



# Convention on the Rights of the Child

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Committee on the Rights of the Child

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

Combined third to fifth periodic reports of States parties due  
in 2015

**Tajikistan\***

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## Acronyms and abbreviations

BMI	Body mass index
GDP	Gross domestic product
ILO	International labour Organization
IOM	International Organization for Migration
NIDs	National Immunization Days
SUN	Scaling Up Nutrition
TransMonEE	Transformative Monitoring for Enhanced Equity database
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund

## Introduction

1. This report has been prepared in accordance with the requirements of article 44 of the Convention on the Right of the Child and the compilation of guidelines regarding the form and content of reports to be submitted by States parties to the international human rights treaties (HRI/GEN/2/Rev.6 of 31 June 2009).

2. It covers the period 2010-2015 and provides information on changes implemented since 2010. The report includes an overview of legislation on protection of the rights of the child adopted between 2010 and 2015, as well as a description of the measures taken pursuant to the concluding observations and recommendations of the Committee on the Rights of the Child adopted on 29 January 2010. It does not include information on the measures taken at national level to implement the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography or the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Initial reports on implementation of the Optional Protocols are being prepared separately.

3. This report was prepared by a working group of the Government Commission on International Human Rights Obligations and the Government Commission on the Rights of the Child. The working group held frequent consultations with civil society during the preparation of the report. The draft report was discussed at public hearings and sent for consideration to State bodies; recommendations were received from both the State bodies and civil society institutions.

4. Between 2010 and 2015, the following regulations, policies and programmes concerning the rights of the child were adopted:

- Food Security Act (29 December 2010)
- Environmental Education Act (29 December 2010)
- Social Protection for Persons with Disabilities Act (29 December 2010)
- Family Medicine Act (29 December 2010)
- Act on Immunoprophylaxis of Infectious Diseases (29 December 2010)
- Environmental Information Act (25 March 2011)
- Supplementary Education Act (16 April 2012)
- Prevention of Domestic Violence Act (19 March 2013)
- Education Act (22 July 2013)
- Preschool Education Act (16 December 2013)
- Act on Trafficking in Persons and Assistance to Victims (26 July 2014)
- Children's Rights Act (18 March 2015)
- Government Decision of 3 May 2010 approving the procedure for allocating and paying State benefits for children under 16 years of age infected with HIV/AIDS
- Government Decision of 4 March 2014 approving the list of jobs with hazardous or dangerous working conditions in which the employment of persons under 18 years of age is prohibited, and limits for the manual lifting and movement of loads
- National Safe Motherhood Programme, approved by Government Decision of 2 August 2008

- National Development Strategy for the period to 2015, adopted by Decree of the Majlis-i Namoyandagon (lower chamber) of the Majlis-i Oli (supreme assembly) (28 June 2007)
- National Strategy to Promote the Role of Women, 2011-2020, adopted by Government Decision of 29 May 2010
- National Health Strategy 2010-2020, adopted by Government Decision of 2 August 2010
- National Labour Market Development Strategy to 2020, adopted by Government Decision of 2 June 2011
- Comprehensive Programme to Combat Trafficking in Persons, 2006-2010, adopted by Government Decision of 6 May 2006
- National Action Plan to reform the initial vocational training and education system, 2006-2015, adopted by Government Decision of 3 June 2006
- State programme to support the education, selection and placement of capable women and girls in leadership positions, 2007-2016, adopted by Government Decision of 1 November 2006
- Improved Drinking Water Programme, 2007-2020, adopted by Government Decision of 2 December 2006
- State Crime Control Programme, 2008-2015, adopted by Government Decision of 2 January 2007
- State programme to promote the construction, renovation and reconstruction of schools currently located in private houses, trailers, office buildings and public places, 2008-2015, adopted by Government Decision of 27 August 2008
- National Food Security Programme for the period to 2015, adopted by Government Decision of 2 February 2009
- State Environmental Programme, 2009-2019, adopted by Government Decision of 27 February 2009
- Legal Training and Citizenship Education Programme, 2009-2019, adopted by Government Decision of 29 April 2009
- State Programme for the Development of Education, 2010-2015, adopted by Government Decision of 29 April 2009
- Young People of Tajikistan Programme, 2010-2012, adopted by Government Decision of 2 July 2009
- Policy framework for transition to a new general education system, adopted by Government Decision of 3 May 2010
- State programme to equip public libraries with computers, 2011-2013, adopted by Government Decision of 2 August 2010
- State programme to equip secondary schools with computers, 2011-2015, adopted by Government Decision of 2 September 2010
- Young People's Health Promotion Programme, 2011-2013, adopted by Government Decision of 30 October 2010
- National Child and Adolescent Health Strategy for the period to 2015, adopted by Government Decision of 2 July 2008

- National programme on injury prevention and improved medical care for trauma and sequelae, 2010-2015, adopted by Government Decision of 3 May 2010
  - National programme for the prevention of drug addiction and improved treatment, 2013-2017, adopted by Government Decision of 30 April 2012
  - National programme for the prevention, diagnosis and treatment of patients with congenital and rheumatic heart diseases, 2011-2015, adopted by Government Decree of 1 April 2011
  - HIV/AIDS Prevention Programme, 2007-2010, adopted by Government Decision No. 86 of 3 March 2007
  - National Education Development Strategy for the period to 2020, adopted by Government Decision of 30 June 2012
  - National Programme to Eliminate the Worst Forms of Child Labour, 2015-2020, adopted by Government Decision of 31 October 2014
  - State Programme for the Prevention of Domestic Violence, 2014-2023, adopted by Government Decision of 3 May 2014
5. During the reporting period, Tajikistan ratified the following multilateral agreements:
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (on 24 April 2014)
  - Convention on the Prevention and Punishment of the Crime of Genocide (on 29 April 2015)
  - Ratification of the following treaties is currently under consideration: the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Interdepartmental working groups have been set up to study the legal, socioeconomic and financial implications of becoming a party to these international instruments
6. There have been many changes concerning public institutions for the protection of the rights of the child. A start has been made on establishing the Office of the Commissioner for Children's Rights. In order to coordinate the activities of State bodies in the area of children's rights, a Children's Rights Division has been set up within the structure of the Executive Office of the President and provided with sufficient human and financial resources.
7. The permanent population of the country on 1 January 2015 was 8,352,000, of whom 3,411,400, or 40.8 per cent of the total population, were under the age of 18. There were 226,700 infants under the age of 1 year (119,800 boys and 106,900 girls), 877,500 children aged 1-4 years (454,600 boys and 422,900 girls), 947,400 children aged 5-9 years (487,200 boys and 460,200 girls), 840,400 children aged 10-14 years (431,400 boys and 409,000 girls) and 865,500 children aged 15-19 (433,500 boys and 432,000 girls).

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

### **A. The Committee's previous recommendations**

#### **Paragraph 7 of the Committee's concluding observations**

8. In accordance with the priorities of the National Development Strategy and the Millennium Development Goals, government fiscal policy has a clear social dimension, with total spending on the social sector in recent years representing no less than 50 per cent of total consolidated budget expenditure.

9. Public spending on education has increased each year: from 4.4 per cent of gross domestic product (GDP) in 2010 to 4.5 per cent in 2011, 4.5 per cent in 2012, 5.1 per cent in 2013, 5.2 per cent in 2014 and 5.5 per cent in 2015.

10. Expenditure from the national budget between 2011 and 2015 on maintenance costs of boarding schools averaged 30.5 per cent, representing a total of 79.8 million somoni.

11. Spending on the health system priorities has increased each year under the National Health Strategy 2010-2020, from 1.9 per cent of GDP in 2010 to 2.0 per cent in 2011, 2.0 per cent in 2012, 2.2 per cent in 2013, 2.3 per cent in 2014 and 2.3 per cent in 2015.

12. General school education represents a stage in the development of the personality of children and adolescents. More than 1,000 educational institutions have been built in the country over the past 10 years, all of them in line with modern standards.

13. In addition, 19.3 million somoni were invested between 2011 and 2014 in the operation and maintenance of facilities for children with disabilities.

14. In the health sector, there are institutions that deal with the treatment, monitoring, care and health promotion of children with mental and cardiorheumatological diseases. A total of 17.2 million somoni were allocated for this purpose from the State budget between 2011 and 2015, with an average annual rate of increase of 26 per cent over those five years.

15. In line with the Government Decision of 3 May 2010 approving the procedure for allocating and paying State benefits for children under 16 years of age living with HIV/AIDS, such children receive a monthly allowance of 280 somoni from the State; a government decision of 2 May 2007 on the payment of allowances to low-income families with children enrolled in general education schools provides the families with the amount of 40 somoni each year from the State budget.

16. The sum of 29 million somoni was provided from the national budget over the period 2011-2015, with an average annual rate of increase of 21 per cent, for the operation and maintenance of social institutions, which are mainly involved in providing social services for children with disabilities. Children's health promotion was allocated 18.5 million somoni from the national budget between 2011 and 2015 (with an average annual increase of 20 per cent) for immunization of children under 16; 5.6 million somoni of that sum came from the Epidemiological Fund within the Ministry of Health and Social Protection.

17. The medium-term programme of public expenditure, which is based on programme funding, was introduced in 2008. Pursuant to a government decision, paid services have been introduced as an additional source of funding for medical institutions. Mandatory health insurance will be introduced in 2017. The Health Insurance Act was passed in 2008 to achieve universal health coverage and protection from financial risk.

18. Increasing budget and planning capacity in State institutions is one of the fundamental challenges in ensuring the effective use of budget resources. Accordingly,



periodic refresher courses and various seminars on budget planning and drafting of balance sheets, with the participation of representatives of international organizations, are held for the relevant staff of the Ministry of Finance.

19. With the help of the United Nations Children's Fund (UNICEF), each year the country's Statistics Agency contributes data on the indicators that best reflect the situation of children in the country to the Transformative Monitoring for Enhanced Equity (TransMonEE) database. The annual trends are shown for the years 2005 to 2012. Since 2014, the database has been made available on the Statistics Agency's official website ([www.stat.tj](http://www.stat.tj)) and accessible to a wide range of users. The Agency also publishes annual statistical compilations.

20. In order to reflect the activities of the juvenile justice services, the Statistics Agency has worked with Council of Justice on the new statistical reporting form for the number of minors in conflict with the law and the number of minors against whom crimes have been committed.

21. The Statistics Agency has also developed and introduced statistical form No. 103-RIK into the local authority data-collection system to record the number of children and adolescents without parental care and improve the quality of the relevant statistical data.

22. A demographic and health survey was conducted for the first time in 2012. The survey results provided reliable updated data on fertility and the use of family planning methods, maternal and child health, child mortality, domestic violence against women and knowledge and behaviours in cases of tuberculosis, HIV infection and other sexually transmitted infections.

23. Currently there are 3,300 children in the country who have no parents and more than 102,000 children who have only one parent. Orphans are cared for by the State and also receive a monthly allowance of 130 somoni.

24. The Ministry of Health and Social Protection provides funding for selected local NGOs which provide rehabilitation services to children with disabilities and support services to help families avoid placing their children in institutions. A new mechanism has been introduced for the procurement from non-governmental and civil society organizations of social services for children with disabilities as an alternative to residential institutions. Currently there are 11 centres providing various social services to children with disabilities.

25. An Act was passed on 19 March 2013 introducing a new article 931 into the Code of Administrative Offences; it establishes liability for violations of legislative requirements on the prevention of domestic violence.

26. A number of regulations have been adopted in this area. For example, a Minister of Internal Affairs decree adopted on 8 May 2007 introduced penalties in cases of domestic abuse and a register of problem families. It makes provision for local police officers to register problem families and conduct preventive activities, including the issuance of supervisory orders.

27. Information concerning the prevention of violence against children can be found in paragraphs 35, 38 and 39 of the present report.

28. In order to improve the provision of medical assistance to children, reduce child mortality and prevent disability, key public health legislation has been adopted in the form of the Family Medicine and Immunoprophylaxis Acts, the National Health Strategy 2010-2020 and the National Child and Adolescent Health Strategy to 2015.

29. Since 2012, with financial and technical support from the World Health Organization and the Russian Federation, Tajikistan has been engaged in a project to improve the quality of paediatric care in first referral level health facilities. The project is

currently being introduced in 10 pilot districts in Khatlon province, and a pocket guide to providing hospital care for children suffering from the most common diseases in circumstances of limited resources has been adapted and translated into the official language. Training has been organized for national trainers, supervisors and over 300 specialists. Inspections are carried out regularly.

30. Pilot projects have been implemented through diagnostic and corrective institutions in several cities to provide psychological, medical and educational counselling to assist in the early identification of, care for and education, social adaptation and integration of children with various developmental disabilities. The number of children who attend these institutions increases each year.

31. Clinical protocols on HIV prevention have been developed and approved and are being piloted in 20 cities and regions of the country. Furthermore, to help prevent HIV in pregnant women, the reproductive health centres of the towns and districts of Tajikistan have been supplied with HIV/AIDS test kits through humanitarian assistance from the Global Fund to Fight AIDS, Tuberculosis and Malaria. A number of legal instruments have been developed to prevent the transmission of HIV/AIDS and the HIV/AIDS Act has been revised to include, inter alia, the payment of State benefits for children under the age of 18 with HIV and the provision of infant formula for children born to HIV-positive mothers. The Committee on Women's and Family Affairs has run the Girls' Support Service project since 2009; it works with girls aged between 10 and 18 who have been sexually abused, mistreated or trafficked and has received State funding since April 2012. Over that period, 205 girls have received legal, psychological, social, rehabilitation and reintegration services. The project has a legal office and a free telephone crisis helpline.

32. In order to improve the provision of services for girls who have been subjected to violence, courses have been organized with the assistance of the United Nations office to provide training for staff of the Support for Girls Centre and for girls subjected to violence.

33. The Ministry of Health and Social Protection runs a special vocational high school for persons with disabilities. Improvements are being made to the students' living conditions to increase the State funding provided for the school. Six professions are currently taught in the school.

34. The Ministry has supported a project run by the international NGOs Caritas-Germany and Handicap International to build up community-level social services for persons with disabilities, including children with disabilities. The expected outcome of the project is expanded social services and the provision of services at municipal level.

35. The first national conference on local support services was organized with the help of the World Health Organization on 2 December 2014 in Khujand. The main purpose of local support services is to create communities for everybody, including persons with disabilities and their family members/caregivers, as authors and agents of change in their communities.

36. See also paragraphs 64-68 of this report.

37. Education is recognized as a priority in government policy and is an important focus, with everything possible done to ensure the equal right to education. Particular effort has been made to reform and modernize the system of education for children with disabilities. The Education Act contains special articles on the inclusive education of children with disabilities. The National Education Development Strategy to 2020 calls for the development and implementation of a set of measures to incorporate inclusive education for children with disabilities.

38. In April 2011, the Government approved a National Framework for Inclusive Education for Children with Disabilities for 2011-2015, which introduced reforms into the

education system to ensure access for such children. The Ministry of Education and Science has also introduced a number of other documents.

39. The issues affecting children with disabilities are reflected in the Social Protection for Persons with Disabilities Act and the Model Regulations for General Education Establishments, which lay out the internal regulations and rules for admission, governance, funding and medical services in these schools.

40. There are currently 12 preschool institutions for children with disabilities in the country (8 in Dushanbe and 4 in Sughd province), catering for 3,422 children.

41. In Dushanbe, there are 1,184 children (including 112 girls) with special needs in general educational establishments, of whom 63 per cent are enrolled in specialized training institutions. In total, 5,244 children with special needs attend general educational institutions in the country.

42. The Ministry of Education and Science has established a group of experts in inclusive education to develop legislation on the matter. The group is developing ways of adapting educational curricula and manuals to ensure that the learning process is tailored to the needs of the child.

43. An appropriate legal framework has been established to address the problem of forced labour. Under the law, no one may be subjected to forced labour, and the use of child labour in heavy or underground work or in harmful working conditions is prohibited.

44. The 2015-2020 National Programme to Eliminate the Worst Forms of Child Labour was approved pursuant to a Government Decision of 31 October 2014. It is based on article 6 of the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182), which was ratified by Tajikistan in 2005. The Programme provides for social protection for families at risk or with children already working in the worst forms of child labour, and easier access to such protection for parents of children who are at risk of being recruited to work in harsh conditions; it also offers them ways of improving their standard of living.

45. Regular checks are carried out with the involvement of members of the public to monitor the informal employment of minors. As a result of those checks (raids), 31 offences involving the illegal use of the child labour of 107 minors, including 49 girls, and 125 offences of informal employment of minors were identified. The checks resulted in 18 heads of enterprises and organizations being fined.

46. See also paragraph 88 of this report.

47. The 2015-2017 Judicial Reform Programme was approved by presidential decree on 5 January 2015. Its key objectives are: to further strengthen the judiciary, to simplify judicial proceedings, to enhance the role of the courts in protecting human and civil rights and freedoms, to protect the interests of the State and organizations, to guarantee the rule of law and justice and, on that basis, to improve the work of the judiciary, to ensure fair trials for juveniles, with their rights and legal interests fully guaranteed, to create favourable conditions for juveniles in the inquiry process, investigations and the consideration of cases of administrative offences and criminal cases in the courts, and to set up juvenile courts.

48. Another working group is considering the development of a new juvenile justice programme for 2016-2020.

49. Legislation governing the execution of penal sanctions provides the necessary guarantees for convicted juvenile prisoners: they must be held separately from adults, they are given additional exercise time and they enjoy mandatory standards of nutrition.

## **B. Legislation**

### **Paragraph 9 of the Committee's concluding observations**

50. On 18 March 2015, a new Children's Rights Act was adopted, laying out the legal framework for the protection of the rights of the child and State guarantees of their realization. The provisions of the Act are in conformity with those of the Convention on the Rights of the Child and other international instruments in the field of children's rights. Regulations concerning the implementation of the Act are under development.

51. Amendments and additions were made between 2010 and 2015 to existing legislation on children's rights.

52. See also paragraph 4 of this report.

## **C. Coordination**

### **Paragraph 11 of the Committee's concluding observations**

53. To ensure coordination and interaction in the activities of the public administration at the interregional and interdepartmental levels, a department for the protection of children's rights has been set up in the Executive Office of the President. The department serves as the secretariat of the Commission on the Rights of the Child and coordinates the activities of the provincial, municipal and district children's rights commissions. A permanent staff of four is planned to allow the department to function effectively.

54. On the initiative of UNICEF and other partner international non-governmental development organizations, an interdepartmental consultative working group on social protection for children with disabilities and orphans has been set up in the Ministry of Health and Social Protection to coordinate the activities of both the public authorities and voluntary associations.

## **D. Independent monitoring**

### **Paragraph 13 of the Committee's concluding observations**

55. Draft amendments to the Act on the Commissioner for Human Rights have been drawn up and submitted for consideration to ensure that it conforms to the Paris Principles and the Subcommittee's recommendations on improving national human rights institutions.

56. In 2012, a children's rights department was set up in the Office of the Commissioner, with financial support from UNICEF. Pursuant to a presidential decree of 26 June 2012, the additional posts and logistic support for the department have been funded from the State budget since 1 July 2014.

57. Staff of the Office of the Commissioner for Human Rights monitor the realization of children's rights, taking account of the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the protection and promotion of the rights of the child.

58. In his 2015 message outlining domestic and foreign policy, the President announced the establishment of the function of Commissioner for Children's Rights in order to ensure the protection of children's rights. A number of legislative initiatives on the issue, including a bill to amend the Act on the Commissioner for Human Rights, have been drawn up and submitted.

## **E. National Plan of Action**

### **Paragraph 15 of the Committee's concluding observations**

59. See also paragraph 16 of this report.

## **F. Allocation of resources**

### **Paragraph 17 of the Committee's concluding observations**

60. See also paragraph 8 of this report.

## **G. Data collection**

### **Paragraph 19 of the Committee's concluding observations**

61. See also paragraph 9 of this report.

## **H. Dissemination of the Convention and training**

### **Paragraph 21 of the Committee's concluding observations**

62. At the initiative of the Office of the Commissioner for Human Rights, a programme of human rights education for 2013-2020 was adopted and approved by government decision on 3 December 2012. A coordinating council and working groups composed of representatives of educational institutions, ministries and departments were set up to implement the programme. Curricula for human rights courses, including information on children's rights, were approved under the programme.

63. Meetings, seminars and round-table events involving staff of the penal enforcement system, local executive bodies and the education system, students of boarding schools and the general public are held regularly to discuss the main provisions of the Convention on the Rights of the Child and the recommendations of the Committee on the Rights of the Child.

64. Under the 2009-2019 programme of legal training and education for Tajik citizens, secondary school students take part in meetings, seminars and round-table discussions on human rights, including children's rights. In 2015, the Ministry of Justice held more than 45 meetings and discussions with students in secondary schools, gymnasia and boarding schools in towns and districts throughout the country.

65. On 4 September 2013, a memorandum of understanding and cooperation was signed between the Ministry of Justice and the United Nations Development Programme in Tajikistan. Much has been done in that context to provide services to improve the level of legal awareness and literacy among the population (especially women and young people) on legal issues relating to family law and the law of succession. With the help of the Swiss association Helvetas, five secondary schools have set up legal corners and offer elective courses in law, explaining fundamental human rights and freedoms in general and children's rights in particular. In total, 60 elective courses addressing the rights and responsibilities of children within the family and on marriage have been offered in general education schools in a number of cities and districts.

66. In 2012, 180 copies of the Convention on the Rights of the Child and 180 copies of a brochure entitled "Everything about (legal capacity and) dispositive capacity" were printed

in braille. Teachers were trained to use these books to raise the awareness of visually-impaired children about their rights.

67. The Ministry of Education and Science, in cooperation with UNICEF, has supported its partners in disseminating information and raising awareness of children's rights through intensive work with the media in organizing a dialogue on the rights of the child. In 2014, the Asia-Plus radio station broadcast 12 programmes on the Convention, with the participation of representatives of children's rights departments, the Ministry of Education and Science and partners from civil society, and the involvement of community media.

68. The Tajik National University introduced a specialized course on children's rights in 2012 and another in 2013 on challenges in protecting the rights of children and women in family law for students in the faculty of law. The teaching materials produced for the courses cover the provisions of the Convention on the Rights of the Child and the concluding observations of the Committee on the Rights of the Child.

## **I. Cooperation with civil society**

### **Paragraph 23 of the Committee's concluding observations**

69. The Government and civil society cooperate in promoting the rights of children with disabilities, ensuring the availability of the necessary services and holding regular consultations on relevant issues. A new mechanism was introduced in 2009 governing the procurement from non-governmental and civil society organizations of social services for children with disabilities as an alternative to residential institutions. Throughout the world, non-residential forms of social services are recognized as a new and progressive way of providing social services closer to home for the beneficiaries. Currently there are 13 centres that offer various social services to children with disabilities. The work of the NGOs is funded through social service procurement, that is, the service providers (suppliers) are NGOs selected on a competitive basis.

70. The majority of the NGOs work towards the rehabilitation of children with disabilities, and a number offer family support services to help families avoid placing their children in institutions.

71. The Children's Rights Centre, an NGO, working in close cooperation with the Office of the Commissioner for Children's Rights and with the support of UNICEF, has conducted a study on torture and ill-treatment in the context of juvenile justice in Tajikistan. Its main objectives were: to fill information gaps concerning the situation of children in closed facilities; to collect information on complaints concerning torture of children and the outcome of the complaints; to evaluate submissions by children about the justice system; and to contribute to efforts to protect and uphold children's rights, with a view to establishing a child-friendly justice system that meets international standards.

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

### **Definition of the child**

#### **Paragraph 25 of the Committee's concluding observations**

72. On 21 July 2010, the Family Code was amended to raise the minimum age for marriage from 17 to 18 years.

73. The Criminal Code provides for criminal liability for giving a girl in marriage when she is younger than the minimum age for marriage (art. 168) and for entering into marriage with a person who is younger than the minimum age for marriage.

74. Under article 28 of the Family Code, a marriage that is concluded under compulsion or by deceit may be invalidated at the request of the injured party or a procurator.

75. Seminars and training courses are held to raise public awareness about the negative effects of early marriage; these are complemented by meetings and discussions in the country's educational institutions. When an application for marriage is submitted, an explanation is given of the rights and obligations of the future spouses, responsibility for the upbringing of children and the obligation to ensure the timely registration of the birth of a child.

76. Registry offices have clubs for young families, where newly married couples are invited to hear about their rights and responsibilities in the life of the family.

77. Despite the measures taken, there are still cases in the country of underage girls being given in marriage, persons entering into marriage with a person who is not of marriageable age, individuals prevented from receiving basic general education, neglect in the upbringing of minors and malicious evasion of child maintenance by parents. For example, in 2013 alone, more than 50 criminal cases were brought and investigated where underage girls had been given in marriage or marriages had been concluded with such persons.

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

#### **A. Non-discrimination**

##### **Paragraph 27 of the Committee's concluding observations**

78. Awareness-raising activities are conducted to encourage school-age girls to attend school, in order to guarantee girls' rights to education and to eliminate negative traditional and religious attitudes to the roles of women and girls. There are also public awareness campaigns on the Prevention of Domestic Violence Act. With the support of a project funded by the Swiss Government, a presentation of the State Programme for the Prevention of Domestic Violence, 2014-2023, was held for government officials, civil society organizations, international organizations and many representatives of the media. The presentation was then repeated throughout the country.

79. To improve the awareness-raising work on the prevention of domestic violence, animated films on the subject were produced with the help of the Swiss project and the United Nations Population Fund (UNFPA) and shown on national television channels.

80. Public meetings are held each month on the prevention of domestic violence, the preservation of family values, gender equality, the prioritization of education for boys and girls, zero tolerance of domestic violence and the need to prevent early marriages.

81. The Government-run Charogi khidoyat and Sarvar centres provide female students from poor families and orphaned girls with comfortable accommodation and meals and organize free supplementary courses on various subjects.

82. The local authorities have departments that provide social care in the home to help vulnerable groups stay in their own homes and maintain their social status.

83. The education system has achieved notable success in establishing a regulatory framework for education, including education for women and girls. Under State

programmes between 2010 and 2013, a range of measures, including the introduction of grants and other forms of financial assistance, was adopted to encourage girls to study in educational institutions and to boost their participation. The Empowering Education programme is ongoing, a further programme on informal education has been implemented successfully and an accelerated learning programme and the related textbooks have been produced. Centres that deal with gender issues have also been set up. A total of 184 girls have taken part in the training programme for women leaders run by the Committee for Women and the Family.

84. The implementation of the government programme outlining the State policy to ensure equal rights and equal opportunities for men and women in Tajikistan, 2001-2010, improved the results of efforts to attract girls into education and information campaigns were started to foster positive public opinion about the need to raise women's academic and professional level.

85. National legislation stipulates that Tajik citizens, regardless of ethnic background, race, sex, language, religion or political, social or material status, are guaranteed the right to education. The State guarantees free and compulsory general basic education at State educational institutions, as well as free education at subsequent stages in the education system awarded on the basis of public competition.

86. Citizens, foreign nationals and stateless persons have the right to choose their educational establishment and form of instruction: daytime, evening, correspondence, family, inclusive, distance or home-based study.

87. The State provides special support for exceptionally talented students. It helps them to obtain an education, including by awarding special State scholarships and, when necessary, by sending them to study in other countries.

88. The State pays from the State budget for the education of orphans and children without parental care, children with special needs, persons with disabilities and others, as prescribed by law, in State educational institutions and helps them find employment when they have finished their studies.

89. The State provides free education at home or in medical facilities for citizens who cannot attend standard general educational institutions for extended periods because of ill-health.

90. Foreign nationals and stateless persons have the same rights as citizens to preschool education and primary, general basic and general secondary education.

91. Everyone has the right to participate freely in the cultural life of the community and artistic, scientific and technical creativity and the right to enjoy their achievements.

92. Under article 10 of the Refugee Act, asylum seekers and their family members have the right to receive, inter alia: information on the procedure for their recognition as refugees, and on their rights and duties; emergency medical care in public health facilities; and primary and secondary education.

93. Article 7 of the Education Act indicates that the State language is the main language of instruction in educational institutions. The State, which guarantees that citizens can choose their language of instruction, provides general education in the State language. In areas where there are concentrated populations of other ethnic groups, it provides schooling in the native languages of those groups, to the extent that the education system is able to do so. In general educational establishments, the language of instruction is decided on the basis of the required number of students, classes and groups and the necessary conditions for their activities.



94. Various pieces of legislation have been drafted and adopted taking account of the Committee's general comment No. 1 and other recommendations made by international and regional conferences. They include: the Preschool Education Act, the Supplementary Education Act, the Sport for Children and Adolescents Act, the Youth and Youth Policy Act, the State Programme for the Younger Generation, 2013-2017, the Programme of Work with Juveniles, 2010-2015, and the Young People's Health Promotion Programme, 2006-2010.

95. Effective measures are taken to prevent cases of children being hindered from receiving education. In 2013, 114 criminal cases were brought and investigated against persons who had prevented children receiving basic general education, seriously violating the child's right to education.

## **B. Best interests of the child**

### **Paragraph 30 of the Committee's concluding observations**

96. The legal framework for the rights and freedoms of minors is quite extensive and enshrines and guarantees the best interests of the child.

97. Pursuant to article 34 of the Constitution, children come under the specific protection of the State. Parents are responsible for their children's upbringing. The State watches over the protection, care and education of orphans and children with disabilities. The Constitution also guarantees children the right to education, medical care and judicial protection.

98. In addition, the principle of the best interests of the child is reflected in the Family Code. Specifically, under articles 20 and 21 of the Code, disputes concerning children or divorce where there are minor children of the marriage are considered in court. Furthermore, when a ruling is issued on the dissolution of a marriage, the judge also decides on the place of residence of any minor children and the procedure for the payment and the amount of maintenance for the children.

99. If a couple with minor children divorce, the judge must, on the basis of article 24 (2) of the Family Code, take measures to protect the interests of the children, regardless of whether the couple is in agreement concerning the children. To that end, the judge must explain that the parent who does not live with the children has the right and the duty to take part in their upbringing.

100. Section 3, chapter 7, of the Family Code, on the property rights of spouses, provides that, when dividing the common property, the judge may allocate a larger share to one of the spouses, on the basis of the interests of the minor children (Family Code, arts. 38 (5) and 39 (2) and (5)).

101. Section 5, chapters 13 and 14, section 6, chapters 18, 19 and 20, and section 8, chapter 22, of the Family Code establish that the interests of children and the rights of parents who are minors are taken into account when identifying and placing children deprived of parental care in adoption, tutorship and guardianship, as well as in establishing the obligations of parents to provide maintenance payments for minor children.

102. A ruling of the plenum of the Supreme Court of 2 October 2003 on the application of legislation by the courts in disputes related to the upbringing of children gives a list of the disputes covered.

103. The Labour Code regulates working conditions for minors. Children aged under 15 may not be employed. Children aged 14 or over studying in general schools, technical training schools or secondary specialized educational establishments may, with the

agreement of one parent or the person acting in *loco parentis*, be recruited to perform, in their free time, light work which is not harmful to their health and does not disrupt their education.

104. Employers must employ graduates of general education schools and other young people under 18 who are referred to them by the employment service for job placement under the quota scheme. Refusal to employ a person under the quota scheme is prohibited and may be challenged in the courts.

105. Children under the age of 18 who are working legally have the same rights as adults but enjoy additional privileges in respect of labour protection, working hours, leave and certain other terms of their employment.

106. Minors may not be used to perform heavy or underground work, work involving harmful working conditions, or work which may harm their health or moral development.

107. They may not move or lift by hand heavy objects exceeding the limits laid down for them.

108. Employees aged between 15 and 18 are not allowed to work more than 35 hours a week, and persons between 14 and 15 years are not allowed to work for more than 24 hours a week.

109. Employees aged under 18, who have shorter working hours, are remunerated at the same level as their colleagues in the corresponding categories who work a full day.

110. Students who work at enterprises in their free time are paid according to time actually worked or by output.

111. Employees aged under 18 are allowed at least 30 calendar days' paid leave a year, which they may use in summer or at any other time of the year convenient to them.

112. It is forbidden to recruit employees aged under 18 for night work, overtime work or work on days off and public holidays, or to send them on official missions.

113. The cancellation of a labour contract or agreement with an employee aged under 18 on the initiative of an employer is permitted only with the consent of the local labour and employment agency and children's rights commission.

114. Parents, tutors or guardians or agencies authorized to perform that role have the right to request the termination of an employment contract with a person under 18 if continued employment would endanger the minor's health or otherwise cause him or her prejudice.

115. Special provision is made in the Criminal Code in terms of penalties for minors who commit crimes and criminal liability for crimes committed against children.

116. First-time young offenders who have committed minor or ordinary offences may be released from criminal responsibility if it is considered that they can be reformed through the application of compulsory education measures.

117. A juvenile convicted for the commission of a minor or ordinary offence may be released by a court from punishment or the use of compulsory education measures.

118. Minors convicted of ordinary offences may be discharged if it is considered that the aim of punishment may be achieved by referring them to a special young offenders' institution or a young offenders' medical institution.

119. A minor's stay in the facility concerned may be terminated prior to the expiry of the term set if the specialized State body responsible for the punishment concludes that the minor no longer requires further application of the measure. Extension of the stay of a

young person in such an establishment beyond the age of 18 is possible only to allow the young person to finish a general education or vocational training programme.

120. Early release from serving punishment may be applied in the case of persons who committed a crime when under the age of 18 years.

121. The remaining portion of a sentence of deprivation of liberty or punitive deduction of earnings for offences committed by a person under the age of 18 may be commuted to a more lenient punishment.

122. The following are also punishable offences: the illegal adoption of children; the placing of children under tutorship or guardianship or in foster families for financial gain or other base motives; the use of guardianship or tutorship for financial gain or other base motives; the intentional abandonment without supervision or necessary care of a child who has been placed under guardianship or tutorship, resulting in substantial infringement of the child's rights and legitimate interests; and malicious (without good reason) avoidance for more than three months by parents of payment of maintenance as ordered by a court for minor children and children over the age of 18 who are unable to work.

123. Under the Code of Criminal Procedure, if preventive measures are to be applied against a minor, the possibility must be discussed in each specific case of electing the measures prescribed under article 108 of the Code, i.e., placing a minor suspect, accused person or defendant under supervision. Remand in custody or detention may be imposed on a minor as a measure of restraint only in exceptional cases involving the commission of a serious or an especially serious offence. The same chapter also describes the special procedure for the questioning of a minor.

124. The Penal Enforcement Code defines the special regime for the detention of adolescents. Accused juveniles are held separately from adults and brought to trial as quickly as possible.

125. The main goal of the rules governing the treatment of prisoners in the prison system is their re-education and social rehabilitation. Juvenile offenders are held separately from adults and are subject to a special regime appropriate to their age and legal status.

126. Steps have been taken to make necessary medical assistance available to juvenile prisoners in a timely manner. In practically all detention facilities for minors who have been convicted or, especially, those who are under investigation, all necessary measures are taken to ensure that they have access to timely medical attention.

127. Pursuant to article 753 of the Code of Administrative Offences, when minors are subjected to administrative detention, their parents or other legal representatives must be informed as soon as possible.

128. The Act on Procedures and Conditions for the Custody of Suspects, Accused Persons and Defendants lays out regulations for the detention of juvenile suspects, accused persons and defendants and also sets out guarantees of their rights and legitimate interests.

129. Juvenile suspects, accused persons and defendants are given better living conditions and receive specialized medical care and food of a better standard. They are allowed to spend at least two hours outdoors each day. During that time, they are given the opportunity to participate in physical exercise and sports. If possible, juvenile suspects, accused persons and defendants are given the possibility of watching films or television, and may use facilities equipped for sports and other leisure activities, as well as outdoor sports fields.

130. Where possible, juvenile suspects, accused persons and defendants are allowed to follow general secondary education and are provided with pastoral care.

131. Juvenile suspects, accused persons and defendants may acquire and receive textbooks and stationery, or may receive them by delivery or by post.

132. The Trafficking in Persons Act provides for the establishment of centres to provide support and assistance to victims of trafficking. Such centres offer short-term accommodation for juvenile victims of trafficking for up to one month.

133. Children placed in the centres are kept separately from adults. If a child has been left without parental care or knows nothing about his or her family, the guardianship authorities must take steps to find the child's family or make arrangements for guardianship.

134. The Act on Parental Responsibility for the Education and Care of Children is aimed at eliminating cases of neglect, reducing crime and delinquency among minors and preventing their involvement in extremist activities.

135. Under the Act, the State provides training, care, protection and the appropriate conditions for orphans and persons with disabilities.

136. Children must be given preparation for school, both within the family and in preschool institutions.

137. The Public Health Act covers children's right to health. It is mandatory for children to have periodic medical examinations, to undergo regular outpatient monitoring and to be vaccinated against preventable diseases in line with the proper procedure.

138. Children with physical or mental developmental impairments are entitled to medical and social assistance and, at the wish of their parents or guardians, may be admitted to specialized preschool institutions, boarding schools, children's homes or residential homes for children at public expense.

139. Children in hospital may be accompanied by their mother (or father) or another person who has the direct responsibility of care, for which that person may receive a carer's allowance, as laid down in law. Children are entitled to sanatorium treatment.

140. Failure to fulfil the obligation to provide care, education and health care for children in the family and ill-treatment of children that causes injury are punishable under the law.

141. Citizens over the age of 14 may join and be active in young people's associations, in accordance with the Voluntary Associations Act. Children aged 8 or older may become members of children's associations.

142. The Prevention of Domestic Violence Act governs social relations with the aim of preventing such violence, and lays out the role of the stakeholders in detecting, preventing and eliminating the causes and conditions that foster domestic violence.

143. The Natural Infant Feeding Protection Act was adopted to help establish the necessary conditions to protect maternal and child health and ensure correct nutrition for infants and young children.

144. The National Education Framework, which defines current and future State policy on public education, particularly for the younger generation, was approved by government decision on 3 March 2006.

145. Pursuant to a government decision of 1 September 2005, a list of children's goods produced in Tajikistan has been approved; the items on the list are exempted from payment of value added tax.

146. In accordance with article 17 of the State Social Insurance Act, each year the Government adopts a decree on the organization of summer leisure activities for children and adolescents.

147. The Children's Rights Act sets out an appropriate legal framework and establishes State guarantees for the realization of those rights, and sets the objectives of the Government's policy on children's rights and the State minimum social standards for the child.

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

### **Paragraph 32 of the concluding observations**

148. The principle of respecting children's views and guaranteeing their right to be heard in any proceedings that affect their interests is enshrined in article 14 of the Children's Rights Act.

149. Furthermore, article 57 of the Family Code establishes children's right to protection, while article 57<sup>1</sup> provides for their right to express their views freely in the family on all matters affecting their interests and their right to participate in judicial and administrative proceedings. The views of children aged 10 years or older must be taken into consideration, except when this runs counter to their interests. General education and preschool institutions, State bodies, civil society organizations and parents are obliged to create the conditions in which children can freely express their views in society and the family.

150. Pursuant to the Code of Civil Procedure, proceedings in all courts are open. Its article 11 (8) stipulates that judgments are pronounced publicly, unless doing so would affect the rights and legitimate interests of minors or violate privacy.

151. The statutes of the Commission on the Rights of the Child stipulate that, in its examination of materials and cases involving violations of children's rights and legitimate interests, it is obliged to study the circumstances in full, explain the causes and conditions of the violations and take measures to defend children's rights and legitimate interests. In its examination of materials related to a child, his or her parents, legal representatives or others, the Commission hears the explanations of the child concerned, his or her parents, legal representatives, the victim, witnesses, the defence counsel and, where necessary, the conclusion of the procurator and the opinion of a representative of a social organization.

152. The Committee for Women and the Family does important work in providing information and advice to women and their families and increasing the proportion of girls in education, as well as in providing specialist training for women and girls, preventing undesirable phenomena among women and girls in society and providing affordable health care and access to economic resources, employment, legal services and social services.

153. In 2012, with the support of the UNICEF and in cooperation with the Committee on Religious Affairs, the Association of Professional Social Workers promoted an initiative entitled "Strengthening dialogue and joint action between religious leaders and human rights defenders in response to violence against children and women in Tajikistan". The purpose of the initiative was to develop an innovative approach towards the dissemination of information on children's rights among Muslim communities in Tajikistan. The initiative, which was conducted in the framework of the Safe and Friendly Cities for All programme, facilitated constructive dialogue between religious leaders and human rights defenders, made use of UNICEF best practice to disseminate information on the rights of the child effectively in the context of religious values and developed a Friday sermon, which was delivered in a selected mosque in Dushanbe.

154. The Freedom of Conscience and Religious Associations Act provides for the right to choice with regard to religious education, and parents or guardians have the right to instruct and raise their children in accordance with their own attitude towards religion, taking into account the right of the child to freedom of conscience. More than 2,000 students study at

the public Islamic Institute of Tajikistan, and approximately 1,500 children study at the gymnasium attached to the Institute.

#### **IV. Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a) of the Convention)**

##### **A. Birth registration (art. 7)**

###### **Paragraph 34 of the concluding observations**

155. In line with the State Civil Registration Act, the birth of a child is officially registered with the civil registry office at the place of residence of the parents (or one of the parents). In exceptional cases, the child is registered at the place of birth. The child is registered under the parents' surname.

156. Pursuant to the Act on Parental Responsibility for the Education and Care of Children, parents are obliged to register the birth officially within three months.

157. Births are registered free of charge. Civil registry offices register births and deaths electronically every day. Nevertheless, in some cases, children are not registered at a civil registry office within the prescribed time frame, because of a lack of awareness among the population, particularly in remote areas. To raise public awareness, the Ministry of Justice has a legal publicity department, which works continuously in close cooperation with the mass media to improve legal literacy.

158. In line with the State Civil Registration Act, in rural areas where there is no civil registry office, the local authorities register births, deaths and marriages and establish paternity.

159. Children born to migrant workers outside Tajikistan are officially registered at one of the country's consular posts.

160. Legislation makes it an administrative offence for the parents or other legal representatives of a minor to fail to fulfil their duties of maintenance and education, including that of registering a child's birth on time.

161. In line with the Family Code, civil registry offices establish the mother of the child (or maternity) on the basis of documents confirming the child's birth to the mother in a health-care facility or, if the child is not born in a health-care facility, on the basis of medical documents, witness statements or other evidence. If a child is born to persons who are married and whose marriage has been registered with a civil registry office, or within 300 days of the dissolution of the marriage, of its declaration as null and void or of the death of the mother's spouse, then the mother's spouse (or former spouse) is recognized as the child's father, unless evidence is provided to the contrary. If the child's mother declares that her spouse (or former spouse) is not the child's father, paternity is established voluntarily or through the courts.

162. The Ministry of Health and Social Protection plans to set up a genetic laboratory for the establishment of paternity by the end of 2015, after which the population will have access to services for the establishment of biological parentage.

## **B. Torture or other cruel, inhuman or degrading treatment and punishment**

### **Paragraph 38 of the concluding observations**

163. On 16 April 2012, article 143<sup>1</sup>, “Torture”, was added to the Criminal Code. Its provisions are fully in line with the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The use of torture against a minor is recognized as an aggravating circumstance and carries a more severe penalty.

164. The courts of Tajikistan examined four criminal cases resulting in convictions under this article of the Criminal Code in 2012 and 2013, including one case concerning the use of torture against a minor, to whom the court awarded compensation for moral damage.

165. The Decision of the plenum of the Supreme Court of 25 June 2012 on the application of the provisions of criminal legislation and criminal procedure in combating torture clarifies for judges the procedure for awarding compensation for material and moral damage to all victims of torture. Compensation in line with the provisions of legislation must be paid for any harm caused by a violation of a person’s rights and freedoms during criminal proceedings.

166. In 2012, jointly with the Children’s Rights Centre civil society organization, UNICEF and the Open Society Institute Assistance Foundation-Tajikistan, the Commissioner for Human Rights conducted a monitoring exercise on freedom from torture in relation to adolescents in the juvenile justice system, and its results were discussed in a series of round tables at home and abroad.

167. In 2013, as part of the implementation of a project to eliminate violence against children in places of deprivation of liberty, the Commissioner for Human Rights signed a three-year memorandum on trilateral cooperation with the Children’s Rights Centre and the Central Asian office of Penal Reform International. The objective of the project is to reduce the incidence of violence against children in all closed institutions.

168. A working group that includes representatives of civil society organizations, in particular members of the Coalition against Torture, has been set up within the Office of the Commissioner for Human Rights with a view to preventing torture in places of deprivation or restriction of liberty, improving conditions in such places, ensuring the effective functioning of a system of regular preventive visits to places of deprivation and restriction of liberty and preparing and submitting recommendations on the possibility of ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The working group’s statutes and plan of work have been approved, and monitoring visits to some institutions (including institutions in which children are held) have taken place.

169. Special attention is devoted to raising awareness of combating torture among law enforcement officials. Between 2010 and 2015, the Executive Office of the President, in conjunction with the Commissioner for Human Rights, the Office of the Procurator General and the Tajik National University and with the assistance of the regional offices of the Office of the United Nations High Commissioner for Human Rights and the Organization for Security and Cooperation in Europe, conducted regular training seminars with law enforcement agencies and penal institutions on national and international standards for combating torture. In cooperation with UNICEF and Penal Reform International, the working group set up by the Commissioner for Human Rights organizes regular training seminars for employees of closed and semi-closed institutions.

170. The Office of the Procurator General produced and published a theoretical and practical manual entitled “The legal basis and organization of the activities of the procuratorial authorities in preventing, detecting and investigating acts of torture”.

171. See also paragraph 40 of this report.

## **C. Corporal punishment**

### **Paragraph 40 of the concluding observations**

172. In 2014, 139 crimes were committed against minors, which was 56 fewer than the number committed in 2013.

173. Representatives of the Office of the Commissioner for Human Rights hold regular meetings with representatives of the education sector and chairpersons and members of the children’s rights commissions to raise awareness around preventing all forms of violence against children and to provide relevant information on the Convention on the Rights of the Child and the recommendations of the Committee on the Rights of the Child.

174. The Girls’ Support Service project, for girls aged between 10 and 18 years who have been sexually abused, mistreated or trafficked, was implemented between 2009 and March 2012 and has received State funding since April 2012. Over this period, 205 girls have received legal, psychological, social, rehabilitation and reintegration services. The project has a legal office and a free telephone helpline.

175. Training courses on preventing and responding to violence against women and children have been organized with the assistance of the United Nations with a view to improving the provision of services for the girls who live at the Support Centre for Girl Victims of Violence.

176. Laws clearly prohibiting physical and psychological violence have been adopted. The Prevention of Domestic Violence Act of 19 March 2013 is one example.

177. Pursuant to the Education Act, pupils in educational institutions are entitled, in line with legislation, to protection against unlawful acts committed by administrative staff, teachers and other members of staff in the education sector who infringe their rights or injure their honour, dignity or authority. Discipline is maintained in educational institutions on the basis of respect for the honour and dignity of students. The use of mental or physical violence against them is prohibited. Teachers and other education sector employees are obliged: to protect students from all forms of physical and psychological violence; to refrain from using foul language both inside and outside the classroom; not to use the physical and social capabilities of students for their personal interest; to respect the rights of students and not to injure their authority and dignity.

178. In line with the Family Code and the Act on Parental Responsibility for the Education and Care of Children, parental rights may not be exercised in a manner that is at variance with the interests of the children. In exercising their parental rights, parents may not impair the physical or psychological health or moral development of their children. Negligent, cruel, brutal or degrading treatment, parental abuse and exploitation must not form part of a child’s upbringing. Parents who exercise their parental rights and duties in a manner detrimental to their children’s rights and interests bear responsibility in the manner prescribed by law.

179. Threats to a child’s life or health and abuse of parental rights are prohibited. In the event of a violation of a child’s rights or legitimate interests, including a failure to fulfil or improper fulfilment on the part of the parents (or one of them) of duties with respect to the child’s upbringing and education or the abuse of parental rights, the child has the right to



apply directly to an agency of tutorship or guardianship or, on reaching the age of 14 years, the courts. Furthermore, in line with the Family Code, officials of organizations and other citizens who become aware of a threat to the life or health of a child or a violation of his or her rights and legitimate interests are required to report it to the agency of tutorship or guardianship in the place where the child is physically located.

180. Pursuant to the Criminal Code, the failure to fulfil or the improper fulfilment of duties relating to a minor's upbringing on the part of a parent or another person entrusted by law with those duties, or by a teacher or other employee of an educational institution or reform school, if accompanied by cruel treatment of the minor, is a criminal offence.

181. In line with the Code of Civil Procedure, the decision to award compensation for bodily injury or damage to health is immediately enforceable.

182. With the aim of preventing the corporal punishment of children, State bodies hold meetings, conferences, round tables, seminars, training sessions and other informational events in conjunction with international organizations and local NGOs and with extensive involvement of the media.

183. Within the scope of its activities, the Office of the Commissioner for Human Rights undertakes outreach work on the prevention of corporal punishment among both the public and the staff of the ministries and departments responsible for the education and care of children in closed and semi-closed institutions.

184. Training courses have been organized to develop the skills of the staff of the penal system. They cover international standards for the treatment of juvenile convicts in detention and international standards and national legislation relating to the rights of the child, including the rights of minors in places of deprivation of liberty.

185. A seminar on the progressive elimination of violence against children in places of deprivation of liberty in Central Asia was held from 25 to 27 May 2015 in Dushanbe for the staff of closed and semi-closed institutions and the penal system.

186. With the assistance of the United Nations, a special issue of the magazine *Window on the World*, with a print run of 500, was published with a view to raising awareness of the problems of violence in society.

187. See also paragraph 39 of this report.

188. In 2010, 707 reports of domestic violence were filed, of which 30 concerned violence towards children; 809, including 60 of violence towards children, were filed in 2011; 1,025, including 45 of violence towards children, were filed in 2012; 2,608, including 35 of violence towards children, were filed in 2013; and 2,390, including 16 of violence towards children, were filed in 2014.

#### **Paragraph 41 of the concluding observations**

189. With regard to paragraph 41 (i), (ii), (v), (vi) and (a) of the concluding observations, see paragraphs 35 and 36 of this report.

190. In 2012, in close collaboration with UNICEF, the Safe and Friendly Dushanbe campaign was organized together with the worldwide annual 16 Days Campaign to Combat Violence Against Women. The campaign mobilized a wide range of active players, including the police authorities, in disseminating the message to some 5,000 school pupils and other children through the distribution of leaflets containing information on children's rights, the programme and contact details. Furthermore, weekly radio programmes during the campaign dealt with various topics related to child protection and gender-based violence, giving a platform to various experts and representatives of other media.

191. Quarterly meetings to promote non-violent values are held with parents and the public in the country's educational institutions.

192. Programmes are broadcast on State television on the topics of the protection of children's rights, modern methods of raising children and combating violations of their rights and children's aesthetic development and creative abilities; talks and discussions are held with the involvement of relevant specialists.

193. See also paragraph 36 of this report.

194. A draft government decision has been drawn up, and a State development programme for the improvement of skills and professional retraining of employees in the education sector for 2016-2020 is awaiting approval; both are aimed at improving the skills and strengthening the capacities of professionals who work with children.

195. The Ministry of Health and Social Protection works to prevent violence against children, particularly in institutional facilities under its authority.

196. See also paragraph 33 of this report.

197. The Main Information Analysis Centre of the Ministry of Internal Affairs is responsible for collecting and analysing data on violence against children.

198. In line with a joint order on unified offence registration issued by the law enforcement agencies on 25 February 2010, completed statistical cards No. 1 for the detection of offences, No. 1.1 for the results of investigations of offences, No. 2 for the person who committed the offence, No. 5 for the victim and No. 6 for the outcomes of cases examined by the court are sent to the Main Information Analysis Centre. On the basis of the data from the statistical cards, the Main Information Analysis Centre compiles monthly, quarterly, six-monthly and annual reports.

199. The Main Information Analysis Centre then compiles reports relating to persons aged under 18 years on:

- (1) Crimes committed against persons aged under 18 years;
- (2) Crimes committed by persons aged under 18 years;
- (3) Persons aged under 18 years who have committed crimes;
- (4) The results of the work of the internal affairs agencies in preventing crime among minors.

200. UNICEF is the main provider of technical assistance on combating violence against children. At this stage, other entities (the Office of the United Nations High Commissioner for Human Rights, the World Health Organization, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the Office of the United Nations High Commissioner for Refugees and the United Nations Office on Drugs and Crime) are not actively involved.

## **V. Family environment and alternative care (arts. 5, 18 (1) and (2), 9 to 11, 19 to 21, 25, 27 (4) and 29 of the Convention)**

### **A. Family environment and parental responsibilities**

#### **Paragraph 43 of the concluding observations**

201. With the declaration of 2015 as the Year of the Family, awareness-raising work to strengthen family relationships is being carried out with the involvement of traditional

leaders and representatives of ministries and departments. A social study of the causes of family breakdown is also being undertaken. In light of the increase in the number of divorces, a Family Development Framework for 2016-2020 is currently being drawn up. It defines public policy perspectives for strengthening the family as an important social unit and the basis of society.

202. To support women economically, develop women's entrepreneurship in small- and medium-sized companies, encourage women and girls to undergo professional training, increase the legal awareness of the population and create new employment opportunities, a government decision on the establishment of presidential grants to support entrepreneurship among women for 2011-2015 was adopted on 2 April 2011.

203. In the allocation of grants, special attention is given to vulnerable families, female heads of households and single women responsible for raising young children, with the aim of supporting families economically and preventing the placement of children in specialized institutions.

204. With a view to supporting mothers and children in the event of family breakdown, paragraphs on promoting the signing of marriage contracts, increasing the number of preschool institutions, organizing groups for children aged under 1 year in all preschool institutions, improving the conditions in these institutions, ensuring their compliance with modern standards and developing networks of affordable non-school institutions and summer health camps for pupils have been included in the section on factors for strengthening the family in the action plan of the National Strategy to Promote the Role of Women, 2011-2020.

205. Since 2007, in line with a government decision, students of general education institutions from low-income families have received assistance on a quarterly basis.

206. The National Strategy to Promote the Role of Women, 2011-2020, was adopted in 2011. Its main purpose is to create the essential conditions for the fullest realization of women's abilities in all spheres of social life with a view to ensuring the sustainable development of society.

207. The deinstitutionalization of social service provision is one of the State's priorities. Increased knowledge of the alternatives to long-term institutionalization, mainly among the urban population, has increased demand for day-care centres and similar institutions. Over the past 10 years, legislative acts have been adopted to facilitate the realization of the rights and opportunities provided for in the Constitution for persons with disabilities. They include the Social Protection Framework, the Social Services Development Framework, the Social Services Act, the Social Protection for Persons with Disabilities Act, the State Social Standards Act, the Government Social-Sector Procurement Act and the State Support for Child Orphans Act.

208. See also paragraph 49 of this report.

209. A social services monitoring division whose main objective is to monitor quality and compliance with established service provision standards has been set up within the State Agency for Social Protection, the designated executive organ in this area.

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

### **Paragraph 45 of the concluding observations**

210. The Ministry of Health and Social Protection system has four children's homes for children aged up to 4 years, the aim of which is to provide medical care for orphans and children left without parental care, as well as for children with disabilities and children with

physical or mental developmental disabilities. These institutions cater for between 250 and 290 children each year. Children aged over 3 years made up the largest group admitted to these institutions (29.1 per cent), followed by children aged between 1 and 2 years (20.3 per cent) and children aged up to 1 year (15.4 per cent). Eighty-five per cent of the children come from low-income families. The funding for the children's homes increases each year. Adoption is an alternative to placement in children's homes. Over the past three years, 82 children were handed over for adoption from the children's homes in Dushanbe alone.

211. Efforts are made to avoid the placement of children in specialized institutions (children's homes). In 2012 and 2013, round tables were held in Dushanbe and Khujand, Sughd province, with the participation of representatives of UNICEF, NGOs, health-care professionals from children's homes, representatives of the education sector and the staff of children's rights commissions. In 2012, the Kishti Centre avoided the placement of 12 children in children's homes.

212. Owing to the efforts of the management of the children's home in Khujand, together with the children's rights commissions of Sughd province and Khujand, 36 children from that home were returned to their biological families in 2014.

213. To help improve children's access to education, employees of the Office of the Commissioner for Human Rights visited a number of educational institutions in towns and districts in 2014 and 2015. The recommendations of the Commissioner for Human Rights are sent to ministries and departments to ensure that any weaknesses identified during inspections can be addressed.

214. The Ministry of Health and Social Protection conducts regular annual monitoring of the provision of medical and social assistance for children at all health-care and social welfare institutions, as well as the conditions in which they are held, and takes specific decisions to improve the conditions in institutions under its authority.

## **C. Adoption**

### **Paragraph 47 of the concluding observations**

215. The possibility of acceding to the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (the Hague Convention) is currently under consideration, for which purpose an interdepartmental working group has been set up.

216. Amendments to the Stamp Duty Act, the State Civil Registration Act, the Family Code and the Code of Civil Procedure aimed at simplifying the adoption process have been approved.

217. An adoption decision is taken by a court following the submission of an application by the persons or person wishing to adopt the child. Before an application for adoption can be considered by the court, the agencies of tutorship or guardianship are obliged to inspect the living conditions of the person wishing to adopt the child and ascertain whether adoption is in the best interests of the child and whether there are any obstacles to the adoption, to determine the child's attitude towards the adoptive parent and the adoption and to submit to the court its conclusion on the possibility of adoption.

## **D. Domestic violence**

### **Paragraph 49 of the concluding observations**

218. Article 6 of the Prevention of Domestic Violence Act defines the rights of victims of domestic violence: to benefit from medical, psychological, legal and social assistance; to be

given accommodation, with their written consent, in support centres or centres or departments for the medical and social rehabilitation of victims; to receive legal advice and other information related to the protection of their own safety; to apply to community action groups for the social censure of the perpetrator's conduct; and to apply to the internal affairs agencies, the procurator or the courts for proceedings to be brought against the perpetrator.

219. Amendments and additions aimed at guaranteeing the implementation of the Prevention of Domestic Violence Act were made to the Militia Act and the Code of Administrative Offences.

220. See also paragraphs 26 and 28 of this report.

221. The State Programme for the Prevention of Domestic Violence, 2014-2023, was adopted in 2014 and the National Strategy to Promote the Role of Women, 2011-2020, in 2010. Section 7 of the Strategy is dedicated to the prevention of violence against women.

222. With the assistance of the Prevention of Domestic Violence project, a training seminar on domestic violence in the country and the way it is reflected in the mass media was held for journalists. Some 1,400 copies of a brochure on the Prevention of Domestic Violence Act and 500 copies of the State Programme for the Prevention of Domestic Violence, 2014-2023, were distributed to the public. Furthermore, with the support of the Swiss Agency for Development and Cooperation, a commentary on the Prevention of Domestic Violence Act was drawn up and published.

223. Meetings and conversations are held with the public to prevent instances of humiliation of and violence against women and children, restrictions on their rights and other problems that affect them. The topic is covered regularly in the mass media.

224. To improve legal literacy and provide legal and psychological support for women, the Committee for Women and the Family, in partnership with the United Nations Entity for Gender Equality and the Empowerment of Women, has created 110 district information and advisory centres, funded by local authorities, where girls and women can receive free legal advice from professionals.

225. Rooms for women victims of violence were opened at the National Centre for Reproductive Health, Dushanbe maternity clinic No. 2, Qūrhontepa municipal clinical hospital (Khatlon province), Khūjand municipal maternity clinic (Sughd province), Qayroqqum municipal maternity clinic and Tursunzoda central district hospital.

226. For the purpose of developing the skills of health-care professionals in the aforementioned cities and districts, a seminar on the timely detection of domestic violence against women and the provision of primary medical care for victims of violence was held in Dushanbe from 16 to 18 May 2013 with the support of the United Nations Population Fund and the civil society organization Chakhon.

227. With the assistance of the local UNICEF office, 21 medical counselling sections for young people have been phased in at medical institutions. These sections are equipped with the necessary health-care personnel, modern medical equipment and furniture and provide a mix of medical, psychosocial and legal assistance for young people and vulnerable groups.

228. A national action plan for the implementation of the recommendations of the United Nations Committee on the Elimination of Discrimination against Women was drawn up and adopted in 2014. A national action plan for the implementation of United Nations Security Council resolutions 1325 (2000) and 2122 (2013) has also been drawn up and adopted. The implementation of this action plan is being closely monitored.

## **VI. Basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1) to (3) of the Convention)**

### **A. Children with disabilities**

#### **Paragraphs 50 and 51 of the concluding observations**

229. In 2011, the National Framework for Inclusive Education for Children with Disabilities for 2011-2015 was approved. In accordance with the Framework, a reform of the education system is under way with a view to ensuring access to education for children with disabilities.

230. The reform of the social protection system has led to a number of successes, including the adoption of the Social Services Act, the Social Protection for Persons with Disabilities Act, the State Social Standards Act, the Government Social-Sector Procurement Act, the Social Protection Framework and the Social Services Development Framework. Regulations on the provision of free social assistance have also been approved.

231. In the interests of increasing the number of children from low-income families enrolled in schools, a government decision of 2 May 2007 on the payment of allowances to low-income families with school-age children was approved and entered into force. Priority is given in the payment of allowances to single-parent families and families with children with disabilities. In line with this government decision, 15 per cent of schoolchildren currently receive a cash allowance. In the first half of 2014, 141,458 schoolchildren received a school allowance.

232. In 2008, the Faculty of Economics and Management of the Tajik National University opened a social work section, from which 23 persons graduated last year, some of whom are now employed in parts of the Ministry. Furthermore, new professions, including those of social worker and occupational health therapist, have been added to the classification of professions.

233. With the assistance of a European Union project, the State-run Training and Experimental Complex for Social Work and Innovation was created in 2012 to be the leading methodological and training centre for social work. The centre's main objectives are to retrain the employees of social institutions and develop their skills, to provide training in modern techniques of social service provision and to offer assistance in the development and implementation of social work standards. On average, approximately 100 social workers receive retraining and further training at the centre every year. Work is currently under way to formulate a medium-term strategy for the development of social protection until 2025.

234. The Kishti Centre (now the Marvorid Centre) for early intervention was opened at Khūjand children's home with the support of the NGO Health Prom to teach the parents of children with disabilities how to care for them.

235. A number of sporting events involving children with disabilities from the cities and districts of the country have been held in partnership with UNICEF and the local office of the civil society organization Special Olympics.

236. Ten day-care centres for children with disabilities were set up in cooperation with the European Union between 2008 and 2012 to address issues connected with the rights of the child.

237. The Kishti Centre, a rehabilitation and training centre for children with disabilities, is based at municipal children's home No. 1. It provides rehabilitation for children up to 6 years old who have disabilities and teaches parents how to care for their children. Every

year, the Centre, which has been operational since 2008, works with more than 110 children with various forms of disability, and 20 parents regularly receive advice and participate in training programmes (seminars and training courses). Professionals from the Centre visit the families of children with disabilities.

238. Since 2009, a procurement mechanism has been in place for the provision by NGOs of social services at day centres for children with disabilities as an alternative to institutionalization. Currently, 14 centres are operational, and they provide various social services to more than 860 children with disabilities. The centres are funded on the principle of social-sector procurement: the service providers (suppliers) are NGOs, which are selected on a competitive basis. With the assistance of the European Union, a number of NGOs are currently implementing this form of provision in six more districts. There will be 17 day centres by the end of 2015. In the first half of 2014, more than 1,000 children received social services of various kinds in their own homes and at day centres and short-stay facilities.

239. The Committee for Women and the Family holds meetings and conducts informational activities to increase the legal awareness of the population, particularly among women with disabilities and children with disabilities.

240. To gather information on the living conditions of children with disabilities, the Commissioner for Human Rights cooperates with civil society organizations active in this area, including the Association for the Parents of Children with Disabilities, the Disabled Women's League (Ishtirok), Children of Equality, the Swedish International Development Cooperation Agency, the Initiative for Parents of Children with Autism (IRODA), the Dushanbe Society for Persons with Disabilities (Imkoniyat), the Dushanbe Society for the Blind, the Olympic Sport Centre for Children with Disabilities and others.

241. The annual periodic reports of the Commissioner for Human Rights include a separate section on children with disabilities and recommendations on ways of addressing any shortcomings.

242. The Kishti Centre held its first conference on early intervention in 2010, with the support of the NGO Health Prom, to look at providing timely assistance to children with disabilities, identifying children with developmental disorders at an early stage and ensuring early intervention.

243. In 2010, there was an outbreak of polio, during which 712 children were found to have acute flaccid paralysis and more than 450 children were diagnosed with polio. With the support of UNICEF, a Regional Education Directorate programme was implemented in the country. Within the framework of this programme, 21 rooms for Regional Education Directorate assistance have been set up in the districts in which cases of polio had been recorded. A new mobile orthopaedic workshop has provided 350 children with orthopaedic devices. Eighteen schools have been fitted with ramps to improve physical access.

244. Tajikistan has 13 specialized boarding schools with 1,569 pupils. They ensure that all the conditions are met for the rehabilitation, education and socialization of children with disabilities. Regulations are in place to ensure that such institutions provide a quality service.

245. In the interests of improving the accessibility for children with disabilities of buildings intended for use by the general public, including leisure facilities and schools, engineering and construction companies respect all the necessary measures provided for by legislation for the design and construction of buildings and facilities. In 2014, planning rules and regulations on the accessibility of buildings and facilities for groups with limited mobility (No. 31-01-2012) were adopted, providing for improved physical accessibility to

persons with disabilities of buildings intended for use by the general public, including leisure facilities and schools.

246. The education sector oversight service, which is part of the Ministry of Education and Science, monitors the care provided and the rights of children in these institutions for compliance with standards. The professionals at the institutions take courses at the Further Training and Retraining Institute. The monitoring recommendations have been sent to the appropriate authorities.

247. The Commissioner for Human Rights conducts ongoing monitoring of respect for the rights of children with disabilities in semi-closed institutions.

248. While Tajikistan is not a party to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, the country has acknowledged the importance of that Convention and the guidelines it contains by signing the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific and becoming a party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

249. Pursuant to a presidential decree of 3 April 2013, the National Plan for 2013-2015 to implement the recommendations made by member States of the Human Rights Council in connection with the country’s universal periodic human rights review was approved. It provides for consideration of the possibility of ratifying the Convention on the Rights of Persons with Disabilities.

250. A governmental working group set up in 2013 developed an action plan providing for the revision and review of legislation, consideration of the possibility of acceding to the Convention on the Rights of Persons with Disabilities and public awareness campaigns.

251. In general education institutions, all the necessary conditions are being created to ensure equal opportunities for all children. Currently, 5,244 children with disabilities are enrolled in general education institutions.

## **B. Health and health services**

### **Paragraphs 52 and 53 of the concluding observations**

252. Over the past five years, the proportion of GDP allocated to health care has increased by 0.7 percentage points and now stands at 2.3 per cent (versus 1.6 per cent in 2010).

253. Since 2007, per capita financing has been implemented and extended, and discretionary items of expenditure for all primary health-care facilities have been taken into account. In line with a government decision, the per capita financing methodology (the inclusion of all items of expenditure) was reviewed, and a virtual analysis of the implementation of full per capita financing in primary health-care facilities in Sughd province was conducted in 2013 in two towns (Istaravshan and Qayroqqum). The implementation of per capita financing has been expanded to all primary health-care facilities in Sughd province.

254. With the support of the World Bank, preparatory work towards the implementation of results-based financing in primary health-care facilities has begun in the form of a pilot project.

255. With a view to improving the quality of medical care provided to children in primary health-care facilities, anthropometric equipment (scales and height charts) has been installed in all basic health-care facilities with the support of UNICEF and the World Bank.



Furthermore, in order to diagnose malnutrition at an early stage, these institutions have begun screening children aged under 5 years.

256. Between 2010 and 2015, Tajik State Medical University trained 5,901 professionals. In the 2014/15 academic year, 201 students were enrolled in its Faculty of Paediatrics. Between 2010 and 2015, the National Medical College trained 32,818 professionals. In the past six years, more than 460 physicians and more than 14,500 nurses have been trained to work with children.

257. To develop the skills of health-care professionals, between 2010 and 2013, 16 neonatologists working in the country's maternity clinics underwent advanced training in Lithuania and, since 2011, 118 paediatricians, including infectious disease specialists, intensive care specialists, obstetricians and gynaecologists, have taken training courses in the Russian Federation.

258. In 2013, nine professionals underwent three-, six- and nine-month training courses in China on specialized medical intervention for young children suffering from congenital heart diseases.

259. To provide specialized rehabilitation assistance, two professionals underwent six-month training courses in India on the rehabilitation of children with disabilities.

260. There are nine psychological, medical and educational advisory centres at the basic health-care level that ensure the timely identification of, care for and education, social adaptation and integration into society of children with various developmental disorders. They offer diagnosis and treatment and see increasing numbers of such children every year.

261. In recent years, the Ministry of Health and Social Protection has opened several health-care facilities that are now operational, including the 40-bed National Children's Rehabilitation Centre in Vahdat district (2009), to improve children's access to specialized health care. In 2014, 30 additional beds were installed at the facility and fitted with the necessary equipment. Staff members have frequently participated in training seminars on caring for children with disabilities.

262. For the purpose of training the health-care personnel of paediatric intensive care facilities, a training centre equipped with simulation mannequins and the necessary literature was opened with the support of the World Health Organization in 2014 at the National Scientific and Clinical Centre for Paediatrics and Paediatric Surgery.

263. Over the past five years, UNICEF has lent technical support for the provision of essential equipment for intensive and general care for newborns and women in labour and technical assistance for the development of standards and clinical protocols and the organization of training courses for health-care professionals.

264. In recent years, some successes have been achieved in improving access to quality health-care services for mothers and children. The reductions in the infant and child mortality rates are evidence of this. The Ministry of Health and Social Protection has developed and implemented a number of programmes and strategies based on international standards and evidence-based medicine, all of which are aimed at further reducing the burden of child morbidity and mortality in the country. According to the results of the demographic and health survey, the infant mortality rate, which was 53 per 1,000 live births in 2007, had fallen to 43 per 1,000 live births by 2012. Tajikistan has undertaken to reduce the rate to 39 per 1,000 live births by 2015. The reduction in the infant mortality rate has been facilitated by, inter alia, the development of laws and regulations in the field of maternal and infant health care, the development and implementation of clinical protocols in the field of paediatrics, the training of health-care professionals and the installation of essential equipment in health-care facilities.

265. In order to reduce the number of deaths of children from congenital anomalies, in particular congenital heart disease, the National Programme for the Prevention, Diagnosis and Treatment of Congenital Heart Disease and Rheumatic Heart Disease in Tajikistan for the period 2011-2015 was adopted in 2011. The main objective of the programme is to implement effective methods for early diagnosis, treatment and medical rehabilitation through the development and improvement of the organizational structure, as well as to strengthen the material and technical resources for the treatment of rheumatic heart disease and heart surgery in the country.

266. The Health Caravan initiative and the Healthy Child, Healthy Nation national marathon, which improve the accessibility of health care, are organized every year to help reduce morbidity and mortality among children in remote areas and areas in which there is a shortage of health-care professionals.

267. See also paragraph 64 of this report.

268. Legislation on immunization and a national immunization programme for 2011-2015 have been adopted, new vaccines have been introduced (hepatitis B, a pentavalent vaccine in 2007, measles with rubella in 2009 and a rotavirus vaccine in 2015) and there are plans to introduce an inactivated polio vaccine and a pneumococcal vaccine from 2016. As part of a mass immunization campaign against measles and rubella in 2009, 97.1 per cent of children aged 1 to 14 years were immunized. In response to an outbreak of polio in 2010, six National Immunization Days (NIDs) were held, followed by a further two in 2011. In April and May 2014, a catch-up polio vaccination was administered to children aged under 5 years. In 2012, Tajikistan held NIDs targeting diphtheria among the population aged 3 to 21 years (achieving a coverage rate of 98 per cent).

269. Adequate nutrition is essential for the reduction and prevention of child morbidity and mortality. Although problems associated with poor nutrition affect everyone, women and children are especially vulnerable on account of their specific physiology and socioeconomic characteristics. Diseases such as diarrhoea and acute respiratory infections are common among young children.

270. The overwhelming majority (89 per cent) of children aged 6 to 24 months are breastfed or fed with dairy products. However, only 40 per cent have a varied diet, while 45 per cent are given solid or semi-solid food the recommended number of times a day.

271. One of the main causes of child morbidity and mortality is a deficiency in micronutrients (vitamins and trace elements). Children can get micronutrients from foodstuffs and special supplements. Vitamin A supplements are taken by 77 per cent of children aged 6 to 59 months.

272. According to a 2009 study of child and maternal nutrition conducted by the Ministry of Health and Social Protection with the support of UNICEF, 24.2 per cent of women of childbearing age in Tajikistan are anaemic, and one in every three children aged 6 to 59 months suffers from anaemia (28.8 per cent).

273. Studies conducted in 2009 show that more than half of children (52.9 per cent) aged 6 to 59 months suffer from iodine deficiency. The results of the 2012 demographic and health study showed that the proportion of households in which iodized salt is consumed had increased from 69 per cent in 2005 to 83 per cent in 2009 and 84 per cent in 2012.

274. Among women, a low body mass index (BMI) before pregnancy and low weight gain are known risk factors for adverse pregnancy outcomes for both mother and child. The prevalence of overweight in women is also a growing problem in developing countries. According to the demographic and health survey, 6 in 10 women have a normal BMI, 11 per cent are underweight and 30 per cent are overweight or obese.

275. Tajikistan was the forty-second State to join the Scaling Up Nutrition (SUN) project, in which it has taken part since September 2013. Participation in SUN will provide Tajikistan with the opportunity to ensure the functioning of the National Nutrition Platform, which brings together various sectors of the Government and other important parties, including civil society, businesses, universities, scientific research institutions, donors and the United Nations.

276. In 2009, Tajikistan adopted the new World Health Organization Child Growth Standards for children under 5. Training was given to all medical personnel in primary health-care institutions, and basic health-care institutions were provided with scales and height charts to enable them to identify children suffering from poor nutrition.

277. With a view to preventing vitamin A deficiency among children aged between 6 and 59 months, two rounds of vitamin A supplements are issued to over 1,350,000 children every year.

278. To date, 58 hospitals have been recognized under the Baby-friendly Hospital Initiative, and more than 90 per cent of infants are born at one of these hospitals. The implementation of this programme has helped to reduce the prevalence of infectious disease, including conjunctivitis, omphalitis, stomatitis and sepsis among newborns and to reduce the prevalence of post-partum mastitis among women. The economic efficiency of breastfeeding saves families between 3,500 and 4,000 somoni during the first six months and up to 6,000 somoni during the first year.

279. In Tajikistan, the four therapeutic feeding centres set up for children with severe malnutrition treat more than 1,000 such children every year. In order to prevent malnutrition among children at the outpatient level, over 180,000 children in 45 districts of the country receive Sprinkles micronutrients and over 50,000 pregnant women receive trace elements such as iron and folic acid.

280. One method for preventing anaemia in children is to deworm them. Over the past few years, regular deworming of children aged up to 18 has been carried out in Tajikistan.

281. On water use, see paragraph 74 of this report.

282. In order to provide timely, specialized assistance to children with mental disorders, the National Child and Adolescent Mental Health Centre has prepared draft clinical protocols on the prevention and treatment of mental disorders in children, as well as materials for training parents in the provision of home-based care. The Centre runs a psychological, medical and educational advisory service. Every year, this service conducts medical examinations of children with disabilities across the country and sees more than 1,000 children with various mental disorders. With the technical support of UNICEF, the Centre has been equipped with modern rehabilitation equipment.

283. The Centre, which is part of the Ministry of Health and Social Protection, has 30 inpatient and 30 day beds. Every year, it sees more than 250 children with mental disorders. With a view to identifying children with various conditions in a timely manner, training parents in caring for sick children and addressing the issue of training and rehabilitation for children with disabilities, the Centre has opened a psychological, medical and educational advisory service, which has examined more than 5,000 children over the past two years, formulating methods of treatment and rehabilitation for children.

284. The service also conducts mobile medical check-ups to provide medical and social assistance to children with various conditions in remote areas of the country.

285. Anand Grover, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, visited the country between 24 and 31 May 2012. The Special Rapporteur noted the successes achieved by Tajikistan in

reducing poverty, increasing health-care spending and tackling the problem of maternal mortality, as well as the country's strong commitment to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The Special Rapporteur also called on the Government to address a number of serious problems and examine specific areas of endeavour with a view to improving the health-care system and its financing, the prevention, treatment and control of tuberculosis and the provision of psychiatric care and services.

## C. Adolescent health

### Paragraph 55 of the Committee's concluding observations

286. The Reproductive Health and Reproductive Rights Act and the National Safe Motherhood Programme have been adopted and are being implemented.

287. Health fairs, which are held each year with the support of UNFPA, provide free medical services and counselling on sexual and reproductive health for women and girls at local level.

288. The Strategic Plan on Reproductive Health for the period to 2014 includes activities in cities and districts throughout the country on the prevention of pregnancy- and childbirth-related complications, guaranteed and improved antenatal monitoring, nutrition for pregnant women, training for health workers and birth attendants and the involvement of the broader public.

289. The Young People's Health Promotion Programme, 2006-2010, was adopted by government decision on 3 March 2006. The aims and objectives of the Programme are:

- To improve young people's health by reducing the impact of risky behaviours, such as casual sex and drug use, sexually transmitted infections and HIV/AIDS
- To prevent and reduce the impact of risky behaviours by providing broad access to information, education and life skills in the field of health
- To improve young people's access to quality welfare services in social institutions
- To promote the development and implementation of an integrated approach in programmes aimed at reducing the behavioural risks associated with sexually transmitted infections, HIV/AIDS and drug use among particularly vulnerable groups of young people

290. In order to address the above-mentioned issues, the programme mechanism included the following:

- The evaluation, consideration and development of a legal framework and mechanisms for the implementation of youth-friendly services, in accordance with international standards
- The drafting and adoption of laws and regulations to ensure the confidentiality of services for adolescents aged 10 to 16 years
- The development of training modules and awareness-raising campaigns
- The introduction of the concept of youth-friendly services in training programmes in secondary and tertiary education
- The development of a mechanism for expanding access to youth-friendly services and training programmes for particularly vulnerable groups of young people

291. To meet those goals and targets, the Ministry of Health and Social Services has set up 21 young people's advisory offices in existing hospitals, primary care facilities and outpatient sections of teaching institutions. Model regulations have been approved for these offices.

292. Since they were opened, the offices have provided youth-friendly services to more than 28,000 young people. They are organized by geographical area and provide services on the basis of voluntary participation, accessibility, good faith, trust and confidentiality. Extensive experience has been accumulated in providing services to juveniles and young persons at risk.

293. Before the offices were set up, there was no information available to highlight the barriers within and outside the health sector that might prevent minors and young people from accessing quality and affordable sexual and reproductive health services.

294. The offices provide primary specialized health care and diagnosis and social support for children and young people aged between 10 and 24, including those in risk groups (sex workers, injecting drug users, persons living with HIV, migrants and street children) in the areas of sexual, reproductive and mental health through health services, consultations, risk reduction to avoid unwanted pregnancies, drug use and the transmission of sexually transmitted infections and HIV/AIDS.

## **D. HIV/AIDS**

### **Paragraphs 56 and 57 of the Committee's concluding observations**

295. Legal instruments adopted to help prevent the transmission of HIV/AIDS include:

- (1) HIV/AIDS Prevention Programme, 2011-2015;
- (2) Amendments to the HIV/AIDS Prevention Programme introducing the payment of State benefits for children with HIV under the age of 18 years and the supply of baby formula for children born of HIV-positive mothers;
- (3) Government Decision of 3 May 2010 on the procedure for the determination and payment of State benefits for children up to the age of 16 living with HIV/AIDS;
- (4) Ministry of Health and Social Welfare Order of 27 January 2010 on the clinical protocol for care, treatment and support for HIV/AIDS patients;
- (5) Ministry of Health and Social Welfare Order of 16 August 2011 giving the list of clinical indications for the screening of children for HIV infection;
- (6) Ministry of Health and Social Welfare Order of 20 December 2011 on the prevention of nosocomial infections in children's health facilities;
- (7) Ministry of Health and Social Welfare Order of 2012 on the manual for HIV counselling and testing;
- (8) Ministry of Health and Social Welfare Order of 2012 on the list of documents required for confidential counselling centres for injecting drug users and confidential clinics for sex workers;
- (9) Ministry of Health and Social Welfare Order of 2012 approving the protocol on sentinel surveys of groups with high risk behaviours;
- (10) Ministry of Health and Social Welfare Order of 2013 approving the protocol for the prevention of mother-to-child transmission of HIV;

(11) Ministry of Health and Social Welfare Order of 2014 approving guidelines for the early diagnosis of infants born of HIV-positive mothers using the dry blood spot method.

296. The clinical protocol for care, treatment and support of HIV/AIDS patients was approved by Ministry of Health and Social Welfare Order of 27 January 2010.

297. Pursuant to the Government Decision of 3 May 2010 on the procedure for the determination and payment of social benefits for children up to the age of 16 living with HIV/AIDS, the allowance is set at seven times the calculation index, which represented 280 somoni per month as at 1 January 2015. As at 1 June 2015, 368 children up to the age of 16 living with HIV/AIDS (73 per cent of the total) were in receipt of social benefits.

298. More work is being done to raise awareness on reproductive health, family planning, women's health and the prevention of sexually transmitted diseases, including HIV/AIDS.

299. Seminars and training courses are held regularly in towns and districts to raise awareness and educate women and girls about HIV/AIDS, the modes of transmission and methods for protection against infection.

300. A round-table discussion on enhancing the role of women living with HIV was held to help support such women. A training course on successful entrepreneurship was also held for women living with the disease.

301. To prevent infectious diseases and promote healthy lifestyles, indicators such as the number of patients living with HIV/AIDS who were victims of violence were included in the State programme on the prevention of domestic violence, 2014-2023.

302. With the support of the Joint United Nations Programme on HIV/AIDS (UNAIDS), training seminars on the gender aspects of combating HIV/AIDS were held in the towns of Khūjand and Qūrghonteppa for heads of departments and sectors that deal with women's and family affairs.

303. In implementation of the Young People's Health Promotion Programme, 2006-2010, some 30 youth-friendly information and education centres have been opened in three selected regions (Dushanbe, Vahdat and Yovon); their primary task is to provide proper information and education and anonymous and confidential advisory services in the area of health promotion for young people. The main components of the work of the youth-friendly information and education centres are:

- Teaching young people to use computer technology
- Introducing preventive programmes on HIV/AIDS, sexually transmitted infections and addiction and promoting healthy lifestyles to young people
- Life skills for young people, including leadership, creative skills and language training

304. The National Youth Resource Centre was set up in January 2011 under the Young People's Social Development Programme, 2011-2013. Its activities focus on strengthening the legal framework and improving practices, by helping young people get better access to information, develop their life skills, organizational skills and participation in the local community, learn foreign languages (English and Russian), including written and oral skills and communication, foster a positive sense of national belonging and develop their leadership qualities.

305. To provide youth-friendly services involving persons who are injecting drug users, confidential syringe exchange centres have been established, where persons living with HIV/AIDS have greater access to anonymous comprehensive services.

306. Any disclosure of information on persons with HIV is subject to criminal liability, and extensive public awareness-raising work is being conducted to help avoid and prevent discrimination related to HIV/AIDS.

## **E. Standard of living**

### **Paragraph 59 of the Committee's concluding observations**

307. On the initiative of the President, the National Development Strategy for the period to 2015, a long-term socioeconomic programme, was adopted in 2005; it includes a medium-term poverty reduction strategy.

308. The Government has identified its national priorities in these strategic documents and is working to achieve poverty reduction.

309. As a result of the implementation of the Strategy, a welfare improvement strategy was developed for the period 2013-2015 and implemented. The transition from the poverty reduction strategy to the welfare improvement strategy is consistent with the concept of sustainable human development.

310. As a result of the measures adopted by the Government, poverty fell from 81 per cent in 1999 to 42 per cent in 2011 and to 32 per cent in 2014. This reduction in the poverty rate is primarily the result of economic development and macroeconomic and social stability.

311. The development of the national economy through the implementation of poverty reduction measures, along with the restructuring and upgrading of social programmes, including the improvement of socioeconomic conditions in the country, is an important step towards improving the lives of families with children.

312. See also paragraphs 8-11 of this report.

313. The implementation of State programmes and strategies for the fulfilment of the country's obligations under the Millennium Development Goals has improved the supply of safe drinking water through central networks. This indicator stood at 4,833,574 people, or 58.8 per cent of the population, in 2014.

314. Drinking water is provided through 759 central supply networks, of which 105 are communal and 654 departmental.

315. The 2012 medical survey of the population showed that 76 per cent of households have access to improved sources of drinking water. The figure for urban areas is 94 per cent and that for rural areas is 71 per cent.

## **F. Harmful traditional practices**

### **Paragraph 61 of the Committee's concluding observations**

316. The prevention of early marriage and marriages of minors is a government priority. The situation improved in 2013. That year, a total of 124 cases of early marriage were reported, 22 cases fewer than in 2012.

317. A number of four-day training courses and round-table discussions on legal and gender culture for the heads of Friday mosques (*imam khatib*) were held in 2013. The Gender Policy Centre, a voluntary organization, was also involved in a two-day training course held to encourage girls to stay in school for the senior classes and thus prevent early

marriages. Similar training sessions were conducted for religious leaders in several towns and districts. A total of 200 religious leaders participated in the training courses.

318. Despite the measures taken, there are still cases of underage girls being given in marriage, individuals marrying a person who is not of marriageable age, young people being prevented from receiving a basic general education, non-compliance with the duties involved in bringing up a child and malicious evasion by parents of child maintenance. For example, in 2013 alone, more than 50 cases of underage girls being given in marriage or individuals marrying such persons were opened and investigated.

319. Amendments have been made to the Family Code to prevent early marriage, raising the minimum age for marriage from 17 to 18 years. In 2013 and the first six months of 2014, 221 persons were prosecuted in relation to early marriages. In 2009, 162 persons were convicted for bigamy and polygamy, with a further 128 convicted in 2010 and 95 in 2013.

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

### **Education, including vocational training and guidance**

#### **Paragraph 63 of the Committee's concluding observations**

320. Measures for the effective implementation of the strategic programme to provide universal education are reflected in the Education Act and the Framework for Inclusive Education.

321. The 2010-2013 State Education Programme included a range of activities to promote girls' education, with the introduction of various forms of financial assistance. The Empowering Education programme is ongoing, a further programme on informal education has been implemented successfully and an accelerated learning programme and the related textbooks have been produced.

322. The necessary measures are being taken to address the lack of schools. In newly established settlements where there are no schools, children are placed in boarding schools or educational establishments nearby. The number of children without access to educational institutions has fallen considerably in comparison with recent years. While there were 2,630 children without access to educational institutions in the 2012/13 academic year, the number had fallen to 375 by 2013/14.

323. Statistics show that there are now approximately 1,940,481 persons in all levels of education in the country, of whom 889,744 are girls, representing an increase of 15 per cent compared to 2005. A presidential quota was introduced in 1997 for girls from remote regions entering tertiary education. In 2014, 679 girls were attending university under the quota system.

324. The furniture purchased for and allocated to educational establishments in 2014 comprised 16,903 school desks and chairs, providing seating for 33,806 children, 1,510 sets of teachers' tables and chairs, 1,007 blackboards, 707 bookcases, 154 sets of tables and chairs for computer rooms, 25 sets of furniture for directors' offices, 198 clothes lockers and 99 bookshelves for libraries. Funding to a total of 334,109.1 somoni was also provided from the State budget or by local executive authorities, entrepreneurs, international organizations, etc., for the construction and opening of 41 new schools with 14,974 places for apprentices and for 210 additional buildings in existing educational establishments with 30,195 places (a total of 45,169 places).



325. The State education system receives 2,918,639,000 somoni in funding, representing 5.5 per cent of GDP.
326. The Constitution and the Education Act provide for compulsory basic education (nine grade levels). Under the Act on Parental Responsibility for the Care of Children, parents are responsible for ensuring that their children receive an education and learn a profession, regardless of their sex.
327. The Education Development Strategy to 2020 includes provisions to improve the quality of training and refresher courses for teachers. New programmes have been developed within the Further Training and Retraining Institute for Teachers to improve the quality of training for teachers and senior staff of educational institutions.
328. In the interests of attracting graduates of higher education establishments into teaching and offering them training, a special paragraph, entitled “Status of teachers”, has been added to the Education Act. Article 8 of the Act defines the status of teachers, working methods, teachers’ rights, obligations and responsibilities, the protection of their dignity and honour and the privileges and material support afforded to them and to other staff in the education system.
329. A government decision of 3 May 2014 on the benefits offered to young teachers sets out the following privileges: the allocation of a piece of land for the building of a residential house and a garden and the extension of credit to young teachers who have a degree and work as teachers in various general educational establishments.
330. A rise in teachers’ salaries in 2013/14 helped to stem the flow of teachers out of the profession. As of October 2014, the shortage of teachers stood at 452 in general education establishments, of which: 34 in Kūhistoni Badakhshon autonomous province, 74 in Khatlon province, 21 in Sughd province, 24 in Dushanbe and 299 in the centrally administered districts. The subjects most affected by the shortfall are English, Russian, mathematics, physics and chemistry.
331. All schools have parents’ associations, which address many issues related to governance and monitor the quality of students’ knowledge.
332. The National Education Development Strategy, 2012-2020, which has been developed and adopted, includes ambitious targets for increasing access to preschool services, the intention being to support early development and provide comprehensive preschool education services.
333. The Preschool Education Act provides that groups for children of preschool age can be set up in other types of educational institutions. It also codifies new models of early childhood education to promote preschool education, especially to poor families, thereby increasing awareness among parents of the importance of education and development in early childhood.
334. New State standards for preschool education introduced in 2014 expanded the range of preschool services to ensure that needs were met more fully.
335. A programme has been adopted on the development of preschool and private general educational institutions over the period 2014-2020. The main objective is to create favourable conditions for the implementation of joint measures by public and private sector entities, improving the support available to give children access to high quality modern preschool education.
336. Model regulations for preschool educational institutions, intended to encourage all-round development in early childhood, have been adopted with a new supplement on the establishment and activities of child development centres.

337. To address the problem of low enrolment in early childhood education, the Ministry of Education and Science, UNICEF-Tajikistan, the Aga Khan Fund and the Open Society Institute Assistance Foundation-Tajikistan have introduced alternative early learning modules, especially in rural areas, with the opening of school preparation groups and child development centres. The aim of the school preparation programme is to ensure that more children of older preschool-age, especially in remote regions of the country, are given access to education and care so that they have equal opportunities when starting primary school.

338. School preparation groups operate for four to five hours each day, five days a week during the school year, mainly in rural areas. They are generally composed of 25 children between the ages of 4 and 6 years, most of them 6-year-olds, with one teacher looking after them. There are three programmes: a three-month programme and a nine-month programme to prepare children aged between 5 and 6 (or 7) years for school and a child development centre programme for children aged between 4 and 6 (or 7) years.

339. A total of 1,400 alternative early learning groups currently cater for approximately 31,312 children. The number of alternative models is steadily increasing. It is expected that a grant from the World Bank's Global Partnership for Education in 2015 will provide support for another 450 child development centres.

340. There are 3,836 schools providing general education in Tajikistan; instruction is given in Uzbek in 224 of them, in Tajik, Russian and Uzbek in 22, in Tajik and Uzbek in 620, in Tajik, Uzbek and Turkmen in 1, in Uzbek and Kyrgyz in 1 and in Uzbek and Russian in 1. A further 26 schools provide instruction in Russian, 22 do so in Tajik and Kyrgyz, 5 in Tajik and Turkmen, 36 in Kyrgyz, 1 in Tajik, Russian and Kyrgyz, 1 in Tajik, Russian and English, 1 in Tajik, Uzbek and Kyrgyz, 1 in Russian and Kyrgyz, 1 in Turkmen and 2 in English.

341. The country's secondary vocational training institutions currently have 45 students studying primary education at the Academician Gafurov Pedagogical College in Khujand, in two daytime study groups and one extramural study group, and 64 students studying Uzbek language and literature in three extramural groups. At the Panjakent Pedagogical Institute, 45 students are taking the primary education course in four daytime groups and another 45 attend the three extramural groups. At the Tursunzoda Pedagogical Institute, 25 trainees take part in the primary education course in two daytime groups and 75 are in three extramural groups. At the Qabodiyon District Pedagogical Institute, there are 50 trainee teachers studying primary education in two extramural groups. A total of 100 students attend secondary vocational education institutions in Uzbek in 8 daytime groups and 249 do so in 12 extramural groups.

342. Uzbek-language tuition is provided in various faculties of three higher vocational institutions in Tajikistan (the Ayni State Pedagogical University, the Gafurov State Pedagogical University in Khujand and the Khusrav State Pedagogical University in Qurghonteppa), where 2,244 students — 1,055 in daytime groups and 1,189 in extramural groups — study in 93 classes. Each year, up to 190 students receive a degree in their chosen subjects and are assigned to secondary educational establishments where the Uzbek language is used.

343. Educational establishments providing tuition in Uzbek have been supplied with 28,100 copies of 31 textbook titles and teaching materials, at a cost of 403,558 somoni. Educational establishments using Kyrgyz for tuition have been supplied with 969,370 copies of 21 different textbook titles and teaching materials, at a cost of 747,634 somoni. Textbooks have been produced for educational establishments using the Russian language. For educational establishments using Turkmen for tuition, 379,600 copies of 13 different

textbook titles and teaching materials have been written and issued, at a cost of 1,809,980 somoni.

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

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

#### **Paragraph 65 of the Committee's concluding observations**

344. The Government pays particular attention to the situation of refugee children. In recognizing asylum seekers as refugees, it also recognizes minors, who are certified as refugees once they reach the age of 18.

345. Staff of the citizenship and refugees department of the Ministry of Internal Affairs passport and registration service, the Office of the United Nations High Commissioner for Refugees and other relevant organizations provide regular official training on the procedure for the granting of refugee status to asylum seekers, international protection of the rights of asylum seekers and refugees and special treatment and protection for unaccompanied and separated children, taking account of general comment No. 6 of the Committee on the Rights of the Child and the fundamental principles of non-refoulement, the best interests of the child in the search for short- and long-term solutions, non-discrimination and the right to education, among others.

346. Special attention will also be given to children placed in the temporary accommodation centre for asylum seekers that has been established with the assistance of the Tajikistan office of the Danish Refugee Council. For example, the centre's regulations provide for priority to be given in the allocation of accommodation to unaccompanied minors, single mothers and pregnant and breast-feeding women, together with their minor children.

347. As of 1 July 2014, there were 1,782 refugees, of whom 270 were children under 5, 320 were children aged between 6 and 14 and 1,192 were aged 15 or over.

348. All the recognized refugees in Tajikistan are nationals of Afghanistan. Over the past few years, only one unaccompanied girl from Afghanistan has applied for recognition as a refugee. She was granted refugee status in 2014 and currently resides and studies in a boarding school with full State support.

349. On the instructions of the President, ministries and departments are currently considering the question of the country acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

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

#### **Paragraph 67 of the Committee's concluding observations**

350. Under the Labour Code, a contract of employment (or recruitment) may be signed with persons aged 15 years or older. The Labour Code does allow an employment contract to be signed, with the consent of the parents or persons acting in *loco parentis*, with persons aged 14 years or over who are studying in general schools, technical training schools or secondary specialized educational establishments for employment involving light work that is not harmful to their health, does not disrupt their education and is performed in their free time.

351. Persons under the age of 18 who are employed have the same rights and privileges as other workers, as provided for under labour legislation and in collective agreements, but enjoy additional privileges in respect of labour protection, working hours, leave and certain other terms of their employment.

352. The main differences relating to age are specified in article 146 of the Labour Code, which stipulates that all persons under the age of 21 may be employed only after undergoing a preliminary medical examination.

353. In compliance with the International Labour Organization Convention, persons under the age of 18 may not be employed to work overtime, at night, at weekends or on public holidays, nor may they be sent on official missions.

354. Employees aged between 15 and 18 are not allowed to work more than 35 hours a week, and persons aged between 14 and 15 years are not allowed to work for more than 24 hours a week. Individuals under the age of 18, who have shorter working hours, are remunerated at the same level as employees in the corresponding categories working a full day.

355. Minors may not be employed to perform heavy or underground work, work involving harmful or dangerous working conditions, or work that may harm their health or moral development; they may not move or lift by hand objects heavier than the weight specified in the limits laid down for them.

356. The dismissal of persons under the age of 18 is not only governed by general regulations, but also requires the agreement of the local labour and employment agency (State labour inspectorate) and the children's rights commission.

357. See paragraph 13 of this report.

## **C. Sale, trafficking and abduction**

### **Paragraph 69 of the Committee's concluding observations**

358. Human trafficking is recognized as one of the most socially dangerous transnational phenomena and is defined at a global level as a serious crime that infringes the rights and freedoms of the individual.

359. The Trafficking in Persons and Assistance to Victims Act was adopted on 14 June 2014. It provides that child victims of human trafficking shall enjoy the rights and freedoms guaranteed by legislation and by the international legal instruments governing children's rights and guarantees of their realization that are recognized by Tajikistan. The Act provides special guarantees for victims of crimes and other offences related to trafficking in persons:

- Special conditions for questioning victims, taking account of their mental state, the nature and seriousness of the offences committed against them and the severity of the harm caused
- Exemption from administrative and criminal responsibility for any unlawful acts committed by them as victims of trafficking in persons
- Confidentiality of information received from victims of crimes and other offences related to trafficking in persons
- Closed hearings of victims of offences related to trafficking in persons

- The application of special rules to ensure their safety as victims, including measures for their physical protection, as well as mandatory consideration and settlement of civil claims brought by victims of trafficking under criminal procedural legislation

360. A comprehensive programme to combat trafficking in persons during the period 2011-2013 was adopted on 3 March 2011 and is thoroughly implemented by all those involved. At present, a supplementary action plan to strengthen efforts to combat human trafficking is being implemented with the aim of eradicating the worst forms of child labour and assisting victims of trafficking.

361. Pursuant to a government decision of 4 January 2005, an interdepartmental commission on human trafficking was set up to implement the country's international commitments and coordinate the activities of those involved.

362. As a permanent interdepartmental advisory body, it is responsible for coordinating the efforts of ministries, government committees and departments and local authorities, enterprises, institutions and organizations in meeting the country's international legal obligations related to combating human trafficking. The commission's tasks are to define the basis of government policy on combating trafficking in persons and to draw up recommendations aimed at enhancing the effectiveness of the work of the agencies involved. It also reviews the status of related offences, coordinates the activities of the regional commissions, participates in the development of international instruments in the area of combating trafficking in human beings and performs other functions in line with its regulations.

363. A unit to combat trafficking in persons was set up in the Ministry of Internal Affairs department to combat organized crime in April 2004. It works directly on combating criminal networks involved in crimes related to human trafficking and collaborates extensively at regional and international levels. Planned practical and preventive measures include preventive work among the public, collaboration with ministries and government departments involved in combating trafficking and cooperation with international non-governmental organizations that work in the area.

364. The courts considered a total of 9 criminal cases against 17 persons for trafficking in minors in 2012, 10 cases against 25 persons in 2013 and 7 cases against 12 persons in 2014. All those found guilty were sentenced to deprivation of liberty as established under the criminal legislation.

365. The statistical trends related to the offence in question are shown in the tables in annex 1 (attached).

366. Further training classes for staff of the procuratorial agencies are held regularly in the Procuratorial Agencies Further Training Centre; seminars are organized to discuss the legal aspects of combating crime related to human trafficking and methods of investigation, prevention, research and use of evidence on the basis of procedural rules.

367. A series of seminars and training sessions was organized by the Council of Justice training centre in 2014 to prepare judges for hearing criminal cases involving trafficking in persons, including trafficking of minors, and sexual exploitation. They covered the application of substantive and procedural law in cases of human trafficking, anti-trafficking measures and the application of substantive and procedural legislation related to torture and were attended by 198 judges from various regions in 10 groups. Training and refresher training of judges is conducted annually.

368. Five victims — one minor from the Russian Federation and four from the United Arab Emirates — were assisted in 2010; three from the United Arab Emirates in 2011; two from the United Arab Emirates in 2012; five from the United Arab Emirates in 2013; and eight from the United Arab Emirates in 2014.

369. The Government signed a memorandum on cooperation in combating trafficking in persons with the International Organization for Migration (IOM) mission in Tajikistan on 31 January 2006.

370. Under this agreement, all trafficking victims identified by the law enforcement agencies are sent for assistance to IOM rehabilitation centres in Tajikistan.

371. Trafficking victims are given assistance while the facts are being established and are allowed to decide whether they wish to continue to cooperate with the law enforcement authorities; if they do, they are provided with legal assistance until the end of the judicial proceedings.

372. On the basis of legislation and the international legal instruments ratified by Tajikistan, particular importance is set on helping women and children who are victims of trafficking return to normal life, for which they are given comprehensive psychological assistance. If they so wish, women victims of trafficking may follow special courses to learn different occupations.

373. Child victims of trafficking must be allowed to continue their education and are given assistance to do so in secondary specialized and higher educational institutions.

374. In administrative or criminal cases involving victims of trafficking who, because of their physical or mental state, their age or the fact that they are minors, are unable to defend their rights and legitimate interests themselves, their legal or other representatives are required to attend hearings to do so and are given the same rights as the person they are representing; for certain categories of children, as established by law, a psychologist and, where appropriate, a teacher also attend.

375. The safety measures laid out in the Act on State Protection of Parties to Criminal Proceedings may be provided for victims of offences involving trafficking in persons.

376. On 23 December 2011, the plenum of the Supreme Court adopted a Decision on the practical application of legislation in cases of human trafficking and trafficking in minors, which explains such concepts as recruitment, transportation, transfer, harbouring and kidnapping, and the distinctions between this and other offences.

377. The Decision states that, in order to guarantee the rights and the protection of victims, taking account of the specificities of criminal cases related to trafficking, the courts and the prosecuting authorities must take concrete, law-based action to prevent situations occurring in which a person might again become a victim, by discreetly providing appropriate support and recognizing the victim's need for psychological, medical and social rehabilitation and help to recover from traumatic stress; they should also take any other necessary measures to ensure the security and full protection of the victim and of witnesses in case of threats or intimidation, in order to prevent traffickers exerting any influence.

378. Information events aimed at combating trafficking in persons, child prostitution and child pornography and informing citizens of their rights and freedoms are run by government institutions and civil society, with broad involvement of the media.

379. The Girls' Support Service project was set up in 2009; it works with girls aged between 10 and 18 who have been sexually abused, mistreated or trafficked and it has received State funding since April 2012. Over this period, 205 girls have received legal, psychological, social, rehabilitation and reintegration services. The project has a legal office and a free telephone crisis helpline.

## D. Helplines

### Paragraph 71 of the Committee's concluding observations

380. Telephone hotlines were instituted by the Presidential Decree of 30 June 2012 on measures to enhance the role of district police inspectors in ensuring public order and improving cooperation with the public. They have been introduced in Kūhistoni Badakhshon Autonomous province (22121) Sughd province (22222) and Khatlon province (21313), the Rasht group of districts (22121), Dushanbe (2211500) and in the central administrative office of the Ministry of Internal Affairs (2212121).

381. The details of applications and complaints received through the hotlines are communicated each day to the Ministry of Internal Affairs, the issues raised are referred to the appropriate unit, and urgent measures are taken in all organizational units of the internal affairs agencies.

382. The telephone hotlines received 624 calls in 2013 and 1,862 calls in 2014 from minors whose cases were then referred to the relevant units of the internal affairs authorities for appropriate action.

## E. Administration of juvenile justice

### Paragraph 73 of the Committee's concluding observations

383. On 1 August 2008, the Government adopted a decree on ensuring the protection of children's rights; it includes provision for reforms to the system for managing the protection of children's rights and interests and creating appropriate conditions for the moral and physical development of children and adolescents in dangerous or disadvantaged social situations, and for the establishment of the Commission on the Rights of the Child.

384. The Government Commission on the Rights of the Child protects the rights and interests of children in all closed penal institutions to safeguard them from violence and abuse. The Commission requires the institutions to implement the above-mentioned decree by developing procedures for child protection.

385. The adoption of the new version of the Code of Criminal Procedure brought innovations related to transparency, the simplification of investigations, guarantees of equality before the law and the proper administration of justice in accordance with the international legal instruments recognized by Tajikistan. For the first time, the new Code devotes a separate chapter to cases involving minors. Thus, when an application is made for remand in custody of a minor suspected or accused of an offence, the participation of defence counsel is mandatory from the moment of the indictment, as well as in court, regardless of whether the defendant has reached the age of majority by that time.

386. In considering an application for the detention of a juvenile suspect or accused person, the judge must require and assess the evidence that demonstrates the need for such a measure and the impossibility of giving preference to non-custodial preventive measures.

387. However, remand in custody may not be used as a preventive measure in respect of a juvenile suspected or accused of having committed a minor or ordinary offence. It may only be used in exceptional cases, where a juvenile has committed a serious or especially serious offence.

388. In accordance with the requirements of the Code of Criminal Procedure concerning the use of remand in custody as a preventive measure against a juvenile, the judge may take account of the circumstances of the case and the seriousness of the offence, the character of the minor, his or her living conditions and upbringing, relationship with his or her parents

and state of mental health, and consider selecting the preventive measures provided for in article 108 of the Code (placement under the supervision of parents or other relatives, guardians or other trustworthy persons or representatives of the children's social agency).

389. In line with the Decision of 12 December 2002 of the plenum of the Supreme Court on judicial practice in cases of offences committed by juveniles, such cases in municipal and district courts have, since the beginning of 2012, been dealt with by presiding judges and family judges.

390. The 2015-2017 judicial reform programme, approved by the Presidential Decree of 5 January 2015, includes a reform to the juvenile justice system, in line with which measures are being taken to further improve national legislation.

391. Persons under the age of 14 cannot be held criminally responsible. Pursuant to the Criminal Code, a person aged 16 or over at the time the offence was committed may be held criminally responsible. Persons aged 14 or over at the time the offence was committed may be held criminally responsible for serious or especially serious offences (of which there are 22 types). A juvenile aged between 14 and 16 years who, as a result of retarded mental development unrelated to any mental disorder and while committing an act dangerous to others, fails to fully realize the real nature of his or her actions (or failure to act) as a public hazard bears no criminal responsibility.

392. A juvenile aged under 16 years who commits a serious or especially serious offence may be sentenced to deprivation of liberty. The Criminal Code provides for juveniles to be released from punishment, specifically in the case of a juvenile convicted of a minor or ordinary offence, whose sentence may be commuted by the judge to compulsory re-education measures.

393. Juveniles convicted of minor or ordinary offences may be discharged by the judge if it is considered that the aim of punishment may be achieved by referring them to a special reform school or a secure hospital for young offenders. The duration of stay in such an institution may not exceed the maximum term of punishment.

394. The Criminal Code prohibits the imposition of penalties involving deprivation of liberty for juvenile first offenders who have committed minor or ordinary offences. The investigative and judicial practice of the law enforcement agencies in such a case is to grant exemption from criminal responsibility with the application of compulsory re-education measures or alternative non-custodial penalties.

395. Pursuant to the Amnesty Acts of 20 August 2011 and 29 October 2014, all juveniles sentenced to deprivation of liberty have been released, with the exception of seven who were in prison for murder.

396. Under the Bar and Advocacy Act, members of the Bar provide free legal assistance to juveniles. The Children's Rights Act provides State guarantees to orphans and children left without parental care and free legal assistance for the protection of their rights and freedoms and legitimate interests.

397. In accordance with the memorandum of understanding signed by the Ministry of Justice and UNICEF, a legal assistance programme was introduced in Dushanbe to give all children access to legal assistance provided by lawyers trained in proceedings involving minors.

398. A framework for free legal aid was approved on 2 July 2015 with the aim of improving the judicial system and introducing international standards. It makes provision for free secondary legal assistance, including the drafting of procedural documents, protection from criminal prosecution and representation of citizens before the courts and other public authorities. The framework begins by defining the categories of persons



entitled to receive free secondary legal assistance in criminal matters as: persons officially recognized as unemployed and registered with employment agencies; persons whose monthly income is less than the calculation index for each family member; single mothers; juveniles who have no tutor or guardian; persons with disabilities; victims of domestic violence and torture, their close relatives and family members; victims serving in the military, their parents and family members; and refugees.

399. Juveniles remanded in custody are held separately from adults. Provision is made for juvenile offenders to be held in proper conditions and provided with medical assistance.

400. The Penal Enforcement Code provides for childcare units to be organized in correctional colonies, where appropriate. The units offer the necessary conditions for the normal life and development of the children. Women prisoners may place their children under the age of 3 in the units and spend unrestricted time with them when they are not working. They may be permitted to live with their children. The children of female prisoners may, with the consent of the mother, be transferred to her relatives or, with the consent of the mother and the agreement of the tutorship and guardianship agencies, to other persons or may, on reaching the age of 3, be sent to an appropriate children's institution.

401. As there are no separate facilities for children under the age of 3, they are placed in a nursery in the women's colony, to which their mothers have free access.

402. After a working group examined more than 500 cases involving juveniles, it issued manuals for judges entitled *Analysis of Criminal Cases against Juveniles and Summary of Regulations and Rulings by the Plenum of the Supreme Court of Tajikistan*.

403. Social workers and lawyers work with young people during the month preceding their release to prepare them for life outside the institution and their social reintegration. This assistance includes legal, practical and psychological support. The NGO conducting the programme continues to provide support after the young persons are released.

404. In 2007, the Ministry of Justice requested UNICEF to provide assistance for the reconstruction of a separate wing for juvenile offenders in the Dushanbe pretrial remand centre. The Children's Legal Centre, in cooperation with UNICEF, provided funds for repairing and outfitting the building, which is reserved for juveniles. UNICEF also signed a memorandum of understanding with the Ministry of Justice on an extensive reform process designed to improve detention conditions for and relations with children.

405. A number of agreements and memorandums of understanding have been signed with various international organizations and NGOs, which are providing support to bring places of deprivation of liberty into line with minimum international standards, including through: legal training for prison staff; the introduction of prevention programmes on AIDS, tuberculosis and malaria; and direct support to improve the relevant legal framework with a view to further reforms to the prison system.

406. Over the past five years, much has been done to reform the juvenile justice system and organize the system that meets requirements under the Convention on the Rights of the Child.

407. Pursuant to the National Action Plan to reform the juvenile justice system, 2010-2015, in order to bring the system into line with international standards on the procedure for the consideration of court cases involving juveniles, support provided by UNICEF in Tajikistan has helped to refurbish halls and rooms used for hearing cases against juveniles in the district courts of Firdavsi, Ibn Sina, Shohmansur and Ismoili Somoni in Dushanbe and municipal courts in Khujand, Kulob, Qurghontepa and Isfara. Furthermore, training courses and workshops for judges on the international minimum standards for juvenile

justice are organized regularly with the assistance of UNICEF and the participation of international instructors.

## **F. Protection of witnesses and victims of crimes**

### **Paragraph 74 of the Committee's concluding observations**

408. See paragraphs 35, 38, 39 and 90 to 93 of the present report.

## Annex 1

## Crimes detected

	<i>Article of the Criminal Code</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
1.	130 <sup>1</sup> — Trafficking in persons	6	6	3	7	22
2.	132 — Recruitment of persons for exploitation	14	2	7	29	9
3.	167 — Trafficking in minors	16	24	17	10	6
	<b>Total</b>	<b>36</b>	<b>32</b>	<b>27</b>	<b>46</b>	<b>37</b>

Crimes detected under article 130<sup>1</sup> (Trafficking in persons) of the Criminal Code

	<i>Regions</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
1.	Dushanbe city	3	3	2		2
2.	Kūhistoni Badakhshon Autonomous province					
3.	Khatlon province	2		1		
4.	Sughd province	1	2		6	19
5.	Centrally administered districts		1		1	1
	<b>Total</b>	<b>6</b>	<b>6</b>	<b>3</b>	<b>7</b>	<b>22</b>

Age of victims of crimes under article 130<sup>1</sup> of the Criminal Code

	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
<b>Total</b>	<b>8</b>	<b>6</b>	<b>3</b>	<b>7</b>	<b>30</b>
Women:	8	6	3	1	30
Under 20 years	3			1	
Under 30 years	4	5	3		26
Under 40 years				5	6

## Crimes detected under article 132 (Recruitment of persons for exploitation) of the Criminal Code

	<i>Regions</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
1.	Dushanbe city	4	2	3	10	3
2.	Kūhistoni Badakhshon Autonomous province					
3.	Khatlon province	7			4	5
4.	Sughd province	3		3	15	1
5.	Centrally administered districts			1		
	<b>Total</b>	<b>14</b>	<b>2</b>	<b>7</b>	<b>29</b>	<b>9</b>

**Age of victims of crimes under article 132 (Recruitment of persons for exploitation) of the Criminal Code**

	2010	2011	2012	2013	2014
<b>Total</b>	<b>23</b>	<b>3</b>	<b>9</b>	<b>29</b>	<b>9</b>
Women:	12	3	9	29	6
Under 20 years	2		1	3	
Under 30 years	6	2	6	22	3
Under 40 years	4	1	2	4	3

**Crimes detected under article 167 (Trafficking in minors) of the Criminal Code**

No.	Regions	2010	2011	2012	2013	2014
1.	Dushanbe city	2	5	6	4	1
2.	Kūhistoni Badakhshon Autonomous province					
3.	Khatlon province	7	8	4		
4.	Sughd province	4	8	5	3	3
5.	Centrally administered districts	3	3	2	3	2
<b>Total</b>		<b>16</b>	<b>24</b>	<b>17</b>	<b>10</b>	<b>6</b>

**Age of victims of crimes under article 167 (Trafficking in minors) of the Criminal Code**

	2010	2011	2012	2013	2014
<b>Total</b>	<b>21</b>	<b>20</b>	<b>14</b>	<b>10</b>	<b>6</b>
Newborns	13	13	10	9	6
1-2 months	4	2	1	1	
6 months	4	1	1	1	
1 year		1	1		
2 years		1	1		
3 years		2			