schools with a view to maximize their legal knowledge. Modules on the rights of children were being developed, and a website comprising information on all of Tajikistan’s obligations under International Law, including on the CRC and its Optional Protocol, had been launched.
- **Radicalization and prevention of recruitment by non-State armed groups:** The Committee asked what efforts were being made to prevent children from travelling to zones of armed conflict, being radicalized and recruited into armed groups. Committee members also asked whether children who returned from conflict zones were rehabilitated. The delegation replied that 40 persons out of 70 who had returned from zones of armed conflict were children and that the law enforcement carried out of numerous measures to suppress possible extremist and terrorist activities.

## Recommendations of the Committee

*Convention on the Rights of the Child*

In its [Concluding Observations](#), the Committee drew attention to the need of **urgent measures** concerning the following 5 areas:

- **Corporal punishment:** The Committee urged the State to explicitly prohibit corporal punishment of children in law. It should also strengthen the capacity and quantity of officers working to prevent family violence and enlarge their mandate to ensure that the prohibition of violence against children is sufficiently monitored and enforced in all settings. Furthermore, the State should develop reporting mechanisms and ensure that investigations, administrative and legal proceedings are speedily and systematically initiated. Disaggregated data should be collected, support for child victims and their access to suitable services for recovery and counselling should be reinforced, and non-violent and participatory forms of child-rearing should be promoted through trainings and awareness campaigns.
- **Family environment:** The Committee recommended the State to significantly increase its social and financial support and benefits to families in vulnerable situations, and in particular single mothers. The State should also increase the public awareness about the negative effects of institutionalization on children’s development, and provide social protection measures for children of labour migrants and their families.
- **Children with disabilities:** The Committee urged the State to take on a human rights-based approach to disability and to set up a comprehensive strategy for the inclusion of children with disabilities. The State should collect disaggregated data, guarantee access to public buildings and transportation services and take instantaneous measures to ensure that these children have access to health care, including early detection and intervention and rehabilitation programmes. Moreover, the State should increase the access to sufficient social assistance and benefits and adopt and implement laws and strategies on inclusive education. The State should also train specialized teachers and professionals in integrated classes and conduct awareness-raising campaigns aimed at government officials, the public and families to fight the stigmatization and prejudice against children with disabilities.
- **Health and health services, in particular nutrition:** The Committee recommended the State to promptly increase the budget for the health care system to ensure that all children have access to primary health care. Specific attention should be devoted to children in rural areas and from low-income families. Sufficient resources should be

allocated for the implementation of the National Immunization Programme, with a view to address gaps in coverage. The State should implement and apply the OHCHR Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age, and should seek technical assistance from UNICEF and WHO, among others. Furthermore, the State should fully implement its National Development Strategy to ensure food security and people's access to good quality nutrition.

- **Administration of juvenile justice:** The Committee urged the State to develop effective measures of prevention of children who come into conflict with the law, decriminalize status offences, and finalize and adopt the draft new programme on Juvenile Justice System Reform. The State should strengthen the creation of child friendly offices in district courts throughout the territory of the State, and specialized juvenile justice procedures should be expeditiously established. Children in conflict with the law should be provided with legal assistance paid by the State throughout the legal proceedings, non-judicial measures should be promoted, and wherever possible, alternative measures should be used at sentencing, thus ensuring that detention is used solely as measure of last resort. The Juvenile Support Services should be expanded so as to allow that all children in conflict with the law have access to psychosocial rehabilitation. When detention is unavoidable, the State should guarantee that children are kept separate from adults and that detention standards conform to international standards. Moreover, the capacity of the monitoring group should be strengthened and disaggregated data on children in contact with the criminal justice system should be collected and published.

*Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*

In its [Concluding Observations](#), the Committee recommended, *inter alia*:

- **Coordination and evaluation:** Reiterating its previous concluding observations made under the Convention on the Rights of the Child, the Committee recommended the State to ensure better coordination among various relevant bodies.
- **Prevention of the sale of children, child prostitution and child pornography:** The Committee urged the State to adopt a human rights-based approach for all activities carried out to prevent the occurrence and reoccurrence of offences covered by the Optional Protocol. Moreover, the Committee recommended the State to adopt comprehensive and targeted protection and prevention measures and programmes, to reinforce its efforts to identify, report and support children at risk, and to conduct research on the nature and scale of the sale of children and the exploitation of children in prostitution and pornography. The State should also adopt measures to prevent and combat corruption, and intensify its endeavours to identify, analyse and address the root causes of offences under the Protocol.
- **Existing criminal or penal laws and regulations:** The Committee recommended the State to define and criminalize the sale of children in conformity with articles 2 and 3 of the Protocol. The definition should not be limited to the cases of trafficking in children.

*Optional Protocol on the Involvement of Children in Armed Conflict*

In its [Concluding Observations](#), the Committee recommended, *inter alia*:

- **Dissemination, awareness raising and training:** The Committee recommended the State to ensure that the provisions and principles of the Protocol are widely disseminated and to reinforce human rights training, and in particular with regards to provisions of the Protocol for all relevant actors, including members of the armed forces. Moreover, awareness-raising, education and training programmes should be developed for all actors working for or with children.

- **Prevention of recruitment by non-State armed groups:** The Committee urged the State to develop a strategy to tackle the increasing issue of extremism, radicalization and recruitment into armed groups. The State should also step up its efforts to guarantee that children who have been involved and affected by armed conflict are rehabilitated and reintegrated.
- **Criminal legislation and regulations in force:** The Committee urged the State to explicitly prohibit and criminalize the recruitment and use of children under 18 years of age in hostilities by the armed forces, non-State armed groups and security companies. In addition, the recruitment of children under the age of 15 years should be defined and punished as a war crime, and all military codes and manuals should be in compliance with the provisions of the Protocol.
- **Landmines:** The Committee urged the State to strengthen mine-awareness campaigns and demining activities and to ensure that all children affected by mine-explosions and other consequences of the civil war have access to victim assistance and rehabilitation programmes.

## Sustainable Development Goals

Throughout its Concluding Observations, the Committee referred to the following targets:

- Target 16.9, on providing legal identity for all;
- Target 16.2, on ending all forms of violence against children;
- Target 3.2, on ending preventable deaths of newborns and children under 5 years of age;
- Target 2.2, on ending all forms of malnutrition;
- Target 13.5, on promoting mechanisms for raising capacity for effective climate change-related planning and management;
- Target 4.1, on ensuring that all girls and boys complete free, equitable and quality primary and secondary education;
- Target 4.2, on ensuring that all girls and boys have access to quality early childhood development, care and pre-primary education.

## Next State report

CRC	
No. of report	6 <sup>th</sup> – 7 <sup>th</sup>
Due date	24 May 2022

**Disclaimer:** Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.