



**Submission by the United Nations High Commissioner for Refugees  
for the Office of the High Commissioner for Human Rights' Compilation Report**

**(Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies and  
Special Procedure Reports)**

**- Universal Periodic Review:**

**TAJKISTAN**

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations and the Human Rights Council's Special Procedure Reports, relating to issues of interest and persons of concern to UNHCR with regards to Tajikistan.

**1. Treaty Body Reports**

**CRC/C/TJK/CO/2**

**COMMITTEE ON THE RIGHTS OF THE CHILD, 53<sup>rd</sup> session**

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

**5 February 2010**

**Standard of living**

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

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

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

- (b) Pay special attention to families and children in the development of its poverty reduction strategies, which should include targeted measures protecting children from the negative impact of poverty on development, health and education;**
- (c) Provide access to clean drinking water, adequate sanitation, food and shelter in all regions and communities of the country, including the refugee population;**
- (d) Ensure that poverty reduction strategies cover the needs of children and encourage participation of parents and children in the development of such strategies.**

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

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

#### **65. The Committee recommends that the State party:**

- (a) Continue to take measures to ensure that asylum claims submitted by children are analyzed under a refugee status determination procedure that takes into consideration the best interests, specific needs and rights of child asylum seekers in accordance with international refugee and human rights law, by strengthening training among relevant staff dealing with refugee status determination as well as the Committee's General Comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin .**
- (b) Continue efforts to pursue its generous hosting of the Afghan refugee population;**
- (c) Ensure that refugee children, including unaccompanied and separated children, receive appropriate protection, and in this regard, pursue cooperation with relevant United Nations specialized agencies, including the Office of the United Nations High Commissioner for Refugees, UNDP and UNICEF, as well as with NGOs.**
- (d) Ratify the 1954 Convention relating to the Status of Stateless Persons.**

**CAT/C/TJK/CO/1  
COMMITTEE AGAINST TORTURE, 37<sup>th</sup> session  
7 December 2006**

#### **Non-refoulement and extraditions**

13. There is a failure by the State party to provide access to lawyers and to appeal bodies for the purpose of challenging a deportation decision for persons at risk of deportation to countries where there are substantial grounds for believing that they would be in danger of being subjected to torture.

**The State party should fully implement its obligations under article 3 of the Convention, and cooperate with representatives of the Office of the United Nations High Commissioner for Refugees, including granting effective access to files pertaining to asylum-seekers.**

**E/C.12/TJK/CO/1**

**COMMITTEE ON THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS, 37<sup>th</sup> session  
24 November 2006**

15. The Committee is concerned about the serious difficulties faced by refugees in finding employment, in many cases due to the lack of the necessary documents and to the restrictions introduced by the Governmental resolutions No. 325 and 328, according to which refugees and asylum-seekers are not allowed to reside in Dushanbe and Khujand. The Committee also expresses its serious concern about the fact that according to article 10 of the Tajik Refugee Law, asylum-seekers are not allowed to work.

16. The Committee is concerned about reports that several Afghan asylum seekers were deported to Afghanistan without being given access to lawyers or the opportunity to appeal the decision, as provided by law. The Committee is also concerned that despite legislation allowing Afghan refugees to resettle in the country and to obtain citizenship, to date no Afghan refugee has been granted citizenship.

48. The Committee calls on the State party to strengthen the protection afforded to refugees and asylum seekers, inter alia by facilitating the procedures necessary to obtain personal documents, including birth certificates, identity cards and work booklets, to enable them to enjoy their economic, social and cultural rights. The Committee urges the State party to consider withdrawing the Governmental resolutions No. 325 and 328 and to revise its Refugee Law in order to grant asylum seekers the right to work.

**CERD/C/65/CO/8**

**COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, 65<sup>th</sup> session  
10 December 2004**

13. The Committee is concerned that the criteria for prohibiting refugees and asylumseekers from living in certain settlements under the 2002 Law “On Refugees” are not clear and that, as a result, article 5 (d) (i) of the Convention may be violated.

**The Committee requests the State party to provide more information about the Law “On Refugees” and limitations of freedom of movement and residence in order to ascertain whether the Law is in conformity with the State party’s international commitments.**

14. The Committee is concerned that, according to some information, refugees have been denied Tajik citizenship despite the fact that they comply with the requirements set out in the Law “On Citizenship”.

**The Committee draws the attention of the State party to its general recommendation XXX on discrimination against non-citizens and recommends that it apply the Law “On Citizenship” without discrimination, as requested in article 5 (d) (iii) of the Convention.**

15. The Committee is concerned that, according to some reports, refugees, in particular Afghan refugees, have been forcibly returned to their countries.

**The State party should pursue its cooperation with UNHCR in order to protect persons who have sought refuge in Tajikistan. The Committee also urges the State party to ensure, in accordance with article 5 (b), that no person will be forcibly returned to a country where there are substantial grounds for believing that his/her life or health may be put at risk.**

## **2. Special Procedure Reports**

**A/HRC/11/6/Add.2**

**HUMAN RIGHTS COUNCIL, 11<sup>th</sup> session**

**Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk**

**29 April 2009**

24. Studies estimate that between one third to one half of women in Tajikistan regularly encounter some form of violence in the family, either by their husbands or other members of the husband’s family.<sup>28</sup>

Footnote 28 Women refugees, mostly from Afghanistan, are said to be similarly victims of domestic violence but lack access to any form of formal or informal support and protection mechanisms.

**E/CN.4/2006/52/Add.4**

**COMMISSION ON HUMAN RIGHTS, 62<sup>nd</sup> session**

**Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy**

**30 December 2005**

*Refugees and asylum-seekers*

47. There have been several cases in which persons, mainly of Afghan origin, were deported from Tajikistan while their appeals against a negative decision by the Refugee Status Determination Commission under the State Migration Service in the Ministry of Labour on their application for registration of the asylum claim or for granting or extending refugee status were being considered before national courts.

**Human Rights Liaison Unit**

**Division of International Protection**

**UNHCR**

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