

# TAJIKISTAN

## CRC CRC/C/100 (2000)

268. At its 653rd and 654th meetings (see CRC/C/SR.653-654), held on 26 September 2000, the Committee on the Rights of the Child considered the initial report of Tajikistan (CRC/C/28/Add.14), which was received on 14 April 1998, and adopted\* the following concluding observations.

### A. Introduction

269. The Committee regrets that the State party report was not prepared in accordance with the guidelines for reporting. In this regard, the detailed information provided in the responses to the list of issues were very much appreciated. The Committee welcomes the presence of a high-level delegation, which contributed to an open dialogue.

### B. Positive aspects

270. The Committee welcomes the adoption of numerous legislative and administrative measures related to the rights of children, as well as the draft State programme on education in human rights.

271. The Committee notes with appreciation that the State party has ratified the six major international human rights instruments and has undertaken cooperation with the international community in the field of human rights. In particular, the Committee welcomes the State party's cooperation with the Office of the High Commissioner for Human Rights with respect to reporting under human rights treaties.

### C. Factors and difficulties impeding the implementation of the Convention

272. The Committee notes that the State party has had to face serious economic and social challenges during the past few years posed by the transition to a market economy and the civil war, including increased unemployment, poverty and corruption, which have had an especially severe impact on children belonging to the most vulnerable segments of society.

273. The Committee notes that continuing civil unrest and the recent drought have seriously affected the physical security and survival of the population, especially children.

### D. Principal subjects of concern and recommendations of the Committee

#### 1. General measures of implementation

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\* At the 669th meeting, held on 6 October 2000.

### Coordination, budgetary allocation and cooperation with civil society

274. Noting that the State party has adopted various legislative and administrative measures relating to children's rights, the Committee is concerned that the implementation of these measures is impeded by several factors, namely deficiencies in coordination, budgetary allocation and resources, and the involvement of civil society.

275. The Committee is concerned that there remains a lack of administrative coordination and cooperation at the national and local government levels in the implementation of the Convention.

276. In the light of the 1993 Vienna Declaration and Programme of Action (para. 71), the Committee recommends that the State party pursue the preparation and development of a comprehensive national plan of action to implement its obligations under international human rights instruments, including the Convention, through an open and consultative process. Attention should be given to intersectoral coordination and cooperation at and between national and local levels of government. The Committee recommends that the State party provide adequate support to the local authorities, including the development of professional capacity, for the implementation of the Convention.

277. The Committee is concerned that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of the economic, social and cultural rights of children. While appreciating that the decentralization of services allows the local authorities to respond better to local needs, the Committee emphasizes that the State party is responsible for ensuring that resources reach the most vulnerable groups.

278. The Committee recommends that the State party develop ways to assess systematically the impact of budgetary allocations on the implementation of child rights. The Committee recommends that the State party ensure adequate distribution of resources at the national and local levels - where needed, within the framework of international cooperation. Moreover, the Committee recommends that the State party's obligations under the Convention should be taken into account in all aspects of its negotiations with international financial institutions and other donors, to ensure that the economic, social and cultural rights of children, particularly children belonging to the most vulnerable groups, are not undermined.

279. The Committee is concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention.

280. Recognizing that the process of transition has led to the dismantling of many public social regulators, the Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms, ill-treatment and juvenile justice. The Committee recommends that the State party consider systematically involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. In this regard, a reduction of the registration fees for NGOs could be a first step in facilitating their participation. The Committee also recommends that greater efforts be made to involve relevant State actors, such as local government officials, and the police in the dialogue with civil society; and

encourages the State party to support initiatives aimed at strengthening the role of civil society and to equip it with the knowledge and skills essential for working in partnership with local communities and local government.

#### Independent/monitoring structures

281. The Committee is concerned that disaggregated data for persons under 18 years of age relating to the rights contained in the Convention is not systematically collected and used effectively to assess progress and design policies to implement the Convention.

282. The Committee recommends that the State party ensure that the State Statistical Agency systematically collects data concerning persons under the age of 18 and that a mechanism is established to analyse the data. The Committee encourages the State party to seek technical assistance from, *inter alia*, UNICEF, in this regard.

283. The Committee emphasizes the importance of setting up an independent mechanism with the mandate of regularly monitoring and evaluating progress in the implementation of the Convention at the national and local levels.

284. The Committee encourages the State party to continue its discussions relating to the establishment, in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134), of a national human rights institution to monitor and evaluate progress in the implementation of the Convention. The Committee encourages the State party to seek technical assistance from, *inter alia*, the Office of the High Commissioner for Human Rights and UNICEF.

#### Training/dissemination of the Convention

285. Although the Convention is binding and has the force of law, the Committee is concerned at the low level of awareness of the Convention amongst the judiciary, lawyers and the general public, including children. The Committee is concerned that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

286. The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. Moreover, the Committee recommends that the State party strengthen its efforts and develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (e.g. legislators, judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek technical assistance from, *inter alia*, the Office of the High Commissioner for Human Rights, and UNICEF, in this regard.

## 2. General principles

### Non-discrimination

287. The Committee is concerned at the prevailing disparities in the enjoyment of their rights by children in Tajikistan. In particular, the Committee is concerned at the situation of: children living in institutions; children in regions of the country, which are lagging behind in socio-economic development and experiencing civil unrest; internally displaced, refugee and asylum-seeking children; and children of rural families. The Committee is concerned that the guarantee of non-discrimination in article 2 of the Convention may be jeopardized by the introduction of fees for State health and education services, which may pose barriers to access by low-income households.

288. The Committee recommends that the State party take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. The Committee also recommends that the State party prioritize and target social services for children belonging to the most vulnerable groups.

289. The Committee is concerned that discrimination on the grounds of gender persists de facto, and expresses its concern at the persistence of negative stereotypical attitudes relating to the roles and responsibilities of women and men. In particular, the Committee is concerned that families that cannot afford the costs imposed by school attendance, frequently give preference to the education of male children.

290. The Committee encourages the State party to launch comprehensive public education campaigns to prevent and combat gender discrimination, particularly within the family.

#### Respect for the views of the child

291. In the light of article 12 of the Convention, the Committee is concerned that respect for the views of the child in schools, care institutions, the courts and, especially, within the family remains limited owing to traditional societal attitudes towards children.

292. The Committee encourages the State party to promote and facilitate within the family and in schools, care institutions and the courts respect for the views of children, and their participation in all matters affecting them, in accordance with article 12 of the Convention. In this regard, the Committee recommends that the State party develop skills-training programmes in community settings for teachers, social workers and local officials to assist children to express their informed decisions and to have these views taken into consideration.

### 3. Civil rights and freedoms

#### Birth registration

293. Given that lack of timely birth registration can have negative consequences for the full enjoyment by children of their fundamental rights and freedoms, the Committee is seriously concerned that many parents in rural areas, particularly internal migrants, fail to register their children owing to a lack of knowledge about its necessity, lack of access to registration facilities, lack of documentation and inability to pay registration fees.

294. In the light of article 7 of the Convention, the Committee recommends that the State party

make greater efforts to ensure free and timely registration of all births, and take measures with regard to training and awareness-raising concerning registration in rural areas. The Committee encourages such steps as the establishment of mobile registration offices and of registration units in schools and health facilities.

#### Protection from torture and inhuman or degrading treatment or punishment

295. The Committee is concerned at numerous and continuing reports of ill-treatment of persons under the age of 18 by the militia, including psychological intimidation, corporal punishment and torture. The Committee is also concerned that victims of such treatment are largely from vulnerable groups, such as children living and/or working on the streets; and that fear of reprisals and inadequate complaints procedures discourage children and their parents from filing complaints.

296. In the light of article 37 of the Convention and the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly in its resolution 34/169 of 17 December 1979, the State party should take all necessary and effective steps to prevent incidents of ill-treatment by law enforcement officials. The Committee recommends that the State party provide the militia with training on how to deal with persons under the age of 18; ensure that persons are adequately informed of their rights when they are detained; ensure that complaints procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; and provide rehabilitative support to victims.

#### 4. Family environment and alternative care

##### Children deprived of a family environment

297. The Committee is concerned about the large number of children, especially children with disabilities, who are abandoned or are otherwise deprived of a family environment. It is also concerned that foster care, or other forms of family-based alternative care, are not sufficiently developed and available, and that, as a result, children are placed in institutions which, owing to lack of resources, provide children with very low quality housing and care. Further, the Committee is concerned at the absence of effective mechanisms for children to communicate concerns and complaints about their placement. Moreover, in the light of article 25 of the Convention, the Committee is concerned at the inadequate system to review placement, monitoring or follow-up of the situation of children in institutions.

298. The Committee recommends that the State party take effective measures, including the development of strategies and awareness-raising activities, to reduce and prevent the abandonment of children. In particular, the Committee recommends that the State party promote the family as the best environment for the child, through counselling and community-based programmes to assist parents to keep children at home. Furthermore, in cases where placement of children is necessary, it recommends that the State party provide, promote and strengthen, as much as possible, foster care, family-type foster homes and other family-based alternative care. The Committee recommends that the State party place children in institutions only as a last resort; take all necessary measures to improve infrastructure; and improve the quality of care through adequate training of and support for all personnel. The Committee also recommend that the State party establish effective mechanisms

to receive and address complaints from children in care; monitor standards of care; and establish regular periodic review of placement. Assistance should be sought from, inter alia, UNICEF.

### Adoption

299. The Committee is concerned about the absence of national adoption standards, particularly in relation to foster and adoptive family screening. The Committee is also concerned at the absence of mechanisms to review, monitor and follow up adoptions, and of statistics on foster care and adoption.

300. The Committee recommends that the State party establish a comprehensive national policy and guidelines governing adoption and screening capacity, and establish a central monitoring mechanism in this regard. The Committee also recommends that the State party consider acceding to the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of InterCountry Adoption.

### Violence/abuse/neglect/maltreatment

301. The Committee is concerned at the incidence of ill-treatment of children in the family, in institutions and in school. The Committee is also concerned that violence against women is a problem in Tajikistan and that this has harmful consequences on children.

302. In the light of articles 19 and 39 of the Convention, the Committee recommends that the State party ensure that all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family, in schools and in care institutions are prohibited. The Committee recommends that measures to that effect be accompanied by public education campaigns about the negative consequences of ill-treatment of children. The Committee recommends that the State party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and schools. Programmes for the rehabilitation and reintegration of abused children need to be strengthened. Moreover, adequate procedures and mechanisms need to be established to: receive complaints; monitor, investigate and prosecute instances of ill-treatment; and ensure that the abused child is not victimized in legal proceedings. Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance. The Committee recommends that the State party seek assistance from, inter alia, UNICEF and WHO.

## 5. Basic health and welfare

### Children with disabilities

303. The Committee is concerned at the prevailing poor situation of children with disabilities. In particular, the Committee is concerned at the practice of institutionalizing children with disabilities and that access to services such as rehabilitation and education are limited and severely strained.

304. The Committee recommends that the State party review existing policies and practice in

relation to children with disabilities, taking due account of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (CRC/C/69, para. 338), and that it ensure they enjoy all the rights contained in the Convention. The Committee also recommends that the State party: provide early childhood care and special education for children with disabilities; develop early identification programmes to prevent disabilities; and provide services for children with learning disabilities and behavioural disorders. Awareness campaigns which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities need to be undertaken. Adequate support, supervision and training should be given to persons working with these children. The Committee encourages the State party to seek assistance from, inter alia, UNICEF, UNESCO and WHO.

#### Right to health and health services

305. As a priority, the Committee is seriously concerned at the deterioration in the health of the most vulnerable groups, especially women and children, and in the quality of health services. In particular, the Committee notes the increase in communicable diseases, including vaccine-preventable diseases, and the increase in childhood malnutrition.

306. The Committee recommends that the State party ensure that its commitment to primary health care, including implementation of the Integrated Management of Childhood Illnesses strategy, is met by the adequate allocation of human and financial resources and that all children, especially from the most vulnerable groups, have access to health care. The Committee also recommends that the State party undertake awareness-raising campaigns to ensure families are adequately informed of the need to register at polyclinics.

307. The Committee is concerned at the insufficient data available on the developmental health needs of adolescents in Tajikistan.

308. The Committee recommends that the State party undertake a comprehensive study in order to understand the nature and extent of adolescent health problems, and with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes. In the light of article 24, the Committee also recommends that adolescents have access to and be provided with reproductive health education, child-friendly counselling and rehabilitation services, and that STD and HIV/AIDS prevention programmes be undertaken. The Committee further recommends that the State party establish comprehensive family planning programmes, as well as measures to ensure that abortion is not perceived as a method of contraception. The State party is encouraged to continue cooperation with and seek assistance from, inter alia, UNICEF and WHO.

#### 6. Education, leisure and cultural activities

##### Right and aims of education

309. The Committee is seriously concerned at the deterioration in the quality of education, especially infrastructure, teaching and curricula. The Committee is concerned at declining pre-school enrolment and the persistence of high drop-out, repetition, and absenteeism rates in

primary and secondary schools.

310. The Committee recommends that the State party take all necessary measures to allocate the required human and financial resources to implement effectively the Education for All strategic programme. The Committee also recommends that the State party take due account of the aims of education laid down in article 29 and consider introducing human rights, including the Convention on the Rights of the Child, into the school curricula, including at the primary school level. The Committee further recommends that the State party promote the importance of pre-school education, especially among low-income households, and encourage informal community schemes in this regard. In addition, the Committee recommends that the State party promote the participation of parents and communities, especially ethnic minorities, in school governance, in order to improve enrolment rates and to monitor the quality of education. The Committee encourages the State party to seek assistance from, *inter alia*, UNICEF and UNESCO.

## 7. Special measures of protection

### Asylum-seeking and refugee children

311. The Committee is concerned at the situation of Tajik returnees following the civil war, and of Afghan refugee and asylum-seeking children as a result of the conflict in Afghanistan. The Committee is also concerned that the issue of documentation is a serious problem for non-nationals, especially asylum-seekers.

312. The Committee recommends that the State party establish and implement a functional system of family reunification in order better to protect children from being separated from their parents. The Committee recommends that the State party: undertake effective public education campaigns to inform asylum-seekers, especially those who have newly arrived, about asylum procedures and the importance for children to have documentation; provide practical assistance in obtaining birth certificates for every child and adequate procedures for the replacement of lost identity and travel documents; and establish a system for refugee and asylum-seeking children to have their own documentation. The Committee encourages the State party to continue and expand its cooperation with international agencies such as, *inter alia*, UNHCR and UNICEF.

### Children and armed conflict, and their rehabilitation

313. The Committee expresses its concern at the negative impact on children of reports of recent armed civil unrest.

314. In the light of article 38 and other relevant articles of the Convention, the Committee recommends that the State party at all times ensure respect for human rights and humanitarian law aimed at the protection and care of children affected by armed conflict, and provide care and physical rehabilitation and psychological recovery measures for these children.

### Economic exploitation

315. The Committee is concerned that the negative effects of the current economic crisis have



resulted in an increasing number of children dropping out of school and taking up work. The Committee expresses its concern at children working in the informal sector, especially children from rural backgrounds who may be at special risk, many of whom are working in hazardous conditions in agriculture, with little or no training on safety precautions.

316. The Committee recommends that the State party ensure that the minimum age for admission to employment is enforced. Employers should be required to have and produce on demand proof of age of all children working on their premises. An effective labour inspectorate to monitor the implementation of standards at State and local levels should be established and empowered to receive and address complaints of violations. The Committee also recommends the State party to undertake a national survey on the nature and extent of child labour. The Committee further recommends that the State party carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards. In addition, recommends that the State party ratify ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The State party should seek assistance from, *inter alia*, ILO.

#### Sexual exploitation and sexual abuse

317. The Committee is concerned at the increase in the prostitution and trafficking of children and women and the absence of an effective, comprehensive and integrated approach to prevent and combat these phenomena. The Committee is also concerned at the insufficient data and awareness of the phenomena of commercial sexual exploitation of children in Tajikistan.

318. The Committee recommends that the State party undertake a national study on the nature and extent of commercial sexual exploitation of children, and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The Committee also recommends that the State party review its legislation and ensure that it criminalizes the sexual abuse and exploitation of children, and penalizes all the offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized. The Committee further recommends that the State party: ensure that domestic laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; make provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement. Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation. There is a need to train adequately personnel working with child victims. The Committee recommends that the State party carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and safety from sexual exploitation. Bilateral and regional cooperation, involving cooperation with neighbouring countries, should be reinforced.

#### Administration of juvenile justice

319. The Committee is concerned at the poor quality of the administration of justice for juvenile offenders and the lack of a juvenile justice system.

320. The Committee recommends the State party take all measures to fully integrate into its

legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. Facilities and programmes for the physical and psychological recovery and social reintegration of juveniles should be developed. The Committee also recommends that the State party seek assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

#### 8. Optional Protocols to the Convention on the Rights of the Child

321. The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

#### 9. Dissemination of the report and the Committee's recommendations

322. Finally, the Committee recommends that, in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.