



Convention on the Rights of the Child

Distr.: General
5 February 2010
Original: English

Committee on the Rights of the Child

Fifty-third session

11-29 January 2010

Consideration of reports submitted by States parties under article 44 of the Convention

Concluding observations: Tajikistan

1. The Committee considered the second periodic report of Tajikistan (CRC/C/TJK/2) at its 1471st and 1473rd meetings (CRC/C/SR.1471 and 1473), held on 18 and 19 January 2010, and adopted, at the 1501st meeting, held on 29 January 2010, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report, the written replies to its list of issues and the frank and constructive dialogue with the high level, multi-sectorial delegation of the State party.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes ratification of the following international instruments:

(a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 5 August 2002;

(b) The Optional Protocol to the Convention on the Rights of Child on the sale of children, child prostitution and child pornography on 5 August 2002;

(c) The ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 8 June 2005;

(d) The Convention Against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air, all on 8 July 2002.

4. The Committee notes with appreciation positive developments in the area of human rights, including:

(a) The establishment of the Commission on the Rights of the Child in 2001, which includes members of the civil society as well as youth groups and the establishment of Child Rights Departments at district level in 2003;

(b) The adoption of the National Programmes and strategies related to health, including on HIV AIDS in 2000 and education of children in 2002;

(c) The adoption of the Law on equality between men and women in 2005 and the National Programme for the period of 2001-2010 in 2001;

(d) The amendment of sections 130 on Human Trafficking and 167 on Trafficking of children of the Criminal Code in 2004; the amendment in section 89 of the Criminal Code, ensuring lighter penalties for children who committed a crime for the first time in 2004; the adoption of the new law against human trafficking in 2004.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee notes that the State party has faced consequences of civil war and serious economic and social challenges during the recent years, including, the impact of the global economic crisis, widespread poverty and corruption, which had an especially severe impact on children.

D Main areas of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)

The Committee's previous recommendations

6. While noting the State party's efforts to implement the concluding observations on the State party's previous report (CRC/C/15/Add.136), the Committee however regrets that some of the concerns and recommendations contained therein have not been adequately addressed or implemented.

7. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations on the initial report that have not – or not sufficiently – been implemented, in particular, those related, inter alia, to increased budgetary allocation, collection of data concerning persons under the age of 18, prevention of institutionalization of children and violence against children, improvement of health services and inclusive education, prohibition of child labour and development of juvenile justice system.

Legislation

8. While noting that the State party has adopted additional legislative and administrative measures relating to children's rights, the Committee however remains concerned that the national legislation does not adequately address all the provisions enshrined in the Convention.

9. The Committee recommends that the State party carefully examine the existing legislative and other measures, with a view to amending the current legislations or enacting new legislation to cover all provisions enshrined in the Convention.

Coordination

10. While welcoming different measures taken by the State party for coordinating the implementation of the Convention, in particular the establishment of the Commission on the Rights of the Child, the Committee however regrets the lack of administrative coordination and cooperation among the different government agencies responsible for the implementation of the Convention at the central and local levels as well as the lack of human, technical and financial resources.

11. The Committee recommends that the State party strengthen the coordination mechanism by developing coordination and evaluation at all levels of the administration, including interregional and inter-ministerial level coordination. The Committee also recommends that the State party provide the Commission on the Rights of the Child with appropriate rank and mandate as well as adequate human, financial and technical resources.

Independent monitoring

12. The Committee welcomes the establishment of the Human Rights Ombudsman Institution in 2009 and notes that the Ombudsman is empowered to investigate complaints from all citizens, including children, and act on his or her own initiative. The Committee is however concerned that the specific interests of children may not be sufficiently addressed by this Institution due to its general mandate.

13. The Committee recommends that the State party:

(a) Ensure that the structure and functions of the Human Rights Ombudsman Institution are fully in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex), taking into account the Committee's 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;

(b) Provide the Human Rights Ombudsman Institution with adequate financial, technical, human and material resources to carry out its mandate;

(c) Consider establishing a Children's Rights Ombudsman with a high level position, to monitor the implementation of the Convention at the national and local levels, in particular ensuring that the mechanism is accessible to children, empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner, and equipped with the human, financial and technical resources necessary to address them effectively.

National Plan of Action

14. The Committee welcomes the National Plan of Action for Children for 2003-2010 adopted in 2003, and the Commission on the Rights of the Child, which coordinates the implementation of the Action Plan, however it regrets that there is no mechanism to follow up and evaluate its implementation, which is also hampered by lack of resources.

15. The Committee recommends that the State party ensure that the National Plan of Action for Children covers all areas of the Convention and take into account the outcome document, "A World Fit for Children", of the 2002 United Nations General Assembly special session on children, and its Mid-Term Review in 2007. It further recommends that the Commission on the Rights of the Child, charged with coordinating the implementation of the National Plan of Action for Children, be allocated sufficient human and financial resources to fulfil its mandate. The

Committee also recommends that the State party establish follow-up and evaluation mechanisms to assess progress achieved and identify possible deficiencies.

Allocation of resources

16. The Committee welcomes the reforms made in financing the education and health sectors. Nevertheless, the Committee notes that the investments in the areas of health, education and social protection remain very low, and comprise very small percentages of the GDP. The Committee notes that, as a result of the international economic crisis, the remittances from Tajik migrant workers abroad, which amounted to a significant proportion (30 per cent) of the GDP, have decreased dramatically. In addition, the Committee notes the lack of information about the subsidy programmes and their monitoring mechanisms. The Committee notes that much effort needs to be made by the State party to ensure transparent and efficient budgetary management and evaluation of the impact of investments on children.

17. The Committee recommends the full implementation of article 4 of the Convention by:

(a) Increasing substantially the budget allocations for education, health and social protection of children and strengthening the effectiveness of existing systems;

(b) Elaborating strategic budgetary programmes to reduce the disparities and to target the rights of disadvantaged groups, including children with disabilities, children living in poverty, children living in remote areas, children infected with HIV/AIDS, orphans, girls and others;

(c) Strengthening the capacity of public officers in budgeting, planning, monitoring and evaluating the impact of the investments at the central and local levels;

(d) Creating monitoring and evaluation systems for various existing subsidy programmes;

(e) Creating a transparent system in order to eradicate corruption and to ensure that allocations targeting children reach their beneficiaries.

Data collection

18. While noting that some efforts to reform the national statistics system have been undertaken by the State party, the Committee remains concerned that data for persons under 18 years of age relating to the rights contained in the Convention is not systematically collected and disaggregated to assess progress and to design policies to implement the Convention.

19. The Committee reiterates its previous recommendations that the State party should collect data concerning all persons under the age of 18. It emphasizes that such data is essential to make an analysis of the children's situation in order to design targeted policies. The Committee recommends that the data collected and generated from the State Statistics Committee be disaggregated, inter alia, by age, sex, geographic location, ethnicity and socio-economic background and is effectively used to inform policy makers, and that efforts be made to increase the capacity of the governmental agencies to analyze the data. The Committee again recommends that the State party seek technical assistance from, inter alia, UNICEF, in this regard.

Dissemination of the Convention and training

20. The Committee welcomes the efforts made to raise public awareness about the Convention and notably the introduction of human rights in curricula of high schools and the introduction of a National Human Rights Day, as well as brochures, posters on children's rights and newspapers on human rights. While noting that many dissemination and training activities were undertaken with the assistance of UNICEF or together with non-governmental organizations only in some regions, the Committee remains concerned at the lack of a systematic and sustained approach in this regard.

21. The Committee recommends that the State party develop a systematic and sustainable programme for 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 involve developing training programmes for all professional groups working with and for children. The Committee encourages the State party to seek technical assistance from, inter alia, the UNICEF and other relevant agencies, in this regard.

Cooperation with civil society

22. The Committee notes the efforts made by the State party to involve the civil society in the implementation of the Convention, by allowing active participation in awareness-raising and training activities. The Committee, however, remains concerned that much of this cooperation is project-based and that the State party relies heavily on NGOs for the implementation of some of the provisions of the Convention without providing them with adequate resources, policies and guidelines.

23. The Committee reiterates its previous recommendation that the State party consider systematically involving civil society throughout all stages of the implementation of the Convention, including policy-making. The Committee also encourages the State party to support initiatives aimed at strengthening the role of NGOs. The Committee further recommends that, being guided by the recommendations adopted on the Committee's day of general discussion on the private sector as service provider and its role in implementing child rights held on 29 September 2002 (CRC/C/121, paras. 630-653), the State party assume its responsibilities under the Convention fully.

2. Definition of the Child (art. 1 of the Convention)

Definition of the child

24. The Committee is concerned that the minimum legal age for marriage in Tajikistan has been reduced to 17.

25. The Committee urges the State party to revert to 18 years as the minimum legal age of marriage for women and men, as recommended by the Committee on the Elimination of Discrimination against Women in 2007.

3. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

26. While acknowledging the legislative amendments and actions taken to address discrimination against women and girls, the Committee remains concerned about the limited implementation of these laws and the persisting de facto discrimination against

girls. The Committee is particularly concerned about the high dropout rates of girls in rural areas from schools due to negative traditional and religious attitudes on the roles of girls and women in the society. The Committee is also concerned at discriminatory attitudes and discrimination against children with disabilities, children in care institutions and children living in rural areas.

27. The Committee recommends that the State party take all necessary measures to implement existing legislation and ensure that all children within its jurisdiction, particularly girls, children with disabilities, children in care institutions, children living in rural areas and other vulnerable groups of children, enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. The Committee also recommends that the State party prioritize and target social services for children belonging to the most vulnerable groups. The Committee encourages the State party to launch comprehensive public education campaigns to prevent and combat the negative traditional and religious attitudes, including gender discrimination.

28. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and at Durban Review Conference in April 2009, also taking into account the Committee's general comment No. 1 (2001) on the aims of education.

Best interests of the child

29. The Committee notes that the State Party has introduced the principle of the best interests of the child in its legislation, in particular in the Family Code. However, it is concerned that this principle is not yet sufficiently reflected in the legislation.

30. The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child, in accordance with article 3 of the Convention, is adequately integrated in all legal provisions and implemented in practice in judicial and administrative decisions and in programmes, projects and services which have an impact on children.

Respect of the views of the child

31. While welcoming the fact that the Family Code imposes the obligation to hear the view of the child, in particular in divorce cases, the Committee is concerned that the right to be heard in all judicial and administrative proceedings is insufficiently implemented, and that the respect for the views of the child in schools, care institutions and especially within the family remains limited due to traditional societal attitudes towards children.

32. The Committee recommends that the State party continue and strengthen efforts to implement article 12 of the Convention and promote respect for the views of the child in all settings, including by:

(a) Taking all necessary means to strengthen the implementation of measures aimed at ensuring children's rights to be heard at any proceeding which may impact on their rights, particularly in actions taken by social welfare institutions, courts of law and administrative authorities, including at the local level,

(b) Seeking to develop a systematic approach and policy, in consultation with community and religious leaders, the NGOs, the professionals working with children, including teachers and social workers, and children themselves, to increase

public awareness through specific and targeted programmes, with a view to encouraging the family, the schools, the community and the public at large to adopt an attitude of respect of the opinions of the children

(c) Taking into consideration the Committee's general comment No. 12 (2009) on the right of the child to be heard.

4. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)

Birth registration

33 While noting the efforts made by the State party to promote timely birth registration, including the training of staff of hospitals and offices of registration of birth, as well as awareness-raising campaigns, and reduction of the registration fees, the Committee remains concerned that in remote rural areas the registration of birth is not fully implemented. It is also concerned that in some urban households children are not registered due to the mandatory fees.

34. The Committee recommends the State party make greater efforts to remove all administrative and financial obstacles that deter parents from registering their children and ensure free and timely registration of births, especially in remote rural areas, and encourages the establishment of mobile registration offices and registration units in schools and health facilities. It also recommends organizing national campaigns to raise awareness on the importance of birth registration for the child.

35. The Committee is concerned at the fact that access to information on the biological family is limited and that in cases where the child is born to a single unmarried mother, the possibilities for the child to get to know his or her father as well as the possibilities of establishing the paternity are limited.

36. The Committee recommends that the State party take necessary measures to provide children with access to information on their biological parents, in particular to provide them with the possibility to establish a paternity by all means, including through DNA test.

Torture or other cruel, inhuman or degrading treatment or punishment

37. While noting that the law enforcement officers have undergone trainings by non-governmental organizations, the Committee regrets that there is no mandatory training programme for law enforcement officials on children's rights. The Committee is especially concerned about reports of ill-treatment of children in residential institutions for children with disabilities and lack of investigation of such cases.

38. The Committee recommends that the State party adopt appropriate measures to combat torture and cruel, inhuman or degrading treatment, including systematic training programmes at the national and local level, addressed to all professionals working with and for children on prevention of and protection against torture and other forms of ill-treatment. The Committee further recommends that the State party investigate the allegations of torture and ill-treatment of children, particularly of children in residential institutions, ensure the systematic and routine investigation and prosecution of reported cases and take all necessary measures to bring the alleged perpetrators to justice.

Corporal punishment

39. The Committee notes the State party's efforts to raise awareness on violence against children, including campaigns "protecting children from abuse" as well as the establishment of rehabilitation centres for women and children. The Committee, however, regrets that these activities are limited to certain regions of the country and corporal punishment is not explicitly prohibited under domestic laws and is extensively used as a disciplinary measure at home, schools, and childcare institutions. The Committee regrets the lack of representative data on corporal punishment of children by parents, teachers and the staff of childcare institutions.

40. The Committee recommends that the State party, as a matter of urgency:

- (a) Conduct a study on prevalence of corporal punishment in all settings;**
- (b) Enact legislation in order to explicitly prohibit all forms of corporal punishment in all settings;**
- (c) Organize awareness campaigns on the negative impact of corporal punishment on children, and provide teachers, parents, community leaders, and personnel working in penal institutions with training;**
- (d) Investigate reported cases of corporal punishment and apply adequate sanctions.**

41. With reference to the United Nations Secretary-General's Study on violence against children, the Committee recommends that the State party take all necessary measures to implement the recommendations of the United Nations Study on Violence against Children (A/61/299), taking into account the outcome of the Regional Consultation for Europe and Central Asia, (held in Slovenia from 5 to 7 July 2005). In particular, the Committee recommends that the State party:

- (i) Prohibit all forms of violence against children;**
 - (ii) Strengthen national and local commitment and action;**
 - (iii) Promote non-violent values and awareness-raising;**
 - (iv) Enhance the capacity of all who work with and for children;**
 - (v) Ensure accountability and end impunity;**
 - (vi) Provide recovery and social reintegration services;**
 - (vii) Develop and implement systematic national data collection and research.**
- (a) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse;**
 - (b) Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report;**
 - (c) Seek technical cooperation in this respect from the Special Representative of the Secretary-General on Violence against Children, OHCHR, UNICEF and WHO, and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC, as well as NGO partners.**

5. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment and parental responsibilities

42. The Committee notes that the Family Code provides for issues concerning the child's upbringing to be decided by mutual agreement of parents for the best interests of the child and with respect to his or her opinion. Nevertheless, the Committee is concerned at the fact that many parents prefer institutionalization of children for economic reasons and that most families are not aware of the negative effects that institutionalization can have on a child's development.

43. The Committee recommends that the State party:

(a) **Support families so that they can carry out their parental responsibilities, inter alia, by strengthening the family structure and creating a social network of child protection at community level;**

(b) **Provide economic and social assistance programmes for families with a special attention to most vulnerable families such as the single-headed families in order to prevent institutionalization.**

(c) **Raise public awareness about the negative impact of institutionalization on a child's development;**

(d) **Support the development of community based and family focused childcare services.**

Children deprived of a family environment

44. While noting the deinstitutionalization efforts by the State party, the Committee however is concerned that the number of children in state institutions has increased by 38 per cent during the reporting period. It is particularly concerned at the new tendency of temporary institutionalization of children due to the migration of parents. The Committee regrets that alternative care for children deprived of family care is rarely available other than in the form of institutionalization, while the conditions in care institutions are poor and no monitoring on the standards of care is conducted by the State.

45. The Committee recommends that the State party:

(a) **Continue its efforts for taking measures on de-institutionalization throughout the country;**

(b) **Improve the quality of care in child care institutions and introduce mechanisms of monitoring of standards of care**

(c) **Set clear standards for existing child care institutions and ensure a regular periodic review of placement in all the districts of the State party in light of article 25 of the Convention and the Guidelines for the Alternative Care of Children (A/RES/64/142);**

Adoption

46. The Committee welcomes the initiatives undertaken by the State party regarding adoption, such as restrictions to intercountry adoptions in response to the lack of sufficient monitoring of such adoptions. The Committee also welcomes the State party's commitment indicated during the dialogue to amend its legislation on adoption to ensure that it includes the principle of the best interests of the child. Nevertheless, the Committee

remains concerned that the current adoption system lacks screening and monitoring of prospective adoptive parents.

47. The Committee recommends that the State party:

(a) **Accede to the Hague Convention of 1993 related to the protection of children and cooperation on intercountry adoptions;**

(b) **Introduce a new legislation on adoption in compliance with article 21 of the Convention and the procedures established under the Hague Convention (1993).**

(c) **Establish screening and monitoring mechanisms to determine the suitability of prospective adoptive parents and ensure the best interests of the child to be adopted;**

(d) **Establish a central authority for adoptions and provide it with clear mandate and adequate human and financial resources.**

(e) **Seek technical assistance and training, inter alia, from the Hague Conference.**

Domestic violence

48. The Committee welcomes the creation of a department for the social protection of the family and children in the Ministry of Labor and Social Protection as well as development of training programmes for social workers of the department. Nevertheless, the Committee is deeply concerned at the high prevalence of domestic violence, particularly against women and girls. The Committee is also concerned at the societal acceptance of widespread violence and the impunity of perpetrators due to the lack of legislation, social programmes and a national plan to prevent, eradicate and punish violence against women and girls.

49. The Committee recommends that the State party:

(a) **Enact legislation on social and legal protection against domestic violence;**

(b) **Develop a national plan to prevent and eradicate violence against women and girls, including public sensitization and education that domestic violence is unacceptable, capacity building for law enforcement and judiciary, protection and rehabilitation of victims as well as punishment of perpetrators.**

(c) **Implement recommendations made by the Committee on the Elimination of Discrimination against Women in relation to domestic violence in 2007.**

6. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

50. The Committee regrets that the institutionalisation of children with disabilities remains a common practice in Tajikistan. It welcomes the establishment of the experts group that has analysed the situation of children with disabilities, but it regrets that the state institutions for children with disabilities do not provide quality education, rehabilitation services and development of necessary skills. It also notes poor conditions in such institutions and malnutrition as well as limited inclusion policies for children with disabilities.

51. The Committee recommends that the State party:

- (a) Take measures to decrease the level of institutionalisation of children with disabilities and to assist families with children with disabilities with appropriate care, inter alia, by strengthening their parenting skills and providing adequate financial resources and necessary support in order to decrease institutionalization of children with disabilities;
- (b) Increase its effort to carry out awareness raising campaigns to sensitize the public about the rights and special needs of children with disabilities and promote their inclusion in the system of education and in society;
- (c) Support development of community based early intervention services;
- (d) Improve the physical access of children with disabilities to public service buildings, including recreational infrastructures and schools;
- (e) Improve conditions in residential institutions for children with disabilities and establish mechanisms of independent monitoring of standards of care and children's rights in these institutions, as well as establish a system of training special education professionals;
- (f) Consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol;
- (g) Take into account article 23 and the Committee's general comment No. 9 (2006) on the rights of children with disabilities as well as the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly res. 48/96).

Health and health services

52. The Committee welcomes the national programmes and strategies in the area of the right to health, including immunization programmes and the research carried out on children's health. The Committee also welcomes the reduction of the child mortality rate achieved by the State party during the reporting period. The Committee however remains concerned about very low percentage of GDP allocated to the health care sector and limited access to quality medical services in remote rural areas due to the absence of medical establishments in those areas and shortage of medical personnel. The Committee is concerned about the lack of information in the State party report on the situation in the field of mental health of children and adolescents and services available for children with mental health problems. The Committee is also concerned about high rates of malnutrition among children and the lack of access to sanitation and clean, sufficient, reliable and affordable drinking water.

53. The Committee recommends that the State party:

- (a) Increase substantially the proportion of GDP that is directed to health care and prioritize health services for children and, in particular, primary health care;
- (b) Improve the health care infrastructure, recruit and train more health care workers to serve the needs of children throughout the country, primarily at the level of the primary health care;
- (c) Take further measures to reduce infant and child mortality, especially by focusing on preventive measures and adequate treatment;
- (d) Provide financial sustainability and ensure effective management of programmes aimed at child survival interventions, such as immunisation, prevention and treatment of malnutrition and access to safe drinking water;

(e) **Develop and implement a comprehensive child mental health policy which includes all obligatory components, as recommended by WHO, inter alia, regarding mental health promotion, prevention of mental disorders in primary health care, outpatient and inpatient mental health services, with a view of improving mental health of children and preventing institutionalization and stigmatization of children with mental disorders;**

(f) **Seek technical cooperation from UNICEF and WHO.**

Adolescent health

54. The Committee notes that the State party is planning to expand the youth-friendly health services. The Committee also notes the information provided by the delegation during the dialogue that under current legislation adolescents below the age of 16 cannot seek confidential information and services for sexual and reproductive health. The Committee regrets that there is no comprehensive study conducted about the barriers to access sexual and reproductive health information. Furthermore, the Committee is concerned at the increasing use of alcohol and drugs among adolescents and the limited efforts made to provide them with adequate treatment and rehabilitation.

55. The Committee recommends that the State party:

(a) **Adopt legislation to allow adolescents to seek information and services for sexual and reproductive health;**

(b) **Provide sustainable funding to youth friendly health services and adopt a comprehensive strategy for the implementation and monitoring of these services.**

(c) **Take appropriate measures to address effectively the situation of adolescents using alcohol and drugs and to provide them with adequate medical and psychosocial services.**

(d) **Seek cooperation with, inter alia, UNICEF, WHO, and others.**

HIV/AIDS

56. The Committee welcomes the National Programme to prevent and combat HIV/AIDS, however it remains concerned at the lack of reliable data on the number of HIV/AIDS patients, which by all sources is increasing as well as about the low level of awareness and knowledge among the youth, especially in rural areas about the modes of transmitting HIV/AIDS and how to protect themselves from infection.

57. The Committee urges the State party, taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child (and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37), to take measures to reduce HIV/AIDS infection in its territory, particularly with regard to adolescents through, inter alia:

(a) **Strengthening, continuing and developing new policies and programmes to provide care and support for children infected or affected by HIV/AIDS, including programmes and policies to strengthen the capacity of families and the community to care for such children;**

(b) **Pursuing awareness-raising efforts in order to prevent the incidence and spread of HIV/AIDS, by disseminating information and materials to the public on prevention and protection methods, including safe sex practices;**

(c) **Carrying out activities aimed at reducing stigma and discrimination related to HIV/AIDS and at raising awareness on human rights within the context of HIV/AIDS;**

(d) **Seeking technical assistance from, among others, the Joint United Nations Programme on HIV/AIDS (UNAIDS), WHO and UNICEF.**

Standard of living

58. Despite the social welfare benefits for low income families, children without parents and others, the Committee is concerned that child poverty is significantly higher than the overall poverty rate, with 66 per cent of children under the age of 18 defined as poor, compared with 61 per cent of adults and that there are regional disparities in the standards of living. The Committee is also concerned about the lack of information on whether the poverty reduction strategies cover the needs of children.

59. In accordance with article 27 of the Convention, the Committee recommends that the State party:

(a) **Strengthen its efforts to reduce the rates of child poverty, in particular with regard to alleviating the effects of the economic crisis on children;**

(b) **Pay special attention to families and children in the development of its poverty reduction strategies, which should include targeted measures protecting children from the negative impact of poverty on development, health and education;**

(c) **Provide access to clean drinking water, adequate sanitation, food and shelter in all regions and communities of the country, including the refugee population;**

(d) **Ensure that poverty reduction strategies cover the needs of children and encourage participation of parents and children in the development of such strategies.**

Harmful traditional practices

60. The Committee is concerned about the existence especially in rural areas of the practice of religious unregistered marriages (nikah) of very young girls into polygamous arrangements. While noting that polygamy is prohibited in the Criminal Code, the Committee is however concerned that the State party rarely prosecutes such cases. It notes that such girls often become victims of domestic violence.

61. The Committee urges the State party to:

(a) **Enforce the provision of the Criminal Code on polygamous marriages, by investigating and prosecuting such practices;**

(b) **Involve the civil society and religious leaders to prevent and combat early marriages and polygamous marriages;**

(c) **Hold those who perform religious marriages of underage girls criminally responsible.**

7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

62. The Committee welcomes the efforts by the State party to recruit significant number of teachers in a very short time in order to meet the needs of the system of education. The

Committee notes the National Concept of Education adopted in 2002 as well as the Pilot Programme of Reform in the sphere of education, especially for children from low income families. It also notes the establishment of the Center for Gender Pedagogy, to support and promote gender equality in all levels of education starting from pre-school institutions. However, the Committee is concerned that the education of children is hampered by:

- (a) Poor attendance, including the increasing number of drop outs, particularly among girls in rural areas, difficult access to education for children from low income families and girls;
- (b) The lack of resources, including insufficient infrastructure and limited power supply;
- (c) The low quality of training of teachers;
- (d) The decrease in the quality of education, in particular due to low salaries of teachers;
- (e) The low level of enrolment in early childhood and pre-school education programmes;
- (f) Insufficient training for teachers in minority languages and lack of school textbooks and materials in minority languages.

63. **The Committee recommends that the State party:**

- (a) **Take all necessary measures to implement effectively the Education for All strategic programme:**
- (b) **Ensure adequate funding for the public education system by substantially increasing the percentage of the GDP allocated to the education sector;**
- (c) **Review critically its school curricula with a view of abolishing all discriminatory practices in education, including girls' limited access to education and training, by developing strategies to combat high level drop-outs of girls in rural areas, and take measures to break down stereotypical attitudes about the roles and responsibilities of women and men;**
- (d) **Develop an effective strategy for recruiting and retaining teachers and improve the quality of teachers' training**
- (e) **Take measures to promote the participation of parents and communities in school governance, in order to improve enrolment rates and to monitor the quality of education;**
- (f) **Increase access to pre-school education and take measures to promote pre-school education, especially among low-income households, making parents aware of the importance of early childhood development and education; encourage informal community schemes in this regard and develop comprehensive early childhood development plan;**
- (g) **Strengthen efforts to train teachers in minority languages and increase the number of textbooks in minority languages;**
- (h) **The Committee encourages the State party to seek assistance from, inter alia, UNICEF and UNESCO.**

8. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Asylum seeking and refugee children

64. The Committee welcomes the efforts in the area of birth registration of refugee children and notes that under the Constitution child refugees enjoy the right to education, health, and benefits. It also welcomes the establishment of the group within the Migration Service, which deals specifically with child refugees as well as the work of NGOs that carried out research on the status of Afghan refugees in Tajikistan. However it remains concerned about the lack of training on child protection among the staff of Ministry of Interior dealing with Refugee Status Determination.

65. The Committee recommends that the State party:

(a) **Continue to take measures to ensure that asylum claims submitted by children are analyzed under a refugee status determination procedure that takes into consideration the best interests, specific needs and rights of child asylum seekers in accordance with international refugee and human rights law, by strengthening training among relevant staff dealing with refugee status determination as well as the Committee's General Comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin .**

(b) **Continue efforts to pursue its generous hosting of the Afghan refugee population;**

(c) **Ensure that refugee children, including unaccompanied and separated children, receive appropriate protection, and in this regard, pursue cooperation with relevant United Nations specialized agencies, including the Office of the United Nations High Commissioner for Refugees, UNDP and UNICEF, as well as with NGOs.**

(d) **Ratify the 1954 Convention relating to the Status of Stateless Persons.**

Economic exploitation including child labour

66. The Committee welcomes the ratification of ILO Convention No. 182 (1999) on the Worst Forms of Child Labour and the adoption of Presidential decree of 2006 prohibiting child labour. However the Committee is concerned that there is no explicit prohibition and sanctions in the national legislation to prevent child labour, and that children as young as ten years are involved in child labour. In particular, the Committee is deeply concerned about the continuous high prevalence of child labour in the informal sector, unskilled work in the service sector and in agriculture, mostly in cotton fields. Furthermore, the Committee is concerned about the high prevalence of domestic work which affects girls and causes an increasing number of dropouts of girls especially those living in rural areas.

67. The Committee recommends that the State party:

(a) **Continue and strengthen its efforts to eradicate child labour, particularly in its worst forms, by addressing the root causes of economic exploitation through poverty eradication and education;**

(b) **Introduce the definition of child labour in domestic legislation and ensure the full implementation of a legislation prohibiting child labour and bonded labour and implement ILO Conventions Nos. 138 and 182, and vigorously investigate, prosecute, and punish the perpetrators;**

(c) Vigorously pursue enforcement of minimum-age standards, including requiring employers to have, and to produce on demand, proof of age of all children working on their premises;

(d) Strengthen the labour inspectorate and provide the labour inspectors with all the necessary support, including child labour expertise, with a view to enabling them to monitor effectively at the State and local levels the implementation of labour law standards and to receive, investigate and address complaints of alleged violations;

(e) Continue the collaboration with NGOs, civil society and the ILO International Programme for the Elimination of Child Labour.

Sale, trafficking and abduction.

68. While noting significant efforts made by the State party ratifying several international instruments and introducing new legislation in the area of human trafficking, the Committee is however concerned that the State party does not adequately prosecute and convict perpetrators complicit in trafficking, including for purposes of sexual exploitation nor ensure that victims have access to protection. It is concerned that the State party excessively relies on the international community to conduct trafficking awareness campaigns and to ensure victims have access to assistance and protection.

69. The Committee recommends that the State party:

(a) Implement fully the national legislation against trafficking in persons, including for sexual purposes.

(b) Strengthen measures to protect children who are victims of trafficking, including for purposes of sexual exploitation as well as bring perpetrators to justice;

(c) Train law enforcement officials, judges and prosecutors on how to receive, monitor and investigate complaints on trafficking and sexual exploitation in a child-sensitive manner that respects confidentiality;

(d) Ensure that education and psychological assistance and counselling, are provided to child victims of trafficking;

(e) Negotiate bilateral agreements and multilateral agreements with countries concerned, including neighbouring countries, to prevent the sale, trafficking and abduction of children, and develop joint plans of action between and among the countries involved.

(f) Conduct awareness-raising campaigns to prevent and combat trafficking.

Helplines

70. The Committee is concerned that there is no toll-free helpline established for child victims.

71. The Committee recommends establishing, a three-digit national helpline available 24 hours in order to have an outreach component for the most marginalized groups, including in less accessible areas. The Committee recommends that adequate follow-up is given to calls received by child victims of the offences covered by the Convention.

Administration of juvenile justice

72. The Committee welcomes the establishment of the experts group on juvenile justice within the Commission on the Rights of the Child. It also welcomes the project with the Children's Rights Centre UK on improving the justice system for minors as well as establishing alternatives to pre trial detention and preliminary investigation, which led to appointment of first judges on juvenile justice. However the Committee is concerned that the Tajik criminal justice system lacks juvenile courts, judges who specialize in juvenile justice and a separate form of criminal procedure for children in conflict with the law. It is also concerned that despite the age of criminal responsibility set at 14, children below 14, are frequently subjected to arrest, pretrial detention and deprivation of liberty in closed institutions. Furthermore the Committee is concerned that children aged 16 or above are kept in closed institutions for minor offences.

73. The Committee recommends that the State party:

(a) **Ensure the establishment of juvenile justice system in full compliance with juvenile justice standards, in particular articles 37, 40 and 39 of the Convention and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System, and, in light of the Committee's 1995 Day of General discussion on "The Administration of Juvenile Justice (CRC/C/46);**

(b) **Ensure that the minimum age of criminal responsibility is effectively implemented and that children below the age of 14 are not subject to criminal treatment and be protected outside the criminal justice system;**

(c) **Review all cases of children sentenced to imprisonment in order to ensure that deprivation of liberty is only used as a measure of last resort and for the shortest possible period of time;**

(d) **Guarantee that all children have the right to appropriate legal assistance and defence by assigning a sufficient number of lawyers with relevant training and competence and an adequate number of probation officers to assist juvenile courts;**

(e) **Ensure that children in detention are always separated from adults;**

(f) **Ensure that children remain in regular contact with their families while in the juvenile justice system;**

(g) **Carry out specialized training for personnel in juvenile justice system.**

(h) **Seek technical assistance in the area of juvenile justice from UNICEF and the United Nations Interagency Panel on Juvenile Justice.**

Protection of witnesses and victims of crimes

74. **The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and/or witnesses of crimes, e.g. children victims of abuse, domestic violence, armed conflict, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

9. Ratification of international human rights instruments

75. The Committee recommends that the State party ratify the core United Nations human rights treaties and their Protocols to which it is not yet a party, namely the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention against Torture and Other Cruel Inhuman, Degrading Treatment or Punishment.

10. Follow-up and dissemination

Follow-up

76. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the national and local government institutions.

Dissemination

77. The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

11. Next report

78. The Committee invites the State party to submit its 3rd, 4th and 5th periodic reports by 24 November 2015. This report should not exceed 120 pages (see CRC/C/118).

79. The Committee further urges the State party to submit its initial reports under both Optional Protocols to the Convention which were due in 2004 without any further delay.

80. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents”, approved at the Fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.5).
