



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined third to fifth periodic reports of Tajikistan\*

#### I. Introduction

1. The Committee considered the combined third to fifth periodic reports of Tajikistan (CRC/C/TJK/3-5) at its 2226th and 2227th meetings (see CRC/C/SR.2226 and 2227), held on 13 September 2017, and adopted the present concluding observations at its 2251st meeting, held on 29 September 2017.

2. The Committee welcomes the submission of the combined third to fifth periodic reports of the State party and the written replies to the list of issues (CRC/C/TJK/Q/3-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of, or accession to, international instruments, in particular the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women. The Committee also notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention, in particular the Children's Rights Act (2015) and the creation of the post of Commissioner for Children's Rights (2016).

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: corporal punishment (para. 22), family environment (para. 25), children with disabilities (para. 29), health and health services, in particular, nutrition (paras. 31 and 33), and the administration of juvenile justice (para. 47).

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\* Adopted by the Committee at its seventy-sixth session (11-29 September 2017).



## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Legislation**

5. While noting the adoption of the Children's Rights Act in 2015 and the Government's decision to designate the Ministry of Education and Science as the authority responsible for implementing the Act, the Committee recommends that the State party enact regulations and establish enforcement mechanisms to ensure its implementation. The Committee also recommends that the State party harmonize its various laws pertaining to children, in particular the Family Code (2010), the Children's Rights Act (2015), the Code of Criminal Procedure (2016), and the Act on Parental Responsibility for the Education and Raising of Children (2011), ensuring that they are in accordance with the provisions of the Convention and provide guarantees of complete support and protection for all children in the State party.

### **Comprehensive policy and strategy**

6. While welcoming policies and programmes in various areas concerning children, the Committee encourages the State party to prepare and adopt a comprehensive national policy on children that encompasses all the areas covered by the Convention and, on the basis of the policy, develop a strategy with elements for its application, which is supported by sufficient human, technical and financial resources.

### **Coordination**

7. The Committee urges the State party to ensure implementation of the Regulations on Children's Rights Commissions (2017) and to provide appropriate support, including by allocating the necessary human, technical and financial resources to the Department for the Protection of Children's Rights in the Presidential Executive Office, the Government Commission on Children's Rights and its representations at the provincial and district levels in order to enable them to better coordinate all the activities related to the implementation of the Convention at cross-sectoral, national, provincial and district levels with a view to improving the effective provision of child protection services. It further recommends that the State party complete the institutional reform process so that the tutorship/guardianship agencies and children's rights commissions avoid duplication of work.

### **Allocation of resources**

8. With regard to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:

(a) Conduct a comprehensive assessment of the financial resources necessary to implement children's rights and make appropriate allocations, in accordance with article 4 of the Convention, and, in particular, increase the budget allocated to the social sectors and address the disparities on the basis of indicators related to children's rights;

(b) Utilize a children's rights-based approach in drawing up the State budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget;

(c) Use this tracking system to measure the impact of how investments in any sector may serve the best interests of the child, ensuring that the impact of such investments on girls and boys is measured separately;

(d) Take immediate measures to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption.

### **Data collection**

9. While noting the limited progress achieved in data collection and having regard to its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee:

(a) **Reiterates its previous recommendations that the State party should collect data concerning all persons under the age of 18. It emphasizes that such data are essential in making an analysis of the situation of children in order to design targeted policies;**

(b) **Recommends that the data collected and generated from the State party's statistics agency be disaggregated by, inter alia, age, sex, geographic location, ethnicity and socioeconomic background and effectively used to inform policymakers, and that efforts be made to increase the capacity of the governmental agencies to analyse the data;**

(c) **Recommends that the State party seek technical assistance in this regard from, inter alia, the United Nations Children's Fund.**

#### **Independent monitoring**

10. **The Committee welcomes the establishment of a Commissioner for Children's Rights in 2016 and, with regard to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, recommends that the State party:**

(a) **Ensure the independence of the Commissioner, including with regard to his or her funding, mandate and immunities;**

(b) **Improve the efficiency of the Children's Rights Department in the Office of the Commissioner for Human Rights to receive and investigate individual complaints directly from children, including by raising the awareness of the public, in particular children, of the existence of such a mechanism.**

#### **Dissemination, awareness-raising and training**

11. **The Committee reiterates its previous recommendation that the State party develop a systematic and sustainable programme for the dissemination of information regarding the implementation of the Convention among children, parents, civil society and all sectors and levels of government throughout the country. The programme should include developing training programmes for all professional groups working with and for children. The Committee encourages the State party to seek technical assistance in this regard from, inter alia, the United Nations Children's Fund and other relevant agencies (see CRC/C/TJK/CO/2, para. 21).**

#### **Cooperation with civil society**

12. **While welcoming the increasing cooperation with civil society organizations, the Committee recommends that the State party continue to strengthen its collaboration with civil society on children's rights, including by systematically involving them in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to children's rights.**

### **B. Definition of the child (art. 1)**

13. **The Committee welcomes the amendment of the Family Code in 2010, raising the minimum age of marriage to 18, but remains concerned that under exceptional circumstances, 17-year-old children can still marry. The Committee urges the State party to revise the Family Code to eliminate any exceptions to the minimum age of marriage, for both girls and boys, and to take all measures necessary to eliminate child marriages.**

### **C. General principles (arts. 2, 3, 6 and 12)**

#### **Non-discrimination**

14. While noting that discrimination is prohibited by law, the Committee reiterates its previous concern (see CRC/C/TJK/CO/2, para. 26) and recommends that the State party continue to take prompt measures to end instances of discrimination, in practice, against girls, children with disabilities, children living with HIV/AIDS, Roma/Jughi children, children in care institutions, children living in rural and remote areas, and asylum-seeking and refugee children, including by prioritizing support to these groups through targeted programmes to ensure equal access to all public services, and particularly to education and health services, and by addressing social and cultural attitudes and practices.

#### **Best interests of the child**

15. The Committee, with reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, recommends that the State party ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, particularly in preventing the unnecessary separation of children from their parents and placement in residential care institutions, as well as in all policies, programmes and projects that are relevant to, and have an impact on, children.

#### **Respect for the views of the child**

16. The Committee takes note of the law restricting the right of the child to be heard only in family and adoption cases and then only when they are aged 10 or older. With reference to its general comment No. 12 (2009) on the right of the child to be heard, it recommends that the State party establish in law that all children are to be heard in all matters affecting them. It further recommends that the State party conduct programmes and awareness-raising activities to cultivate an attitude of respect for the views of the child and to promote the meaningful and empowered participation of all children within the family, community and schools, and that training in this regard is provided to all professionals working with or for children.

### **D. Civil rights and freedoms (arts. 7-8 and 13-17)**

#### **Birth registration**

17. In view of the significant number of children under 5 in the State party without a birth certificate, the Committee, reminding the State party of target 16.9 of the Sustainable Development Goals on providing legal identity for all, strongly urges it to continue facilitating access to the birth registration process by expanding the use of mobile civil registration units, speeding up processing times, removing all additional costs, simplifying the requirements for supporting documentation and encouraging the reporting of at-home births. It further recommends that the State party seek technical assistance from, among others, the United Nations Children's Fund to implement these recommendations.

#### **Freedom of expression**

18. The Committee recommends that the State party establish mechanisms to implement the Youth and Youth Policy Act (2004), which provides for children to express their views at all stages of the development, implementation and evaluation of policies in all political, economic and other decision-making processes, both at home and in public.

### **Freedom of thought, conscience and religion**

19. The Committee recommends that the State party guarantee the right of every child to practise freely his or her religion or belief, including through amendment of the Act on Parental Responsibility for the Education and Raising of Children (2011), which restricts religious education to only State-licensed institutions and children aged 7 or older, and prohibits children from entering mosques.

## **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Torture and other cruel or degrading treatment or punishment**

20. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and target 16.2 of the Sustainable Development Goals on ending, inter alia, all forms of violence against children, the Committee reiterates its previous recommendation (see CRC/C/TJK/CO/2, para. 38) and urges the State party to:

(a) Address the reportedly high risk of torture and ill-treatment of children in detention by the police, particularly during arrest, transfer to police stations and interrogations, by applying the legal provisions in place to prosecute perpetrators and provide adequate compensation to child victims;

(b) Immediately ban and cease using solitary confinement as a disciplinary measure for children deprived of their liberty;

(c) Adequately resource the Office of the Commissioner for Children's Rights to enable him or her to continue monitoring all places in which children are deprived of their liberty, including in institutions and alternative care, in order to ensure that children are free from all forms of torture and inhuman or degrading treatment, and provide them with access to a confidential, safe and child-friendly mechanism for complaints related to deprivation of their liberty, conditions of detention, internment or treatment.

### **Corporal punishment**

21. The Committee notes the adoption of the Act on Parental Responsibility for the Education and Care of Children (2011), the Prevention of Domestic Violence Act (2013) and its accompanying strategic plan (2014-2023), the Education Act (2013) and the Children's Rights Act (2015). It is, however, deeply concerned that:

(a) The legislative framework does not explicitly prohibit corporal punishment against children, including in the home, alternative care, day-care settings and penal institutions;

(b) Although corporal punishment against children is prohibited in school, implementation of the prohibition under the Education Act (2013) remains inadequate due to the absence of an established reporting mechanism.

22. With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:

(a) Explicitly prohibit in law corporal punishment of children in all settings;

(b) Reinforce the capacity and number of officers throughout the country dedicated to preventing family violence and expand their mandate to include all settings in which violence is perpetrated against children to ensure that the prohibition of such violence, including corporal punishment, is adequately monitored and enforced in all settings;

(c) Establish reporting mechanisms for the use of corporal punishment in all settings and ensure that investigations and administrative and legal proceedings are

initiated promptly and systematically in relation to any case of violence against children, and that data on cases and their resolution are collected and disaggregated;

(d) Strengthen support for child victims of violence and ensure their access to adequate services for recovery and counselling;

(e) Promote positive, non-violent and participatory forms of child-rearing and discipline through awareness-raising campaigns and trained officers working with families.

#### **Harmful practices**

23. Concerned that “nikoh” still persists through religious marriage ceremonies for children under 18, in particular in remote and rural communities, the Committee recommends that the State party adopt a national strategy to combat child marriage and continue to provide comprehensive awareness-raising programmes on the negative consequences of marriage on children, targeting especially the religious leaders in rural areas.

### **F. Family environment and alternative care (arts. 5, 9-11, 18 (1)-(2), 20-21, 25 and 27 (4))**

#### **Family environment**

24. The Committee is concerned about:

(a) The continued high rate of institutionalization of children due to the inability of parents to pay for their children’s upbringing (see CRC/C/TJK/CO/2, para. 42);

(b) The separation of children from their families because of their parents’ internal displacement or international migration and about the neglect suffered by these children;

(c) Children’s participation in economic activities in order to support their families.

25. The Committee recommends that the State party:

(a) Substantially increase its social and financial support and benefits to vulnerable families, with particular attention being paid to single mothers, to assist them in caring for their children inside the family, including by prioritizing the provision of practical advice and guidance on child-rearing;

(b) Raise public awareness about the negative effects of institutionalization on children’s development;

(c) Provide social protection measures for the children of labour migrants and their families.

#### **Children deprived of a family environment**

26. Drawing the State party’s attention to the United Nations Guidelines for the Alternative Care of Children, the Committee emphasizes that financial and material poverty, or conditions directly and uniquely attributable to such poverty, should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child’s social reintegration. In this regard, the Committee recommends that the State party:

(a) Develop family-based care for children wherever possible with a view to reducing their institutionalization, by reintegrating children into their biological families and promoting foster care and adoption;

(b) Ensure the implementation of the regulations on tutorship/guardianship agencies (2017), with a view to ensuring adequate safeguards and clear criteria for

determining whether a child should be placed in alternative care, based on the needs, views and best interests of the child;

(c) Finalize and adopt the draft new model regulations for children's homes with a view to improving the standard of care in such facilities;

(d) Systematically increase the number of inspections conducted by the Ministry of Health and Social Protection of children's homes and the placement of children in foster care so as to monitor the conditions and quality of care provided, including by providing accessible channels for reporting, monitoring and remedying the maltreatment of children.

#### **Adoption**

27. The Committee notes the increased number of domestic adoptions and recommends that the State party:

(a) Legalize the right of extended family members residing outside the State party to adopt children without parental care;

(b) Consider acceding to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (1993).

### **G. Disability, basic health and welfare (arts. 6, 18 (3), 23-24, 26, 27 (1)-(3) and 33)**

#### **Children with disabilities**

28. While welcoming the adoption of the Social Protection for Persons with Disabilities Act (2010), the Committee is seriously concerned about the insufficient protection of children with disabilities from discrimination, particularly the:

(a) Uneven distribution of the State party's funding for children with disabilities born before and after the adoption of the Social Protection for Persons with Disabilities Act (2010);

(b) Shortage of reliable data, which hinders the delivery and evaluation of services for children with disabilities;

(c) Continued limited physical accessibility of public institutions, transportation and housing;

(d) Limited availability of State-funded early detection and diagnosis of disability and rehabilitation services;

(e) Absence of a comprehensive approach to the needs of children with disabilities and their families, and particularly to the needs of adolescent girls with disabilities;

(f) Insufficient social welfare allowances and services provided to children with disabilities with high needs and their families that do not sufficiently encourage and provide support for families to keep their children at home, resulting in a disproportionate number of children with disabilities continuing to live in institutions;

(g) Extremely limited access to education for children with disabilities.

29. With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee reiterates its previous recommendation (see CRC/C/TJK/CO/2, para. 51) and urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:

(a) Systematically collect disaggregated data on children with disabilities, which is necessary for introducing appropriate policies and programmes for those children;

(b) **Ensure the implementation of the planning rules and regulations on the accessibility of buildings and facilities for groups with limited mobility (2014), taking into account the principles of universal design to facilitate the access of children with disabilities to public buildings and transportation services;**

(c) **Take immediate measures to ensure that children with disabilities have access to health care, including early detection and intervention and rehabilitation programmes by, among other things, finalizing and adopting the draft policy framework on early intervention;**

(d) **Increase the access of children with disabilities to adequate social assistance and benefits, including through promoting awareness of the availability of such benefits;**

(e) **Finalize and adopt the draft education code, which currently contains a chapter on inclusive education;**

(f) **Ensure implementation of the National Education Development Strategy (2012-2020), which refers to the gradual transition of children with disabilities to the general education system, and the renewal and implementation of the National Framework on Inclusive Education for Children with Physical Disabilities (2011-2015), and expand it to include children with psychosocial and/or intellectual disabilities;**

(g) **Train and assign specialized teachers and professionals in integrated classes, providing individual support and all due attention to children with learning difficulties;**

(h) **Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of, and prejudice against, children with disabilities and promote a positive image of such children.**

#### **Health and health services**

30. While welcoming the health sector reform undertaken by the State party and the significant reduction in child and infant mortality rates, the Committee is nevertheless concerned that:

(a) The State party's funding allocated for health service delivery is insufficient and ineffective, resulting in a dependency on donor funds to implement the Strategic Plan for the Development of Family Medicine-based Primary Health Care (2016-2020);

(b) Health service delivery is weakened by the poor infrastructure and equipment, with hospital buildings frequently lacking water, sanitation and electricity;

(c) The knowledge and skills of health workers are poor, noting that the rate of neonatal mortality is linked to the poor quality of care at births;

(d) Early infant deaths are mostly preventable, more prevalent in rural areas and underreported;

(e) The routine immunization system is weakened by gaps in surveillance, monitoring and reporting of coverage, vaccine stock management and sustainable immunization financing.

31. **With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of target 3.2 of the Sustainable Development Goals on ending preventable deaths of newborns and children aged 5 or younger, the Committee recommends that the State party:**

(a) **Promptly take the necessary measures to increase the budget allocated to the health-care system with a view to ensuring adequate access to primary health-care services to all children, with particular attention being paid to children in rural areas and those from low-income families, including by implementing the Strategic Plan for Further Reform of the Financing of Health Care (2015-2018) and introducing compulsory health insurance coverage, as foreseen by the Health Insurance Act (2008);**



(b) Allocate sufficient resources to ensure the implementation of the National Immunization Programme (2016-2017) in order to address existing gaps in the coverage of all children in the State party;

(c) Implement and apply the technical guidance of the Office of the United Nations High Commissioner for Human Rights 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 (A/HRC/27/31);

(d) Seek technical assistance in this regard from, among others, the United Nations Children's Fund and the World Health Organization.

### **Nutrition**

32. The Committee is concerned that a significant proportion of the rural population, including children, live in a situation in which they are anxious about food security and consume an insufficient amount of food, and that many citizens do not have enough money to buy basic food items. It is also concerned that poor knowledge and skills among families and caregivers on childcare and nutritional practices have contributed to the widespread malnutrition of children in the State party, resulting in stuntedness, anaemia and iodine deficiency.

33. The Committee takes note of target 2.2 of the Sustainable Development Goals on ending all forms of malnutrition, and recommends that the State party fully implement its National Development Strategy (2030) to ensure food security and people's access to good quality nutrition, including by:

(a) Finalizing and adopting the intersectoral framework plan of action on nutrition to ensure the functioning of the National Nutrition Platform;

(b) Ensuring the availability of essential micronutrients, including vitamins A and D, to children under 5, paying particular attention to children in rural areas and those from low-income families, and facilitate opportunities for nutritional counselling during distribution;

(c) Intensifying its awareness-raising efforts about the importance of breastfeeding for infants and nutrition, in general, for children, among the general public and, particularly, caregivers of children.

### **Mental health**

34. In view of the shortage of qualified mental health service providers to meet the psychosocial needs of children and adolescents in the State party, the Committee recommends that the State party increase the number of available psychological counselling services and social workers in schools and communities and ensure that all professionals working with children are adequately trained to identify and address early suicidal tendencies and mental health problems.

### **Adolescent health**

35. While welcoming the amendment of the Reproductive Health and Reproductive Rights Act (2015), reducing the age for parental consent from 18 to 16 for adolescents to freely access information on reproductive health and confidential quality services, and guaranteeing adolescents access to sexual education in educational institutions, the Committee is concerned that the Act is not enforced and that, in particular, access to contraception remains difficult for adolescent girls. In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee recommends that the State party reinforce its youth-friendly health services programme, ensuring that it promotes access to information and services for girls and boys to reduce adolescent pregnancies and increases access to contraceptives, particularly in rural areas.

## HIV/AIDS

36. The Committee welcomes the revision of the Law on HIV/AIDS (in 2014) to, *inter alia*, increase the age of children's eligibility to receive social allowances and to guarantee their eligibility for testing. The Committee is, however, concerned about the significant increase in HIV infection among children below the age of 10, the increasing prevalence of HIV/tuberculosis co-infection among children in the State party, delays in the initiation of antiretroviral therapy among pregnant women living with HIV, and the mode of transmission for most children living with HIV being as a result of medical interventions. In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:

- (a) Reinforce the mandatory testing of all pregnant women for HIV early in their pregnancy, in an effort to prevent mother-to-child transmission;
- (b) Improve follow-up treatment for HIV/AIDS-infected mothers and their infants to ensure early diagnosis and early initiation of treatment;
- (c) Implement its national programme to combat AIDS between 2017 and 2020 with a view to tackling the prevalent modes of transmission for most children living with HIV, and improving their access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services;
- (d) Seek technical assistance from, *inter alia*, the Joint United Nations Programme on HIV/AIDS and the United Nations Children's Fund.

## Standard of living

37. While welcoming the notable progress made in reducing the rate of poverty in the State party, the Committee remains concerned about its persistence and, particularly, that families with children are at a high risk of poverty. It recommends that the State party dedicate the necessary resources to implement its National Development Strategy (2030) with particular attention being paid to improving the standard of living of children in the State party, including guaranteeing their access to safe drinking water and sanitation, as well as by protecting their families from forced evictions. It also recommends that the State party provide families faced with social and economic difficulties with adequate support and welfare services to prevent their children from engaging in child labour. Targeted programmes should be developed with the meaningful participation of children.

## Impact of climate change on the rights of the child

38. Noting the increased frequency and intensity of natural disasters experienced in the State party owing to climate change and the resulting human and property losses and damages to the socioeconomic and cultural infrastructure, the Committee urges the State party to adopt a child-focused approach to coping with and adapting to climate change and include children in the development of its National Climate Change Adaptation Strategy (2016-2030), with special attention being paid to children with disabilities and girls, while taking note of target 13.B of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change-related planning and management.

## H. Education, leisure and cultural activities (arts. 28-31)

### Education, including vocational training and guidance

39. With reference to its general comment No. 1 (2001) on the aims of education and taking note of targets 4.1 and 4.2 of the Sustainable Development Goals on ensuring that by 2030 all girls and boys complete free, equitable and quality primary and secondary education and have access to quality early childhood development, care and pre-primary education, the Committee reiterates its previous concern (see CRC/C/TJK/CO/2, para. 62) and recommends that the State party:

(a) Continue to take steps to increase the quality of education, recruitment and continuous training of teachers, and construction of educational facilities, throughout the State party, with particular attention being paid to rural and remote areas, through the transparent and efficient financing of the education sector;

(b) Address the social factors, including parental support and cultural expectations of the role of girls and women, to ensure girls' equal access to all levels of education, including tertiary education, and give special consideration to education aimed at the empowerment of girls;

(c) Strengthen the system of quality preschool education and increase its availability and affordability, including for children from marginalized families;

(d) Improve the availability and use of quality disaggregated data by gender, ethnicity, geographical coverage and other indicators on the education system so as to inform planning, decision-making and monitoring.

#### **Rest, leisure, recreation and cultural and artistic activities**

40. With reference to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party guarantee the right of the child to rest and leisure by adopting and implementing play and leisure policies with sufficient and sustainable resources, which provide for time and space for children to engage in play and recreational activities, as appropriate to their age.

### **I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d) and 38-40)**

#### **Asylum-seeking and refugee children**

41. While welcoming the revision of the Refugee Act in 2014 that ensures that asylum claims submitted by children who are unaccompanied or separated are analysed under refugee status determination procedures, and further welcoming the adoption of the Constitutional Act on Tajik Nationality in 2015 containing general safeguards that protect children against statelessness at birth, the Committee recommends that the State party:

(a) Adopt a comprehensive integration policy for asylum-seeking and refugee children, such that they are guaranteed access to education, including Tajik literacy classes, vocational training, health services and the National Social Protection Scheme, with particular attention being paid to children from vulnerable families and those living with disabilities;

(b) Consider acceding to the Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961).

#### **Children belonging to minority groups**

42. The Committee recommends that the State party assess the particular situation of Roma/Jughi children and take measures to facilitate their access to official personal documentation, social protection services and social integration programmes in order to ensure that their families can access public services.

#### **Economic exploitation, including child labour**

43. While welcoming the adoption of the new Labour Code in 2016, which defines the minimum age for employment as 15 and contains provisions protecting the rights of children aged between 15 and 18 in the workplace, the Committee is seriously concerned that, reportedly, approximately a quarter of all children aged between 5 and 17 from families facing social and economic hardships are engaged in economic activity. The Committee urges the State party to:

(a) Reinforce the capacity of the ministerial child labour monitoring unit and the local-level child monitoring committees established to identify children engaged in the worst forms of child labour and ensure their removal, rehabilitation and reintegration through the provision of appropriate social services, paying particular attention to the increasing number of children engaged in the informal sector, including in unpaid household services;

(b) Continue to work in close cooperation with the International Programme on the Elimination of Child Labour of the International Labour Organization to implement these recommendations.

#### **Children in street situations**

44. The Committee, with reference to its general comment No. 21 (2017) on children in street situations, recommends that the State party:

(a) Immediately cease raids carried out by the Ministry of the Interior in which children in street situations are apprehended and detained without cause;

(b) Undertake a systematic assessment of the situation of children living and/or working on the street to determine the root causes of their situations;

(c) In coordination with non-governmental organizations, provide targeted social assistance and social protection services for the recovery and reintegration of children in street situations, including shelter, education and vocational training, adequate access to health care and other social services, including substance abuse programmes and mental health counselling.

#### **Child trafficking**

45. In view of the State party being a source country for women and children subjected to trafficking, the Committee recommends that the State party adopt the by-laws necessary to enforce the Act on Trafficking in Persons and Assistance to Victims (2014). It further recommends that the State party systematically provide protection services to all victims of exploitation, including medical and psychosocial care, legal assistance and vocational training, and assist in family reunification.

#### **Administration of juvenile justice**

46. The Committee welcomes the establishment of a juvenile justice department in the Ministry of Justice in 2011 and the efforts to reform the justice system. The Committee is, however, seriously concerned that:

(a) There is limited understanding about effectively preventing children coming into conflict with the law, especially when children commit status offences, with an inappropriate emphasis on “crackdowns”;

(b) Children are deprived of their liberty at the special school, special vocational school and boys’ colony in Dushanbe, on the basis that their parents could not care for them;

(c) The capacity-building of judges, prosecutors and the police on children’s rights and juvenile justice is ad hoc and lacks sustainable funding;

(d) There is an absence of non-judicial measures applied to children in conflict with the law;

(e) There is insufficient use of alternative measures to detention for children in conflict with the law, both at the pretrial and sentencing stages of the judicial procedure;

(f) Children deprived of their liberty are not systematically separated from adults either in pretrial detention or following conviction;

(g) Disaggregated data on children in contact with the criminal justice system is not systematically collected and published.

47. In the light of its general comment No. 10 (2007) on children’s rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully

into accordance with the Convention and other relevant standards. In particular, the Committee urges the State party to:

- (a) Develop effective measures to prevent children coming into conflict with the law and decriminalize status offences;
- (b) Finalize and adopt the draft new programme on reform of the juvenile justice system (2017-2021);
- (c) Reinforce the establishment of child-friendly offices in district courts throughout the State party and expeditiously establish specialized juvenile justice procedures, designate specialized judges for children and ensure that such specialized judges, law enforcement officers, juvenile affairs officers, procurators, social workers and medical personnel receive appropriate training on children's rights;
- (d) Systematically refer all children in conflict with the law to State-paid legal assistance, at an early stage of the procedure and throughout the legal proceedings;
- (e) Promote non-judicial measures in the case of children accused of criminal offences, such as diversion, probation, mediation, counselling or community service, and, wherever possible, use alternative measures at sentencing, ensuring that detention is used only as a measure of last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal;
- (f) Expand the pilot project on juvenile support services so as to include the whole country in the provision of psychosocial rehabilitation services to all children in conflict with the law, whether they have been diverted from the criminal justice system or have completed a custodial or non-custodial sentence;
- (g) In cases where detention is unavoidable, ensure that children are not detained together with adults and that the conditions of detention comply with international standards, including as regards access to education and health services;
- (h) Reinforce the capacity of the monitoring group consisting of representatives of non-governmental organizations and the Office of the Commissioner for Human Rights to carry out visits to all facilities in which children may be deprived of their liberty;
- (i) Collect and publish disaggregated data by, inter alia, age, sex, disability, geographic location, ethnicity and socioeconomic background on children in contact with the criminal justice system.

#### **Child victims and witnesses of crimes**

48. While welcoming amendment of the Code of Criminal Procedure in 2016 concerning the provision on interrogation of minors, the Committee recommends that the State party ensure that the Code be further amended to take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (see Economic and Social Council resolution 2005/20, annex).

### **J. Ratification of the Optional Protocol to the Convention on a communications procedure**

49. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on a communications procedure.

### **K. Ratification of international human rights instruments**

50. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:

- (a) Convention on the Rights of Persons with Disabilities and its Optional Protocol;
- (b) International Convention for the Protection of All Persons from Enforced Disappearance;
- (c) Optional Protocol of the Convention against Torture;
- (d) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

## **V. Implementation and reporting**

### **A. Follow-up and dissemination**

51. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third to fifth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. Next report**

52. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 24 May 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

53. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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