



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-third session

### Summary record of the 1473rd (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Tuesday, 19 January 2010, at 10 a.m.

*Chairperson:* Ms. Lee

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports of States parties (continued)**

*Second periodic report of Tajikistan (continued) (CRC/C/TJK/2; CRC/C/TJK/Q/2; CRC/C/TJK/Q/2/Add.1)*

1. *At the invitation of the Chairperson, the delegation of Tajikistan took places at the Committee table.*

2. **Ms. Aidoo**, noting that the Government had adopted a number of programmes to foster healthy lifestyles among adolescents, said that the Committee would like to know how the various plans and strategies for adolescents were implemented. Appropriations for health services were evidently quite small. What successes and constraints had been encountered? The Committee had been informed that some girls were married before the age of 17, sometimes into polygamous relationships. While polygamy was prohibited by the Criminal Code, the practice reportedly persisted, and the Committee was aware that young girls who married into such situations were often victims of abuse and violence. What was the extent of early marriage, and had any steps been taken to counter such practices? Had any measures been adopted to reduce polygamy involving girls?

3. While the overall prevalence of HIV/AIDS was still quite low, it was increasing, and there was reportedly a lack of knowledge among minors about modes of transmission and protection. One of the most common means of transmission was apparently the use of injected drugs. The report (CRC/C/TJK/2) stated that, because of a lack of resources, there was no adequate system of voluntary testing, cases were not properly registered, and there was a shortage of qualified personnel to combat the spread of HIV/AIDS. Did any programmes address parent-to-child transmission, in particular transmission from drug users to their children?

4. She commended the State party on its work in the field of education, which included the provision of textbooks and the establishment of presidential quotas aimed at raising school enrolment of girls. The Committee should be informed whether newly enrolled girls required additional support in order to achieve appropriate levels of educational performance. Teachers' salaries were extremely low, at about US\$ 36 per month and, as a result, some teachers reportedly requested payments from students and some simply left the profession. Noting that there was a shortage of approximately 7,000 teachers, she asked what was being done to ensure that more teachers would be trained. School infrastructure was insufficient and, depending on the region and families' socio-economic status, some educational indicators, such as dropout rates and preschool enrolment rates, were quite poor. What was being done to equalize opportunities among children? Were there any community-based early childhood development programmes?

5. **Mr. Gurán** asked about the Islamic rite of marriage known as *Nikoh*, which because such marriages themselves were registered with some delay, had been cited as one of the reasons for the late registration of births. The delegation should explain the circumstances of such marriages.

6. **The Chairperson** said that disabilities were apparently addressed under a medical, rather than a social, model. Noting that the report referred to epilepsy as a mental disorder, she expressed concern that children with epilepsy would thus be stigmatized. While Tajikistan had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the report stated that the Suvorov military academy provided children with courses in military theory, which was directly at variance with the Optional Protocol.

7. According to the report, temporary detention centres took in children between the ages of 3 and 18. Did such children include victims of abuse, neglect or abandonment, and were young offenders kept in the same institutions? What kind of psychosocial counselling was provided? The Committee had received information that children of Tajik fathers and stateless mothers were entitled to Tajik nationality, but that children of Tajik mothers and stateless fathers were not. Furthermore, the children of Tajiks who migrated to other countries and failed to register with consulates within five years were not entitled to Tajik nationality. The Committee was concerned that such children might thus become stateless.

8. In 2008, the World Health Organization (WHO) had conducted a comprehensive rights-based review and analysis of policy barriers to sexual and reproductive health information and services, which was due to be published in March 2010. How would the report be disseminated, and what steps to eliminate such barriers were foreseen? Lastly, was there a comprehensive plan of action to raise standards and extend youth health services so that they would cover children until the age of 18?

9. **Ms. Mirsaidova** (Tajikistan) said that social policy for the protection of families and children was the responsibility of the Ministry of Labour and Social Protection and that in 2005 the President had initiated a long-term strategy aimed at targeting social support services to cover population groups at risk during the transition to a market economy. According to statistics from the United Nations Children's Fund (UNICEF), in 2008 approximately 9,600 children were housed in 96 public institutions, some 30 of which were national establishments, while the rest were run at the local or regional level. Those institutions included establishments for children with sight or hearing problems, specialized vocational schools, boarding schools for orphans and children from disadvantaged families, a national psychiatric health centre for children and adolescents, and special schools for children in conflict with the law. Children were placed in such institutions if they were left without parental care or, in some cases, for reasons related to economic or social problems encountered by their parents.

10. The Government recognized that children received the best care when raised in their families, and the Government Commission on the Rights of the Child had established a deinstitutionalization programme with the help of the Swedish International Development Cooperation Agency (SIDA), which had made it possible to return some 1,500 children to their biological families. Under the Family Code, children living under guardianship arrangements or in State institutions were entitled to maintenance payments and benefits such as Government pensions and other social support. Children who were without a breadwinner, disabled children and orphans were entitled to receive pensions, and vulnerable groups of children were provided with medical care, housing, education and vocational training and job placement services through the Ministries of Education, Health, and Labour and Social Protection. Secondary education was compulsory, and children from disadvantaged backgrounds and those who lacked parental protection were able to attend boarding schools. Up to the age of 7, children who lacked parental protection received care at orphanages and children's homes. Special children's commissions provided psychological and medical attention for vulnerable children such as those with disabilities or early developmental disorders. Most children receiving pensions from the Government were in families without breadwinners, and if such children wished to continue their schooling and obtain a higher education, they would continue to receive such support until they began their career. The Government also provided other social services, including the payment of a minimum wage in the event of the loss of a breadwinner and the payment of benefits to orphans and their guardians to help cover child care. Disadvantaged families also received assistance from humanitarian organizations.

11. **Ms. Ortiz** asked what the Government was doing to ensure that as many children as possible lived with their families. It appeared that a large part of the available resources was

being invested in pensions and subsidies for institutions such as boarding schools. It would perhaps be advisable to use more of those resources to support family care instead. She noted that the number of children in institutions was quite high. What guidelines were used as a reference for the institutionalization or deinstitutionalization of children? In most countries, economic constraints alone could not be invoked as a reason for institutionalizing a child.

12. **Mr. Puras** asked whether the pilot programmes for deinstitutionalization concerned only children deprived of a family environment. He noted that, in Soviet times, there had been a practice of labelling such children as mildly mentally retarded. Had that since stopped? How many of the institutionalized children in Tajikistan were deprived of a family environment? Were more currently being institutionalized? What were the trends regarding the institutionalization of children?

13. **The Chairperson** asked how many of the children in institutions were disabled and how many were orphans.

14. **Ms. Mirsaidova** (Tajikistan) said that the Ministry of Labour and Social Protection had recently adopted a series of laws with provisions addressing the situation of disabled children and children deprived of parental protection, including laws on the provision of transport for the disabled, on social services, on social standards and on minimum living standards. Four day-care centres for disabled children had been opened with the assistance of the European Commission, and a rehabilitation centre for disabled children had recently opened a special wing devoted to instructing parents in ways of providing care. According to the Ministry of Labour and Social Protection, some 9,000 children with disabilities or who had been deprived of parental protection received benefits. Children disabled from birth generally attended specialized boarding schools.

15. **Mr. Khudoyarov** (Tajikistan) said that it would be necessary to review the legislation in force with a view to making improvements that would allow full advantage to be taken of foster care arrangements.

16. **Ms. Jobirova** (Tajikistan) said that nearly 20,000 disabled children were receiving Government assistance through the Ministry of Labour and Social Protection and the Ministry of Health. About one third of them had nervous system disorders, 11 per cent had psychological disorders, 13 per cent had sensory disorders, and 14 per cent had skeletal or motor disorders. Assistance was also provided to children with congenital problems, including of the cardiovascular system. Children with such disorders or diseases were under the responsibility of the Ministry of Health, which ran several rehabilitation centres, including a 30-bed national psychiatric centre for children and a recently opened establishment for children and adolescents with pulmonary and cardiovascular disorders and cerebral palsy. There were also two centres for the treatment of children with tuberculosis. A centre for the rehabilitation of children with mental disorders included a programme addressing the needs of parents and activities for the integration of their children into society. All of those children received preferential medical care, and disabled children up to the age of 16 were entitled to special benefits. A national centre coordinated services for disabled children and provided treatment for all children who suffered from various chronic disorders.

17. **Ms. Jobirova** (Tajikistan) said that reducing malnutrition cachexia was an important component of the national development strategy, and a target for the reduction of its occurrence in children under the age of 5 had been set for 2015. A UNICEF study had shown that there had already been a reduction in both acute and chronic forms of malnutrition. Vitamin A and other supplements were being provided to children over the age of six months on a twice-yearly basis. Pregnant women, 30 per cent of whom had anaemia, were being given iron and other nutrients.

18. Studies had shown that many children under 5 suffered from illnesses of the upper respiratory tract, malaria and wasting. The Government had introduced a policy emphasizing integrated treatment which was applied throughout the country.

19. The Tajik Government sought to encourage breastfeeding for all children up to the age of six months. More than half the children born in Tajikistan were breastfed immediately after birth, and about half of the country's maternity hospitals had been certified as child-friendly because of their dedication to the promotion of breastfeeding. Media campaigns had been carried out to increase awareness among the population and, in particular, to encourage mothers to breastfeed.

20. **The Chairperson** inquired whether the Government of Tajikistan had a child health policy, whether there was access to safe drinking water, and what measures were being taken to address the mental health of children.

21. **Mr. Puras** asked how health care was provided to families and children at the community level. In view of the small percentage of the budget allocated to primary care, he wondered whether such care was available. Was there a policy aimed at rationalizing health-care delivery?

22. **Ms. Jobirova** (Tajikistan) said that, since 2002, the Government had been overhauling the health-care system, with emphasis on strengthening primary care, restructuring hospitals, increasing the number of hospital beds and meeting the needs of different health institutions. The latest phase of that effort targeted children and adolescents. A national plan for safe motherhood had also been established. The Government had set up a coordinating council that included representatives of the Ministry of Health, local women's committees and religious institutions with a view to raising awareness about health in the community. NGOs were also working in that area with the Ministry of Health at the local and community levels. In addition, local community councils had been mobilized to provide emergency support to medical workers in such areas as transportation and the delivery of ambulance fuel and medicines. The Government was seeking simple and practical measures to the health problems confronting Tajikistan.

23. In addition, the Government of Tajikistan had reworked its funding strategies to focus on per capita allotments. Funds for primary care were based on the number of persons living in a particular area. Communities made contributions that enhanced the package of services available to them. Certain groups with special needs received primary care free of charge. Significant budgetary allocations had been made to strengthen health institutions.

24. **Ms. Villarán de la Puente** asked whether payment of the per capita subsidies was conditional upon children being registered at birth, vaccinated and enrolled in school. She would also like to know when that programme had commenced, and what impact it had had thus far in terms of children's health-related rights.

25. **Ms. Jobirova** (Tajikistan) said that per capita funding was targeted at children directly. Allowances were provided to families on the basis of the number of children; each child would therefore receive better care. The focus was also on family-based health coverage. There were no statistics regarding the success of the new approach, which had been introduced only the previous year. The funds saved as a result of the new approach would be used to strengthen primary care services. National vaccination and immunization programmes had yielded significant results in recent years.

26. Turning to the matter of adolescent health, she said that the Government had established HIV/AIDS and reproductive health centres for adolescents in Dushanbe and in other regions. It had conducted campaigns and created special television broadcasts covering issues of importance to adolescents with support from CARE Tajikistan. UNICEF was providing child-friendly health services in various areas of the country and planned to

expand its services further. The national school curriculum included 72 hours devoted to reproductive health.

27. **The Chairperson**, noting that the health education budget was unusually low, asked how such programmes were sustainable.

28. **Ms. Jobirova** (Tajikistan) said that the adolescent reproductive health programmes were currently funded by international organizations. However, the Ministry of Finance would be taking over the funding in 2011. The programmes were monitored and held to rigorous standards. The Global Fund to Fight AIDS, Tuberculosis and Malaria was sponsoring a programme to prevent the transmission of HIV/AIDS. With regard to parent-to-child transmission, between 1991 and 2008, there had been 1,853 cases of HIV/AIDS in Tajikistan, including 36 children under the age of 14. All were being closely monitored by medical centres, and 10 children were receiving antiretroviral treatment. Testing was available for pregnant women and others, on a voluntary basis; all laboratories were equipped to carry out such tests.

29. **The Chairperson** asked whether reproductive health information could be given to adolescents on a confidential basis or whether parental consent was required.

30. **Ms. Jobirova** (Tajikistan) said that there was a discrepancy between national and international standards in Tajikistan. Access to reproductive health information and services should be confidential but, according to national legislation, parents must be present during any discussion with an adolescent that related to abortion or any other sex-related issue. A working group of the Ministry of Health had studied that problem with the assistance of WHO, and it was expected that the discrepancies would soon be resolved.

31. **Mr. Farhod Rahimov** (Tajikistan) said he was grateful to the Committee for noting the improvements that had been made in the Tajik educational system. In his view, education was a central problem for all the countries of the world; the quality of education was inadequate, and children did not want to go to school. The President of Tajikistan had recently met with representatives of the educational sector and was now taking steps to reform and modernize the educational system with a view to meeting international standards. Equality in education was an essential principle. Efforts were being made to ensure that teachers had the skills and certifications necessary to teach both in Tajik schools and abroad. The country's educational system was also endeavouring to join the Bologna Process and to participate actively in the worldwide educational community. The Government was issuing new types of textbooks in the interests of conforming to international educational standards. The Government of Tajikistan had increased its allocation for education 40 times in the preceding 15 years. Many new plans and programmes had been created, including educational enhancement and vocational training enhancement programmes. In 2009, a new law had been enacted on university and postgraduate education, and a new education bill was being prepared.

32. **The Chairperson** asked whether adolescents who dropped out of school were given a second chance, and whether any early child development programmes existed, in particular at the community level. Information on teacher salaries would also be welcome.

33. **Ms. Aidoo** asked whether the Tajik poverty-reduction strategy addressed education and health. She would also like to know whether the Government had taken measures to increase teacher salaries and to halt the practice of asking pupils to pay for many educational necessities.

34. **Mr. Citarella** said that as long as families were asked to pay fees to teachers, education was not free.

35. **The Chairperson** said that the report indicated that the educational system guaranteed the right of children to study in their mother tongue. Since Tajikistan had many

languages, she wondered how it managed to offer instruction in all of them. Other sources indicated that girls left school after the fifth or sixth grades. More information on that matter would be welcome.

36. **Ms. Aidoo** asked whether the State party had explored the relationship between the low enrolment rate for girls and the dearth of female teachers and whether it had created any programmes to address that issue.

37. **Mr. Farhod Rahimov** (Tajikistan), answering questions on child labour, said that employment of children below the age of 15 years was prohibited under national legislation on education and the Labour Code. The Labour Code also contained specific provisions regarding the regulation of employment for minors aged between 15 and 18 years. Regarding child refugees, he said that Tajikistan was host to a large number of refugees from Afghanistan. Refugee children had the right to education in mainstream schools in Tajikistan, and a special school for Afghan children, providing education in their language, had been established in Dushanbe. The heads of many Tajik households, most of whom were men, had emigrated in search of work. Their children were guaranteed the right to education in Tajikistan. Although teachers' salaries were low, they had been increased each year, despite the global financial crisis, which had hurt Tajikistan's economy. Teachers' salaries would be further revised under new legislation on the national budget. Statistics showing a deficit of 7,000 secondary school teachers were out of date. That deficit had been completely rectified since 2005 thanks to the entry of a considerable number of new teachers.

38. **The Chairperson** asked how it had been possible to train and recruit 7,000 teachers in four years.

39. **Mr. Farhod Rahimov** (Tajikistan) said that an average of 5,000 students per year graduated from teacher training institutes, and 3,000 per year graduated from higher education institutions with specializations in teaching. In the past, the problem had not been a lack of qualified teachers, but rather the lack of funds for paying teachers' salaries, which had resulted in a teaching deficit. Funding had been made available to pay the salaries of 7,000 new teachers, and those posts had therefore been filled. There was also a roster of candidates for teaching jobs who had passed the national examination for recruitment into the State secondary education system.

40. Turning to the issue of dropout rates among 14–16 year olds, he said that Tajikistan had a nine-year compulsory education programme. There were currently around 4,000 children in that age group who had dropped out of school, and that group included equal numbers of boys and girls. Those statistics were skewed, however, by the fact that in some regions girls did not attend school after the ninth grade, although they had the right to continue their schooling and to attend vocational schools. Girls currently accounted for 50 per cent of the students in vocational training institutions. Children who had dropped out of school had the right to continue their education as external students. Efforts were being made to improve the availability of equipment and resources in schools, and, with assistance from the World Bank, a project was under way to improve access to information technology in schools. As a result of that project, almost all schoolchildren now had access to a computer and the Internet. Another programme was being developed to increase the availability of technical and scientific equipment in schools. Turning to preschool education, he said that, although preschool education facilities existed in all districts and towns, attendance was not compulsory. A new education plan was being devised to extend compulsory education from 9 to 12 years, which would include preschool.

41. **Ms. Aidoo** said that there appeared to be problems with the data on the enrolment of girls in schools in some deprived regions. Preschool education was one element of early childhood development. She asked whether the Government had considered the need for a

comprehensive policy on early childhood development, including components on nutrition (a particularly important aspect), stimulation, early learning and play.

42. **Mr. Puras** said that, despite the issuance of a Presidential Decree in 2006 prohibiting children's involvement in the harvesting of cotton crops, the problem continued. That activity often prevented children from attending school and thus impeded their enjoyment of their right to education. He would appreciate the delegation's comments on that issue.

43. **Mr. Farhod Rahimov** (Tajikistan) said that, while children aged between 3 and 6 years attended preschool, there were very few kindergarten or nursery facilities. An education services programme had been drafted which included a section on measures to overcome that problem. Turning to the question on cotton harvesting, he said that a study had been conducted in 2009 to investigate whether the decree prohibiting children's involvement in that activity was being respected. It had shown that, while some children continued to participate in cotton harvesting, they did so after school hours in order to help their parents.

44. Responding to the questions on the Suvorov school, he said it was not a military training institution, but rather a school that provided civilian education in line with the curriculum set by the Ministry of Education, as well as additional subjects related to military issues.

45. **The Chairperson** said that, according to paragraph 552 of the State party report, the Suvorov academy was run by the Ministry of Defence. She asked the delegation to clarify what type of education was provided by the academy and under the authority of which ministry it operated.

46. **Mr. Ramazon Rahimov** (Tajikistan) said that, while the Suvorov academy was run by the Ministry of Defence, it followed the national curriculum set by the Ministry of Education. Turning to the issue of the ratio of male to female teachers, he said that, while in some districts the number of male teachers was disproportionately high, at the national level there were more female than male teachers.

47. **Ms. Mirsaidova** (Tajikistan) said that consideration was being given, in cooperation with UNICEF, to ways of gradually adapting the scheme for early childhood education to Tajikistan's national circumstances and specific needs. Although the Suvorov school specialized in military education, it was in no respect a military organization. The school was funded from the State budget.

48. **Mr. Ramazon Rahimov** (Tajikistan), answering questions on law enforcement, said that sexual exploitation of children and trafficking in minors were prohibited under the Criminal Code. There were several subdivisions of the Ministry of the Interior that addressed those issues. In 2005 an interdepartmental committee had been established to coordinate all law enforcement activities to prevent trafficking in persons and related crimes, including sexual exploitation. Over the past few years, that committee had taken steps to protect 80 victims of trafficking found in Tajikistan, 16 of whom had been minors. Those victims had been housed in two shelters. A shelter for girls had been established, with financial support from UNICEF and the European Commission, which currently housed eight girls who had been victims of sexual exploitation. The shelter had 15 staff members who provided psychological, educational and medical services for the girls. A centre had been established in the Tajik State National University to provide training for specialists in the prevention of trafficking in persons. Domestic legislation, including the Criminal Code and Administrative Code, contained provisions on the prevention of trafficking in persons, and a programme had been developed to combat organized crime. Tajikistan had ratified the United Nations Convention against Transnational Organized Crime.



49. Under the Criminal Code, the minimum age of criminal responsibility was 16 years and, in the case of particularly serious crimes, 14 years. Children under the age of 14 years would not be arrested or detained. The Government Commission on the Rights of the Child took decisions on measures to be adopted in cases of crimes committed by children under the age of 14.

50. **Mr. Kotrane** said that the Committee wished to know the minimum age for bringing a minor before the courts, rather than the minimum age for imprisonment.

51. **Mr. Citarella** asked what procedure was followed in the event that a child aged below 14 years committed a criminal offence.

52. **Mr. Ramazon Rahimov** (Tajikistan) said that children under the age of 16 years could not be brought before the courts unless they had committed a particularly serious crime, in which case they could be brought before the courts if they were aged 14 years or over. Institutions working on crime prevention among minors were monitored by the Ministry of the Interior. The Commission on the Rights of the Child decided what measures to take in respect of juvenile offenders. Children under the age of 14 years who had committed particularly serious crimes and repeat offenders under the age of 16 were sent to specialized schools. Minors aged 16 and over who had committed petty crimes could be subject to curfews, warnings and educational rehabilitation. In 2008 a service to prevent crime among minors had been established. It conducted preventive work with vulnerable families, such as those living in poverty and those with a history of drug or alcohol abuse. Efforts were also being made to work with such families to prevent domestic violence. A bill on domestic violence had been drafted, considered by the relevant government ministries and departments, and subsequently revised. The revised bill would be sent to Parliament for adoption. Draft legislation on witness protection for victims of domestic violence was also awaiting adoption.

53. Turning to the questions on temporary detention centres for children (formerly known as reception and holding centres), in which children who had committed dangerous crimes were held together with those who had committed minor offences, he said that discussions were under way on the establishment of new centres in order to separate the two categories of offenders.

54. On the right of children to obtain Tajik citizenship, he explained that national legislation on refugees stated the conditions for acquiring Tajik citizenship. Children with one Tajik parent were entitled to citizenship. Children whose parents were not citizens of Tajikistan or any other country of the Commonwealth of Independent States could be granted citizenship in accordance with the Nationality Act.

55. **Ms. Villarán de la Puente** asked what interim measures were being taken to protect child victims of domestic violence, pending the parliamentary adoption of legislation on domestic violence and witness protection.

56. **Mr. Kotrane** asked whether there were specialized children's courts and whether investigating officers were specifically trained and qualified to question children. He wished to know how access to education could be guaranteed while ensuring freedom of movement for refugees.

57. **Mr. Ramazon Rahimov** (Tajikistan) said that under criminal procedural legislation, crimes committed by minors must be addressed by investigating judges with no less than 10 years' experience. Parents obtaining refugee status in Tajikistan were obliged to register their children, who would then be entitled to education, health care and other social services.

58. **Mr. Puras** asked what changes had been made through the new policy and strategy for juvenile justice. He wished to know what measures were being taken to prevent petty

crime. He expressed concern that a culture of violence could develop in special schools for juvenile offenders who had committed serious and violent crimes.

59. **Mr. Khudoyarov** (Tajikistan) said that he would like to respond to the questions raised concerning the need to update the Tajik Family Code with respect to the issue of international adoption; the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (Hague Adoption Convention); the juvenile justice system and the national plan to reform that system; the pretrial detention of children; the holding of child offenders in adult detention centres; the inexistence of special courts to review cases involving minors; the training of judges and lawyers in children's rights protection; and unregistered marriages and polygamy.

60. As for updating the Family Code, an article had been inserted in 2006 to align the provisions on adoption with the Convention on the Rights of the Child. In addition, the Government was preparing a new civil procedure code which would contain a special chapter outlining the entire adoption process.

61. Tajikistan had been applying the provisions of the Hague Adoption Convention in all international adoption cases but was not prepared to become a party to it until a number of steps had been taken, including the creation of an international monitoring mechanism, in order to guarantee that children's rights and interests would be as well protected as they were under the State party's own legislation. There were a host of issues to take into account, such as language and traditions, and international adoption should be considered only as a last resort.

62. With regard to the juvenile justice system, he said that, with the assistance of the Committee and UNICEF, significant progress had been made in updating domestic legislation to bring it into line with international standards. For example, in 2004, the Criminal Code had been amended to prohibit the use of custodial measures of punishment for children who had committed minor or medium offences. In addition, the Supreme Court had issued guidelines to lower courts that underscored the need to respect Tajik legislation, which required that, rather than being deprived of the liberty, child offenders should be returned to their families or guardians and sent to special schools. He understood the Committee's concern that sending child offenders to special schools constituted a form of administrative punishment, and the Government intended to seek an alternative to such schools. It was important, however, for child offenders to be separated from other children in the best interests of the latter.

63. In response to the question concerning a national plan to reform the juvenile justice system, he confirmed that there was an ambitious plan covering the period 2010–2015. Its aim was to ensure the implementation of the main provisions of the Convention on the Rights of the Child and other international standards on juvenile justice and the recommendations on the subject made by the Committee on the Rights of the Child following its consideration of Tajikistan's initial periodic report. In addition, Tajikistan's new Code of Criminal Procedure, which would come into force in April 2010, included a special chapter dealing with child offenders. It stipulated for example, that minors could not be interrogated for more than two hours at a time, including breaks, or for a total of more than four hours.

64. Turning to the question of the pretrial detention of children, he said that conditions in pretrial holding centres for children had been improved, and the Ministry of Justice had signed a memorandum of understanding with UNICEF for that purpose. At the end of 2005, a decision had been handed down that made it a requirement for children to be returned to their families from pretrial holding centres within 30 days.

65. In addition to holding centres, there was also a closed centre where children could remain for up to six months. It was a child-friendly centre and employed police officers

trained in social work. Although it was true that Tajikistan had no detention facilities just for children, it was prohibited under the Code of Criminal Procedure to detain children with adults, and detention facilities therefore had separate sections for child offenders.

66. Although Tajikistan had no special children's courts, the Government was aware of the importance of ensuring that qualified people defended the interests of children. The Committee's concern about judges' attitudes towards children was understandable, but it should be noted that judges in Tajikistan were trained in the science of victimology and were aware of children's special needs. There were plans to continue strengthening and improving the organizational aspects of cases involving children, and one of the measures included in those plans was the establishment of separate juvenile courts. A constitutional amendment, as well as substantial expenditure and organizational work, would be required in order to do so, but steps were under way to begin the process. For example, as part of the discussions on judicial reform, the idea of establishing councils or boards to consider all family matters had been raised.

67. In the area of training, since 2004 the Ministry of Justice had been working to raise awareness at all levels of the judiciary nationwide about the rights and interests of children. Significant numbers of judges, prosecutors, lawyers, police officers and child psychologists had received training over the past five years in the application of international standards in working with children in conflict with the law. In addition, in 2007 the Ministry of the Interior had created special departments throughout the country to address the problem of juvenile crime, and in 2009 the Government had updated a 1999 decree concerning the work of a national coordination committee to educate Tajik citizens on legal issues pertaining to children, including the protection of the interests of orphans and street children, the prevention of juvenile crime and the implementation of programmes on human rights in Tajik's schools.

68. Turning to the issue of unregistered marriages and the problem of polygamy, he said that, although the Constitution prohibited it, the reality was different. Greater efforts to raise awareness among the population were needed. Unregistered marriages were basically a form of cohabitation, and Tajik legislation protected the interests of children born out of wedlock. The problem of determining paternity was resolved using either an administrative or a judicial approach. The administrative approach was used when there was no dispute and involved recognition of the child by both parents. If the father did not recognize the child, then the judicial approach was taken to determine paternity and, if child support payments were at issue, that was also dealt with by the courts. In order to reduce the number of unregistered marriages in Tajikistan, it was necessary to deal with traditions and practices. For example, Islamic marriages could take place only after a civil ceremony had been conducted in a civil registry office. In 2007–2008, the number of registered marriages in civil registry offices had doubled.

69. **The Chairperson** asked whether Tajikistan had a national, independent human rights monitoring institution, in compliance with the Paris Principles.

70. **Mr. Khudoyarov** (Tajikistan) replied that legislation had been enacted in 2008 to create the post of an independent ombudsman. A candidate had been appointed and had begun his work.

71. **Mr. Puras** (Country Rapporteur) thanked the delegation of Tajikistan for engaging in a fruitful and constructive dialogue and said that, after going through a devastating civil war and a difficult transition to achieve the past 10 years of peace, it was important for Tajikistan to build relationships based on trust and partnership among all individuals and groups. Change would require time, commitment, investment, independent monitoring and political will, and he urged the State party to disseminate the Committee's concluding observations widely and to refer to them when taking political decisions. The Committee's

recommendations would concern investment and improvements in infrastructure to strengthen health, education, childcare and juvenile justice services and to focus those services more on the community and family support level; measures to prevent violence, corporal punishment, sexual abuse and exploitation; greater support for active NGOs with a view to ensuring that the concerted efforts of all stakeholders were brought to bear in the promotion and protection of children's rights; and enhanced monitoring and evaluation mechanisms to ensure effective policy implementation.

72. **Ms. Kurbonova** (Tajikistan) thanked the Committee for the opportunity to discuss Tajikistan's efforts to implement the Convention on the Rights of the Child. Her Government would embrace the Committee's recommendations and take appropriate steps to improve protection systems and services for children, ensure full compliance with the Convention on the Rights of the Child and create favourable conditions for the all-round development of children in Tajik society. The Government of Tajikistan was committed to ensuring that its next periodic report would be more comprehensive. She extended an open invitation to all members of the Committee to visit Tajikistan to see for themselves the types of changes that had already occurred. She then presented the Committee with a book written by President Emomali Rahmon of Tajikistan entitled "The Tajiks in the Mirror of History: From the Aryans to the Samanids."

73. **The Chairperson** expressed gratitude for the gift and said that the Committee would make every effort to assist Tajikistan in its efforts to guarantee the rights of all children. The Committee hoped to receive Tajikistan's initial reports on the optional protocols, which the State party had ratified some years ago in the near future.

*The meeting rose at 1 p.m.*