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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Second periodic reports of States parties due in 2000**

**TAJKISTAN\***

[21 February 2008]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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**Acronyms and abbreviations**

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ADB	Asian Development Bank
AIDS	acquired immunodeficiency syndrome
APCS	anaemia prevention and control strategy
CARK	Central Asian Republics and Kazakhstan
CI	confidence interval (statistics)
CIS	Commonwealth of Independent States
GAM	global acute malnutrition
GAVI	Global Alliance for Vaccines and Immunization
GDP	gross domestic product
HIV	human immunodeficiency virus
ILO	International Labour Organization
IMF	International Monetary Fund
IOM	International Organization for Migration
MICS	multiple indicator cluster survey
NGO	non-governmental organization
NPA	National Plan of Action for the protection of the rights and interests of the child (2003-2010)
OPEC	Organization of Petroleum Exporting Countries
PRSP	poverty reduction strategy paper
ROSC	Reports on the Observance of Standards and Codes
SAM	severe acute malnutrition
SFC	supplementary feeding centre
STD	sexually transmitted diseases
TFC	therapeutic feeding centre
UNDP	United Nations Development Programme
UNESCO	United Nations Organization for Education, Science and Culture
UNICEF	United Nations Children's Fund
WHO	World Health Organization

## INTRODUCTION

1. This report, the first periodic report of the Republic of Tajikistan, contains detailed information concerning the mechanisms and structures for coordinating action to implement the Convention and apply the general and sectoral policies, programmes and services established to give effect to its provisions, together with information concerning the work that has been done to ensure the exercise of child rights and the difficulties encountered in attempting to implement the provisions of the Convention in full. The report also describes the steps taken to resolve the problems noted in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.136).

2. The initial report on the implementation of the Convention on the Rights of the Child (1989) by Tajikistan was examined by the Committee in 1998.

### 1. Brief description of the country

3. Tajikistan is a landlocked country with a population of 7,124,000.<sup>1</sup> Geographically, it is extremely complex: 93 per cent of its territory is mountainous and 6 per cent of the mountainous area is covered by glaciers, while arable land accounts for only 7 per cent of the total; nearly three quarters (73 per cent) of the population live in rural areas and two thirds rely on agriculture as their main source of income. Tajikistan is rich in water resources, which enables its farmers to practise intensive agriculture, mainly cotton growing. The country is subject to earthquakes, floods and landslides. The drought of 2000-2001 was the most serious in the last 20 years, affecting over a million people. Children form the largest demographic group and 40 per cent of the Tajik population is under the age of 18.<sup>2</sup>

4. Poverty, the most complex of the country's current problems, is having a serious impact on its children. The incomes and standard of living of the population remain very low: per capita gross domestic product (GDP) amounts to US\$178.50 and purchasing power to US\$330, which makes Tajikistan the poorest member of the group consisting of the countries of the CIS, the States of Central and Eastern Europe and the Baltic States. After Tajikistan recovered its independence, in 1991, the transition from a centrally planned to a market economy was complicated by five years of civil war, which ended in 1997. In 1998, the country's economic development indicators began to improve, but poverty remains a reality for a considerable proportion of the population. In 1999, 83 per cent of the population was living below the poverty threshold. Since then, this figure has been reduced to 64 per cent, but poverty continues to have serious implications for children while the situation of both women and children remains precarious in view of the existence of widespread social vulnerability. The risk of poverty increases sharply with the number of children in the family under 15 years of age. Measures specifically intended to improve the living conditions of children, particularly those in the groups at risk, are set out in the poverty reduction strategy paper (PRSP).<sup>3</sup>

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<sup>1</sup> State Statistics Committee data for 1 January 2007.

<sup>2</sup> See table headed "Main demographic indicators.xls" at: <http://www.stat.tj/russian/database.htm>.

<sup>3</sup> See Poverty Reduction Strategy Paper, p. 170.

5. Migration of the adult (mainly male) population in search of work is a continuing problem for children and their families. At present, a quarter of the labour force, that is, almost 400,000 people, migrates every year for economic reasons. This results in families being broken up, with far-reaching consequences for the children, who are often left in the care of their mother, grandparents or other family members, and families headed by women are by no means uncommon. Many parents decide to place their children in special institutions (boarding schools, children's homes). From the economic standpoint, migration has undeniable advantages for the individual, but at the same time it imposes a severe stress on the family and society. As experience shows, placing children in institutions for long periods of time cannot be justified.

6. The State is under the obligation to guarantee every child a good education. After independence was restored and particularly after the signature of the peace agreement with the opposition, the Government of Tajikistan took steps to reform the education system. These reforms laid the foundations for a sound education. The fundamental principles of State education policy include compulsory basic general education, universal access to general secondary education and initial vocational training, and access to subsequent levels of education on a competitive basis. However, many obstacles remain to be overcome before the quality of the education system can be guaranteed; in particular, new methodological manuals and guides need to be published and teachers need to be trained in interactive teaching methods. The democratization of the whole process of educating and training specialists and the need for a change in public and parental attitudes to education are important factors from the standpoint of the role and responsibility of both parents and society in the general process of modernization of the education system.

7. The Republic of Tajikistan is home to representatives of more than 120 nationalities and ethnic groups – Tajiks, Uzbeks, Russians, Kyrgyz, Turkmen, Ukrainians, Belarusians, Tatars, Jews, Georgians, Armenians, Azerbaijanis, Koreans, etc. The representatives of all nationalities enjoy equal rights. A total of 177 periodicals are published in the languages of the ethnic and linguistic minorities, including 45 in Russian, 12 in Uzbek, 86 in Tajik and Russian, 25 in Tajik and Uzbek, 2 in Tajik and Kyrgyz, and 7 in Tajik and English.

8. Over the last 10 years, the conflict in Afghanistan has driven about a thousand Afghans to seek refuge in Tajikistan. As a result of the recent relative stabilization of the situation in Afghanistan, communications between the two countries and freedom of movement for Afghan citizens have been restored; today, it is more of a question of “commuting” migration than permanent settlement of Afghans in Tajikistan. There are virtually no refugees in Tajikistan and immigration does not pose any serious problems.

9. The Constitution of the Republic of Tajikistan is the basic legal instrument and has supreme authority. Its constitutional norms are directly applicable. Laws and other legal instruments that run counter to the Constitution are without legal effect. Tajikistan has a unified legal system, and treaties, agreements and other international legal instruments ratified by Tajikistan are regarded as forming an integral part of that system. The law on international treaties of the Republic of Tajikistan requires Tajikistan to comply unwaveringly with its international treaties and confirms its adherence to the principle of good-faith fulfilment of its international obligations. When domestic laws are found not to be in conformity with international legal instruments, the provisions of the international legal instruments prevail.

10. Since the submission of its initial report to the Committee on the Rights of the Child, the Republic of Tajikistan has ratified a number of international instruments, namely:

- Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, respectively (June 2002);
- United Nations Convention against Transnational Organized Crime (June 2002);
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (June 2002);
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (June 2002);
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (July 2003).

Moreover, a trafficking in persons division has been established within the Organized Crime Directorate of the Ministry of Internal Affairs.

#### **Mechanisms and structures for coordinating and monitoring activities relating to the implementation of the Convention**

11. In 2001, in order to implement the recommendations of the Committee on the Rights of the Child, the first national conference on the protection of children's rights and interests was organized. In September 2001, the Government Commission on the Rights of the Child (hereinafter "the Commission") was established. The Commission is a permanent interdepartmental advisory body responsible for coordinating the activities of ministries, State committees, government bodies and local executive bodies, businesses, institutions and organizations in matters relating to the application of Tajikistan's legislation and the observance of its international obligations under the Convention on the Rights of the Child and other international instruments for the protection of child rights. Headed by the Deputy Prime Minister, the Commission is mainly responsible for coordinating child rights policy, monitoring its application and preparing reports on the implementation of the Convention. It is composed of representatives of ministries, government bodies and non-governmental organizations (NGOs).

12. The Commission has set up four groups of experts with responsibility for protecting the rights and best interests of the child, together with three advisory groups, each composed of 24 to 40 children, whose role is to contribute to the implementation of the Convention on the basis of the notion that children should participate in the taking of decisions that concern them. Moreover, the Commission has organized a public advisory bureau for child rights observance involving the NGOs that work with children. This bureau was chiefly intended to serve as the office of the ombudsman for the rights of the child; unfortunately, however, in 2004 it had to be closed for lack of resources and support from the NGOs.

13. One of the Commission's main objectives was to develop a national plan of action for the protection of the rights and interests of the child for the period 2003-2010 (NPA). The Commission is currently monitoring the implementation of this plan.

14. Numerous ministries and public bodies, including the Ministries of Education, Health, Labour and Social Protection, Internal Affairs, Justice, and Culture and the Committees on Youth Affairs, Sport and Tourism and on Television and Radio, are responsible for implementing the Government's policy on children. The Commission coordinates the activities of all these entities where matters relating to children are concerned.

### **General and sectoral policies, programmes and services for implementing the provisions of the Convention**

15. In order to implement the recommendations made by the Committee on the Rights of the Child in relation to Tajikistan's initial report, the Government prepared the following documents: a national plan of action for the protection of the rights and interests of the child (2003-2010), a poverty reduction strategy paper, a national programme to prevent and control HIV/AIDS and sexually transmitted diseases (STD) for the period to 2007 and a national programme to combat iron-deficiency anaemia (1999), as well as adopting a national strategic plan on reproductive health for the period to 2014 and the international definition of live birth criteria.

The Ministry of Health has adopted a strategy for the integrated management of childhood diseases and an immunization programme. These programmes have helped to stabilize to some extent the levels of morbidity and infant and child mortality and to achieve a high rate of immunization of children under 2 years of age.

16. The basic data for a national plan of action on education were compiled and, in June 2002, the Government of Tajikistan adopted a national education policy document. Curricula and syllabuses have been revised, schools have been modernized and teachers and principals have received refresher training.

### **Activities relating to the implementation of the rights of the child**

17. The main obstacles to the implementation of the provisions of the Convention on the Rights of the Child are as follows:

- High levels of poverty;
- Different attitudes to boys and girls;
- Consequences of the civil war;
- Lack of necessary infrastructure;
- Ignorance of the laws and regulations;
- Inadequately developed juvenile justice and childcare systems.

18. Measures have been taken to overcome these obstacles. The economic situation of the country has stabilized and the poverty level has been reduced (from 83 per cent to 64 per cent). The establishment of the Commission and the preparation of a national plan of action were followed by a number of initiatives taken to implement the Convention, namely: a review of the legislation on juvenile justice and of the laws, policies and practices relating to violence against children; pilot de-institutionalization projects; the creation of pilot child rights units at local executive level; and the reform of the detention system for children aged under and over 14.

**Table 1**

<b>Main national indicators</b>	
<b>Total population (in thousands, 2005)</b>	
Aged 0-5 (2005)	1 006.5
Aged 0-19 (2005)	3 425.8
<b>Public expenditure</b>	
Health	0.96 per cent (Ministry of Finance, 2000)
Education	2.4 per cent of GDP, 3.5 primary education (Ministry of Finance, 2000)
<b>GDP, per capita</b>	
2002	178.50 dollars
2004	309.6 dollars
<b>Adult literacy rate</b>	
Men	99 per cent
Women	93.2 per cent (MICS, 2000) <sup>4</sup>
Primary school enrolment	82.9 (MICS, 2000)
<b>Average life expectancy</b>	
Men	66.1 (State Statistics Committee, 2002)
Women	70.8 (State Statistics Committee, 2002)
<b>Mortality rate</b>	
Infant mortality rate	27.7 (Ministry of Health, 2001) 89 (MICS, 2000)
Under-five mortality rate	118 (UNICEF, 2003)
Maternal mortality rate	46.6 (Ministry of Health, 2001)
Prenatal care (as a percentage of pregnant women)	65 per cent (MICS, 2000) 75.1 per cent (State Statistics Committee, 2004)
Attended births	71 per cent (MICS, 2000)

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<sup>4</sup> Multiple indicator cluster survey (MICS) data.

<b>Main national indicators</b>	
<b>Vaccination (complete)</b>	74 per cent (MICS, 2000)
<b>Exclusive breastfeeding (up to 4 months)</b>	19 per cent (MICS, 2000)
<b>Malnutrition</b>	
- chronic (-3 SD, height for age)	30.1 per cent
acute (-3 SD, weight for height)	4.9 per cent (Action Against Hunger report, 2002)
<b>HIV/AIDS awareness</b>	
Women over 15	20 per cent (MICS, 2000)

## **2. Measures taken to implement the recommendations of the Committee on the Rights of the Child contained in its concluding observations on the initial report of the Government of Tajikistan**

19. The Supreme Soviet of the Republic of Tajikistan ratified the Convention on the Rights of the Child in 1993. The Government's initial report was presented to the Committee in November 1997 and a parallel report was submitted to the Tajik Committee on Non-Governmental Organizations in April 2000. In response to the concluding observations adopted by the Committee in October 2000, the Government has taken various steps to coordinate its Convention-implementing activities.

### **Lack of administrative coordination and cooperation at the national and local government levels**

#### *Paragraph 8 of the Committee's concluding observations*

20. The Government Commission on the Rights of the Child was established in order to implement the recommendation in paragraph 9 of the concluding observations. This Commission is mainly responsible for coordinating the child right protection activities of public authorities and NGOs. It is also responsible for monitoring the implementation of the national plan of action for the protection of the rights and interests of the child (2003-2010).

21. As a means of implementing the Commission's decisions, the Institute for the Advanced Training of Civil Servants in the Civil Service Department of the President's Office has prepared training modules on the provisions of the Convention. This training is delivered to both representatives of the local executive bodies and ministry and government agency personnel.

### **Budgetary issues**

#### *Paragraphs 10 and 11 of the Committee's concluding observations*

22. In the 2006 budget, 49 per cent of the appropriations were for social expenditure. The Government is seeking to introduce new mechanisms for allocating budget expenditure to the implementation of human rights. In his annual message to Parliament (2007), the President of the Republic Emomali Rakhmon drew special attention to the vital need for an Institute of Human Rights in Tajikistan.

## **Participation of civil society**

### ***Paragraph 12 of the concluding observations***

23. The NGOs are involved in policy formulation and in the process of implementation of the Convention. Two of the 18 members of the Commission are representatives of civil society. NGOs are encouraged to participate in the provision of services for children, in particular those who have offended, or are at risk of offending. Young people are taking an active part in the life of civil society, as representatives of NGOs working with and for children. Some, albeit not yet very many, youth organizations are registered as NGOs and active in raising awareness of such issues as a healthy lifestyle and environmental protection, and youth groups participated in the campaign “Say Yes for the Children”, which encourages the development of youth organizations.

## **Independent monitoring structures**

### ***Paragraph 15 of the concluding observations***

24. The State Statistics Committee (Goskomstat) is responsible for compiling State statistics. It has revised statistical reporting methods so as to take international standards into account and has modified the methods of collecting data on children.

25. In June 2004, the State Statistics Committee began work on a multiannual programme for statistical development. The project missions were based on the recommendations of the IMF Reports on the Observance of Standards and Codes (ROSC).<sup>5</sup> Priorities were assigned in accordance with the three objectives of the PARIS21 Partnership in Statistics for Development in the 21st Century, namely, monitoring of macroeconomic indicators, poverty and other priority trends.

26. The main strategic objectives of the programme are the modernization of statistical structures, methods and infrastructure and the automation of monitoring of the macroeconomic situation, the poverty level and progress with the implementation of the main objectives of the ROSC. The State Statistics Committee is the lead agency for the implementation of this project.

27. These objectives can only be achieved by starting out from the following principles, which coincide with the United Nations Fundamental Principles of Official Statistics:

- To make the data accessible by developing distribution mechanisms and improving transparency;
- To enhance the reliability of the data;
- To ensure the effective use of statistical data;

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<sup>5</sup> International Monetary Fund, Reports on the Observance of Standards and Codes (<http://www.imf.org/external/np/rosoc/rosoc.asp>).

- To guarantee the transparency of the data collection methods;
- To guarantee confidentiality at the data processing stage.

28. To ensure that the information is widely accessible, an Internet site has been set up. This site, which is now operational, displays information on statistical reform taken from State Statistics Committee bulletins, together with statistical data and a description of the metadata. The Committee has extended its network to every administrative level. In order to improve the quality of the information, a statistician's post has been created within each local administrative body (*jamoat*).

### **Dissemination of the Convention**

#### ***Paragraph 18 of the concluding observations***

29. The Government of Tajikistan is endeavouring to make the Convention more widely known through the press, television and radio, through meetings held in schools and *mahallia*, and by conducting various publicity campaigns.

30. The new school curricula introduced in 2002 offer 8th and 9th-year students lessons on "Human Rights" as part of the course on "Foundations of the State and the Law", while in classes 10 and 11 human rights is a new subject.

31. Some NGOs involved in activities relating to the programme of support for women and children have published brochures, booklets and posters on the subject of the rights of the child, though not, of course, in sufficient numbers to inform the whole of the population.

32. Every year, the educational institutions organize "Human Rights Days" in the form of a national competition in which students are encouraged to enter their work on human rights issues. In 2003, the national daily "Omuzgor" ("Teacher") began publishing 8,000 copies of a newspaper entitled "Human Rights", which informs its readers about programmes concerning matters relating to the rights of the child, as well as about the Convention, the national legislation and international law, the work being done in Tajikistan by the international organizations active in this field and the protection of human rights in the Central Asian Republics. Moreover, a children's forum is organized every year, with UNICEF assistance.

### **Non-discrimination**

#### ***Paragraphs 20 to 22 of the concluding observations***

33. The Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action form the basis for a national programme on the key areas of State policy for ensuring equal rights and opportunities for men and women (2001-2010).

34. The Equality and Equal Opportunities for Men and Women (State Guarantees) Act was adopted in 2005. It was the first law to provide for an antidiscrimination mechanism. In rural areas there are still instances of discrimination against girls and gender inequality in education, at both secondary and university levels.

35. Those national minorities whose members speak Uzbek and Kyrgyz can now receive an education in their mother tongue.

36. Despite the fact that they increase every year and doubled in 2005, teachers' salaries are still low considering the rapid rise in the cost of living and the rate of inflation. This is complicating the struggle against corruption in the schools and universities.

37. The low rate of school attendance among girls is directly linked with economic problems, religious views, national traditions and the role of women in society. With financial support from UNICEF, the Association of University Women has carried out a sociological survey of the attitude to girls at school and their relations with their parents and teachers. The aim was to examine the basic factors that are preventing girls from obtaining access to education. The survey provided an opportunity to propose ways of increasing the school enrolment rate for girls and alleviating gender inequality. To broaden access to education, the Government has introduced a textbook rental programme for low-income families.

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

#### ***Paragraph 24 of the concluding observations***

38. On the basis of the Committee's recommendations, the Institute for the Advanced Training of Civil Servants in the Civil Service Department of the President's Office has prepared and approved training modules on the provisions of the Convention. These modules deal with all the fundamental principles and issues relating to the rights of the child, including the protection of those rights, and offer general information about the Convention and its implementation in Tajikistan, including a detailed review of the articles of the Convention concerning, in particular, health, education, juvenile justice and discrimination. In 2005, training was delivered in two of the country's provinces, as well as in the city of Dushanbe. In 2006, courses were given in Gorno-Badakhshan Autonomous Oblast and in the districts under the direct jurisdiction of the capital.

### **Registration of births**

#### ***Paragraphs 26 and 27 of the concluding observations***

39. The problems associated with the registration of births are dealt with in paragraphs 179 ff. of this report.

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

#### ***Paragraphs 28 to 29 of the concluding observations***

40. Members of the staff of the Ministry of Internal Affairs services that deal with children have attended training seminars. The project was financed by the British Foreign Office and carried out by the NGOs Children's Legal Centre and Nasli Navras.

### **Family environment and alternative care**

#### ***Paragraphs 30 to 36 of the concluding observations***

41. The number of orphans was swollen by the years of civil war. The number of children taken into State care in special institutions has increased by 32 per cent in the last five years. In 2002, some 84 public institutions were housing 10,800 children. The question of de-institutionalization and the creation of services for children at community level forms the subject of a paragraph in the NPA. For the purpose of implementing the NPA, the Ministry of Education has set up a working group that includes representatives of NGOs. The urban and district education services have developed their own action plans, which guarantee the inalienable right of the child to live and be brought up in a family.

42. Various pilot de-institutionalization programmes have been carried out and their evaluation has demonstrated the importance of continuing the process of revising the national legislation and setting up community services.

### **Children with disabilities**

#### ***Paragraphs 36 and 37 of the concluding observations***

43. According to the statistics compiled by the Ministry of Labour and Social Protection, more than 8,000 children under 16 with various disabilities have been registered. It is considered that neither parents nor society as a whole are providing children with physical or mental development problems with the care they need. The institutions for children with special needs are hard pressed to provide them with qualified teachers and tutors and they are short of food, clothing and heating fuel since their resources are limited. It is common for parents to abandon children with physical or mental disabilities soon after they are born. Those parents who take care of their disabled children themselves fail to provide them with a suitable education, possibly because of the stigma attached to having disabled children in the family.

44. The Commission set up a group of experts composed of representatives of the Ministries of Labour and Social Protection, Health, and Education and NGOs. Following an analysis of the situation, conditions in the institutions for children with disabilities markedly improved. The goal of these organizations is to help parents to care for their disabled children themselves and reduce the risk of their being institutionalized. The activities undertaken to achieve this are continuing with the assistance of UNICEF and the participation of various NGOs.

### **Access to health services**

#### ***Paragraphs 38 to 41 of the concluding observations***

45. Various programmes for extending and improving access to health care have been adopted, in particular:

- Tajik strategy for the protection of public health for the period to 2010 (2002);
- Tajik strategic plan on reproductive health for the period to 2014 (August 2004);

- National programme for the prevention and suppression of human immunodeficiency virus, AIDS and sexually transmitted diseases (STD) in the Republic of Tajikistan for the period to 2007 (December 2000);
- National programme to control tropical diseases (malaria) for the period 1997-2005 (August 1997);
- National programme to prevent and control hepatitis B (May 2000);
- National plan of action on environmental health (May 2000);
- Programme for the promotion of a healthy lifestyle for the period to 2010 (March 2003);
- Ministry of Health programme for the promotion of breastfeeding (November 1998).

In September and October 2004, a national measles vaccination campaign was organized.

46. All these programmes are intended to deal with serious problems, such as that of reducing the maternal and infant morbidity rates.

47. Since 1997, the Government of Tajikistan has been engaged in a process of systematic reform of the health sector with a view to improving primary health care on the basis of the principles of family medicine, by broadening access to health services and making them more efficient. These reforms rely, in particular, on the injection of private capital into the health sector.

48. The Government has taken steps to adopt the international definition of live birth criteria, together with the sectoral norms and methodological recommendations. The Ministry of Health has adopted a strategy for the integrated management of childhood diseases and an immunization programme. These programmes have helped to stabilize to some extent the levels of morbidity and infant and child mortality and to achieve a high rate of immunization of children under 2 years of age. In 2005 and 2006, a comprehensive multiple indicator cluster survey was conducted to investigate issues relating to the protection of children's health.

49. The Iodization of Salt Act and the Reproductive Health and Reproductive Rights Act were adopted in 2002, and the strategy on reproductive health for the period to 2014 was adopted in 2004.

50. In 1999, the Government of Tajikistan adopted a national programme on the prevention of iron-deficiency anaemia. A preliminary evaluation of the implementation of the project was undertaken in 2001 and led to a coordinated decision to extend the programme to every region of the country.

## **Right and aims of education**

### ***Paragraphs 42 and 43 of the concluding observations***

51. Under the Tajik Constitution, secondary education is free and compulsory and spread over nine years. The national education policy document was approved by the Government in June 2002. It underpins the global reform of the education sector. The standards of the education system have been raised to international level and the legal basis for the operation of various types of private educational institutions has been established. The reform of the education system has been made possible by the support of donors such as UNICEF, UNESCO, the World Bank, the Asian Development Bank (ADB), the United States Agency for International Development and the Soros Fund. The support for the reform of the education sector provided by international donor organizations includes the donation of general education texts, assistance with school modernization and refresher courses for teachers and administrators.

52. A pilot reform programme designed for children from low-income groups is being carried out with the assistance of parents' committees and teachers' associations in the regions with high rates of non-attendance. Moreover, the Government has arranged for children from poor families to receive allowances.

53. *Human Rights* is taught for two hours a week in the 10th and 11th years of secondary school as part of the course on *Foundations of the State and the Law*. In some pilot schools in Dushanbe this subject is incorporated in the curriculum in connection with the implementation of the global education initiative, which includes a human rights component.

## **Economic exploitation**

### ***Paragraphs 48 and 49 of the concluding observations***

54. Between May and August 2005, the Government, in cooperation with UNICEF, ILO and OPEC, arranged for the independent research centre "Shark" to carry out a national survey of the extent and nature of child labour. In November 2005, the results of this survey were widely discussed at conferences attended by, among others, representatives of ministries, government bodies and local and international NGOs.

## **Sexual exploitation and sexual abuse**

### ***Paragraphs 50 to 52 of the concluding observations***

55. The Tajik Criminal Code was supplemented by article 130 (1) "Trafficking in persons" and, in 2004, by article 167 "Trafficking in minors". In the same year, the Trafficking in Persons (Prevention) Act was adopted and, in January 2005, the Interdepartmental Commission for the Study of Problems relating to Trafficking in Persons and its Prevention was established. A service responsible for combating trafficking in persons has been set up within the Organized Crime Directorate of the Ministry of Internal Affairs. In 2007, within the context of the investigation into trafficking in children carried out in Central Asia and Kazakhstan, the Presidential Centre for Strategic Studies, with financial assistance from UNICEF, began investigating the extent and nature of child trafficking in Tajikistan.

## **Administration of juvenile justice**

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

The Government recognized that the national juvenile justice legislation needed further improvement and, with UNICEF assistance, established an expert group on juvenile justice. An amendment was made to article 89 of the Criminal Code, which now stipulates that a minor who has committed a first offence of lesser seriousness may be exempted from criminal liability if it is considered that his or her behaviour could be corrected by the application of compulsory educational measures. Programmes to mitigate the administration of juvenile justice and the use of alternatives to pretrial detention and preliminary judicial investigation have been introduced in Dushanbe. Judges have received training in juvenile justice.

56. The Government intends to revise the legislation so as to protect the rights of children and, in particular, children in conflict with the law.

## **I. GENERAL MEASURES**

When it ratified the Convention in 1993, Tajikistan did not make any reservations or observations.

### **International instruments**

57. In accordance with its article 10, the Constitution has supreme legal authority and its norms are directly applicable. International legal instruments recognized by Tajikistan are an integral part of the national legal system. When national statutes conflict with recognized international legal instruments, the provisions of the international legal instruments apply. Under article 14 of the Constitution, human and civil rights and freedoms are governed and protected by the Constitution and laws of Tajikistan and by international legal instruments to which Tajikistan is party. Moreover, the Constitution and laws may restrict citizens' rights and freedoms only for the purpose of upholding the rights and freedoms of other citizens, maintaining social order and defending the constitutional system and territorial integrity of Tajikistan.

58. The Majlisi Namoyandagon and the Majlisi Oli (the two chambers of Parliament) have ratified the following international legal instruments relating to human rights:

- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1 June 1999) (ILO Convention No. 182) (8 June 2005);
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2 August 2002);
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (5 August 2002);
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1 July 2003);

- United Nations Convention against Transnational Organized Crime (8 July 2002);
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (8 July 2002).

### **Laws and regulations concerning children**

59. In order to align its national legislation on the principles and provisions of the Convention, Tajikistan is constantly endeavouring to improve its legislative base. Since the initial report was drawn up, the country has adopted the following laws and regulations:

1. Amendments and additions to the Administrative Offences Code (1999-2004)
2. Universal Military Service Act (2000)
3. National programme for the prevention and control of human immunodeficiency virus, AIDS and sexually transmitted diseases for the period to 2007 (2000)
4. Government resolution approving the Guardianship Service Regulations (2000)
5. Penal Enforcement Code (2001)
6. Medicinal Drugs and Pharmaceutical Activities Act (2001)
7. Amendments and additions to the Civil Code (2001, 2002 and 2005)
8. Amendments and additions to the Criminal Code (2001-2005)
9. Government decision approving the programme on the public education system and human rights in Tajikistan (2001)
10. Government decision approving the Military Service Regulations (2001)
11. Government decision approving the national programme on equal rights and opportunities for men and women for the period 2001-2010 (2001)
12. Government decision establishing the Commission on the Rights of the Child (2001)
13. Government decision on the payment of allowances to needy families with children attending general schools (2001)
14. Iodization of Salt Act (2002)
15. Private Medical Activity Act (2002)
16. Psychiatric Care Act (2002)
17. Reproductive Health and Reproductive Rights Act (2002)

18. Amendments and additions to the Code of Civil Procedure (2002)
19. Amendments and additions to the Labour Code (2002 and 2004)
20. Poverty reduction strategy paper (2002)
21. Government decision approving the strategy for protecting the health of the population in the period to 2010 (2002)
22. Government decision approving the general elementary and secondary school computerization programme for the period 2003-2007 (2002)
23. Amendments and additions to the Tajik Constitution (2003)
24. Youth Sports Act (2003)
25. Library Science Act (2003)
26. Basic Vocational Training Act (2003)
27. Drug Addiction (Treatment) Act (2003)
28. Radiological Safety Act (2003)
29. Public Health and Epidemiological Safety Act (2003)
30. State programme to improve the teaching and study of English and Russian for the period 2004 to 2014 (2003)
31. Government decision adopting the national plan of action for the protection of the rights and interests of the child for the period 2003 to 2010 (2003)
32. Decision of the Plenary Session of the Supreme Court on the application of the legislation in connection with the consideration of conflicts or disputes relating to childcare (2 October 2003)
33. Decision of the Plenary Session of the Supreme Court on the practice of the courts in considering divorce cases (29 May 2003)
34. Decision of the Plenary Session of the Supreme Court on the judicial mechanism for the consideration of adoption cases (2 October 2003)
35. Education Act (2004)
36. Amendments and additions to the Disabled Persons Social Protection Act (2004)
37. Government decision approving the Regulations of the Government Committee on Women's and Family Affairs (2004)

38. Government decision approving the strategic plan on reproductive health for the period to 2014 (2004)
39. Government decision approving the list of diseases that exclude the possibility of adoption and guardianship (2004)
40. Government decision on the validation of the forms of remuneration or income on which child maintenance is levied (2004)
41. Tajik Civil Code – Part 3 (2005)
42. Civil Status Records Act
43. Government decision on the plan of action to accomplish the tasks and implement the instructions in the speech delivered by the President of the Republic on the occasion of his meeting with young people in May 2005 (2005)
44. Amendments and additions to the Family Code (2006)
45. Decree of the President of the Republic on the adoption of the judicial reform programme (23 June 2007).

60. Various measures have been taken to improve conditions in the temporary detention (reception and holding) centres for minors. The grilles on windows and doors have been removed and the necessary repairs have been made, which has resulted in these centres being brought up to international standards. New regulations on temporary detention centres for minors, likewise in conformity with international standards, have been drafted and adopted.

#### **Measures taken with a view to the adoption of the global national strategy for children under the Convention**

61. The NPA was drawn up in order to put into effect the provisions of the Convention and the Committee's recommendations concerning Tajikistan's initial report and to honour the country's international obligations to protect the rights and interests of the child.

62. The objectives of the NPA are as follows: to create the necessary conditions for the effective implementation of the Convention; to improve children's quality of life; to guarantee the conditions for their survival and development; to make the public aware of the need to respect the rights of children and preserve their identity and, in particular, their nationality, name and family relations; to guarantee sufficiently effective protection for socially vulnerable groups, and to make the State and the public more responsible for protecting the rights of the child.

63. The Commission was established by a Government decision of 7 September 2001 with a view to fulfilling Tajikistan's international obligations under the Convention and other international instruments designed to protect the rights and interests of the child.

64. To enable it to accomplish its main mission, the Commission has been entrusted with the following tasks:

- To help bring the Tajik legislation into conformity with the provisions of the international instruments concerning the protection of child rights to which Tajikistan is party;
- To monitor the implementation of the Convention and other instruments concerning the protection of child rights to which Tajikistan is party;
- To coordinate the activities of the competent bodies responsible for applying the national and international norms on the protection of child rights;
- To examine and advise on draft international instruments and Tajik legislation concerning the protection of child rights;
- To help raise awareness of the national and international norms concerning the protection of child rights;
- To interact and cooperate with the executive bodies, voluntary associations and other private institutions, UNICEF and other international organizations;
- To undertake research and prepare reports and proposals concerning the implementation and improvement of the norms on the protection of child rights;
- To participate in the development and execution of programmes for the protection of child rights;
- To draw up Tajikistan's national reports on the implementation of the Convention; and
- To submit to the Government proposals for strengthening the protection of child rights.

65. The Commission is guided in its work by the Constitution and other Tajik laws and regulations, the international instruments recognized by Tajikistan and these Regulations.

66. The Commission is authorized:

- To submit to the Government, under the established procedures, proposals on the main directions and modes of fulfilment of Tajikistan's international obligations with respect to the protection of child rights;
- To instruct the competent bodies to take specific measures to protect child rights;
- To hear, at its meetings, officials of the competent bodies on matters relating to the situation with respect to the protection of child rights;
- To set up working parties and expert commissions to prepare and advise on draft laws and regulations concerning the protection of child rights and directly apply the international and national norms on the protection of these rights;

- To recruit, under the established procedures, employees of the competent bodies to work for the Commission; and
- To receive from the competent bodies documents concerning matters within its own competence.

67. The decisions of the Commission are binding on all executive bodies.

Tajikistan does not yet have an ombudsman for the rights of the child, but complaints may be lodged with the Commission.

### **Collection of data on children**

68. The State Statistics Committee and the Ministries of Education, Health, Internal Affairs, Justice, Labour and Social Protection, and other ministries collect data to form the basis for human rights policy and decision-making. Specific statistical reports are prepared at all levels: community, local executive body, district/municipality, province, and for the country as a whole. However, obtaining reliable data is not an easy process, as illustrated by the discrepancies between the data derived from independent surveys and the official statistics. The Government has taken steps to bring the procedures and methods used to obtain and record statistical data into closer conformity with those set out in international statistical standards.

### **Initiatives to promote cooperation with civil society**

69. The Commission set up a public advisory bureau for child rights observance to coordinate the activities of civil society and children-serving NGOs. This bureau was headed by a full member of the Commission. Unfortunately, due to the passivity of the NGOs, the bureau was forced to close in 2004.

70. At present, in Tajikistan there are 66 non-governmental organizations that work with children. Their activities are wide-ranging: organization of sports competitions for children, assistance with education, support for children belonging to groups at risk or in trouble with the police, and staging plays for young audiences; they also take care of orphans and deal with child labour issues.

### **Child Reference Group**

71. In order to implement the Committee's recommendations concerning Tajikistan's initial report and the direct participation of children in decision-making, in 2001, the Commission, in partnership with local NGOs and with the support of the UNICEF Office in Tajikistan and the INGO Save the Children (United Kingdom), created the Child Reference Group.

72. The Child Reference Group has 40 members. Ten of these are young journalists who, with the aid of trainers, have "translated" the official documents on the implementation of the Convention into a language accessible to children. The other 30 members of the Group are children invited to pass on their knowledge of child rights to their peers in schools, youth clubs, etc. In selecting the child members of this Group, special efforts were made to include children from secondary schools, boarding schools, special schools and institutions for children with

disabilities, as well as children who work and children involved in the activities of various NGOs.

73. Before being allowed to work independently, the children had to attend a series of training courses on facilitation, networking and peer-to-peer approaches, and the provisions of the Convention. For this purpose, a summer camp for child members of the Group was organized in July 2003.

74. Children were encouraged to participate in every stage of the project – planning, implementation and monitoring. The project also made it possible to take the opinions of the children into account in formulating policy and to strengthen collaboration between children and adults with a view to decision-making.

### **Budget appropriations for children**

75. During the last four years, expenditure on education has tripled. Though it rises every year, the pay of teachers, doctors and other professionals is still low, which has a strong influence on staff mobility and skill levels.

76. Donor capital also goes mostly to the social sector, which has led to an increase in real terms in the expenditure on children. Thus, the expenditure on health services has risen by 34.4 per cent and that on education by 22.6 per cent. In 2006, in addition to the State budget and investment projects, 80 per cent of the resources of the Presidential Fund were devoted to the development of the education system.

77. In 2007, the Government planned to spend 48 per cent of the budget on the social sector.

78. Some groups of children are entitled to free public utilities and other benefits. Under article 110 of the Pensions Act, children may receive allowances calculated as follows:

- Disabled children under the age of 16 are entitled to 100 per cent of the minimum pension;
- A child that has lost one of its parents is entitled to 50 per cent of the minimum pension (art. 36 (a));
- A child that has lost both parents (orphans without mother or father) is entitled to 100 per cent of the minimum pension;
- Mothers who have given birth to 10 or more children and raised them up to the age of 8 are, in all cases, granted an allowance equivalent to not less than 100 per cent of the minimum pension.

79. The Labour Code and the Pensions Act provide for the payment of benefits, including one-off payments, calculated as follows:

- On the birth of the first child, the parents receive a grant equal to three times the minimum wage.

- On the birth of the second child, the parents receive a grant equal to twice the minimum wage.
- On the birth of the third child and each subsequent child, the parents receive a grant equal to the minimum wage.

80. Monthly allowances amounting to 100 per cent of the minimum wage are paid to the place of work of one of the parents out of the social insurance fund until the child reaches the age of 18 months.

81. A special monthly allowance to defray the cost of electricity and gas is paid to needy families where the average monthly income, established on the basis of the income of each member of the family, does not exceed one minimum wage. To this end, the Government adopted decision No. 104 (4 March 2005) and decision No. 42 (4 February 2004) amending and supplementing the Government decision and the regulations governing the granting and payment to needy families of an allowance to defray the cost of electricity and gas. In accordance with article 12 of these Regulations, this allowance is to be granted primarily to:

- Single mothers of young children
- Large families.

82. In accordance with Government decision No. 244 of 2 May 2007 on the payment of allowances to needy families with children attending general schools, the allowances in question began to be paid to pupils on 1 January 2002. The aim of this programme is to assist low-income families with school-age children (children aged from 6 to 15 who go to school), in order to provide support for children enrolled in the general secondary education system. The allowance is received by 15 per cent of pupils.

### **International assistance**

83. After the collapse of the Soviet Union, Tajikistan suffered a destructive civil war, which ended with an historical peace agreement in June 1997. During the war much of its economy was destroyed and many lives were lost. The country is now going through a process of recovery and is directing its efforts toward sustainable development. However, it is facing serious economic and social difficulties. Poverty, still the most acute of these problems, has a particularly adverse effect on the situation of women and children, who remain socially vulnerable. The reform of the social sector is benefiting from substantial assistance provided by the European Commission, the World Bank and the Swedish International Development Cooperation Agency.

### **Dissemination of the Convention**

84. The Convention has been translated into the official language, published in two languages and widely circulated:

- The Institute for the Advanced Training of Civil Servants in the Civil Service Department of the President's Office has prepared training modules designed to ensure the dissemination of the Convention.

- The same Institute, in cooperation with UNESCO, has prepared a six-day training course for civil servants, 420 of whom have been familiarized with the Convention in this way.
- In 2003, 30 journalists received training with UNICEF support.
- In 2004, law enforcement officials received two weeks of training in child rights provided by the Children's Legal Centre (United Kingdom).
- In September 2005, a total of 100 judges took a five-day training course in juvenile justice.

85. The Child Reference Group is working in three areas, namely, the protection of the rights of the child, the promotion of the policy and practice of child participation in community affairs, and the organization of forums and other activities for children. Thus, children participated in the development and discussion of the NPA.

86. Tajikistan's initial report and the Committee's concluding observations were examined by the Commission and covered by the media.

## II. DEFINITION OF THE CHILD

87. In accordance with article 55 of the Family Code, a child is a person under 18 years of age (age of majority). The national legislation specifies a minimum age in the following cases:

### *Minimum age for receiving medical treatment*

88. From the age of 16. To obtain access to the health services a child under the age of 16 must have the consent of its parents.

### *End of compulsory education*

89. In Tajikistan, compulsory education comprises primary school (first four years) and the first four years of secondary school (fifth to ninth years). The State provides free basic general compulsory education within the public school system. In accordance with the Government decision on general secondary education, a child must start school at the age of seven (or six if so decided by a special commission). The minimum age for leaving school or interrupting compulsory education is set at 16.

### *Admission to employment or work, including hazardous work, part-time and full-time work*

90. Article 13 of the Labour Code establishes additional rights and guarantees, such as the minimum age at which a child may be employed (15, or 14 with the consent of a parent or guardian), the guarantee of employment for young people under 18, working hours and conditions of employment (shorter working hours, annual leave, etc.), the prohibition of heavy work and harsh, harmful or hazardous working conditions (harmful for health or mental development), the prohibition of night work and overtime, of work on rest days or during leave or a mission.

**These provisions are in conformity with ILO Conventions No. 5 and No. 135 (1975) and other international instruments. In June 2005, Tajikistan ratified ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.**

*Marriageable age*

91. The minimum age for marriage is 17 (in accordance with article 13 (1) of the Family Code). However, in exceptional cases, a court may lower the age by one year (to 16) (art. 13 (2) of the same Code). Under article 17 of the Constitution, men and women have equal rights. The Tajik legislation prohibits early and forced marriages throughout the national territory (art. 143 of the Criminal Code).

*Age of sexual consent*

92. Under article 139 of the Criminal Code, forcible acts of a sexual nature performed upon a person known to be a minor are punishable by deprivation of liberty for a term of between 7 and 10 years. The maximum term of imprisonment for a sexual offence against a minor is 20 years.

93. The age of consent is fixed at 16 (art. 13 of the Family Code).

*Voluntary enlistment in the armed forces*

94. A young person may not volunteer for the army until he or she has reached the age of 18 (Universal Military Service Act).

*Conscription*

95. Young people may be conscripted into the armed forces from the age of 18.

*Participation in hostilities*

96. Under the Criminal Code, the recruitment, training and financing of a minor for participation in armed conflict or military operations are punishable by deprivation of liberty for a term of from 7 to 15 years with forfeiture of property.

*Criminal responsibility*

97. In accordance with article 23 of the Criminal Code, a person who has committed an offence is criminally responsible if he or she was at least 16 at the time the offence was committed. However, the age of criminal responsibility is reduced to 14 if the child commits one of the following criminal offences: homicide (art. 104), grievous bodily harm with intent (art. 110), moderate bodily harm with intent (art. 111), kidnapping (art. 130), rape (art. 138), forcible acts of a sexual nature (art. 139), terrorism (art. 179), hostage-taking (art. 181), sabotage of a means of transport or a means of communication (art. 214), aggravated hooliganism (paragraphs 2 and 3 of art. 237), theft (art. 244), fraud (art. 247), armed robbery (art. 248), aggravated theft (art. 249) and blackmail (art. 250).

98. Paragraph 4 of the same article stipulates that if, due to retarded mental development unconnected with a mental disorder, a minor who has reached the age of criminal responsibility specified in article 23 could not, at the time of committing a socially dangerous act, have been fully aware of the true nature of his actions (or omissions) and of the danger they posed for the community or able to control himself, he cannot be held criminally responsible.

99. Before deciding to arrest, detain or punish a minor by imposing a custodial sentence, the examining magistrate, the procurator and the judge must take into account, among other circumstances, the seriousness of the charge, and the personality, occupation, age, state of health and family situation of the suspected or accused minor. Where deprivation of liberty, including arrest and detention, is necessary, the legally established minimum age is 14.

100. Article 88 (2) of the Criminal Code stipulates that, in the case of a person who, between the ages of 14 and 16, has committed several offences, including at least one serious or particularly serious offence, the aggregate custodial sentence for all the offences combined may not exceed 10 years. In the case of a person who, between the ages of 16 and 18, has committed several offences, including at least one serious or particularly serious offence, the aggregate custodial sentence for all the offences combined may not exceed 20 years (art. 88 (3) of the Criminal Code).

#### ***Capital punishment and life imprisonment***

101. Under article 59 of the Criminal Code, capital punishment may not be imposed on an offender under 18 years of age. Following the introduction of amendments and additions, the Criminal Code provides for the penalty of life imprisonment, which is not applicable to minors.

#### ***Giving testimony in court in civil and criminal cases***

102. According to article 156 of the Code of Criminal Procedure: “A person under the age of 16 summoned to appear as a witness may do so through his parents or other legal representatives.” “When witnesses under the age of 14 and, at the discretion of the examining magistrate, witnesses aged between 14 and 16 are heard, a teacher is also summoned to appear. If necessary, the legal representatives of the minor or his close relatives may also be summoned.”

103. According to article 176 of the Code of Civil Procedure: “The presiding justice explains to witnesses under 16 that they are obliged to state honestly all they know about the case in question, but they are not warned of their liability for refusal to give evidence, avoiding giving evidence or giving evidence known to be false.”

104. Under article 180 of the Code of Civil Procedure: “When witnesses under the age of 14 and, at the discretion of the examining magistrate, witnesses aged between 14 and 16 are heard, a teacher is also summoned to appear. Where necessary, the parents, adoptive parents, guardians or tutors may also be summoned.”

#### ***Lodging complaints and seeking redress before a court or other relevant authority without parental consent***

105. With respect to the lodging of complaints and claims under article 57 (2) of the Family Code: “Where the rights and legitimate interests of the child are infringed, in cases of failure by

the parents (one of the parents) to fulfil their (his/her) child-rearing obligations or in cases of the abuse of their (his/her) parental rights, the child itself may seek the protection of a guardianship or tutelary service and, if it has reached the age of 14, that of a court.”

***Participation in administrative and judicial proceedings affecting the child***

106. The question of the age of the child for the purposes of its participation in relevant administrative and judicial proceedings is examined in accordance with the Family Code. When any question relating to the fate of the child is being decided, its opinion must necessarily be taken into consideration, provided it has reached the age of 10.

107. Under article 132 of the Family Code, the opinion of a child who has reached the age of 10 must be taken into consideration for adoption purposes.

***Choosing a religion and attending religious school teaching***

108. Under the Religion and Religious Organizations Act, the choice of religion is reserved for the parents where their child is under the age of 16. The parents may, at their discretion, decide to provide their children with a religious education themselves or, if they so wish, entrust it to a religious institution. Once it has reached the age of 16, the child is free to choose its religion itself.

***Changes in identity, including change of name, modification of family relations, adoption, guardianship***

109. According to article 59 (1) of the Family Code: “At the joint request of the parents, made before the child reaches the age of 16, the guardianship and tutelage service may, in the best interests of the child, decide to change its first name, or to replace the surname it has been given with the surname of the other parent.” According to article 59.4: “If the child has reached the age of 10, it may be given the surname of the other parent or have its first name changed only if its opinion has been taken into account.”

110. Under article 125 of the Family Code, the question of adoption may not be considered unless the interests of the child are taken into account.

111. According to article 147 of the Family Code, “minors deprived of parental care are placed in guardianship or tutelage” (paragraph 1); minors under the age of 14 years are placed in guardianship (paragraph 2); minors aged between 14 and 18 are placed in tutelage (paragraph 3).

***Access to information concerning the biological family***

112. Access to information concerning the biological family is restricted, in order to preserve or guarantee the confidentiality of adoption.

***Legal capacity to inherit, to conduct property transactions, and to create or join associations***

113. Under article 32 of the Constitution, “everyone has the right to ownership and inheritance”.

114. According to article 171 (1) of the Civil Code: “Minor or disabled children of the deceased, together with his (her) disabled parents (or father-in-law and mother-in-law) or spouse inherit, irrespective of the terms of the will, at least two thirds of the share due to each of them under the law on succession (mandatory share).”

115. Article 27 of the Civil Code stipulates that “minors aged from 15 to 18 may conclude transactions with the permission of their parents (or adoptive parents) or tutors”.

116. According to article 49 of the Civil Code: “Transactions concluded by a minor under the age of 15 are invalid.”

117. Article 52 of the Civil Code states that: “A transaction concluded by a minor aged between 15 and 18 without the agreement of his/her parents, guardian or tutor may be declared invalid by a court before which the matter is brought by the parents, the guardian or the tutor.”

118. According to article 12 of the Voluntary Associations Act: “Anyone who has reached the age of 14 may be a member of a youth association. Anyone who has reached the age of 10 may be a member of a children’s association.”

### ***Consumption of alcohol and other controlled substances***

119. The legislation does not make any precise determination with regard to the consumption of alcohol or the non-medical use of potent and other psychotropic substances by minors. However, there are regulations that make persons who incite minors to consume alcohol accountable for their acts.

## **III. GENERAL PRINCIPLES**

### **A. Non-discrimination (art. 2)**

120. According to article 17 of the Constitution: “All persons are equal before the law and the courts. Men and women have equal rights.” Paragraph 1 of this article reads as follows:

“The State guarantees the rights and freedoms of every person regardless of ethnicity, race, sex, language, religion, political beliefs, education or social or property status.”

121. The Disabled Persons Social Protection Act (art. 4) also includes provisions concerning the inadmissibility of discrimination against the incapable and, in particular, disabled children. It stipulates that: “Officials and others guilty of infringing the rights and liberties and legitimate interests of disabled persons shall bear material, disciplinary, administrative and criminal responsibility under the conditions laid down by law.”

### **Non-discrimination**

122. The country is continuing the process of carrying out economic reform and building a State based on the rule of law and a civil society. Since independence, Tajikistan, as a subject of international law, has acceded to numerous international instruments in the field of human rights, among them the Convention on the Elimination of All Forms of Discrimination against Women, which was ratified on 26 June 1993. According to article 1 of the law on State guarantees of

equal rights for men and women and equal opportunities in the exercise of such rights, discrimination is taken to mean any gender-based difference, exclusion or restriction intended to weaken or nullify the declaration of equal rights for men and women in the political, economic, social and cultural areas or any other area.

Tajikistan condemns racial discrimination; it pursues a policy of not tolerating any form of racial discrimination, and its domestic legislation guarantees that any laws or decisions that give rise to racial discrimination will be overturned or rescinded. With the support of the Organization for Security and Co-operation in Europe, it has published brochures on various human rights issues, including the “Compendium of international documents concerning problems relating to the rights of girls in the field of education”, “My environmental rights and obligations” and “Rights and privileges of national minorities”.

Under the Constitution, the President of the Republic is the guarantor of respect for the human rights and freedoms it proclaims. At the same time, there is increasing awareness of the importance of the judiciary as a means of providing legal protection for individual rights and freedoms and the interests of the State, by guaranteeing respect for legality and law and order. The Constitutional Court plays a special role in the legal protection of citizens. The Constitutional Court’s decisions are final in protecting the rights of all persons whose interests could be affected by the enforcement of a legislative act held to be unconstitutional.

The Office of the Procurator-General, the Ministry of Justice, the Ministry of Internal Affairs, the State National Security Committee and the Bar are other institutional mechanisms for the protection of human rights.

### **Special measures to curtail discrimination against girls**

123. In 2002, a sociological survey of school attendance by girls was carried out in 14 of the country’s districts. The 1,500 people questioned included teachers, pupils (boys and girls) and parents. The survey showed that the school attendance rate was lower for girls than for boys. In the case of girls, failure to attend is mainly due to the family’s lack of means. It was noted that some progress had been made in improving the quality of instruction; parents had been alerted to the value of education and close contacts had been established with the *mahallia* councils and the families. There was a need to improve teaching standards and to introduce interactive teaching methods. Because of the current economic situation it has not yet been possible to implement these measures in full.

### **Children with disabilities**

124. In collaboration with the Tajik Association of the Blind and the Deaf and the Voluntary Association of the Visually Impaired and Hearing-Impaired, various NGOs, such as Special Olympiad of Tajikistan, Dilchod, the child aid funds Yatimon and Ekhyo, the National Association of Disabled Persons, the League of Disabled Women and the youth association Aurora, work with children with disabilities. Their mission is to assist these children and improve their economic and social situation. The NGOs, with the support of IREX, have conducted educational programmes for children with special needs with a view to their integration into the general school system.

### **Discrimination against children**

125. In Tajikistan, the rights of the child are governed, in particular, by the Family Code, the Civil Code, the Labour Code and the Education Act. The Government endeavours to guarantee the protection of children, but this process is much hampered by a general ignorance of the law, the fact that parents and children are unaware of their rights, and the poor social, legal and economic conditions for the implementation of the rights of the child.

The rise in the number of children is leading to a shortage of places in schools and hospitals. The lack of obstetric clinics, maternity wards and medical personnel is particularly acute in rural areas:

- Insufficient attention has been paid to the protection of the rights of children orphaned by the civil war and those whose parents (especially the father) migrate in search of work;
- Work on the rehabilitation of children with special needs and their integration into society needs to be considerably intensified;
- A broader approach should be taken to education, particularly in the districts to which forced migrants have returned and in which the population consists mainly of other ethnic groups.

### **Refugees and children from vulnerable groups**

126. According to article 16 of the Constitution: “Foreign citizens and stateless persons shall enjoy the rights and freedoms proclaimed therein and shall have the same duties and responsibilities as Tajik citizens, except in such cases as are provided for by law.

Tajikistan may offer political asylum to foreign citizens who are victims of human rights violations.”

The status of refugee or asylum-seeker is established in accordance with the Refugees Act in force. Child refugees are recorded on the certificate of one of the members of their family over 18 years of age who has freely agreed to take responsibility for the behaviour, education and support of family members under the age of 16 (art. 6 of the Refugees Act).

In order to give effect to the poverty reduction strategy paper, a global amount not exceeding one minimum wage is paid from the State budget, twice a year, to the following categories of children:

- Fatherless families;
- Families without parents;
- Families with a disabled father;
- Families with a father present but many children.

### **B. Best interests of the child (art. 3)**

127. Article 10 of the Constitution stipulates that: “International legal instruments recognized by Tajikistan are an integral part of the national legal system. When national statutes conflict with recognized international legal instruments, the provisions of the international legal instruments apply.” Thus, this constitutional rule guarantees the application by Tajikistan of the international provisions concerning the protection of the rights of the child contained in the international instruments that the country has recognized for the purpose of best safeguarding the interests of the child.

128. According to article 34 of the Constitution: “Mother and child enjoy the special protection of the State.” According to article 63 of the Family Code, provided the child’s opinion (from the age of 7) is taken into account, parents have the right to select the educational facility and form of schooling for their children until the children have completed their general basic education.

The laws and regulations in force Tajikistan provide for the opinion of the children to be taken into account when entering into legal relations of any kind. The authorities are required to pay attention to the views of the child when taking any decision affecting that child, with due account for its age and maturity.

129. The Family Code contains numerous provisions that recognize the priority accorded to the protection of the rights of minors, for example in:

- Chapter 11 on the rights of minor children;
- Chapter 20 on guardianship;
- Article 64 on the rights and obligations of the parents in relation to the protection of the rights and interests of the children;
- Article 80 on the obligations of the parents in relation to the support (maintenance) of minor children;
- Article 81 on the amount of maintenance recoverable through the courts for minor children;
- Article 95 on the obligations of brother and sisters for the support of their minor and disabled full-age siblings;
- Article 96 on the obligations of the grandparents for the support of their grandchildren;
- Article 125 on children eligible for adoption.

130. The principle of the best interests of the child is applied by the pilot units on the rights of the child (see the section on “Children deprived of their family environment”) and formulated in the Regulations governing temporary detention centres for juveniles adopted by the Ministry of Internal Affairs in 2005. The same principle is also taken into account in the guidelines concerning the mitigation of the administration of juvenile justice and in the development of

alternatives to pretrial detention and preliminary investigation within the framework of the pilot projects implemented in two districts of Dushanbe (Sino and Firdavsi).

131. It should be noted that the law does not require minors suspected or accused of an offence to give testimony. These participants in the proceedings are entitled but not obliged to do so. When an accused minor is to appear before the examining magistrate, he does so through his parents or other legal representatives (art. 144 of the Code of Criminal Procedure). At the discretion of the examining magistrate or the procurator or at the request of the defence counsel, a teacher may be present at the hearing of an accused minor under the age of 16 (art. 150 of the Code of Criminal Procedure).

132. Under article 34 of the Constitution: “The State provides for the protection of orphans and disabled children and for their upbringing and education.” Unfortunately, for the time being, the principle of the best interests of children placed in special institutions (homes) for disabled children can be applied only by placing the child in an institution as close as possible to the home of its parents, other members of the family or its guardian, so as to ensure them of free access to the child at the specified times. All children placed in children’s homes are subject to medical surveillance. These institutions do not provide special rehabilitative care; some of these children attend general schools in the vicinity of the institutions in question.

133. In all its activities the Commission on Minors’ Affairs is guided by the principle of the best interests of the child.

134. Until 1999, matters relating to the adoption of children were the responsibility of the local executive bodies. The new Family Code adopted in November 1998 introduced a court adoption procedure (art. 126 of the Family Code).

135. The Supreme Court reviewed court practice relating to the consideration of child adoption cases during the period 2000-2002 in order to detect and eliminate any errors made by the courts and other bodies required to deal with matters relating to the adoption of children deprived of the protection of their parents. This review was circulated among the country’s courts to enable them to make good the shortcomings detected.

### **C. Right to life, survival and development (art. 6)**

136. There are currently various differences and discrepancies with respect to protection and health between socio-economic groups, differences and discrepancies attributable to a series of personal, social, economic and environmental factors that affect their well-being. During the transition period the number of poor people increased considerably.

137. A majority of the population (73.4 per cent)<sup>6</sup> lives in rural areas, which suffer from serious problems of access to drinking water, public utilities, transport and other means of communication.

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<sup>6</sup> State Statistics Committee data, “Tajikistan in numbers”, 2004.

138. The process of reform of the health sector has been delayed by the preservation of the old system and inadequate funding. In 2003, expenditure on health amounted to only 0.94 per cent of GDP.

139. The health infrastructure needs to be strengthened and supplied with the necessary medical equipment and drugs, especially in rural areas.

140. Concern for mothers and children occupies a special place in State policy. During the transition to a market economy, and despite the economic difficulties, measures were taken to extend legislative protection for mothers and children. These measures provide for:

- Equality between husband and wife;
- The right of women to take their own decisions on matters of motherhood;
- The freedom to adopt contraceptive devices and methods, including surgical sterilization;
- Occupational safety measures for pregnant and nursing mothers;
- Extended maternity leave (140 calendar days in total, 156 days in case of complications in childbirth, and 180 days for mother giving birth to two or more children) with payment of an allowance under State social insurance;
- The granting of childcare leave until the child reaches the age of 18 months, with payment of an allowance under State social insurance, and additional unpaid childcare leave until the child reaches the age of 3, etc.

141. With the support of the Government and international organizations, specific national programmes for solving the priority problems of maternal and infant health have been adopted and implemented. The Ministry of Health has taken various steps: in 2002, it drew up a national strategy for the protection of public health for the period to 2010; in 2003, it organized the Fourth Congress of Obstetric Gynaecologists and, in 2004, the First National Conference on the Protection of the Health of Mother and Child.

142. Between 2002 and 2005, the country implemented various action programmes to prevent and suppress infectious diseases that can be controlled by vaccination, such as:

- The national programme for the prevention and control of human immunodeficiency virus, AIDS and sexually transmitted diseases (STD) for the period to 2007 (30 December 2000);
- The national programme to control tropical diseases (malaria) for the period 1997-2005 (4 August 1997);
- The national plan of action on environmental health (10 May 2000);
- The programme for the promotion of a healthy lifestyle to 2010 (3 March 2003).

143. By decision No. 100 of 11 May 2000, the Government adopted the national programme to prevent and control hepatitis B for the period 2000-2007. Vaccination against hepatitis B began in 2002, with UNICEF support.

144. In September 2001, the Government reached an agreement with the ADB concerning the implementation of project JFPR 9005 "Improving nutrition of poor mothers and children", with financing in the form of a grant from the Japan Fund for Poverty Reduction. The aim of this project is to improve the health of the population by iodizing salt and fortifying flour (it is intended to make iodized salt and iron-enriched flour available to 66 per cent and 33 per cent of the Tajik population, respectively). Within the framework of this project, various important measures have been taken, in particular:

- Adoption of the Iodization of Salt Act (2002);
- Decision No. 644 of the Majlisi Namoyandagon and the Majlisi Oli providing exemption from import duties for the necessary equipment and enriching agents;
- Receipt and installation of the equipment needed by the pilot flour mills to make iron-enriched flour;
- Ministry of Health decree No. 252 of 29 August 2002 authorizing the utilization of complex 1 (an enriching agent prepared by the Academy of Nutrition of Kazakhstan) on Tajik territory.

145. The registration of the births and deaths of children, particularly the deaths of infants and children under the age of five, still leaves something to be desired. The main reasons why these events are not registered in good time are as follows: the fact that the registration of births and deaths is not free of charge, the poor social and economic conditions of the population and the high percentage of home births. In 2003-2004, the Ministry of Justice and the Ministry of Health opened offices for registering the births and deaths of children in medical institutions. However, as the parents of the newborn children were unable to produce, within the time limits prescribed, the documents required for registration (marriage certificate, parents' passport, record of the child's first name), there has been no appreciable increase in the rate of registration of children's births and deaths.

146. In all those cases in which a child suffers a violent death, for example, in the cases specified in article 104 of the Criminal Code on homicide, article 105 on infanticide, article 106 on homicide perpetrated in a state of severe mental agitation, article 108 on negligent homicide and article 109 on incitement to suicide, it is mandatory to conduct an investigation and trial.

147. In order to improve the system of registration of children's births and deaths and to make the corresponding data internationally comparable, the Government, with the support of UNICEF and SDS/CARK, is implementing a project for the introduction of international definitions relating to the perinatal period and improvement of the system for recording child births and deaths, as recommended by WHO.

148. The Government attaches great importance to the intellectual, spiritual, moral and psychological development of the child. Thus, it has had incorporated in the general school

curriculum subjects such as *Odobnoma* (conduct) and *Jamiyatshinosi* (civics). The country has also organized a series of activities to protect children against various risks. By decree No. 211 of 11 April 2003, the Ministry of Education adopted a programme for preventing the use of narcotic drugs, particularly injection drugs, controlling the spread of HIV/AIDS and promoting a healthy lifestyle in educational establishments in 2002 and 2003. This programme was approved by the collegial council of the Ministry of Education on 22 February 2002. In 2003, the Ministry circulated, in Tajik, a book entitled "A Healthy Lifestyle" in 60 of the country's schools. The executive body of Sughd province is making all the necessary arrangements to carry out the tasks specified in the above-mentioned documents and is currently obtaining some encouraging results. At provincial level, a Youth Affairs Service and a Youth Centre for the Prevention of Drug Addiction and HIV/AIDS (known as "MAIL") have been established. The personnel of this Centre have prepared and circulated a number of educational booklets, brochures and calendars and are participating in seminars, meetings, training sessions and television programmes, amongst other activities.

149. Numerous projects and programmes designed to familiarize girls with issues relating to sex education and the use of contraceptives have been prepared and implemented.

150. Other information concerning the implementation of article 6 can be found in section B of part VI of this report.

#### **D. Respect for the views of the child (art. 12)**

151. Various laws in force provide for the right of the child to express its views and for those views to be taken into account when entering into legal relations of any kind.

#### **Family life**

152. According to article 65 of the Family Code: "All matters pertaining to the upbringing of children are resolved by the parents by mutual consent, on the basis of the interests of the children and with the children's opinions taken into account." With regard to information on legislative and other measures taken to safeguard the right of the child to express its views, with account for the development of its abilities within the context of family life, section 4 of the Family Code is devoted to the "rights and obligations of parents and children". Moreover, the interests of the child are mentioned in various specific articles, in particular, article 132 on the opinion of the adoptee on the adoption, article 59 on changing the child's first name and surname, article 66 on the exercise of the parental rights of a parent not living with the child and article 67 on the right of grandparents, brother and sisters and other family members to have contact with the child.

#### **School life**

153. Under the Religion and Religious Organizations Act, the parents choose their child's religion if it is under the age of 16. Once they have reached the age of 16, children are free to choose their religion and pursue religious studies independently.

154. In accordance with article 63 of the Family Code, provided the opinion of their children is taken into account, parents have the right to select the educational facility and form of schooling for their children until the children have completed their general basic education.

155. Under the model regulations on general educational institutions adopted by Government decision of 3 April 2007, youth and children's organizations and other student associations may be established in every school. These organizations are entitled to participate actively, through their representatives, in the discussions and decision-making at sessions of the school's teaching and methodological councils and to make proposals and comments at meetings with the principal. The relations between the teaching staff, administration, youth and children's associations and other student bodies are based on mutual respect and trust, responsibility and cooperation.

### **Administration of juvenile justice**

156. In accordance with article 12 of the Convention and article 48 of the Code of Criminal Procedure, a minor suspected or accused of an offence (depending on the stage of the criminal proceedings) has the right to be informed of the grounds for suspicion and of the accusations made against him, to offer explanations regarding such accusations, to present evidence, to enter applications, to challenge before a court the lawfulness of and the grounds for his arrest, to be acquainted with the records of the investigative actions in which he has participated and, at the end of the investigation, with all the documents in the case, to have the assistance of a defence counsel, to participate in the proceedings, to file objections, to appeal against the actions and decisions of the examining magistrate, procurator and judge, and to defend his rights and legitimate interests by any other means and methods consistent with the law.

157. It should be noted that the law does not require minors suspected or accused of an offence to give testimony. These participants in the proceedings are entitled but not obliged to do so. When an accused minor is to appear before the examining magistrate, he does so through his parents or other legal representatives (art. 144 of the Code of Criminal Procedure). At the discretion of the examining magistrate or the procurator or at the request of the defence counsel, a teacher may be present at the hearing of an accused minor under the age of 16 (art. 150 of the Code of Criminal Procedure).

158. If the child is unfamiliar with the language of the hearing, he has the right to give testimony and take part in the proceedings in his mother tongue and to use the services of an interpreter free of charge (art. 12 of the Code of Criminal Procedure).

159. When criminal, civil and administrative cases are being heard, the court listens to the opinion of the child and takes it into consideration if the child is called as a witness.

### **Institutionalization and alternative care**

160. Under the regulations on guardianship and tutelage, the views of the child must be taken into consideration when a guardian or tutor is being chosen.

### **Appeals**

161. Under article 31 of the Constitution, citizens have the right to appeal, individually or collectively, to the authorities. Under the Appeals Act, appeals by children must be filed by their legal representatives.

162. The Government Commission on the Rights of the Child and the Commission on Minors' Affairs endeavour to draw the attention of all the responsible bodies to matters relating to the consideration of the views of children.

### Greater awareness

163. The Government has helped to organize and execute various training programmes for all sectors of the population and the members of certain professions, in particular judges, teachers and doctors.

### Consultation

164. Tajikistan is planning to consult children by organizing children's forums and through child reference groups, in order that the views of children may be taken into account in the formulation of national child policy.

## IV. CIVIL RIGHTS AND LIBERTIES (arts.7, 8, 13 to 17, and 37 (a))

### A. Name and nationality (art. 7)

165. Every year, the Civil Registration Directorate of the Ministry of Justice analyses the activities of the country's civil register offices. Births are registered under articles 48, 49 and 159 to 165 of the Family Code and the Civil Registration Directive. The registration of births involves the recording of the following data (see Table 2).<sup>7</sup>

**Table 2**

Registration of birth							
Year	Age	Gorno-Badakhshan Autonomous Oblast	Province of Sughd	Province of Khatlon	City of Dushanbe	DAR	Total
1998	Under one	3 321	43 807	41 028	4 480	26 456	119 092
	Over one	81	979	3 562	1 910	2 925	4 558
1999	Under one	2 987	45 186	42 273	3 514	19 940	113 402
	Over one	68	1 705	4 559	3 556	4 016	13 504
2000	Under one	1 886	42 830	43 093	3 447	20 477	111 753
	Over one	83	2 342	9 220	4 209	6 707	22 561
2001	Under one	2 710	43 765	43 784	6 359	43 784	122 063
	Over one	109	3 752	15 467	8 712	15 467	39 815
2002	Under one	2 546	42 058	46 607	10 073	23 373	124 657
	Over one	132	3 935	22 887	9 887	22 887	52 508

<sup>7</sup> Ministry of Justice data.

166. The analysis showed that the number of births registered had increased sharply in recent years, due to the fact that, on 1 April 2001, the Ministry of Justice reduced the cost of the stamped paper used for drawing up birth certificates from US\$3 to US\$1 (i.e. a reduction of 66 per cent). The birth registration data can be compared with the birth rate recorded by the State Statistics Committee.

**Table 3**  
**Annual birth rate**

Year	Number of births	Birth rate per 1,000 population
1998	185 770	31.3
1999	180 900	29.8
2000	167 200	27.0
2001	171 600	27.2
2002	175 600	27.3
2003	177 900	27.1

167. Thus, in 2002, there were 175,600 births, whereas the number of registered births for children under one amounted to only 124,657. It would therefore seem that about 51,000 children, i.e. nearly 29 per cent, were not registered during their first year of life. This is an approximation insofar as children are born in the course of the year and the 2001 birth rate should also be taken into account.

168. Births and deaths are registered by the civil register offices, which forward information concerning child births and deaths to the district health offices and *jamoats* on a monthly basis. Moreover, in rural areas, register office officials, together with officials from the *jamoats*, make weekly home visits on the basis of lists provided by the health services. For their part, the *jamoat* officials visit households to confirm the registration of children recently born. If the birth of the child they have come to see has not been registered, it is registered on the spot.

169. In some urban hospitals, register office officials register children during their mother's stay in the maternity ward. However, this is not done systematically. In rural areas, the task is complicated by the distances that have to be traveled to reach the more remote communities.

170. In the maternity departments of some district hospitals, newborn babies are generally registered by a nurse overseen by the head of the department. However, the child may sometimes be born at home, for the following reasons:

- The husband, because of his religious beliefs, refuses to allow his wife to give birth in hospital;
- The birth of a (male) child may be deliberately concealed to avoid his being called up for military service in the future;

- Problems of an economic nature.

171. A birth certificate is required to obtain admission to a school and the payment of various benefits and allowances.

172. In 2005-2006, an expert group of the Government Commission on of the Rights of the Child reviewed the legislation, in particular insofar as it relates to the registration of the birth of children.

173. Thus, to raise awareness of the need to have children registered at civil register offices as soon as they are born, the Government Committee on Youth Affairs, Sport and Tourism, as part of the celebrations to mark the 10th anniversary of the ratification of the Convention and International Children's Day, organized an event called "Youth of Tajikistan for the rights of the child".

174. The main purpose of this event was to raise awareness of the need to provide children with a birth certificate (registration of children at birth). It was held in those regions of the country in which the problem is most acute, namely, in all the towns and districts of the province of Khatlon, the city of Rogun and the districts of Faizabad, Nurabad, Rasht and Tajikabad.

175. As part of a project entitled "Introduction of international definitions relating to the perinatal period and the improvement of the system of registration of child births and deaths, in accordance with the WHO recommendation", more than 350 maternity department and civil registration specialists (doctors, gynaecologists and obstetricians, neonatologists, anatomopathologists, specialists in medical statistics and register office officials) attended a training course on the registration of births and deaths.

176. In the course of their everyday activities, specialists employed in antenatal clinics, reproductive health centres, statistical agencies, civil register offices and elsewhere endeavour to raise awareness of the need to register child births and deaths.

177. Article 49 ("Establishment of the origin the child") of the Family Code requires that the birth of a child be registered at the civil register office on sight of the medical documents attesting to the birth (if it took place in a medical institution) or the statements of witnesses or other evidence (if the child was born elsewhere than in a medical institution).

The birth certificate contains the following information:

- Surname, first name and patronymic of the child;
- Date of birth;
- Date of registration of the birth in the birth register;
- First name and surname of the parents of the newborn child (father and mother);
- Date of birth;
- Stamp and signature of the head and the secretary of the register office.

178. The registration of the birth of a child at a civil register office is an extremely important event as it guarantees the right of the child to know its parents and be brought up and taken care of by them.

179. Article 34 of the Constitution and article 55.2 of the Family Code stipulate that the parents are responsible for raising their children.

180. The recognition of maternity and paternity is provided for in articles 48 to 53 of the Family Code. These provisions form the basis for the procedure for the registration of the identity of the mother and father in the register of births:

- Article 48: Basis of the rights and obligations of parents and children;
- Article 49: Establishment of the origin the child;
- Article 50: Action to establish paternity;
- Article 51: Judicial ascertainment of the fact of recognition of paternity;
- Article 52: Registration of the parents of the child in the register of births;
- Article 53: Contestation of paternity (or maternity).

181. A child has the right to remain in contact with its parents after their divorce. Adopted children are not informed of their biological parents since the information is confidential.

182. In Tajikistan, nationality issues are dealt with in several pieces of legislation. In accordance with article 15 of the Nationality Act (4 November 1995), Tajik nationality is acquired:

- By birth;
- By registration;
- By admission to citizenship;
- By restoration of Tajik nationality;
- By choice of nationality (by option), when territory changes hands or for other reasons provided for by international instruments to which Tajikistan is party;
- On other grounds for which the Act provides.

183. Article 16 of the Act stipulates that a child whose parents are Tajik citizens is itself a Tajik citizen, whatever its country of birth.

184. According to article 17, if one of the parents of the child is a Tajik citizen, the child is also a Tajik citizen.

185. Article 18 deals with the acquisition of Tajik nationality by the children of stateless persons:

- A child born of stateless parents on Tajik territory is a Tajik citizen.
- If the child is born outside of Tajikistan, but at least one of its parents was permanently resident on Tajik territory at the time of its birth, it is a Tajik citizen.
- If the child is born outside of Tajikistan and if, at the time of its birth, both parents were permanently resident outside of Tajikistan while still being Tajik citizens, the nationality of the child born outside of Tajikistan is determined by written agreement between the parents.
- A child one of whose parents was, at the time of its birth, a Tajik citizen while the other was stateless or unknown is a Tajik citizen, whatever its place of birth.

186. Under article 19, a child born on Tajik territory both of whose parents are unknown is a Tajik citizen.

187. According to article 20, a child born on Tajik territory of parents who are citizens of other countries is a Tajik citizen if these countries do not grant it their own nationality.

188. Presidential decree No. 611 of 21 November 1996 adopted the Regulations governing the procedure for considering matters relating to Tajik nationality, according to which parents of different nationalities must choose the nationality of their child by submitting a copy of its birth certificate and a written agreement indicating the chosen nationality to the competent services of the Ministry of Internal Affairs or the consular services before the child is one year old.

189. The nationality of a child under the age of 18, one of whose parents is a Tajik citizen while the other has a different nationality, may be changed on the basis of an application made by the parents in accordance with article 21 (a) (person whose spouse or direct relative is a Tajik citizen) or article 28 (b) (1) of the Act.

190. Nationality may be effectively renounced by persons who have at least one parent, a spouse or a child who possesses another nationality, or if the person leaves to reside permanently in another country under the procedure laid down. The renunciation request may be denied if the person intends to live in a country which has no agreement with Tajikistan, if the person has contracted debts with natural or legal persons, or if he or she has not discharged his or her statutory obligations to the State.

191. In the case of a child under the age of 18 who has been the subject of a guardianship or tutelage measure following the death of its parents, a change of nationality may be effected at the request of the guardian or tutor.

192. Under Tajik law, a child cannot have dual nationality if its parents hold different nationalities. In such cases, the child must acquire the nationality of one of its parents. Under the Family Code, it has the right to a nationality, whether it is born of a lawfully married couple or an unmarried woman.

### **B. Preservation of identity (art. 8)**

193. Under article 34 of the Constitution: “Mother and child enjoy the special protection of the State.”

194. Under article 1 of the Family Code: “The family, marriage, motherhood, fatherhood and childhood enjoy the protection of the State.” Thus, every child has the right to a name (art. 58 of the Code), while article 20 of the Civil Code expressly states that “the name given to a citizen at birth is subject to registration in accordance with the civil registration procedure”. Moreover, article 1 of the Constitutional Nationality Act stipulates that “the right to nationality is an inalienable human right”.

195. In accordance with the civil registration directive, in the event of a child’s birth certificate being lost it may obtain a copy. If there is no birth certificate, the guardianship and tutelage services and *jamoats* can provide information concerning the child. This information can be used by the civil register office to register the child and issue it with a birth certificate. Moreover, at the time of registration the child can correct any errors in the entry.

196. If the child is born of an unmarried mother and there is neither a joint statement by the parents nor a judgment concerning paternity, the surname of the father of the child is replaced, in the birth register, by that of the mother, and the child’s first name and patronymic are recorded on the basis of the statement made by the latter (art. 52 of the Family Code).

### **C. Freedom of expression (art. 13)**

197. Under article 30 of the Constitution, every person is guaranteed freedom of expression, freedom of the press and the right to make use of information media, while under article 14 citizens’ rights and freedoms may be restricted only in order to uphold the rights and freedoms of other citizens, maintain social order and defend the constitutional system and territorial integrity of Tajikistan.

198. Article 2 of the Press and Other Media Act stipulates that the press and other media are free. Every citizen has the right to express his beliefs and opinions freely and to disseminate them in any form in the press and other media. State censorship and prosecution for criticism are prohibited.

### **D. Freedom of thought, conscience and religion (art. 14)**

199. Under the Religion and Religious Organizations Act, where a child is under the age of 16 the choice of religion is reserved for the parents or those *in loco parentis*.

200. Children who have reached the age of 16 may choose their religion freely and pursue religious studies independently. For this purpose, there are 20 madrassas (Islamic secondary schools) as well as Sunday schools (for Christians). Between 1,600 and 2,000 children

are studying in the 20 madrassas.<sup>8</sup> The Al-Bukhari Islamic University (in Dushanbe) should also be mentioned.

201. Children may observe religious rites alone or with their parents. In accordance with their statutory rights and freedoms, children may freely attend mosques, churches and other places of worship to satisfy their religious needs.

202. Article 1 of the Constitution proclaims that Tajikistan is a sovereign, democratic, secular and unitary State under the rule of law.

Religion is separate from the State. The observance of religious rites and religious instruction are prohibited in State schools.

203. The curricula for the seventh and eighth years of general education currently reserve one hour a week for the study of the history of religion. A textbook entitled “*Tarikhi din*” (History of Religion) was prepared and printed as part of a World Bank project carried out in 1999-2001.

#### **E. Freedom of association and peaceful assembly (art. 15)**

204. Citizens who have reached the age of 18 may become members of voluntary associations. Children who have reached the age of 14 may become members of youth associations. Children who have reached the age of 10 may become members of children’s associations (art. 12 of the Voluntary Associations Act).

205. Whatever their legal form of organization, voluntary associations have the right to establish unions and other types of association on the basis of the statutes and rules adopted by these unions and associations, and to form new voluntary associations. The continuity of the unions as legal persons exists from the date of their official registration. The formation, activities, reorganization and dissolution of unions and associations, including the participation of foreign non-profit non-governmental organizations, must be consistent with the provisions of the Voluntary Associations Act (art. 10).

206. In 1998, the Ministry of Education helped to establish a National Students Association comprising three such associations (by age group), namely: *Akhmaron* (age 7-11), *Orissoni Somoniyon* (age 12-16 years) and *Somoniyon* (age 17-18). These associations are currently operational in all Ministry of Education schools.

207. Various non-governmental organizations are currently active in the field of child rights protection. These NGOs are mainly established in the larger towns and engaged in protecting the rights of socially vulnerable children.

208. Under article 159 of the Criminal Code, the establishment of political parties, voluntary associations or religious organizations whose activities entail harm to the health of others, trespass to the person or infringement of rights is a criminal offence, as is the management of such organizations.

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<sup>8</sup> Figures supplied by the Committee on Religious Affairs.

#### **F. Protection of privacy (art. 16)**

209. Under articles 144, 146, 147, 159, 172 and 173 of the Criminal Code, natural or legal persons who unlawfully gather and disseminate information concerning a person's private life, violate the confidentiality of correspondence, telephone conversations or postal communications, infringe the inviolability of the home or breach the secrecy of adoption against the will of the adoptive parents are liable to prosecution and, in particular, to a fine and/or term of imprisonment.

210. In Tajikistan there are mechanisms and procedures for ensuring that confidential information concerning children is not disclosed to unauthorized persons.

#### **G. Access to appropriate information (art. 17)**

211. With regard to measures to ensure that the child has access to information and material from a diversity of national and international sources, in recent years there has been a sharp increase in the number of children's books printed and new titles have been published.

212. Thus, for example, in 2002, there were 60 new publications for children, printed in a total of 42,000 copies. In 2003, the number of copies doubled; moreover, the private publishing and printing houses each put out three or four children's titles. The President of the Republic and the Government attach great importance to the publication of books for children. In 2002, the President allocated 150,000 somoni from his own fund to the publication of children's books, a sum which was doubled in 2003.<sup>9</sup> In 2006, the State publishing houses published 37 books for children, in a total of 37,300 copies.

213. Within the framework of the first World Bank project (1999-2001), 18 textbooks were published. Most of these, such as "*Odobnoma*" (Ethics), "*Tarikhi din*" (History of Religion), "Culture and Work" and "The Market Economy", were published for primary schools. Altogether, to conform to State standards, the school system needs 160 different textbooks.

214. The World Bank's next project envisages the publication of 60 additional textbooks, in the official language only.

215. The new textbooks contain information on the modern history of Tajikistan. Unfortunately, interactive teaching methods were not taken into account in their preparation.

216. Some textbooks will be published in Uzbek and Russian for students from those minority groups which still account for a significant proportion of the country's school population. The Embassy of the Russian Federation in Tajikistan is making a valuable contribution by supplying schools with textbooks in Russian.

217. The education system guarantees the right of those who live in our multinational country to study in their mother tongue. Thus, there are classes and schools in which the teaching is in Uzbek, Russian or Kyrgyz. The curricula of those schools which operate on the basis of official

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<sup>9</sup> Ministry of Culture data.

standards developed in Uzbekistan, the Russian Federation and Kyrgyzstan, respectively, must incorporate the teaching of Tajik (the official language), the history of the Tajik people, the geography of Tajikistan, and the basic elements of world culture and human rights.

218. A lack of resources has made it impossible to publish all the necessary textbooks in all the languages concerned. The textbooks that it is intended to provide in the languages of the national minorities of Tajikistan have not yet been published. Under the agreements concluded with the embassies of the countries in question schools will be provided with textbooks and teaching materials in the national language.

219. The following children's newspapers are published in Tajikistan: "Anboz" (5,000 copies) and "Alladin" (5,000 copies), together with the magazines "Chashma" (5,000 copies), "Istikbol" (3,000 copies) and "Akhtarakon" (3,000 copies).

220. Officials of the Ministry of Internal Affairs carry out raids on educational and cultural centres, cinemas and video-bars that exert a harmful influence on children by showing prohibited films. These raids provide an opportunity to remove from sale prohibited video material that could harm the intellectual and psychological development of the child.

#### **H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))**

221. Chapter 20 of the Criminal Code is devoted to "Offences against the family and minors" (arts. 165 to 178).

The following are prosecutable offences under the Criminal Code:

- Article 139 (2) (e) and (4) (a): Forcible acts of a sexual nature;
- Article 141: Sexual relations and other sexual acts with a person under the age of 16;
- Article 105: Infanticide;
- Articles 116 and 117: Assault and battery and Torture, respectively.

222. Penalties for acts of violence against children are specified in the following articles of the Criminal Code:

- Article 104 (2) (c): Homicide: committed against a "person known to be a minor or a person whom the offender knew to be helpless";
- Article 110 (2) (c): Serious injury to health with intent: committed against a "person known to be a minor or a person whom the offender knew to be helpless";
- Article 117 (2) (c): Torture: of a "person known to be a minor or a person whom the offender knew to be helpless or financially dependent upon him, or of a person who has been kidnapped or is being held hostage";

- Article 122 (2) (c): Forcible removal of human organs or tissues for transplantation purposes: from a “person known to be a minor”;
- Article 125 (3) (c): Infection with HIV: of a “person known to be a minor”;
- Article 126 (2) (c): Infection with a venereal disease: of a “person known to be a minor”;
- Article 130 (2) (e): Kidnapping: of a “person known to be a minor”;
- Article 131 (2) (e): False imprisonment: of a “person known to be a minor”;
- Article 132 (2) (b): Recruitment for purposes of exploitation: of a “person known to be a minor”;
- Article 138 (2) (e): Rape: of a “person known to be a minor”;
- Article 139 (2) (e): Forcible acts of a sexual nature performed on a “person known to be a minor”;
- Article 141: Sexual relations and other acts of a sexual nature with a person under the age of 16;
- Article 142 (2) (d): Acts of debauchery: committed against a “person known to be under the age of 14”;
- Article 175: Failure properly to discharge the obligation to ensure the safety and health of children;
- Article 181 (2) (e): Hostage-taking: committed against a “person known to be a minor”.

Article 69 of the Family Code on “Deprivation of parental authority” stipulates that the parents (or one of them) may be deprived of their parental authority if they:

- Fail to discharge their parental duties;
- Abuse their parental rights;
- Treat their children cruelly, in particular by subjecting them to physical or mental violence, or infringe their sexual inviolability
- Commit a deliberate offence against their children’s life or health.

223. Similarly, article 77 of the Family Code states that where there is a direct threat to the life or health of a child, the guardianship and tutelage services may decide to remove the child immediately from both or one of its parents or from other persons to whom it has been entrusted. The decision to remove the child is based mainly on its exposure to a situation or conditions that constitute a threat to its life or health. Where leaving a minor with its parents (or one of them)

poses a risk to its life or health because the parents suffer from a mental disorder or other chronic illness, a court may, having taken the best interests of the child duly into account, decide to take it away from its parents without depriving the latter of their parental rights.

224. Article 141 of the Family Code provides for the adoption of a child to be annulled if the adoptive parents treat the child cruelly.

225. A criminal sanction is a coercive measure associated with a judgment pronounced by a court. It is inflicted on a person found guilty of an offence and consists in the deprivation or restriction, in accordance with the Criminal Code, of that person's rights and liberties. It is imposed in order to right a wrong, as well as to reclaim the offender and prevent the commission of further offences. The Criminal Code does not permit corporal or capital punishment where the person convicted is under the age of 18 (art. 59 (2)).

### **Information campaigns designed to prevent children from being subjected to torture or other cruel, inhuman or degrading treatment**

226. Some newspapers and magazines ("Alladin", "Anboz", "Chashma", "Zangula", "Gul-gul", "Istikbol", "Gulchin", "Oila") are campaigning to raise public awareness of the unacceptability of acts of violence and cruelty against children in society. At the initiative of a group of experts on the prevention of the violence against children, television regularly broadcasts programmes in which the problems linked with this type of violence are debated, with the participation of the children themselves.

227. In addition to these initiatives, in the future it will also be necessary to introduce such methods of disseminating information as leaflets, booklets, plays in dialogue form, TV serials and radio broadcasts. In fact, some progress has already been made in this respect. For example, the Government Committee on Youth Affairs, Sport and Tourism and the Government Committee on Women's and Family Issues have carried out an education campaign entitled "Let's Protect Children from Violence" in the schools of the Nurabad district. Similarly, the executive body of Khatlon province and local NGOs ("Chashma", "Law and Prosperity", "Dilafruz", "Oksana", "Lady Leader" and "Navnikhol") have collaborated on violence prevention projects. Special rehabilitation centres for women and children have been opened in the cities of Kurgan-Tyube and Kulyab, and in the districts of Kolkhozabad and Shaartuz. Some NGOs involved in programmes to prevent violence against women and children publish educational and methodological material in the form of brochures, booklets, quick reference guides and leaflets. However, not enough copies are being published. Some people favour coercive methods of bringing up children, although such an approach infringes the rights of the child. Unfortunately, it is often this attitude that prevails in pre-school establishments, schools and families.

228. Where violence against women and children is concerned, literature, the theatre and the media, especially television, can exert a powerful influence on parents and teachers. This potential is not yet being fully exploited.

### **Educational activities**

229. In the course of their activities ministries and government agencies find themselves faced with the question of the unacceptability of violence against children. Thus, the Ministry of Education, together with:

- The Office of the Procurator-General, the Ministries of Health and Internal Affairs and the Government Drug Control Agency, has organized a round table on the prevention of juvenile offending and delinquency, with the participation of university students and lecturers
- The Commission on Minors' Affairs of the Sino district of Dushanbe, the voluntary association "Nasli Navras" and the NGO "Law and Prosperity" has carried out raids designed to prevent the physical and mental abuse of children in the *mahallia* of Dushanbe;
- The international NGO "ORA International", the Association of Jurists "Open Doors" and the NGO "Nasli Navras", has given boarding school teachers six-month training courses in social work.

230. The Ministry of Labour and Social Protection, in collaboration with the international NGO "Children's Legal Centre" and UNICEF, has provided teachers and instructors in the Special Vocational and Technical Institute (a secure institution for boys aged 14 to 18) with training in the unacceptability of the use of corporal punishment and the art of instilling in the pupils a discipline not based on recourse to violence.

231. The Ministry of Internal Affairs, the Ministry of Justice and the Office of the Procurator-General have organized, for deputy directors of the education services, a national scientific and methodological seminar on working with problem adolescents, at which the questions of prevention of violence against children and juvenile delinquency were discussed.

232. Moreover, the Government Commission on the Rights of the Child has taken the initiative in setting up a network for exchanging information on the prevention of violence against children, with the assistance of the media and the members of an expert group.

### **Measures for the rehabilitation and reintegration of the child**

233. Tajikistan lacks experience in the rehabilitation and reintegration of children who have been subjected to torture or cruel treatment. However, some progress has been made in this area, especially with respect to girls who have been victims of sexual abuse and sexual exploitation.

### **Measures taken to prevent offenders going unpunished**

234. Chapter 10 of the Criminal Code (arts. 60 to 71), entitled "Awarding of Penalties", defines the general principles underlying the awarding of penalties, the attenuating and aggravating circumstances, the penalties applicable in cases of concurrence of offences and the accumulation of sentences, and the procedure for establishing the duration of penalties where they are accumulated.

### **Independent surveillance system**

235. Article 31 of the Constitution states that: “Citizens may appeal to the authorities, individually or collectively.” The Appeals Act is intended to protect the interests of citizens and to enable them to exercise their right to apply to any public authority, association or official in defence of their interests. The Act also defines the competence and powers of public authorities, associations and officials with respect to the timely, professional and objective consideration of appeals.

236. Article 4 of the same Act lays down the procedure for the submission of complaints and petitions by citizens whose rights have been violated, their attorneys and any other person or organization involved in the protection of human rights. Complaints or petitions on behalf of minors or persons who lack legal capacity must be lodged by their legal representatives.

237. Under article 163 of the Criminal Code, anyone who infringes the legislation on citizens’ appeals will be liable to criminal prosecution.

238. The child has the right to have its rights and legitimate interests protected. The question of the protection of the rights and legitimate interests of the child must be clearly understood by the parents (or those *in loco parentis*) and, in the cases specified by the Family Code, by the guardianship and tutelage services, the procurator and the court. In defence of its rights and legitimate interests, the child has the right to apply to the guardianship and tutelage services and, if it has reached the age of 14, a court (art. 57 of the Family Code).

239. The question of the protection of the rights and legitimate interests of the child is also regulated by the provisions of the Administrative Offences Code (arts. 172 and 173) and is dealt with in a special chapter of the Criminal Code entitled “Offences against the family and minors” (Chapter 20).

240. Every year, the Official Gazette publishes a review of citizens’ appeals received by the services of Office of the President of the Republic.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (arts. 5, 18 (1) and (2); 9 to 11; 19 to 21; 25; 27 (4); and 39**

### **A. Right of the parents to care for their child<sup>10</sup>**

#### **Structure of the family**

241. In accordance with article 33 of the Constitution, as the foundation of society, the family enjoys the protection of the State. Everyone has the right to found a family. Men and women of marriageable age are free to marry. Spouses have equal rights in family relations and the dissolution of marriage. The traditional concept of the family still holds sway in Tajikistan, as does the authority of the parents over the family. According to the 2000 census, the average household consists of 5.8 persons. The average is 4.5 in the cities and 6.5 in the rural areas.

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<sup>10</sup> MICS, 2000.

Households consisting of at least 10 people account for 10.8 per cent of the total. The typical family consists of at least three married couples, with or without children, who live with other relatives, and the average family size is 13.1 people. In traditional families, the parents exert a powerful influence on the lives of their children: they choose the school they will attend, as well as their occupation, place of work and future spouse. The culture, mother tongue, historical values and national traditions of minorities (Uzbek, Kyrgyz, Turkmen, Russian, etc.) are preserved within the family.

242. The average age for marriage is 22.9 (22.7 for men and 23.5 for women). In 1999, the average was 24.7 for men and 21.4 for women. However, there are no data on the average age of women when their first child is born.

243. The divorce rate is 0.8 per 1,000 population (in 1994). In rural areas and outer suburbs, the parents prefer to live within the extended family, whereas in the cities they prefer to live separately from their adult children.

### **B. Parental responsibilities (arts. 18 (1) and (2))**

244. Under article 34 of the Constitution: “Mother and child enjoy the special protection of the State. Parents are responsible for raising their children, and children who are adult and able to work have an obligation to look after their parents.”

245. The rights and duties of the parents with respect to their children commence with the birth of the child. In accordance with article 55 of the Family Code, every person has the right to life and the right to be brought up in a family. The child has the right to be taken care of by its parents and to have its interests protected, as well as the right to harmonious development and respect for its dignity. Where the parents are dead or have been deprived of their parental authority, or in other cases of deprivation of parental support, the right of the child to be brought up in a family is guaranteed by the guardianship and tutelage services.

246. The dissolution or annulment of the parents’ marriage or their separation has no effect on the rights of the child. The parents have equal rights with respect to their children and assume equal obligations (parental rights). They have the right and the duty to raise their children. Parents are responsible for bringing up their children, by guaranteeing their health and physical, intellectual, spiritual and moral development, and for their receiving an education and vocational training (art. 63 of the Family Code). They decide by mutual agreement all matters relating to the raising of the children, with due consideration for their interests and views. In the event of disagreement, they have the right to turn to the guardianship and tutelage service or a court to settle the dispute.

247. Under article 65 of the Family Code, the place of residence of the children when the parents separate is determined by mutual agreement between the parents. Where there is no agreement, the dispute is settled by a court, which will take into account the interests and views of the child. The court must also take into consideration the attachment of the child to each of its parents and to its brothers and sisters, the age of the child, the moral and other personal qualities of the parents, the existing relations between the child and each of its parents and the possibility of creating the right conditions for the child’s upbringing and development. The parent who does not live with the child has the right to maintain contact with it and is required to participate in its

upbringing and in the making of decisions concerning its education. The parent who lives with the child may not prevent it from maintaining contact with its other parent.

248. In accordance with the article 66 of the Family Code, the parent who does not live with the child has the right to receive information about the child from educational, health and other institutions. The communication of this information may only be denied if the parent in question poses a threat to the life or health of the child.

### **C. Separation from parents (art. 9)**

249. Article 69 of the Family Code deals with the circumstances in which parents may be deprived of parental authority. The circumstances in question are those in which the parents:

- Fail to fulfil their parental obligations, and in particular deliberately refrain from paying maintenance;
- Refuse, without good cause, to remove their child from the maternity hospital or other healthcare or educational institution;
- Abuse their parental rights;
- Treat their children cruelly, in particular by subjecting them to physical or mental violence or infringing their sexual inviolability;
- Are chronic alcoholics or drug addicts; or
- Have committed a deliberate offence against their children's life or health.

250. Under article 75 of the Family Code, parents whose parental rights are restricted by a court may be authorized to remain in contact with their child provided there is no harmful effect on the child or threat to its life or health. Contact between the parents and their child is permitted with the consent of the guardianship and tutelage services or the administration of the care institution.

251. Chapter 20 of the Family Code deals with the guardianship and tutelage measures applicable to minors.

### **D. Family reunification (art. 10)**

252. This is not a matter of current concern in Tajikistan. As already pointed out, the number of refugees in the country is negligibly small.

### **E. Illicit transfer and non-return (art. 11)**

253. The cross-border transport of children is tightly controlled by the authorities, in particular the Directorate General of Border Forces of the State Committee for National Security and the Customs Service, with a view to preventing cases of illicit transfer. A child may cross the frontier only with the agreement of both parents.

#### **F. Recovery of maintenance (art. 27 (4))**

254. Under article 80 of the Family Code, if the parents fail to provide for the needs of their minor children, judicial proceedings to recover maintenance may be brought against them. Parents are obliged to provide for their disabled adult children if they are in need of assistance. In the absence of agreement concerning the payment of maintenance, the amount of maintenance payable to disabled adult children is determined by the court in the form of a fixed sum.

255. Under the Criminal Code, the malicious non-payment by parents (beyond three months) of their minor children's maintenance, or that of their disabled children over the age of 18, renders them liable to criminal prosecution (art. 177). Between 1998 and 2002, the courts considered 43 cases of malicious non-payment of maintenance. Thirty of these cases were dropped as a result of the settlement of the debt by the accused, while the other 13 resulted in convictions.<sup>11</sup>

256. The Government determines the types of earnings and other income, including in foreign currency, that may be taken into consideration when fixing the amount of the maintenance to be paid to the child (art. 82 of the Family Code). On 1 October 2004, it adopted decision No. 407 on the determination of the types of earnings and other income from which maintenance payable to minor children may be withheld.

#### **G. Children deprived of their family environment (art. 20)**

257. Chapter 18 of the Family Code, entitled "Identification of children deprived of parental support and arrangements made on their behalf", and its Chapter 20, entitled "Guardianship and tutelage measures concerning minors", are wholly devoted to children deprived of a family upbringing.

258. For decades, the system for the education and care of children was organized and developed on the basis of the Soviet model. However, for some time there has been an awareness of the need for a radical reform of the system and the creation of alternative structures. At the same time, the number of children whose families live in hardship and cannot count on proper support from the State continues to increase. Because alternative services are underdeveloped, the country continues to rely on the traditional system of public institutions for children. The problem is being aggravated by the lack of specialists, such as social workers, able to work with families and provide them with support, to prevent the children from being placed in boarding schools. Very few children are adopted.

259. The post-war period had a negative impact on most families. The number of children placed in public institutions increased, a sure sign of family crisis. Poverty, unemployment, the rising number of divorces, the long absences of migrant workers, alcoholism and drug addiction weakened family ties.

260. Albeit an extreme solution, institutionalization is indispensable where, in the midst of an economic crisis, there are no other services or programmes providing family support. The lack of an alternative approach to the right of the child to be brought up in a family is receiving the close

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<sup>11</sup> Council of Justice data.

attention of the Government, which is already finding it very difficult to provide the boarding institutions with the necessary funding. The potential of the de-institutionalization process means that, provided families receive assistance and financial support, family incomes will increase and the number of children placed in boarding institutions will diminish. The Government Commission on the Rights of the Child is currently working on a national policy and a national programme relating to non-institutionalized services on behalf of children deprived of a family upbringing. With the support of UNICEF, the country is carrying out a series of pilot de-institutionalization projects. Unfortunately, de-institutionalization is not being accompanied by the creation and development of services for children at community level, such as the organization of nursery schools, advice bureaus and family support.

261. In 2003, there were 92 public institutions accommodating more than 10,000 children. Of these children 5,474 were living in 31 boarding schools for orphans and children from needy families; 1,951 in 17 special institutions for disabled children; 162 in 4 children's homes; 878 in 9 child refuges; 27 in 4 institutions for children in conflict with the law, and 1,444 in 27 pre-school boarding institutions (general schools equipped with a dormitory, for lack of a school close to the children's home).<sup>12</sup>

262. The orphans currently institutionalized account for only a small proportion (between 15 and 20 per cent) of the total, the overwhelming majority of orphans being what it is customary to call "social orphans". This term is applied to children both (or one) of whose parents are still alive but cannot or will not take care of their children. The basic reasons for placing children in boarding schools, the contacts between children living in boarding institutions and their family, family relations and family circumstances seen through the eyes of the child, and the attitude of parents to alcohol and drugs formed the subject of a survey carried out in the No. 2 S. Urunkhodzhayev pilot boarding school in the B. Gafurov district of Sughd province. This survey showed that:

- 51.1 per cent of the children were placed in this boarding school by the education service of the B. Gafurov district;
- 5.8 per cent of the children were placed there by the provincial education service;
- 24.8 per cent of the children were admitted on the basis of an application addressed to and approved by the director;
- 17.4 per cent of the children were not in possession of any order or application for placement in the institution;
- 0.7 per cent of the children were placed there by the education services of other *khukumats*.

263. A pilot child rights service was established in the B. Gafurov district of Sughd province and made responsible for taking the final decision on the placement of a child in the boarding

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<sup>12</sup> Data provided by the Ministries of Education, Health, and Labour and Social Protection.

school. As the experiment proved successful, child rights services were opened in the cities of Dushanbe, Kurgan-Tyube, Isfar and Kanibadam. They employ trained social workers whose role is to work with the families to avoid crises and the institutionalization of the children.

#### **H. Adoption (art. 21)**

264. Under article 125 of the Family Code, the adoption of minors is authorized only if it is in their best interests. Article 126 of the same Code establishes the adoption procedure. The adoption of a child is ordered by a court following the submission of an application by the persons wishing to adopt the child. Adoption cases are considered by the court under a special procedure. To adopt a child, it is first necessary to obtain the consent of its parents. The guardianship and tutelage services advise the court on the compatibility of adoption with the best interests of the child (art. 129 of the Family Code).

265. The consent of the parents must be contained in the application, authenticated by the administration of the institution housing the child left without parental support and by the guardianship and tutelage services of the place in which the adoption proceedings are to take place or of the place of residence of the parents, and it must also be expressed directly to the court in the course of the adoption proceedings. The parents may withdraw their consent before the court orders the adoption. They may give their consent to the adoption of the child by a specific person or without indicating a specific person (art. 129 of the Family Code). The consent of the parents is not required in the following circumstances: they are not known; they have been found incompetent by a court; a court has deprived them of their parental authority; for reasons deemed unacceptable by the court, they are no longer living with the child and have not provided for its upbringing or support for more than six months (art. 130 of the Family Code).

266. If the child for adoption has been the subject of a guardianship or tutelage measure, the written consent of the guardian or tutor must be produced (art. 131 of the Family Code). If the child has been left without parental support and placed in an educational or medical institution, a social protection institution or any other institution of a similar nature, the written consent of the director of the institution in question must be produced. In the interests of the child, the court may order adoption without the consent of the persons concerned.

267. Under article 137 of the Family Code, adopted children and their descendants in relation to the adoptive parents and members of their family, as well as the adoptive parents and members of their family in relation to the adopted children and their descendants, are placed on an equal footing as regards their property and non-property rights and obligations with respect to members of their biological family. Adopted children lose their personal property and non-property rights and are released from their obligations in relation to their parents and other members of their family. A child who, at the time of its adoption, was entitled to a pension and allowances in connection with the death of its parents retains this right (art. 138 of the Family Code).

268. The views of a child over the age of 10 must be taken into consideration for adoption purposes (art. 132 of the Family Code).

269. In accordance with article 123 of the Family Code, officials of institutions (nurseries, schools, medical centres, etc.) and other in possession of information about children whose

parents have died, have been deprived, wholly or partially, of their parental authority, have been ruled incompetent, are ill or absent or for a long time have not been taking care of their children must communicate that information to the guardianship and tutelage services, which must inspect the child's living conditions within three days of receiving the information. If it turns out that the child is not receiving the appropriate care, these services are required to take the necessary measures to protect its rights and legitimate interests. Regrettably, however, the local authorities do not often resort to adoption as a means of caring for children deprived of parental support.

270. Where inter-country adoption is concerned, Tajikistan has not yet acceded to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. After the country became independent, the courts considered 10 cases of adoption of Tajik children by foreign nationals. The adoptive parents were citizens of the United States (three children), the former Federal Republic of Germany (six children) and Poland (one child).

### **I. Periodic review of placement (art. 25)**

271. The Regulations governing the guardianship and tutelage services were adopted by a Government decision dated 11 March 2000:

- Paragraph 8 of these regulations establishes the rights and obligations of the guardianship and tutelage services. They must oversee the way in which the guardians and tutors fulfil their obligations and, where necessary, revoke the guardianship or tutelage if the living conditions of the child deteriorate. Under paragraph 34 of the Regulations, these services must visit the child twice yearly at the place where it lives;
- When visiting guardians and tutors, it is essential to take into consideration the living conditions of the child, its state of health, its education, its participation in social life, its leisure activities and, if it is employed, its working conditions and ability to reconcile its studies with its employment.

272. During visits to children under the care of guardians or tutors, these services also look into such matters as the children's education and the attitude towards them of the guardians or tutors and the other members of their family. Moreover, they verify the financial situation and living conditions of the child, as well as any of the child's property that may have been entrusted to its guardians.

273. After each visit, the representative of the guardianship and tutelage service writes a report containing proposals for correcting any shortcomings observed.

274. Where the child is returned to its parents (when it reaches the age of 18) or is adopted or placed in a public institution, the guardianship and tutelage services discharge the guardians from their obligations. Moreover, where guardians are unable to fulfil their obligations towards the child, the guardianship and tutelage service may discharge them from their obligation to take care of the child.

**J. Maltreatment and neglect (art. 19), in particular physical and psychological recovery and social reintegration (art. 39)**

275. The legal basis for the efforts to combat violence against children consists of the Constitution and other laws of the Republic of Tajikistan, Presidential decrees and Government decisions. The Tajik legislation is aimed at protecting the child against all forms of physical, sexual and mental abuse, bodily harm, maltreatment, neglect and exploitation.

Under Chapter 20 of the Criminal Code entitled “Offences against the family and minors” (arts. 165 to 178), the perpetrators of the following offences are liable to criminal prosecution:

- Inciting a minor to commit an offence;
- Inciting a minor to commit antisocial acts;
- Trafficking in minors;
- Giving a daughter in marriage before she has reached marriageable age;
- Unlawful adoption;
- Violation of the confidentiality of adoption;
- Failure to fulfil the obligations relating to the education of minors;
- Failure properly to discharge the obligation to ensure the safety and health of children;
- Article 139: Sexual abuse;
- Article 141: Sexual relations and other acts of a sexual nature performed on a person under the age of 16;
- Homicide: committed “against a person known to be a minor” (paragraph 2 (c));
- Article 105: Infanticide;
- Article 110: Grievous bodily harm with intent” (paragraph 2 (c)) committed against a “person known to be a minor”;
- Article 116: Assault and battery”;
- Article 117: Torture (paragraph 2 (c)) inflicted on a “person known to be a minor”;
- Article 131: False imprisonment (paragraph 2(e)) of a “person known to be a minor”;
- Article 132: Recruitment for purposes of exploitation (paragraph 2 (b) of a “person known to be a minor”;

- Article 166: Inciting a minor to commit antisocial acts; and
- Article 167: Trafficking in minors.

276. In conformity with the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, corresponding provisions have been incorporated in articles 166, 167 and 241 of the Criminal Code.

277. Offences involving violence are punishable with a fine or deprivation of liberty. Torturing a minor (art. 117 of the Criminal Code) is punishable with deprivation of liberty for a term of three to seven years. Under article 139 of the Criminal Code, “sexual abuse” inflicted on a minor is punishable with deprivation of liberty for a term of seven to ten years.

278. Under article 140, “forcing another to perform acts of a sexual nature” is punishable with a fine equivalent to 500 to 700 times the minimum wage or deduction of earnings for up to two years or deprivation of liberty for a maximum term of two years.

279. Sodomization, acts of lesbianism and other acts of a sexual nature accompanied by violence or the threat of violence and performed on a person known to be a minor are punishable with deprivation of liberty for a term of from seven to ten years (art. 139 of the Criminal Code). The same acts performed on a person known to be under the age of 14 are punishable with deprivation of liberty for a term of from 15 to 20 years.

280. Sexual relations with a person known to be under the age of 16, together with sodomization and lesbian and other acts of a sexual nature performed on such a person are punishable with deprivation of liberty for a term of from two to five years (art. 141 of the Criminal Code). The same acts performed:

- Within the context of abuse of authority
- By a parent, a teacher or another person responsible for bringing up a child

are punishable with deprivation of liberty for a term of from three to five years with loss of the right to hold certain posts or engage in certain activities for a maximum of three years.

281. The giving away in marriage of a girl who has not attained marriageable age, by her parents or guardians, or by persons exercising authority over her, and likewise the brokering of such a marriage or the offering of inducements to such persons to give a girl away is punishable by deduction of earnings for up to two years or restriction of liberty for up to five years. Under article 13 of the Family Code, the age for marriage is fixed at 17. In exceptional circumstances and at the request of the persons wishing to marry, a court may lower this age, but not by more than one year.

282. Inciting a minor systematically to consume alcoholic beverages or narcotic drugs or to become a prostitute, a vagrant or a beggar, or inciting to acts linked with the production of pornographic materials or objects, is punishable with deduction of earnings for a maximum of one year or deprivation of liberty for a maximum of two years. If committed by a parent, a teacher or any other person legally responsible for bringing up the minor, these offences are punishable by deprivation of liberty for a maximum of three years with loss of the right to hold

certain posts or engage in certain activities for a maximum of three years. If they are committed against two or more minors and the perpetrators resort to violence or the threat of the violence or commit them repeatedly, these acts are punishable with deprivation of liberty for a maximum of five years with loss of the right to hold certain posts or engage in certain activities for a period of between two and five years.

283. Trafficking in minors, that is, buying and selling persons known to be minors, is punishable with deprivation of liberty for a term of five to eight years with forfeiture of property. If committed repeatedly against two or more minors by a group of persons acting in concert, with abuse of authority and transfer of a minor across the Tajik border for the purpose of involvement in crime or other antisocial activity, or for the removal of organs and tissues for transplantation purposes, these acts are punishable with deprivation of liberty for a term of between eight and twelve years with forfeiture of property. If these acts are committed by an organized group or result in death or have other serious consequences, the maximum sentence may be increased from 12 to 15 years.

### **Procedure for hearing complaints**

284. As mentioned above, under article 57 of the Family Code, the child is entitled to have its rights and legitimate interests protected. This protection is provided by the parents (or those *in loco parentis*), the guardianship and tutelage services, the procurator and the court. Where its rights and legitimate interests are infringed, and in particular in cases of abuse of parental rights, the child may apply to the guardianship service itself and, if it has reached the age of 14, to a court. Under article 31 of the Constitution, “citizens have the right to appeal, individually or collectively, to the authorities”. The Appeals Act is intended precisely to protect the interests of citizens and to enable them to exercise their right to apply to any public authority, association or official in defence of their rights and interests. The Act also requires authorities, associations and officials to consider appeals in a timely, professional and objective fashion. Complaints and petitions on behalf of minors and the legally incompetent are lodged by their legal representatives.

### **Institutional structures responsible for responding to violence against children**

285. The following institutional structures and mechanisms serve to monitor and respond to violence against children:

- Government Commission on the Rights of the Child and Commission on Minors’ Affairs;
- Inspectorate for Minors’ Affairs and Temporary Detention Centres for Minors (reception and holding centres), under the Ministry of Internal Affairs;
- Commissions on the rights of the child and commissions on minors’ affairs attached to local executive bodies;
- Provincial, municipal and district education boards attached to local executive bodies;

- Provincial, municipal and district guardianship and tutelage services;
- Local minors' affairs inspectors and minors' affairs inspectorates attached to the Internal Affairs Service;
- Within the Office of the Procurator-General and the provincial, municipal and district prosecution services there are units and teams of assistant procurators responsible for overseeing the application of the legislation on minors and young people.

286. Part of the annual budget expenditure on the law enforcement agencies, the court system and the prosecution services is earmarked for preventing violence against children and protecting them from such violence. Moreover, the Commission on the Rights of the Child has set up an expert group on the prevention of violence against children, with financial support from the UNICEF Office in Tajikistan.

### **Role of civil society in solving the problem of violence against children**

287. It should be noted that, alongside the public authorities, the non-governmental organizations and international funds are making an undeniable contribution to solving the problem of violence against children and preventing such violence, by conducting sociological surveys, developing special programmes for the prevention of violence and taking various steps to inform the public and raise awareness of the need to prevent the cruel treatment of children.

- The NGO Psychological Support Centre (Dushanbe), in collaboration with the training centre of the Norwegian Refugee Council, has organized training courses for child psychologists;
- Moral and spiritual education programmes for young people have been drawn up and the Tajik Association of Women of Science has carried out an action called "16 Days without Violence";
- A mobile group of young trainers, operating on the "peer-to-peer" principle has been set up. Forty children aged between 14 and 18 have carried out surveys and actions and staged plays in Dushanbe and other districts;
- Teenagers can use a 24/24 confidential call service managed by the Association of Women of Science, with the support of UNICEF;
- Within the context of the de-institutionalization project, the Ministry of Labour and Social Protection has begun collaborating with the University of Stockholm (Sweden) on the theoretical and pedagogical training of future social workers;
- Within the context of the juvenile justice project, with the technical support of the Children's Legal Centre of the University of Essex (United Kingdom), a start has been made on the project for the mitigation of the administration of justice in the case of minors and the application of alternatives to pretrial detention and preliminary investigation;

- Various NGOs are participating in the implementation of programmes for the prevention of violence against women and children. These NGOs are preparing educational materials, leaflets, booklets and modules;
- UNICEF and the Information and Research Centre “Open Asia” have carried out a survey of violence against children in Tajikistan (2000-2001);
- The Government Commission on the Rights of the Child, UNICEF and a group of experts on violence have analysed the situation with respect to the “Problem of violence against children in Tajikistan” (2003). The aim was to give the public a better understanding of the problems linked with violence and to raise awareness of the question of violence against children. United Nations Development Fund for Women and the Tajik Association of Women of Science have collaborated on the implementation of a project entitled “Raising public awareness of the issue of violence against women in the family and the workplace”. They have also drawn up a report on the conclusions of the sociological survey carried out in 2002 within the context of the regional information campaign entitled “A life free of violence”.

### **Objectives of the policy and programmes for combating violence against children**

288. Part of the national plan of action for the protection of the rights and interests of the child for the period 2003-2010 is devoted to the prevention of violence against children.

289. The Government Committee on Youth Affairs, Sport and Tourism and the Government Committee on Women’s and Family Affairs have carried out campaigns under the slogan “Let’s protect children from violence” in schools in the Nurabad district. Moreover, the executive agency in Khatlon province and local NGOs (“Chashma”, “Law and Prosperity”, “Dilafruz”, “Oksana”, “Lady Leader” and “Navnikhol”) have collaborated on the implementation of violence prevention projects. Special rehabilitation centres for women and children have been opened in the cities of Kurgan-Tyube and Kulyab and in the districts of Kolkhozabad and Shaartuz.

290. Moreover, Government representatives have participated in a series of international conferences at which the question of violence against children was raised, in particular during the work of the conferences on “The Young Generation in Danger” (Stockholm, July 2001), “The Right of the Child to Live and be Raised in a Family” (Stockholm, May 2003), “Violence against Children” (Warsaw, August 2003) and “Making Europe and Central Asia Fit for Children” (Sarajevo, May 2004).

### **Data collection and analysis and scientific research**

291. The Supreme Court periodically reviews court practice in criminal cases relating to juveniles, and twice a year the services of the Procurator-General review investigative and court practice in this field.

292. Whenever a child suffers a violent death, criminal proceedings are instituted and an investigation is conducted under the Criminal Code.

293. In 2001, 130 offences were committed against children, while in 2002-2003 there were 402.<sup>13</sup>

### **Information, protection and education**

294. The members of the expert group on the prevention of violence against children, which reports to the Commission on the Rights of the Child, have begun working with the media on the launching of information campaigns.

295. Specialists who work with children, and in particular nursery school staff, school teachers, officials from local executive bodies, psychologists and health personnel, are regarded as professionals with an important role to play, namely, to ensure that cases of child maltreatment are quickly detected and the appropriate action is taken. They all receive training and are familiar with the risk factors associated with cruelty to children, as well as with the procedure to follow if they suspect that a child has been a victim of violence.

## **VI. HEALTH AND WELL-BEING**

### **A. Disabled children (art. 23)**

296. According to estimates, the number of Tajik children with some form of disability varies between 11,400 and 19,500.<sup>14</sup>

**Table 4**  
**Forms of disability and number of disabled children**

<b>Disability (form/group)</b>	<b>Number of children</b>
Mental retardation	137
Mild form of disability	422
Deafness/blindness	3,133
Severe form of disability	906
Motor disturbance	533
Other forms of disability	2,550
<b>Total</b>	<b>7,681</b>

297. The Regulations of the Ministry of Labour and Social Protection make the Ministry responsible for “preparing and implementing measures designed to create the conditions necessary for the social adaptation and integration of people with disabilities, in particular disabled children”. As a means of implementing these Regulations, the system operated by the Ministry includes various establishments for providing disabled people with social and

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<sup>13</sup> Ministry of Internal Affairs data.

<sup>14</sup> Data provided by the Ministry of Health and the Ministry of Labour and Social Protection.

rehabilitation services, including the Chorbog home for mentally retarded children in Dushanbe, the home for old people, people with disabilities and mentally retarded children in the city of Penjikent, and the children's section of the Yavan home for old people and people with disabilities. The activities of these institutions are overseen by the Ministries of Labour and Social Protection, Health, and Education, as well as by the local executive bodies. It is intended to establish within the Ministry of Labour and Social Protection, with financial support from UNICEF, a new service to be known as the "Department for the Social Protection of the Family and Children", which will be responsible for setting up a comprehensive system of support for motherhood and childhood and families with minor children.

298. Whereas the Chorbog home for mentally retarded children in Dushanbe has operated throughout the period in question, the children's services of the homes in Penjikent and Yavan district were first established in 2000. The following table shows the number of disabled children being cared for in these institutions.

**Table 5**  
**Number of children being cared for in various institutions, 1998-2002**

<b>Year</b>	<b>Chorbog</b>	<b>Yavan</b>	<b>Penjikent</b>
<b>1998</b>	100	-	-
<b>1999</b>	63	19	12
<b>2000</b>	83	26	17
<b>2001</b>	95	43	22
<b>2002</b>	90	32	16

299. The children being cared for in these institutions generally come from children's homes and almost nothing is known of their parents. Only a very small number of the children admitted to these institutions were sent there by their family. Where placement in public homes for disabled children is concerned, the principle of the best interests of the child is applied only insofar as children are placed in an institution close to the family home so as to facilitate contact between the family and the child. Following a fire, the Chorbog care home in Dushanbe was transferred to a new home for disabled children in Varzob gorge. Technical assistance was provided by UNICEF, the TACIS programme and the INGO Children's Legal Centre of the University of Essex (United Kingdom), and the living conditions of the children in the new home were aligned on international standards.

300. The Ministry of Labour and Social Protection manages a special secondary boarding school in Dushanbe and a branch in the city of Taboshar, in Sughd province, in which basic vocational training is provided for disabled children who, once they have completed the course, are found work in the production centres of the associations for disabled persons (deaf and blind) or in the services sector. Every year, the secondary boarding school in Dushanbe admits 175 disabled children and the branch institution 30 more.

301. The country lacks facilities for training specialists in the care of sick children in children's homes. The staff of these institutions is therefore being supplemented by specialists trained at the

National Medical University, at the Pedagogical University and in pre-school educational establishments.

302. The Ministry of Labour and Social Protection provides its personnel with regular refresher courses, which can also be taken, for upgrading purposes, by staff with direct responsibility for the upbringing and care of children placed in institutions for sick children. The training provided for this category of personnel includes instruction in respect for the rights of the child.

303. The same ministry manages recreational centres and sanatoria to which disabled children can go to improve their health. In 2007 alone, 50 children from the Chorbog home went to the Chashma holiday camp in the Varzob gorge, and 80 pupils from the secondary boarding school for disabled children went to the Korgarchavonon holiday camp in the Ramit gorge.

304. In 2002, two pupils from the Chorbog home participated in the “Magic World of Colours” festival in Tashkent and, in September of that year, three pupils from the Dushanbe secondary boarding school and two girls brought up in the Chorbog home took part in the sports event (*Spartakiad*) for disabled children organized in Alma-Ata (Kazakhstan).

305. Under the Pensions Act, persons disabled from birth and disabled persons under the age of 16 are granted a pension equal to 100 per cent of the minimum old age pension.

306. In the event of the loss of a breadwinner, each child receives 50 per cent of the minimum old age pension, while children who have lost both parents (full orphans) receive 100 per cent of the minimum old age pension. The pension is paid up to the child’s eighteenth birthday but those who continue their studies may receive it up to the age of 23. In 2002, pensions were paid to 9,492 children for the loss of a breadwinner, as well as to 173 full orphans. In that same year, an occupational pension for loss of a breadwinner was paid to 60,659 family members unfit to work (mainly children), including 1,274 full orphans.<sup>15</sup>

#### **Number of disabled children living in special institutions**

307. The Disabled Persons Social Protection Act gives parents and legal guardians the right to place a child of pre-school age with disabilities in a special institution. The medical commissions set up at local polyclinic level determine, depending on the disability from which the child suffers, the institution to which it should be sent.

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<sup>15</sup> Data provided by the Ministry of Labour and Social Protection.

**Table 6**  
**Number of disabled children admitted to special institutions**  
**managed by various ministries, 2003**

<b>Ministry responsible</b>	<b>Total number of disabled children in the special institutions</b>	<b>Number of institutions</b>
Ministry of Labour and Social Protection	298	6
Ministry of Health	187	5
Ministry of Education	706	4
Sughd province	535	4
Khatlon province	(2,705) children with disabilities fit to work	18
Dushanbe	184	2
Gorno-Badakhshan Autonomous Oblast	(870) children with disabilities fit to work	18
Total	1,910	21

308. The official number of children living in public institutions amounts to 10,816. Thus, children with disabilities account for one fifth of all the children admitted to these institutions.

309. The children placed in these institutions have a wide range of disabilities: neurological disorders of a mental nature, poliomyelitis, tuberculosis, problems with hearing and seeing, physical inability to work, mental disorders (including epilepsy), difficulties in communicating and enuresis. The fact that 266 children with a “mild form of disability” have been admitted to special institutions is a cause for concern. It must be concluded that placing these children in an institution is regarded as the most acceptable way of caring for them. An analysis of the situation showed that parents do not often ask for their disabled child to be placed in an institution: only one such case was recorded out of 59 requests for information about the placement of a child in a special institution. Nevertheless, the reasons why parents place their disabled children in institutions of this type were analysed as part of a survey conducted by the INGO ORA International.

**Table 7**  
**Reasons given by parents for placing disabled children in special institutions**

Reasons given by parents for placing disabled children in special institutions	Ranking of the reasons given by parents: 1= most frequent reply, 5= least frequent reply.
Special protection*	1
Embarrassment	2
Pressure from other members of the family	3
Transport	4
Children with disabilities should be together	5
Isolation	6

\* The reasons relating to special protection are based on the fact that many parents think that children with disabilities can only benefit from being surrounded by children like themselves as this makes them less conscious of their disability.

### **Services and care provided in institutions**

310. The standard of the services provided in public institutions is relatively low. Four institutions out of nine did not provide any educational service. Only one institution employed a teacher. In the others, lessons were given by staff responsible for childcare who had no teaching experience and lacked the knowledge necessary to educate children with special needs. None of the children living in these institutions was attending a general school.

311. The food provided for children living in institutions is inadequate in quantity and quality; in some of the institutions concerned the children are physically underdeveloped. Moreover, only a few of these institutions make use of individual care plans based on an evaluation of the medical and educational needs of each child. The fact that there are no care plans drawn up in writing makes it more difficult to monitor the condition of the children to determine whether it is improving or getting worse.

312. These institutions are financed by the Ministry of Labour and Social Protection. The following table shows how the money is spent. For comparison, the average monthly wage is between US\$10 and US\$12, while a family of six (including four children) spends on average between 100 and 120 dollars a month.

**Table 8**  
**Expenditure on children placed in institutions**

Name of institution	Number of children	Annual wage bill	Annual expenditure on food	Annual expenditure on medicines	Annual budget	Total budget per child
<b>Yavan</b>	40	6,479	20,400	2,628	69,607	1,740 somoni per year. 48 dollars per month
<b>Penjikent</b>	20	2,091	10,950	1,314	34,077	1,703 somoni per year. 47 dollars per month
<b>Chorbog</b>	97	12,620	51,100	6,570	205,054	2,050 somoni per year. 56 dollars per month.
<b>Special secondary school</b>	205	13,244	127,115	6,207	301,844	1,472 somoni per month. 40 dollars.

313. The living conditions in these institutions can hardly be said to favour a child's development. Many of the beds are old and too small, do not suit the age of the child and lack waterproof or water-repellent mattresses, which is unhygienic. The children do not have clothing or things of their own. There are no pictures in these institutions nor is there anything to stimulate the children in their living environment. The beds are often crammed together with not more than 10 to 20 cm in between. The toilet facilities are also limited. Some of these institutions have only one toilet and lack a shower room. The buildings themselves are quite old and dilapidated. Only 20 per cent of the parents regularly visit their children and only 15 per cent of them take their child home on their days off or at least once every two months.

314. In general, the institutional system for children is clearly incapable of guaranteeing them a standard of care consistent with their best interests. It is essential to develop community services for children with special needs able to live with their family. Making the local executive bodies responsible for monitoring the adoption system would also help to provide these children with more effective care. With regard to those children who need to be cared for in a special institution, coordinated action should be taken reduce the number of public institutions and commence the process of transforming them into "family centres", where the children can live in small "family" groups that reproduce as closely as possible a genuine family atmosphere. To implement these projects, resources will be needed to refurbish the buildings, purchase equipment and provide the services necessary to meet the needs of children with special needs. It will also be necessary to give the staff training in the provision of high-quality care, communication and rehabilitation therapy.

#### **Special investigation into the problems of disabled children**

315. A group of experts in the problems of children with disabilities and special needs set up by the Commission on the Rights of the Child, in collaboration with experts from the United

Kingdom, has produced a situation report on these children. The group was composed of representatives of the Ministries of Labour and Social Protection, Health, and Education, members of the medical commissions, and managers and staff of the public institutions concerned. A number of NGOs made important contributions.

The group's objectives were as follows:

- To determine the actual number of disabled children and their degree of disability (disability group);
- To identify the problems facing the children and their families;
- To evaluate the effect of the legislation in force and the extent to which this legislation has favoured the implementation of the Convention on the Rights of the Child and universally accepted international standards;
- To work out a definition of the concept/term “disability”;
- To evaluate the provision of educational services and the early detection of disability;
- To assess the degree of understanding of the concept of disability and the changing attitude to children with special needs; and
- To develop an alternative to institutional care.

316. In order to obtain the necessary information, the group of experts drew up questionnaires and arranged for the Commission on the Rights of the Child to circulate them among ministries and departments, local executive bodies, the managers of public institutions, NGOs and the parents of children with special needs. The members of the group visited the Chorbog home in Dushanbe and familiarized themselves with the living conditions of the children accommodated there.

317. The aim of the investigation was to analyse the process of determination of disability in children with special needs, including the time of detection of the disability, the granting of a disability allowance, the process of admission of the child to an institution, and the standard of the services provided by the State for children living with their parents or placed in an institution; the distribution of budget appropriations for the maintenance of children with special needs admitted to institutions; the extent of the services provided for these children by the non-governmental sector; and the official statistics concerning these children.

### **Determination of disability**

318. In Tajikistan, disability in children is taken to mean “a permanent phenomenon that complicates social adjustment and derives from a chronic illness or pathological condition that

seriously limits the possibility of integrating the child into an environment appropriate to its age”.<sup>16</sup>

319. There are three ministries with responsibility for children with disabilities, namely, the Ministry of Labour and Social Protection, the Ministry of Health and the Ministry of Education. Each ministry follows its own procedure for determining the disability of the child through a medical commission. All the medical commissions are under the authority of the Ministry of Health. The medical commission determines the child’s disability group on the basis of the findings of its local doctor in accordance with Ministry of Health decree No. 273 (September 1994) on the list of complaints giving children under the age of 16 entitlement to benefits. This decree contains a long list of physical and mental abnormalities, including skin diseases, disorders of the nervous system, physical unfitness for work, epilepsy and problems with hearing and seeing.

320. In the case of children aged over 16 and under 18 (or under 23 if they are still students), the medical commissions must complete Form No. 88 and forward it to the parents so that it can be examined by the expert medical and occupational commission of the child’s place of residence. This commission examines the form in question in order to confirm that the degree of disability does in fact correspond to the definition of “disability”, which comprises three groups:

- Group 1 – persons unfit to work and in constant need of care;
- Group 2 – persons unfit to work but not in constant need of care;
- Group 3 – persons with limited possibilities of employment, but capable of doing light work.

321. For the purposes of determining the disability group, the occupation and level of education, together with age and working conditions, are taken into account.

322. If the parents wish to place their child in an institution, they must present, for examination, the findings of the medical commission and the diagnosis proposed by the attending physician to the medico-psychological pedagogical commission, which meets once a week at the local polyclinic. This commission is composed of six medical experts, including a psychiatrist, a neuropathologist, a specialist in hearing and vision, and a speech therapist. It establishes the existence of disability and, after a summary evaluation, selects the institution to which the child is to be sent. The experience and qualifications of these experts are not of a very high level and the process does not include a system for the avoidance of institutionalization; on the contrary, it is not infrequent for children with relatively minor disabilities examined by this commission to be placed in an institution. The commission does not ask the institution concerned whether it is able to admit additional children. It often sends children with special needs to institutions caring for more than 100 children, including some under the age of three. The institutionalization of children of this age may lead to serious complications in terms of disability and arrested development. This commission is not authorized to recommend alternatives to institutional care,

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<sup>16</sup> Regional monitoring report, 2002 “Children and disability in Tajikistan”, page 6, 2002.

and even if it did, there are not enough services available for most of these children. A new agency capable of providing, at community level, services designed to help families care for children with special needs in the home should be set up and authorized to reject requests by parents for their children to be placed in an institution if it is not in the best interests of the child.

### **Application of international standards of determination of disability**

323. International practice focuses not only on the medical aspects of disability but also on the social dimension. For example, a child may be deaf, but a hearing aid might enable it to hear properly, go to school and participate in activities that would assist its development. There is an acute need for training for medical specialists at every level. The appropriations for training and upskilling specialists and other personnel are insufficient.

### **Disability-related discrimination in Tajikistan**

324. The right of children with special needs to have access to education, to housing, to medical services and leisure is affirmed by the Disabled Persons Social Protection Act, which aims to provide equal opportunities for persons with disabilities and those in good health, and to eliminate indirect discrimination. However, the implementation of this law faces difficulties, mainly associated with the lack of funding and qualified personnel. Accordingly, most children with disabilities remain at home, unable to obtain an education or access to the services they need to benefit from rehabilitation and develop functional autonomy.

325. A report entitled “Pigeons must live together”, produced by the INGO ORA International, revealed the existence in Tajikistan of “endemic” discrimination against the physically impaired. Both the parents of children with special needs and the staff who take care of them in the institutions for disabled children have a limited understanding of the extent to which these children differ from children who enjoy good health. “Some children with special needs are not mentally balanced ... they will always envy people in good health ... if they have access to the outside world, disabled children who live at home may become drug addicts.” The report showed that husbands often blame their wives for having given birth to a disabled child. Clearly, society is ashamed of those of its members with physical deficiencies.

326. It follows from this report that it is essential to shape opinion and provide the public with better information. Thus, with financial support from the INGO Save the Children (United Kingdom), work has begun on a series of pilot projects which involve, in particular, showing teachers how to provide services for children with special needs.

327. It is important to help remove the material obstacles to the ability of the child to lead a normal life. There is a chronic shortage of basic equipment for disabled children, in particular, invalid carriages, crutches and orthopaedic appliances. Some progress has been made with the delivery and distribution of invalid carriages. In 2003-2004, the Ministry of Health supplied 120 and Save the Children is working with local experts on designing affordable models best suited to areas with poor roads. The current price of an invalid carriage (about US\$100) is the main reason why not all families are able to buy one.

## Early detection of disability in children

328. It emerged from the situation report produced by the group of experts on disability-related problems set up by the Commission on the Rights of the Child that 92 per cent of children with special needs had been examined by specialists, without that being enough to help improve the health or condition of these children. The age at which disability is diagnosed in children fluctuates, but the diagnosis is generally made during the first three years of life.

**Table 9**  
**Age at which disability is diagnosed/detected in children**

Age of child	per cent
At birth	14 per cent
1-12 months	24 per cent
12-24 months	30 per cent
2-3 years	14 per cent
4-5 years	6 per cent
5-7 years	2 per cent
8-10 years	6 per cent
11-12 years	4 per cent
13 or older	0 per cent

329. Not one of the mothers questioned had been examined during the prenatal period, since prenatal care is not readily available outside Dushanbe, especially for women living in rural areas. Prenatal examinations are carried out by the Institute for Scientific Research in Obstetrics, Gynaecology and Pediatrics of Dushanbe, which examines the embryo between the 16th and 22nd weeks. In 2000, the embryos of 98 per cent of women living in Dushanbe were examined; in 3 per cent of cases, pathological abnormalities were observed. For its part, the Genetics Laboratory studies families with marriages between blood relations, congenital pathology or stillborn children, miscarriages, haemophilia or unestablished causes of death in the medical history. Unfortunately, the laboratory's capacity for scientific research is very restricted due to a lack of the necessary reagents and equipment, so that these services have only a limited influence on the prenatal detection of disability. The situation is aggravated by the fact that many rural women do not have access to hospitals and 40 per cent of women give birth at home. Access to preventive care services is very limited. Where hospitals exist, they often lack hot water and heating and have to cope with interruptions in the water supply and power cuts. Sanitary conditions are often unsatisfactory. The medical and diagnostic equipment is either antiquated or in need of repair. The situation is particularly serious in the rural areas due to the lack of resources, especially of medical personnel, which is mainly attributable to the low wages paid in the health sector. The chronic lack of funding has led to a fairly widespread increase in

“informal” prices for medical services, which are starting to become unaffordable for the poorer sectors of the population<sup>17</sup>.

### **Provision of services at community level**

330. Although doctors visit most children with special needs living with their families, these children do not have access to, among other things, education and rehabilitation services, day-care services or vocational and practical training. Most parents think that the services provided in day-care centres are inadequate. The Ministry of Education organizes home education services. However, the funds allocated for this purpose are quite small and the replies of the parents show that the provision of education services is the most important form of assistance.

**Table 10**  
**Requirements of children with special needs as determined by their parents**

<b>Services</b>	<b>Parents' replies (per cent)</b>
More education services	38 per cent
Increased funding	23 per cent
Medical care	15 per cent

331. The parents were also asked what difficulties they faced in bringing up and caring for their disabled children at home.

**Table 11**  
**Difficulties faced by parents who bring up their disabled children at home**

<b>Difficulties faced by parents who bring up their disabled children at home</b>	<b>Parents' replies (per cent)</b>
Lack of understanding of the needs and medical problems of the child	27 per cent
Lack of money	20 per cent
Lack of time to care for the child	3 per cent

332. Low-income families reported increasing difficulties in caring for their disabled children at home and it is clear that the parents consider caring for a disabled child at home to be a factor with a serious impact on the family's financial resources.

333. In Tajikistan, the extended family is often regarded as a second level of support for the child, insofar as a close or more distant relative can take care of it. However, not all children can rely on such support and, in some cases, the parents prefer to seek the assistance of the guardianship services rather than entrust their child to the extended family. This inevitably leads to the child being placed in a public institution.

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<sup>17</sup> PRSP data, 2002, pp. 22 to 24.

### ***Payment of allowances to children with special needs***

334. As mentioned above, the average monthly wage is between US\$8 and US\$12. The poorest families spend more than 80 per cent of their income on food. Families which are bringing up a disabled child face additional difficulties when one of the parents has to be constantly available to take care of the child and is therefore unable to take a full-time job. It follows that those families which have to bring up a disabled child are often part of the group with the lowest standard of living and an average monthly income of between two and seven dollars.

335. Allowances are paid through the Ministry of Labour and Social Protection's local social services. Children with special needs belonging to the first two groups receive a small monthly allowance amounting to 30 somoni (9 dollars). Disabled children classified in the third group receive an allowance equal to 30 per cent of the minimum pension, i.e., seven somoni (about two dollars). This amount is so small that parents are embarrassed to apply for it. The right to receive an allowance (pension) depends not on the family's income but solely on the disability group of the child living in it. More than 77 per cent of the children in poor families still do not receive any targeted financial assistance at all.<sup>18</sup> What is more, the distribution of allowances takes up time and involves administrative formalities, especially when the savings banks and social services are far away from rural settlements. In the part of the PRSP devoted to "social protection", the Government gives priority, in the fight against poverty, to the implementation of all measures designed to provide direct assistance for the poorest categories of the population. It is intended to take urgent measures to eradicate the shortcomings of the present system, within the framework of a review of the benefit distribution system as a whole. The Government intends to concentrate on cutting through the red tape in order to make the system simpler and more accessible.

### **Activities of the NGOs working with children with special needs**

336. Fifteen NGOs are working with children with special needs, mainly in and around the larger cities.

337. NGOs provide services for 40 per cent of disabled children. However, there is a chronic shortage of services for children up to the age of three, that is, the age group that best lends itself to early diagnosis, medical intervention and treatment. It is also important to enable children with special needs to acquire the vocational and practical skills that will help them to become more independent in later life.

338. The NGO "Dilchod" (located in the Vakhsh district) makes equipment for children with special needs, including invalid carriages and specially adapted furniture. These articles are distributed in the day-care centres for children with special needs in Dushanbe and the Vakhsh district of Khatlon province. The NGOs also offer parents a respite from the task of constantly caring for their children, while the latter are engaged in educational and recreational activities.

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<sup>18</sup> PRSP data, p.20.

**Table 12**  
**The NGOs and their activities**

<b>Name of NGO</b>	<b>Activities</b>	<b>Location</b>
Health	Support for parents of children with psychological disorders	Dushanbe
Aurora	Education for girls with poor eyesight	Dushanbe
Dilsuz	Humanitarian assistance and social support	Dushanbe
Neki	Day-care centre for children with special needs	Dushanbe
Olympics	Sports activities for children with special needs	Dushanbe
Munis	Day-care centre for children with special needs	Hissar district
Nilyufar	Education and vocational training and training for life	Dushanbe
Shafokat	Innovative programmes centre for deaf children	Lenin district
Dilafruz	Day-care centre for children	Vakhsh district
Dilshod	Manufacture of equipment for children with special needs	Vakhsh district
Save the Children – United Kingdom	Inclusive education	Vakhsh, Bokhtar
Association for the Deaf	Education and vocational training and training for life	Dushanbe
Fidokor	Vocational training and training for life	Kurgan-Tyube
Union for Chernobyl Disaster Relief	Humanitarian assistance	Dushanbe
INGO ORA International	Training for social workers and social support	Dushanbe

**B. Health and healthcare services (art. 24)**

339. Article 38 of the Constitution guarantees everyone the right to health care. The exercise of this right is ensured by the provision of free health care in public healthcare institutions, the implementation of measures to improve the state of the environment, and the generalization of the practice and development of sport and physical training.

**Table 13**  
**Annual expenditure on health**

<b>Health expenditure (as a percentage of GDP)</b>							
<b>1996</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
1.3	1.0	0.9	1.0	0.8	1.3	1.3	1.2

340. The physical state of the health infrastructure and its equipment and the availability of medical supplies leave much to be desired, especially in rural areas. The services are accessible in almost every region of the country. There are 361 hospitals and 2,473 primary care centres, which provide basic medical services. However, the shortage of personnel means that the quality of some of these services falls below international standards.

341. Depending on its population and geographical location, each district has a central district hospital or a local rural hospital. The services provided in the hospitals are free of charge, but for a variety of reasons (low wages for healthcare workers, underfunding of the sector, etc.), personal expenditure on health care is very high in all regions of the country. In 1999, 26 per cent of the poorest people and 29 per cent of the richest who received outpatient care had to pay for the treatment and the cost of the drugs. In 2003, 80 per cent of the people with the lowest incomes who received medical care and 94.4 per cent of those with the highest incomes indicated that they had had to pay for outpatient treatment. For poor families these payments are the main obstacle to having their children treated.

### **Measures to reduce infant and child mortality**

342. During the last five years, the infant mortality rate has varied, but not in a statistically significant way.

343. The data are collected in accordance with the requirements of the International Statistical Classification of Diseases and Related Health Problems, rev. 10, vol. 2, 5.7.1 and 5.5.2 (Ministry of Health decree No. 538 of 28 December 1995 and State Statistics Committee decree No. 10 of 28 December 1995 on the implementation of the WHO recommendations concerning live birth and stillbirth criteria).

344. Whereas in 1997 the early neonatal mortality rate was 13.5, in 2002 it was only 6.6; as for the perinatal mortality rate, it was 21.6 per cent in 1997 and 13 per cent in 2002. The postpartum septic complications rate was halved, falling to 0.2 as compared with 0.4 in 1997.<sup>19</sup>

**Table 15. Mortality rate for children under the age of one, by region, 1998-2005  
(per 1,000 live births)<sup>20</sup>**

<b>Region</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
City of Dushanbe	32.2	49.7	7.2	22.5	12.0	113.2	14.4	11.1
Districts under the direct jurisdiction of the capital	11.8	11.3	7.7	27.3	14.5	9.3	8.5	11.2
Sughd province	30.7	27.1	23.8	24.0	20.4	17.7	21.7	21.8
Khatlon province	21.7	14.5	16.1	32.9	17.4	13.4	10.8	11.5

<sup>19</sup> Ministry of Health data.

<sup>20</sup> Ministry of Health data.

Region	1998	1999	2000	2001	2002	2003	2004	2005
Gorno-Badakhshan Autonomous Oblast	28.0	21.1	15.2	21.7	21.9	12.1	9.6	12.0
Whole country	23.4	19.4	15.5	27.9	17.2	13.5	13.5	14.2

**Table 16**  
**Breakdown of mortality of children under the age of one, 1998-2000**  
**(per 1,000 births)<sup>21</sup>**

Cause of death	1998	1999	2000
Diseases of the respiratory system	47.4	34.8	35.3
Infectious diseases	38.1	29.6	32.7
Conditions originating in the perinatal period	31.0	31.0	28.2
Congenital abnormalities	7.3	7.0	6.1
Accidents and injury	3.1	2.6	1.7
Diseases of the digestive system	1.0	0.8	0.7
TOTAL	127.9	105.8	104.7

### Infant morbidity

345. An analysis of the infant morbidity rate in the various regions of the country shows that during the last five years it has remained rather high. Infant morbidity continues to be highest in the districts under the direct jurisdiction of the capital and Khatlon province, where it is more than one and a half times higher than the national rate and there is no clear indication that it is tending to fall.

**Table 17**  
**Morbidity in children in the first year of life, by region, 2001-2005**  
**(per 100,000 under one)<sup>22</sup>**

Region	2001	2002	2003	2004	2005
Dushanbe	126 916.8	143 757.7	130 689.3	148 225.8	111 140.4
Districts under the direct jurisdiction of the capital	171 339.7	191 074.0	244 628.2	300 214.5	199 226.3
Sughd province	136 551.9	156 080.2	160 834.9	148 657.6	146 241.9
Khatlon province	179 958.4	218 552.1	257 301.9	247 909.4	208 673.4

<sup>21</sup> Ministry of Health data.

<sup>22</sup> Ministry of Health data.

Region	2001	2002	2003	2004	2005
Gorno-Badakhshan Autonomous Oblast	95 107.0	95 598.5	80 474.4	96 840.1	100 127.1
Whole country	159 226.9	185 384.2	209 739.1	216 868.2	176 295.9

**Table 18**  
**Breakdown of morbidity in children in the first year of life for the period 2001-2005**  
**(per 100,000 under one)<sup>23</sup>**

Name of disease	2001	2002	2003	2004	2005
Diseases of the respiratory system	94 118.3	93 465.3	116 638.5	113 895.8	94 586.4
Infectious diseases	51 417.3	53 313.9	52 573.6	53 080.3	42 350.5
Diseases of the ear and mastoid process	7 941.6	8 155.5	9 364.6	9 665.9	8 942.1
Certain conditions originating in the perinatal period	6 144.0	5 690.9	6 152.7	7 458.1	7 163.3
Diseases of the digestive system	5 077.7	4 740.5	6 242.9	5 518.4	4 828.2
Diseases of the nervous system	4 608.8	4 050.1	3 985.5	4 032.6	3 258.0
Diseases of the eye and adnexa	3 139.9	3 472.2	3 423.9	4 008.3	3 541.3
Diseases of the genito-urinary system	2 552.8	2 931.5	2 812.7	2 609.6	2 368.0
Injury, poisoning and certain other consequences of external causes	1 784.6	1 873.2	1 622.8	1 807.3	1 695.9
Congenital abnormalities	678.0	649.9	551.9	714.5	542.9

346. Apart from respiratory diseases, Tajik children quite often suffer from diseases of the digestive system, both infectious and non-infectious, and may present with other nutrition-related disorders. The following table provides further details.

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<sup>23</sup> Ministry of Health data.

*Prevalence of diseases of nutritional origin in children under 14, by region, 2001-2005*<sup>24</sup>

**Table 19**  
**Helminthiasis**

Region	2001	2002	2003	2004	2005
City of Dushanbe	11.4	133.5	230.0	322.5	249.4
Districts under the direct jurisdiction of the capital	455.6	515.1	934.4	1 224.1	1 605.8
Sughd province	474.8	591.0	739.6	936.9	1 087.1
Khatlon province	85.5	134.9	147.1	218.0	259.6
Gorno-Badakhshan Autonomous Oblast	1 662.9	3 273.2	3 549.1	4 441.0	3 618.1
Whole of country	330.4	458.9	588.6	766.8	882.5

**Table 20**  
**Diarrhoeal diseases**

Region	2001	2002	2003	2004	2005
City of Dushanbe	877.5	730.3	16807.9	17092.5	19329.0
Districts under the direct jurisdiction of the capital	10 179.4	9 787.6	67 139.3	54 905.5	53 179.1
Sughd province	1 809.8	1889.7	13 553.7	12 582.1	14 322.6
Khatlon province	10 352.1	9 026.3	63 841.7	59 722.9	68 358.7
Gorno-Badakhshan Autonomous Oblast	2 788.0	2 508.4	16893.2	11 203.3	12 611.1
Whole of country	6 594.3	6 053.7	44 316.2	39 181.8	42 689.6

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<sup>24</sup> Ministry of Health data.

**Table 21**  
**Anaemia**

Region	2001	2002	2003	2004	2005
City of Dushanbe	1 030.8	596.4	5 015.5	6 550.1	6 675.7
Districts under the direct jurisdiction of the capital	1 214.5	1 221.2	1 214.0	1 047.2	1 213.6
Sughd province	831.3	1 301.8	1 441.6	1 427.8	1 356.3
Khatlon province	649.8	621.4	8 410.9	7 155.9	7 430.3
Gorno-Badakhshan Autonomous Oblast	603.2	624.9	1 014.0	7 033.4	6 227.5
Whole of country	862.4	956.5	1 070.9	9 880.9	1 013.0

**Table 22**  
**Cachexia**

Region	2001	2002	2003	2004	2005
City of Dushanbe	374.8	177.7	7 891.1	7 651.9	8 064.2
Districts under the direct jurisdiction of the capital	360.1	298.2	9 057.0	10 648.1	9 143.7
Sughd province	278.7	313.8	12 491.6	9 193.7	8 511.5
Khatlon province	258.7	230.4	6 861.7	7 068.9	10 884.1
Gorno-Badakhshan Autonomous Oblast	119.5	199.3	4 454.7	1 978.9	3 049.6
Whole of country	293.1	264.6	9 030.2	8 479.3	9 320.2

347. Malnutrition, which has both direct and indirect effects, remains the greatest threat to health. The demographic situation and the transitional period of development have already led to a lasting change in the nature of malnutrition, especially apparent in the second half of the last century and in the developing countries. Nevertheless, malnutrition is still the main health problem in these countries, with children aged from 6 to 59 months and women of childbearing age (15-49) being the most vulnerable groups.

348. According to the results of the 2004 national nutrition survey, the acute malnutrition rate has slowly declined since the survey began in 1999. In 2001, drought led to a sharp increase in

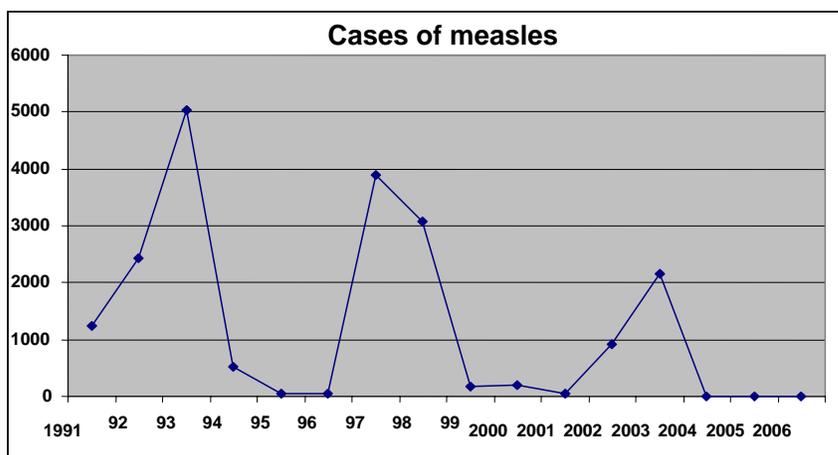
the acute malnutrition rate to 17.4 per cent, i.e., 2.2 times greater than the global acute malnutrition (GAM) rate for 2004.

349. It is worth noting that the results of the survey revealed an increase in the GAM and severe acute malnutrition (SAM) rates starting in October 2003. It was found that 7.6 per cent of the sample population (confidence interval (CI) 95 per cent: 6.8-8.4) suffers from GAM and 1.5 per cent of the population (CI 95 per cent: 1.2-1.8) suffers from SAM. The average results obtained for the whole of the country within the framework of the national nutrition, water and sanitation survey of 2003 showed that the GAM rate was 4.7 per cent (without the 95 per cent CI), whereas the SAM rate was 0.6 per cent (without the 95 per cent CI). As compared with the previous year, the GAM and SAM rates increased by 1.6 and 2.3 times, respectively. Khatlon province had the highest rates of GAM, namely, 9.9 per cent (CI 95 per cent: 8.2-12.0) and 11.1 per cent (CI 95 per cent: 9.1-13.3), respectively. The lowest GAM rate was recorded in Sughd province, namely, 2.4 per cent (CI 95 per cent: 1.5-3.6).

350. Between 1998 and 2002, infant morbidity continued to be dominated by infections of the upper respiratory tract and infectious diseases. The data produced were used by the Ministry of Health to draw up national and sectoral programmes for the prevention and treatment of the diseases in question. The implementation of these programmes led to a reduction in the number of children dying from these diseases.

The following chart, which shows the trend in the incidence of measles in Tajikistan, shows how the number of cases has fallen.

**Chart 1**



351. Periodically, every three or four years, a spike in morbidity due to measles is observed. This is associated with the buildup of a considerable number of children susceptible to measles

due to the incomplete coverage of the vaccination programme and the shortage of measles vaccine for repeat doses for older children.<sup>25</sup>

352. The coverage of the measles vaccination programme for children rose from 72 per cent in 1992 to 95 per cent in 2002. Repeat doses were not administered up to 1995, but in subsequent years were received by 60 per cent of previously vaccinated children.

353. In the regions with a high incidence of measles, anti-epidemic measures were taken to reduce the morbidity rate. In the Rasht area, between 93 and 95 per cent of children under 15 were vaccinated. In the Kurgan-Tyube area of Khatlon province, 98.6 per cent of the children in this age group were vaccinated. The levels of coverage for vaccination against other diseases are shown below.

**Table 23**  
**Ministry of Health vaccination data**

Antigen	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
3 doses of anti-polio oral vaccine	73	77	92	81	89	92	94	96	98	97	97	96	96	96
3 doses of DTP-triple vaccine	86	78	95	94	89	95	93	96	96	97	97	96	96	95
Measles	79	92	84	81	90	95	94	90	98	97	97	98	98	95
BCG	88	69	96	96	99	99	98	98	99	97	96	99	97	98

354. Since 1993, the supply of vaccines and other materials for immunizing children has been financed by UNICEF and, since 2002 (vaccine against hepatitis B), these preparations and materials have been supplied with support from the Global Alliance for Vaccines and Immunization (GAVI). Tajikistan does not manufacture vaccines or other materials necessary for immunization and the purchase and distribution of vaccines is financed largely from humanitarian aid.

355. The Government covers 4 per cent of the cost of the vaccines, the rest being financed by donors such as UNICEF, GAVI and the Japan International Cooperation Agency. The Government of Tajikistan has drawn up a comprehensive multiannual immunization plan, which provides for an increase in the State contribution to the purchase of vaccines. According to World Bank estimates, 0.26 per cent of the health budget is being allocated to the vaccination programme.

356. Every year there is an improvement in the percentage of children being vaccinated against the targeted infections and in the provision of refrigerating equipment for care and prevention

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<sup>25</sup> Ministry of Health data.

centres, and measures are being taken to strengthen the immunization service by ensuring that the cold chain system is functioning properly and the principles of safe vaccination are being observed.

357. The Government has been successful in reducing the diphtheria morbidity rate. In 1996 the rate was 76.2 per 100,000. Moreover, in the peak period for diphtheria, more than 80 per cent of sufferers were children under the age of 14. In subsequent years, morbidity gradually declined; in 1997 it was 25.2 per 100,000, and since 2000 only isolated cases of diphtheria have been observed (one case per 100,000).

358. In 2002, Tajikistan was certified as having eradicated poliomyelitis.

359. With regard to nutrition-related diseases, the data for the period 1998-2002 show that, for the country as a whole as well as in the individual regions, the morbidity rate for these diseases remains rather high.

360. Studies carried out in Dushanbe with the support of the WHO have revealed a very low animal protein content in the diet of 10-year-old schoolchildren, namely, 7 to 12 g rather than the recommended 46 g, and in that of 15-year-old schoolchildren, namely, 0 to 15 g rather than the recommended 54 to 59 g.<sup>26</sup>

361. Between January and December 2002, out of 106,000 children aged from 0 to 5 years examined in the city of Kurgan-Tyube (Khatlon province), 10,699 presented with moderate cachexia and 874 others with severe cachexia.<sup>27</sup>

362. Children with moderate or severe cachexia are admitted to therapeutic feeding centres (TFC) or supplementary feeding centres (SFC). Since it opened (in July 2002), the TFC in the town of Kulyab has admitted 171 children, of whom 109 have been cured, 19 are still being treated, 33 left the centre without having completed the treatment and 8 have been referred to hospital specialists; two deaths were recorded.

At present, there are 160 supplementary feeding units distributed among 19 towns and districts of Khatlon province.

363. Studies have shown that more than 50 per cent of children and women of childbearing age suffer from iron-deficiency anaemia and iodine-deficiency diseases. According to WHO data, up to 80 per cent of pregnant Tajik women suffer from iron-deficiency anaemia. Therefore, by decision of 6 May 1997, the Government adopted the national programme for combating iodine-deficiency diseases and, by decision of 2 December 1999, the national programme for the prevention of iron-deficiency anaemia for the period to 2002.

364. The Ministry of Health and UNICEF are collaborating on reducing the rates of iron-deficiency anaemia and iodine-deficiency diseases among women and children.

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<sup>26</sup> Ministry of Health data.

<sup>27</sup> Ministry of Health data.

In particular, this programme involves the distribution, with a view to preventing iron-deficiency anaemia, of iron-based preparations to women and children, in accordance with decree of the Minister of Health No. 94 of 9 September 1999 on the introduction among target groups of a weekly dose of iron sulphate-based anti-anaemia preparations.

365. Since the adoption by the Government of the national programme for the prevention of iron-deficiency anaemia for the period to 2002, iron-based preparations have been distributed to women and children in every region of the country, and educational measures are also being taken to raise awareness of the means of preventing this form of anaemia.

366. The water supply systems and the state of the sanitary installations in the schools have steadily deteriorated since the country recovered its independence at the beginning of the 1990s, due to the breakdown of the existing distribution systems, lack of maintenance and the destruction that accompanied the civil war. This has restricted access to water and sanitary facilities for a large number of rural pupils. The decline in school enrolment and attendance, especially in the case of girls, is partly due to the teaching conditions in the schools and the lack of separate sanitary facilities for girls and boys.

367. A survey conducted by the Ministry of Education and UNICEF in 1,035 schools in Khatlon and Sughd provinces between 2002 and 2005 revealed the following:

- 51 per cent of schools have access to running water or water from a shallow-water hand pump or protected source;
- 23 per cent of these schools have access to running water 24 hours a day;
- 49 per cent of schools have access to open water sources, such as irrigation channels.

368. A multiple indicator cluster survey (MICS), carried out with the support of UNICEF, showed that in 2005 the infant mortality rate was 65 per 1,000 live births, while the mortality rate for children under the age of five was 79 per 1,000 live births.

369. According to the MICS (2005), 70 per cent of the total population has access to improved sources of drinking water, or 93 per cent in the towns and cities and 61 per cent in the rural areas. The situation in Gorno-Badakhshan Autonomous Oblast and Khatlon province is distinctly worse than in the other regions: only 52 to 55 per cent of their inhabitants have access to drinking water from improved sources.

370. These figures clearly reveal the existence of problems with the country's water supply system.

371. The survey conducted in 1,035 schools in Khatlon and Sughd provinces between 2002 and 2005 showed that:

- 90 per cent of schools have toilets of some kind and of these;
- 87 per cent have toilets in the form of a pit;
- 10 per cent of schools have no toilets;

- 34 per cent of schools indicated that the pupils were able to wash their hands.

372. The MICS of 2005 showed that 94 per cent of the population lives in households with improved sanitary installations (the figures for urban and rural areas are 97 per cent and 92 per cent, respectively).

373. In the PRSP, the Government indicated how access to clean water and sanitary facilities could be improved by 2015.

374. According to the results of a national survey of the nutritive trace element content of food products, conducted by the Ministry of Health, UNICEF and WHO in 2003, the prevalence of anaemia was lower in the districts under the direct jurisdiction of the capital and Sughd province (30 per cent) than in Khatlon province (50 per cent) and Gorno-Badakhshan Autonomous Oblast (55 per cent). Globally, severe anaemia was recorded in 1 per cent of cases, although the rate reached 3 per cent in Gorno-Badakhshan Autonomous Oblast. Anaemia was more prevalent among children under two, more than half of whom (56 per cent) had a haemoglobin level of less than 11 g/dl. Iron deficiency was found in 54 per cent of children suffering from moderate and complex anaemia and in 36 per cent of children with moderate anaemia or a normal haemoglobin level. In Khatlon province, as distinct from the other provinces, iron deficiency was present to the same extent in anaemic and non-anaemic children (45 per cent and 50 per cent, respectively).

**Table 24**  
**Prevalence of anaemia in children aged between 6 and 59 months\***

	<b>Severe form (Hb &lt;7 g/dl)</b>	<b>Moderate form (Hb 7-9.9 g/dl)</b>	<b>Mild form (Hb 10-10.9 g/dl)</b>	<b>No anaemia (Hb ≥11g/dl)</b>	<b>Total</b>
<i><b>Districts under the direct jurisdiction of the capital</b></i>	3	57	84	323	467
%	0.6	12.2	18.0	69.2	100.0
CI 95 %	0.0-1.4	8.5-15.9	14.1-21.8	62.9-75.4	–
<i><b>Khatlon province</b></i>	4	107	129	225	465
%	0.9	23.0	27.7	48.4	100.0
CI 95 %	0.0-1.9	15.6-30.4	23.4-32.1	41.8-55.0	–
<i><b>Sughd province</b></i>	4	59	83	331	477
%	0.8	12.4	17.4	69.4	100.0
CI 95 %	0.0-1.6	8.3-16.4	13.5-21.3	63.4-75.4	–
<i><b>Gorno- Badakhshan Autonomous Oblast</b></i>	15	135	126	225	501
%	3.0	26.9	25.1	44.9	100.0
CI 95 %	1.2-4.7	20.6-33.3	21.3-28.9	38.4-51.4	–

	Severe form (Hb <7 g/dl)	Moderate form (Hb 7-9.9 g/dl)	Mild form (Hb 10-10.9 g/dl)	No anaemia (Hb ≥11g/dl)	Total
<b>Total</b>	26	358	422	1,104	1,910
%**	0.9	15.8	21.0	62.4	100.0
<b>CI 95 %**</b>	0.4-1.3	12.9-18.8	18.8-23.2	58.9-65.9	–

\* Hb = haemoglobin. CI = confidence interval.

\*\* Weighted missing values = 310.

#### 4. *Infant diet and anaemia*

375. As mentioned above, anaemia was more prevalent among children under two. The survey showed that eating meat and vegetables has a positive effect on the haemoglobin level, whereas drinking black tea has a negative effect. The presence of iron deficiency was noted in 49 per cent of respondents who drank black tea and in 46 per cent of those who did not. Among the children whose mothers had indicated that they had eaten meat during the 24 hours preceding the survey, the prevalence of anaemia amounted to 55 per cent, whereas in the case of mothers whose meals had not included meat that day it reached 60 per cent. The prevalence of iron deficiency was 43 per cent among meat eaters and 50 per cent among those whose meals did not include meat. Among vegetable eaters, the prevalence was 57 per cent as against 60 per cent in the case of those who did not eat vegetables. The prevalence of iron deficiency was 46 per cent as against 49 per cent.

376. Among the children given black tea, the prevalence of anaemia was 65 per cent, whereas it was 56 per cent among those who did not drink it. Among the children who had eaten meat and vegetables during the previous 24 hours and had not drunk black tea, the prevalence was 45 per cent, whereas it reached 63 per cent among the children with a differently structured diet. Although in this case the difference observed was only slight, it was more significant in the case of the prevalence of anaemia among infants whose mothers had indicated that they were taking iron tablets (43 per cent) and those whose mothers had said they were not taking iron tablets (40 per cent). The difference in the prevalence of iron deficiency (measured by the soluble transferrin receptor method) between the latter two groups was not significant (39 per cent as against 40 per cent).

377. Following the adoption by the Ministry of Health of the national programme for the prevention of iron-deficiency anaemia for the period to 2002, iron-based dietary supplements were given out to women and children in every region of the country and educational measures were taken to raise awareness of iron-deficiency anaemia among the public.

#### **Prenatal and post-natal care**

378. Prenatal care is all the more important for the survival of the child in that it is precisely the diseases of the perinatal period, such as infectious diseases, asphyxia, injuries suffered during delivery and low birth weight, that raise the infant mortality rate. The Government has formulated a strategy for promoting effective perinatal care at hospital level. Home births are very common and more than 60 per cent of these births take place unattended and without any medical assistance. The Government is endeavouring to improve the skills of medical workers,

make home deliveries safer, organize training and modernize the healthcare institutions by ensuring that they are supplied with the necessary equipment and drugs. As mentioned above, infections of the upper respiratory tract and diarrhoeal diseases are among the main causes of infant mortality during the post-natal period. Infant mortality can be reduced by effectively implementing a strategy for the integrated management of childhood illnesses and ensuring that mothers and guardians are better informed about the care of infants and their development and nutrition.

**Table 25**  
**Survival rate of premature children, 1998-2002<sup>28</sup>**

Region	1998	1999	2000	2001	2002
City of Dushanbe	91.4	90.0	92.1	87.9	90.9
Districts under the direct jurisdiction of the capital	91.2	88.6	87.1	88.4	88.5
Sughd province	91.4	91.8	92.4	93.6	89.9
Khatlon province	87.8	91.5	88.1	86.1	81.8
Gorno-Badakhshan Autonomous Oblast	53.0	79.2	72.1	71.1	60.9
Whole of country	90.7	90.7	91.1	90.6	88.6

379. The survival rate for children born before term depends directly on the quality of the equipment available in the healthcare institutions, the drugs at their disposal and the skills of the personnel.

### **Breastfeeding**

380 By decree No. 408 of 12 November 1998, the Ministry of Health adopted a breastfeeding programme aimed at improving the health of mother and child by promoting breastfeeding.

381. With this objective in mind, a plan for the implementation of the breastfeeding policy and programme was drawn up and adopted. In accordance with this plan, national, provincial, municipal and district breastfeeding centres for mothers and their children were established.

382. It should be noted that, in 1998, the “ten principles of successful breastfeeding” began to be introduced in all maternity homes and medical institutions for children. Educational programmes on breastfeeding were developed at all levels. One of the most important parts of the programme is that concerned with training, which provides for training courses for doctors, midwives and nurses. In the course of the last three years, 730 specialists have received training at seminars on the problems of breastfeeding (40-hour courses), and 60 per cent of the medical staff of medical institutions have had 18 hours of instruction.

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<sup>28</sup> Ministry of Health data.

383. In 1998, on the occasion of the fiftieth anniversary of the World Health Organization, Tajikistan was awarded a certificate for its active support for breastfeeding. Issues relating to child health and infant mortality, in particular that due to diarrhoeal illnesses and acute respiratory infections, are among the main concerns of the health sector.

384. The latest studies by the Ministry of Health, in collaboration with UNICEF, WHO, Action Against Hunger and other international organizations, show that morbidity due to diarrhoeal diseases and acute respiratory infections is most widespread among children on a mixed or artificial feeding regime.

385. An analysis conducted between 1998 and 2002 by the Ministry of Health, together with UNICEF and WHO, showed that children bottle-fed up to the age of six months experienced diarrhoea in 91.6 per cent of cases and all suffered from acute respiratory infections. On the other hand, children who were exclusively breastfed were affected by these diseases in only 5.3 per cent and 36.5 per cent of cases, respectively.

386. The most pressing need was to ensure that the child is put early to the breast. As follows from the Ministry of Health data for 1997, about 52 per cent of newborn babies in maternity units were put to the breast within two hours of birth. The data for the programme implementation period (1998-2002) show that babies are put to the breast within one hour of birth in 92.5 per cent of cases nationally and in 98.2 per cent of cases in Dushanbe.

387. One of the main objectives of the plan of action was to make maternity hospitals “baby-friendly”. Following the adoption of the “ten principles of successful breastfeeding”, 16 of these hospitals were awarded a “baby-friendly” certificate.

388. In four years, this programme brought about a 100 per cent improvement in the health indicators for both mother and child. In these maternity hospitals, the percentage of exclusively breastfed children was 98.6 per cent. The morbidity rate for newborn babies in maternity hospitals, which was 225.7 per 1,000 in 1997, had fallen to 204.0 by 2002.

389. One of the activities aimed at improving the knowledge and skills of parents in relation to breastfeeding and child nutrition is the celebration of World Breastfeeding Week, which provides an opportunity to prepare, publish and distribute educational materials on a large scale, using both audiovisual and printed media, to prepare and disseminate video-clips, and to inform pregnant women and nursing mothers about matters relating to breastfeeding in antenatal clinics, children’s polyclinics and maternity hospitals. Tajikistan celebrates World Breastfeeding Week every year, with financial support from UNICEF.

390. According to the results of the survey on the nutritive trace element content of the national diet (UNICEF, WHO and Ministry of Health, 2003), almost all (97 per cent) of the children under the age of two that were sampled had been breastfed at least partially at some stage of their life. Two thirds (64 per cent) of infants under the age of four months and 50 per cent of infants under the age of six months have been exclusively breastfed. A comparison of the 2000 MICS data with those of this survey showed that the exclusive breastfeeding rate for infants under the age of three months had increased from 19 to 64 per cent (confidence interval 57-71). Among the countries of the region, Tajikistan is the best for exclusive breastfeeding, since it has achieved

the highest exclusive breastfeeding rate in the region for infants under the age of four months (64 per cent).

391. The early introduction of liquids other than mother's milk is very widespread in Tajikistan. The survey showed that children are given water and black tea during the first month. Nine per cent of infants drink fruit juice during the first three months, especially in Sughd province, where it is consumed by nearly half of children under the age of five months. The introduction of solid food begins at four or five months. More than half of children between three and six months have eaten fruit (54 per cent) and vegetables (52 per cent). Food rich in carbohydrates (cooked cereals, macaroni, biscuits, potatoes) is introduced during the first six months. Meat appears in the child's diet towards the sixth month; less than a quarter (23 per cent) of children had eaten it, whereas during the second year of life nearly half of children (48 per cent) had eaten it.

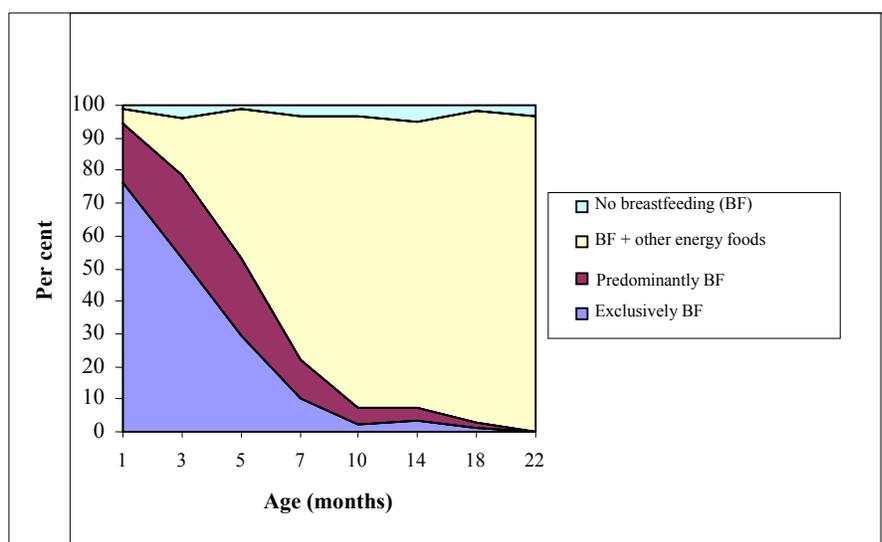
392. An inadequate diet is the main reason for iron and folate deficiency. The diet of children under the age of two is not sufficiently rich in animal products and there is a considerable risk of iron being poorly assimilated due to the presence of inhibitors that depress enzyme activity thereby upsetting the metabolism, such as black tea, and to the lack of supplements, such as fresh fruit and vegetables, together with the early introduction of cow's milk into the diet. Among women, iron intake was lower than the recommended daily allowance (RDA) and therefore the risk of an abnormal iron metabolism was very high. Maternal iron deficiency is a common phenomenon which leads to a similar deficiency in the embryo and becomes a factor contributing to the early onset of anaemia in the infant.

### **Dietary profiles of infants and other children**

393. Almost all the children (97 per cent) under the age of two that were sampled had been breastfed at least partially at some stage of their lives. Two thirds (64 per cent) of infants under four months and 50 per cent of infants under six months had been exclusively breastfed. (Chart 2: Dietary profiles of children aged from 0 to 24 months).

394. Exclusive breastfeeding was commonest in Khatlon province (74 per cent of infants under four months and 60 per cent of infants under six months). A very small proportion of infants (1 per cent) over the age of six months were being breastfed.

**Chart 2**  
**Breastfeeding profile**



395. The introduction of other food to supplement mother's milk was noted among 13 per cent of infants under four months and 26 per cent of infants under six months. The introduction of liquids other than mother's milk was observed in 25 per cent of cases. Eight per cent of infants aged from 6 to 12 months had been predominantly breastfed. In the second year of life, two per cent of the children were still being breastfed, while drinking other liquids. Breastfeeding at the demand of the child is very widespread (98 per cent of infants).

396. Baby formulas are not normally used during the first six months of life (7 per cent); they were being introduced between the fifth and sixth months, when breastfeeding stopped, as a transitional measure. This model was used more extensively in the districts under the direct jurisdiction of the capital, even in the first months of life, than in the other regions of the country. Cow's milk was used to replace mother's milk in the diet of infants under six months in 10 per cent of cases (more in the districts under the direct jurisdiction of the capital and Gorno-Badakhshan Autonomous Oblast). Cow's milk is the main component of the diet of children over the age of six months. According to respondents, in the provinces of Khatlon and Sughd, most children had been fed with it during the 24 hours preceding the survey, whereas it had been fed to only about half the children in the districts under the direct jurisdiction of the capital and in Gorno-Badakhshan Autonomous Oblast. Fermented milk is introduced into the diet from the fifth or sixth month in Gorno-Badakhshan Autonomous Oblast and the province of Khatlon, and later in the districts under the direct jurisdiction of the capital and the province of Sughd, but it is not used very often in Khatlon. Fermented milk was not used as a substitute for mother's milk. Diluted cow's milk is consumed by 10 per cent of children under the age of six months, its use being more widespread in Gorno-Badakhshan Autonomous Oblast (17 per cent) and the districts under the direct jurisdiction of the capital (13 per cent) than in the provinces of Sughd (11 per cent) and Khatlon (5 per cent). This is the usual practice for nearly two thirds of older children (65 per cent); it is more common in the province of Khatlon (74 per cent), but less common in

the districts under the direct jurisdiction of the capital (55 per cent) and Gorno-Badakhshan Autonomous Oblast (45 per cent).

397. The early introduction of liquids other than mother's milk is a very widespread practice in Tajikistan. Water is drunk from the first month, and earlier in the districts under the direct jurisdiction of the capital than elsewhere. Black tea is given to children, and this is also very common during the first month, especially in the districts under the direct jurisdiction of the capital and in Gorno-Badakhshan Autonomous Oblast. Moreover, tea is used as an alternative to water for 14 per cent of infants under the age of six months; during the second year of life, 76 per cent of children were given black tea. Tisane (camomile, mint) consumption is not very widespread; children drink it mainly in Sughd province between the seventh and twelfth months (6 per cent) and between the twelfth and twenty-fourth months (11 per cent). Fruit juice is introduced into the diet of 9 per cent of children during the first three months; this is very common in Sughd province, where it is drunk by nearly half of five month-old children.

398. Children are placed on a mixed or supplemented diet from the fourth or fifth month. Between the sixth and twelfth months, more than half of children eat fruit (54 per cent) and vegetables (52 per cent); the percentage is highest in Sughd province. Fruit and vegetable consumption increases with the age of the child and, in the second year, the vast majority of children have begun eating these foods. Some children do not eat them between the sixth and twelfth months, or during the second year of life. Food rich in carbohydrates (cereals, kasha, macaroni, biscuits, potatoes) is introduced during the first six months and the child eats increasing amounts as it grows. Bread is given to children four or five months old; more than half of children aged between 6 and 12 months (54 per cent) had eaten it during the 24 hours preceding the survey. Cooked cereals are introduced before bread, at around the third month. Between the sixth and twelfth months, 58 per cent of children eat cooked cereals. Potatoes are introduced into the diet from the fifth or sixth month and are eaten by most children over the age of one. Biscuits are the form of solid food introduced earliest; they appear from the first month and over two thirds of children are eating them between the sixth and twelfth months. Meat is introduced from the sixth month; between the sixth and twelfth months, less than a quarter of children (23 per cent) are eating it, but in the second year it is already being eaten by nearly half of children (48 per cent). Children rarely eat fish; introduced between the sixth and twelfth months, it is eaten by 12 per cent of children over the age of one. Cheese appears in the diet during the second sixth months of life, but, according to the replies received, it is eaten by only 4 per cent of children of this age and by 12 per cent of children over the age of one. Children eat eggs starting from the fifth month of life.

### **Measures adopted<sup>29</sup>**

399. The situation created by a lack of nutrients calls for vigorous measures to achieve an appreciable reduction in the number of cases of anaemia, particularly iron-deficiency anaemia. This is the objective of the anaemia prevention and control strategy (APCS). The APCS involves

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<sup>29</sup> This section has mainly been taken from the report by Gary R. Gleason (2001), "Anaemia Control and Prevention Review: Khatlon Oblast, Tajikistan", June, International Nutrition Foundation, Boston.

multiple phased interventions. At national level, the strategy consists in distributing food supplements containing iron (and also folate) to all pregnant women and in fortifying wheat flour with iron (iron sulphate).

400. In 1999, the country began implementing a national preventive intervention project involving the distribution of food supplements to target groups, such as women of child-bearing age, all pregnant women and all children aged from 6 to 24 months. The Ministry of Health and UNICEF are carrying out this project in the Kurgan-Tyube area of Khatlon province. This is a region that suffered badly in the civil war and its population is still the most vulnerable in the country in terms of poverty and the risks of the spread of infectious diseases and chronic illnesses. The results of these activities showed that 72 per cent of pregnant women and children under five suffer from various forms or various degrees of anaemia, assessed on the basis of public health data.

401. The initial activities at community level were planned in October 1998, but the APCS was first launched in the region in April 1999. A review of the programme in June 2001 revealed problems connected with the management structure, communications and training, initial deliveries and the distribution of the food supplements, as well as with the provision of informational, educational and communication materials and equipment.

402. An APCS working group, initially composed of six specialists in health management, was set up at provincial level. APCS groups were to be established within each district health service. Under the APCS, the efforts of the health workers at provincial level were focused on the weekly distribution of iron food supplements and compliance with the requirements for the use of these supplements by the target groups (for many Monday became “iron day”). The review of the programme showed that the main factor influencing the compliance rate in the districts concerned depended directly on the efforts deployed by the health workers in distributing the food supplements and monitoring compliance. Some workers reported 100 per cent compliance and said that they had personally delivered the tablets and syrups to the persons concerned in the areas for which they were responsible. Subsequently, reports were produced that confirmed a high level of compliance with respect to the food supplements prescribed for children and pregnant women. At the end of two years of project implementation, even among those who had not participated in the prevention activities involving food supplement distribution, most people were familiar with some aspect of dietary improvement, knew that it was inadvisable to give children tea with their food, and knew how to use supplements.

403. According to the Ministry of Health, in 2003, more than 60 per cent of children aged between 13 and 24 months and between 40 and 80 per cent of women of childbearing age had access to iron food supplements distributed by health centres. This preventive action was most comprehensive in Sughd province. A review of the project revealed differences in the implementation of the distribution programme for these food supplements. Iron-folate tablets were used by 36 per cent of women, with the figures ranging from 27 per cent in Khatlon to 63 per cent in Gorno-Badakhshan Autonomous Oblast. In the Kurgan-Tyube area, the cluster survey indicators were no higher than in other parts of Khatlon province. Only 9 per cent of children aged 6 to 59 months were receiving iron tablets (with a range of from 0 per cent in Khatlon to 51 per cent in Gorno-Badakhshan Autonomous Oblast). If the analysis is restricted to children aged from 12 to 24 months, 64 per cent of children in Gorno-Badakhshan Autonomous Oblast and 18 per cent of children in Sughd province were taking these tablets, but in the

districts under the direct jurisdiction of the capital and in Khatlon province the corresponding figures were only 6 per cent and 1 per cent, respectively. Here again, for the persons questioned in the Kurgan-Tyube area, the percentage of positive replies was no greater than in other parts of Khatlon province. The highest percentage of children and women saying they were taking iron and folate tablets was recorded in Gorno-Badakhshan Autonomous Oblast.

404. Between 2000 and 2003, the National Reproductive Health Centre carried out educational activities concerning healthy eating, in particular in relation to anaemia prevention. On this occasion it distributed tens of thousands of leaflets on the prevention of anaemia and more than 40,000 people participated in the campaign in 60 of the country's districts and cities. Several television and radio programmes on the subject were broadcast. However, the deliveries and distribution were not well organized. This was due to technical and supply problems (some rural health centres were 70 km from a hospital and there was no public transport) and to the poor motivation of the Ministry of Health personnel directly involved in the implementation of the programme at provincial and district levels.

405. The Asian Development Bank's regional project "Improving nutrition of poor mothers and children" (Japan Fund for Poverty Reduction 9005) began to be implemented at the end of 2001. The project was financed from grants for universal support for salt iodization and wheat flour fortification in Tajikistan. The aim of the project was to ensure that at least 66 per cent of households used iodized salt and that fortified wheat flour accounted for 33 per cent of domestic flour consumption. The MICS data showed that 52 per cent of households were using iodized salt, but that the iodine content conformed with the norm ( $> 15$  ppm) in 28 per cent of cases only. The goal was almost achieved in Gorno-Badakhshan Autonomous Oblast (target: 66 per cent), where 63 per cent of households were using iodized salt that conformed with the norm, but the other regions of the country were far from having achieved the objectives set. Khatlon province, where the need for iodized salt was greatest, had the lowest percentage use.

406. The home visits made during the course of the survey revealed that 24 per cent of households were using salt with a low iodine content ( $< 15$  ppm); it then became clear that it was important to focus on monitoring the iodine content during production. In March 2004, the Government Agency for Standardization, Metrology, Certification and Commercial Inspection adopted new standards for salt iodization ( $45 \pm 15$  ppm). At the time of the survey, people could still use stocks of salt that had been iodized in accordance with the previous standards ( $30 \pm 5$  ppm). The epidemiology and public health service controls quality in salt factories and at retail and consumer levels. However, there are still gaps and weaknesses in the iodized salt production and marketing controls. In fact, the controls applied are qualitative rather than quantitative. Moreover, no fines or other penalties are imposed on producers who fail to comply with the standards set.

407. The salt on consumers' tables is to a considerable extent non-iodized because the salt supplied by private sellers comes from deposits located around the Vosei district of Khatlon province. This "technical" salt is intended for industry and other non-food applications, but it is also used in food. It is cheaper than the salt sold in food shops. People prefer to buy salt in large quantities to last a long time, rather than iodized salt, which is sold in small packets. In other regions, for example in Gorno-Badakhshan Autonomous Oblast, non-iodized salt is marketed directly by private firms.

408. Most of respondents knew about the dietary importance of iodized salt, but some were not aware that they were consuming non-iodized salt as the packets in which it was sold were not properly labeled. Monitoring of compliance with the regulations on marking was lax.

409. Implementation of the programme for the fortification of first- and higher-grade wheat flour began in May 2003. For fortifying first-grade flour KAP Complex-1 premix was used. This contains iron (40 ppm), zinc (17.6 ppm), thiamine (1.6 ppm), riboflavin (2.4 ppm), niacin (8 ppm) and folates (1.2 ppm). The composition of the premix is calculated on the basis of an assumed average consumption of fortified flour of 260 g per person per day.

410. A review showed that women consume 492.5 g of bread per capita per day and 19.4 g of flour and macaroni per capita per day, which corresponds to a total flour consumption of 364.0 g per capita per day. In view of the large consumption of flour in Tajikistan, if women, in general, consumed only products prepared on the basis of fortified flour, they would be able, from this source, to satisfy 50 per cent of their daily iron requirement and more than 100 per cent of their daily zinc and folate requirements. Clearly, the availability of fortified flour would make an important contribution to solving the problems associated with iron-deficiency disease in Tajikistan.

411. However, it is unlikely that this objective will be met in the near future, inasmuch as, at present, only 3 per cent of flour is fortified, and the programme itself has so far been focused mainly on the cities. Supplying bakeries with fortified flour would not solve the problem in every part of the country since most people in the rural areas bake their own bread. Moreover, at this stage far from everybody understands the advantages of using fortified flour. It seems essential to extend the fortification programme by involving medium-sized factories (producing up to 100 million tonnes of flour a year) and by implementing home flour fortification strategies, and this is under study.

412. However, the greater accessibility of fortified flour will not suffice to meet the needs of another vitally important group with a high risk of contracting diseases, namely, children. For them it will be necessary to seek other forms of mineral enrichment, such as fortified cereals and dairy products or other foods enriched at home. These efforts must be accompanied by information campaigns aimed at mothers with a view to explaining the most effective supplementary nutrition profiles for children. Infants and young children should be able to count on a much higher density diet to prevent or hold in check certain serious health-threatening consequences of frequent shortages of nutrients in the diet.

## **HIV/AIDS**

413. As of 1 April 2006, a total of 544 persons had been registered as HIV-seropositive in Tajikistan; the first case of HIV infection was recorded in 1991. Thirty-one of these people (5.8 per cent) have died. The principal mode of transmission of HIV is drug injection (69 per cent) and today 85 per cent of those who are seropositive inject drugs. Tajikistan has the youngest population of all the republics of the former Soviet Union: 70 per cent of the population is under 30 and 59 per cent under 19. The level of awareness of HIV/AIDS is relatively low: only 34.4 per cent of young people aged between 15 and 24 (United Nations Population Fund data for 2003) and 43 per cent of the population as a whole are correctly informed about HIV, its modes of transmission and the methods available for preventing

infection. The main factors responsible for the propagation of the HIV epidemic in Tajikistan are considered to be poverty (which has led to a high rate of labour migration and an increase in the supply of sexual services) and the large number of injecting drug users.

414. The prevalence of HIV is 15 per cent among injecting drug users, 0.7 per cent among sex workers and 0.5 per cent among pregnant women (sentinel surveillance data for two provinces in 2005). A rapid assessment and response project carried out in 2003 revealed a high degree of vulnerability among street children and young people who were particularly at risk of being infected with HIV and maltreated by the police.

415. In 2006, the country adopted the national programme on young people and healthy development for the period 2006-2010, which was aimed at preventing the propagation of the AIDS epidemic by giving young people access to information and quality services and protecting the rights of those most vulnerable to infection with HIV and AIDS.

416. The Government of Tajikistan has adopted a national programme of HIV/AIDS prevention and control for the period 2006-2010, based on the results of an evaluation of the previous programmes, which made it possible to include in the document such components as the provision of services adapted to the needs of the young.

417. In 2005, the Prevention of AIDS Act was supplemented and amended so as to strengthen the rights of the seropositive and persons with AIDS. That same year, the Ministry of Health approved a national programme of prevention of the vertical transmission of HIV or transmission of HIV from mother to child.

418. The Tajik system of detection and registration of cases of HIV/AIDS is insufficiently developed, mainly due to the lack of funds, which has prevented the purchase of the equipment needed to carry out testing and evaluate the results. Moreover, there is a shortage of trained personnel and advisory services.

419. The country's healthcare system is not yet able to solve all the problems posed by the fight against HIV infection. In 2001, the expenditure on the healthcare system amounted to only 1 per cent of GDP or US\$ 2.5 per capita (United Nations Country Team, 2003, and European Observatory, 2000).

420. The local executive bodies of Sughd province are taking all the measures necessary to implement the national programme for the prevention and control of HIV/AIDS and sexually transmitted diseases for the period 2000-2007, adopted by Government decision of 30 December 2000, and the strategic plan for the prevention of the threat of propagation of HIV/AIDS in Tajikistan for the period 2002-2005, adopted by Government decision in October 2002. These initiatives have already yielded positive results.

### **Prejudicial traditional practices**

421. Prejudicial traditional practices are almost nonexistent in Tajikistan.

## **International cooperation**

422. The third programme of cooperation between the Government of Tajikistan and the UNICEF Office in Tajikistan for the period 2005-2009 is in process of being implemented. In 2005, UNICEF and WHO signed a memorandum of cooperation.

### **C. Social protection and childcare services and institutions (art. 26 and paragraph 3 of article 18)**

423. The State Social Insurance Act of 12 December 1997 instituted, alongside other categories of social insurance, benefits such as the pregnancy and childbirth allowance and family allowances.

424. These benefits are paid to families in which the wife is employed on the basis of a contract of employment in an enterprise, institution or organization, whatever the form of ownership or type of economic activity, by a private individual or by a person who is a member of or participant in an enterprise, and is insured under the Social Protection Act, provided that she regularly pays her contributions to the Social Insurance Fund.

425. The allowance for pregnancy and childbirth is payable at the rate of 100 per cent of earnings for the entire period of leave granted to a woman in connection with pregnancy and childbirth, irrespective of how many days of leave are taken before and how many after childbirth; the length of the leave is set at 70 calendar days before childbirth and 70 calendar days after childbirth (86 in the event of a difficult birth and 110 if the woman gives birth to at least two children).

426. The following family allowances are payable when a child is born to a family:

- A one-off grant on the birth of a child
- A monthly allowance for childcare.

The one-off grant is allocated as follows:

- On the birth of the first child - three times the minimum wage
- On the birth of the second child - twice the minimum wage
- On the birth of the third and subsequent children - a sum equal to the minimum wage.

427. Under the labour legislation in force, childcare leave is granted to women until the child reaches the age of 18 months. During this leave, a monthly childcare allowance in the amount of 100 per cent of the minimum wage is paid to the woman at her place of work, out of social insurance funds.

#### **D. Standard of living (paragraphs 1 to 3 of article 27)**

428. By decision No. 135 of 4 May 1998 on measures to strengthen the social protection of low-income groups, the Government of Tajikistan introduced the payment of monthly allowances for children under 8 years of age. The amount of this allowance was set at 500 Tajik roubles per child when the average income of the members of the family did not exceed the minimum monthly wage. This decision remained in force until the adoption of Government decision No. 585 of 30 December 2001.

429. Children receiving a pension for the loss of a breadwinner were paid an allowance (compensation), up to the age of 18, regardless of whether or not the family was receiving other types of allowances. This rule remained in force until 30 December 2001.

430. In order to improve the social protection of children in low-income families and orphans, the Government adopted decision No. 244 of 2 May 2007 on the payment of an allowance (compensation) to needy families with children attending general schools.

431. A Government decision of 1 January 2002 introduced the targeted payment of an allowance for each child from families in the poorest group who attends a general school. The amount of the allowance was set at 20 somoni per quarter. The conditions on which this allowance is paid are determined by the general school parents committees. In accordance with this decision, in 2002, the allowance was paid to 290,500 general school pupils from low-income families, i.e., about 20 per cent of the total number of schoolchildren nationwide. The expenditure on this allowance in 2002 amounted to more than 5.8 million somoni out of the 7 million somoni allocated for the purpose that year.

432. The following table shows the numbers of children benefiting from the allowance by province and district, together with the funds used for the purpose.<sup>30</sup>

**Table 26**  
**Number of children benefiting from the allowance**

No.	Name of province, city or district	Number of pupils under 15 receiving the allowance	Amount received by the children, in somoni	Percentage utilization of budget appropriation
1	Sughd province	81 620	1 062 243	54.2
2	Khatlon province	107 663	2 584 176	97.0
3	Gorno-Badakhshan Autonomous Oblast	10 655	240 786	100.0
4	City of Dushanbe	23 485	533 204	92.1
5	Districts under the direct jurisdiction of the capital	67 054	1 400 180	87.5
	Whole of country	290 477	5 820 580	82.7

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<sup>30</sup> Ministry of Labour and Social Protection data.

433. The Ministry of Labour and Social Protection, in collaboration with the Ministry of Education and the Ministry of Health, is developing an innovative interdepartmental initiative that takes existing needs into account in order to provide support to the neediest children in Tajikistan. As an experiment, an approach will be used that involves the participation of communities, specifically, parent-teacher associations, to evaluate ways of improving the health, nutrition and education of schoolchildren from the poorest families in approximately 200 schools in six pilot districts of Tajikistan (Shurabad, Beshkent, Baljuvan, Rogun, Darband and Murgab).

434. It is intended to ask UNICEF to be the main partner in the implementation of this project. The World Bank and UNICEF have studied every aspect of the cooperation model and have drawn up and signed an agreement for the exchange of information on the subject. The Ministry of Labour and Social Protection will need assistance in creating a potential for action within the parent-teacher associations in three pilot districts – Churabad, Beshkent and Baljuvan – which are receiving support from the Aga Khan Fund for Economic Development (AKFED); in the city of Rogun and in the districts of Darband and Murgab, the Aga Khan Fund will carry out activities of the same type. The goals of this pilot project to reform social protection in Tajikistan are as follows:

- To create new ways of identifying the neediest children and families and give them assistance through an approach that involves the participation of parent-teacher associations and the school commissions they create;
- To enhance the potential of parent-teacher associations in terms of their access to existing social funds that provide assistance to schools and their pupils;
- To improve the health and nutrition of schoolchildren, as well as their attendance and performance, through measures to protect their health and provide them with school meals.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES** **(arts. 28, 29 and 31)**

### **A. Education, including vocational training and guidance (art. 28)**

435. The civil war resulted in a fall in the standard of education for all children, which explains why today the parents are better educated than their children. A sharp decline in school attendance has been noted, together with a drop in enrolment.<sup>31</sup> The Government is sparing no effort to broaden access to education and improve its quality.

436. During the last five years, the Government has paid special attention to expanding the legal basis in order to reinforce the right of the child to education. Important amendments to the Constitution were introduced in 2003 and, in the same year, the Government adopted a new Education Act.

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<sup>31</sup> UNICEF Research Centre, “Social Observations, 2000”, p. 14.

437. In Tajikistan, the right of the child to education is guaranteed by the following instruments:

1. The Constitution, with amendments concerning the organization of alternative fee-paying public education incorporated by national referendum (June 2003)
2. The Education Act, with amendments concerning fee-paying education provided by educational institutions incorporated in 1997, 2003 and 2004
3. State educational standards (1997)
4. Programme for the socio-economic development of Tajikistan, 2001-2005
5. Programme of the State educational system in the field of human rights (2001)
6. National blueprint for education (2002)
7. Poverty reduction strategy paper, education sector (2002)
8. Programme for the computerization of basic and secondary schools, 2003-2007 (2002)
9. Presidential decree of 3 December 1999 on enhancing the role of women in society
10. National plan of action to improve the status and role of women, 1998-2005
11. Government decision No. 391 of 8 August 2001 concerning the programme on the principal areas of State policy to ensure equal rights and opportunities for men and women in Tajikistan for the period 2001-2010
12. Government decision No. 199 of the 19 April 2001 concerning the admission of girls to higher educational establishments in accordance with the presidential quotas for 2001-2005; Government decision No. 344 of 4 August 2003 on amendments and additions to the indicators relating to the presidential quotas concerning the admission of girls (without an entrance examination) to higher education establishments for 2001-2005; and Government decision of 31 January 2006 concerning the admission of students to higher educational establishments in accordance with the presidential quotas for 2006-2010
13. Presidential decree on improving the teaching and study of the Russian and English languages, 2004-2014 (2003)
14. The annual budget acts and other laws and regulations of the Republic of Tajikistan.

438. These legislative, administrative and budgetary instruments form the basis for guaranteeing the rights of the child as far as equality of opportunities for education is concerned. It should be stressed that the legislation is aimed at ensuring gender equality in education, eradicating poverty and improving the quality of education through the adoption of educational standards.

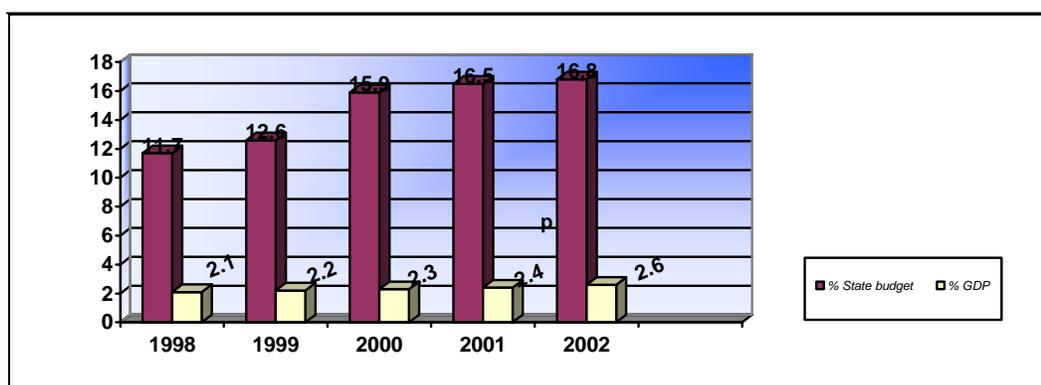
***Budget appropriations and expenditure relating to education***

439. The prioritization of the education sector has changed the way in which budget appropriations are distributed. An analysis of the allocation of funds to education during the last five years reveals a steady increase in expenditure on education; although this increase is not very substantial, nevertheless, given the country's difficult economic situation, it is a sign of progress.

**Table 27**  
**Increasing trend of expenditure on education (1998-2002)<sup>32</sup>**

	1998	1999	2000	2001	2002
Expenditure (in somoni)	22 091 367	28 127 708	41 353 842	59 356 000	78 872 000
Percentage of State budget	11.7	12.6	15.9	16.5	16.8
Percentage of GDP	2.1	2.2	2.3	2.4	2.6

**Chart 3**  
**Expenditure on education**



440. The expenditure on education broken down by source of funding and educational level for the period 2000-2001 is set out in Annex 1. An analysis of the data shows that, in 2000, out of the total amount allocated to education (41,250,684) State budget appropriations accounted for 15.4 per cent (6,349,049) and local budget appropriations for 84.6 per cent (34,901,635). In 2001, out of the total amount allocated to education (59,356,000), State budget appropriations accounted for 15.4 per cent (9,184,000) and local budget appropriations for 84.6 per cent (50,172,000).

441. The State budget provided 3,403,000 somoni for general secondary education, 960,000 somoni for vocational secondary education, 2,945,000 somoni for higher education and

<sup>32</sup> Ministry of Finance data.

1,876,000 somoni for other educational activities. The local budget was used to finance pre-school education (3,015,000 somoni), secondary education (44,914,000 somoni), vocational secondary education (706,000 somoni) and other educational activities (1,537,000 somoni).

442. The local budget provides funding for all pre-school establishments, general schools and specialized secondary schools. The State budget funds higher education and the various kinds of boarding school.

443. In 2001, out of the total amount spent on education, 80 per cent was expended on salaries, 3 per cent on utilities, 1 per cent on scholarships, 6 per cent on food, 2 per cent on equipment, 3 per cent on major repairs, and 5 per cent on miscellaneous items. As most of the appropriation was used to fund salaries, there was clearly not enough left over for equipment, major repairs, utilities food and miscellaneous expenditure. However, no item is sufficiently well funded: the buildings are in need of major repairs, the equipment needs renewing and, moreover, even though the teachers' pay is the main item of expenditure, that pay does not constitute a living wage.<sup>33</sup>

444. A joint study on the monitoring of learning achievement and the problem of children who do not attend school, conducted by the Ministry of Education, UNESCO, UNICEF, the NGO National Education Fund and the Centre for the Study of Public Opinion and Forecasting, identified the contribution made by parents to the cost of a child's education:

- 81 per cent of parents pay for their children's textbooks;
- 47 per cent pay for the school uniform;
- 36 per cent participate in other payments (repairs, landscaping);
- 24 per cent pay for their children's studies;
- 3 per cent pay for their children to be transported to school.

445. Most of the households questioned in connection with this study would be classified as poor. In fact, 59.3 per cent of them indicated that the cost of educating their children was beyond their means, and this was why they did not let their children go to school. To assist the children of large and poor families, on 30 December 2001, the Government adopted decision No. 585 on payment of cash allowances to poorly-off families with children studying in general schools. In accordance with this decision, an allowance of six somoni, funded from the State budget, is paid every quarter to each child of a poor family aged from 6 to 15.

### *School attendance*

446. The main reason for children not going to school is poverty and its consequences. Absenteeism is more common among boys than among girls.

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<sup>33</sup> Ministry of Education data.

447. The findings of the study on the monitoring of learning achievement carried out in 2002 highlighted the following causes of absenteeism:

- Lack of school supplies
- Poverty and the lack of money to pay for teaching, clothing, footwear, textbooks and school supplies
- The very heavy burden of housework, lack of time for doing homework
- Going to school does not appeal either to the children or the parents, since the children have to earn money for their family.

### ***Teaching staff***

448. Actual public and private expenditure on education for 1999, expressed in the national currency (somon), is set out in Annexes 3 and 4. The expenditure per child depends on the educational level. In 2001, it was 75.1 somoni for pre-school education, 29.8 somoni in general secondary education, 82.6 somoni in specialized secondary and higher education and 58.6 somoni in higher education (see Annex 5).

449. The quality of the education dispensed in the schools depends on the qualifications of the teachers. During school year 2002-2003, the general schools employed 101,088 teachers, of whom 47,955 were women (47.4 per cent). By way of comparison, in the 1980s, women accounted for 34 per cent of the teachers in these schools.

450. As far as the qualifications of the teachers are concerned, 62.4 per cent have completed a course of higher education and 4.5 per cent have an incomplete higher education, while 23 per cent have completed special and 10.1 per cent general secondary education. In 1991, not more than 2.8 per cent of general school teachers held only a secondary education certificate. In 11 years, the number of teachers with a secondary education certificate increased to 7.3 per cent. The main reason for this increase is the departure of teachers with higher qualifications into other occupations, due mainly to the poor pay: teachers earn a maximum of six dollars per month.

451. As far as the availability of qualified teachers is concerned, the weakest link in the education system is the primary school. Only 38.6 per cent of teachers have completed a course of higher education; 5.2 per cent have an incomplete higher education; 31 per cent have had teacher training at secondary level; and there are 6.8 per cent with a special secondary education and 18.4 per cent with a general secondary education, but no special teacher training. The educational level and qualifications of the teachers have a direct influence on the quality of the education.<sup>34</sup>

452. The need for qualified teachers is felt at all levels of general school education. The teacher shortage is mainly affecting primary classes, together with English, Russian, Tajik, mathematics, chemistry and biology.

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<sup>34</sup> Ministry of Education data.

453. The secondary schools are between 10 and 30 per cent understaffed. The teachers work for 1.5 to 2.2 periods (1 period corresponds to 14 hours of teaching per week), which has an adverse effect on the quality of the teaching.

454. Teachers receive their training in universities, institutes, teacher training colleges and secondary schools. The annual output of trained teachers would be sufficient to meet the demand provided that they all sought teaching posts. In actual fact, due to the low pay, the percentage of graduates entering the profession averages only 45 per cent.

455. Teachers can improve their skills at the Further Training and Retraining Institute of the Ministry of Education and by taking the further training courses provided by the Ministry of Labour and Social Protection. In accordance with Ministry of Education regulations, every teacher must attend a refresher course once every five years.

456. However, because teachers, especially those living in remote rural areas, make such a poor living, improving their skills poses a problem. They cannot afford to pay the transport, subsistence and other costs involved. Because of the local budget deficit, there are virtually no public funds available for financing further training for teachers. Over a long period of time, the lack of such training can only result in a further steady deterioration in the quality of the teaching.

457. For its part, the Further Training and Retraining Institute lacks the funds needed to acquire modern educational technology and renew its teaching equipment and facilities so as to enable teachers to familiarize themselves with innovative methods of educating children.

458. In 2002, the Ministry of Education, in collaboration with UNICEF, UNESCO and the Centre for the Study of Public Opinion and Forecasting, carried out a study on the monitoring of learning achievement and the problem of children who do not attend school. This study highlighted the need to establish services independent of the schools that were able to monitor the quality of teaching and the acquisition of knowledge with reference to State standards in the field of education. The Ministry drew up a human resources programme to reflect the policy of training, further training and social support for teaching staff, with the ultimate objective of improving the quality of the education received.

### ***Literacy rate***

459. One of the Government's main aims is to eliminate illiteracy. The literacy level in Tajikistan is high. According to the 2000 census, the literacy rate in the age group from 9 to 49 is 99.8 per cent.

460. The results of the MICS conducted in 2000 showed that the literacy rate among the young is almost the same for boys and girls. The following table indicates the number of people unable to read and write, according to the 2000 census.

**Table 28**  
**Illiteracy**

Unable to read and write		
Age	Men	Women
<b>Under the age of 9</b>	200	500
<b>Between 9 and 49</b>	300	1,100

***School enrolment***

461. According to the Ministry of Education, the enrolment rate for children aged 7 to 15 in general education is 98.2 per cent. At present, 1,493,954 children are enrolled in classes 1 to 9 of all the general secondary schools combined. The illiteracy revealed by the census in a small proportion of the population is essentially attributable to the civil war and its after-effects (1991-1997), namely, refugee status, poverty, large families and the lack of clothing, footwear and money for buying school supplies, textbooks and school uniforms.

***Completion of studies***

462. According to the MICS, altogether, 83 per cent of children aged 7 to 11 attend primary school. Annex 10 shows the progression of the pupils between classes 1 and 9. In 1993-1994, the success rate for primary school pupils was 91.4 per cent, that for girls being 90.9 per cent. In 2002-2003, the primary school indicators increased to 98.4 per cent, and as much as 98.8 per cent in the case of girls. In 1998-1999, 75.4 per cent of pupils reached class 9 (basic school), including 72.0 per cent of girls. In 2002-2003, these rates rose to 82.6 per cent and 76.0 per cent in the case of girls. A data analysis shows that during the last five years, the success rate of the pupils at all stages of basic school increased. This trend is attributable to the political stabilization of the country, the fact that the Government has been focusing more closely on education, an increased awareness of the importance of education and a greater sense of responsibility for children's education among parents, pupils and the public at large.

463. According to the Ministry of Education, in school year 2002-2003, the repetition rate (for failure to assimilate the course material) was 0.3 per cent in primary school (classes 1 to 4) and 0.6 per cent in basic school (classes 5 to 9). That same year, the repetition rate in all of general education was 0.4 per cent of the total number of pupils for the country as a whole. The repetition rate could be higher as some poorly performing pupils are provisionally admitted to the next higher class, where they may have difficulty in mastering the curriculum.

**Girls**

464. It should be noted, however, that the success rates for girls up to class 9 are lower than at primary level. A gender-specific analysis of the statistics relating to the number of pupils attending general schools reveals a decline in the percentage of girls in education with progression from one stage of education to another, specifically from primary to secondary school.

**Gender-specific analysis of general school pupils in school year 2000-2001<sup>35</sup>**

No.	Stage of general education	Classes	Number of pupils	Girls	Boys	Per cent girls	Per cent boys
1	1st stage (primary school)	1-4	683,981	328,886	355,095	48.1	51.9
2	2nd stage (basic education)	5-9	743,286	344,552	398,734	46.4	53.6
3	3rd stage (secondary school)	10-11	129,447	48,795	80,652	37.7	62.3
4	All general schools	1-11	1,556,714	722,233	834,481	46.4	53.6

465. The sharp decline in the percentage of girls in the higher classes of general education (9 to 11) is due to the fact that nine years of education are compulsory and free. The study on the monitoring of learning achievement and the problem of children who do not attend school, carried out in 2002 by the Ministry of Education, UNESCO, UNICEF, the NGO National Fund for Education and the Centre for the Study of Public Opinion and Forecasting, showed that 57 per cent of parents take the traditional view that it is more important for boys to receive an education than girls. This also helps to explain the reduced percentage of girls in the higher classes of secondary education.

**Informal education system**

466. An informal education is offered by out-of-school education centres for children and young people, clubs, non-governmental organizations, and charitable and other associations, with the support of the State education services, local executive bodies, communities and international organizations.

467. Tajikistan has more than 69 institutions offering out-of-school education, such as creative activity centres, centres for teaching the arts, hobby groups, young technicians' circles, sports clubs, etc. Practically every district centre has one of these institutions. New centres for children and young people have also been opened in the remotest parts of the country: Rasht, Rogun, Tajikabad, Jirgital, Shaartuz, Farkhor, etc.

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<sup>35</sup> Ministry of Education data.

468. The social and non-governmental organizations for children operate on the basis of the decree adopted jointly in 1999 by the Ministry of Education and the Government Committee on Youth Affairs concerning the regulations applicable to student organizations and educational institutions. This is the third year of operation, in all general schools, of the I. Somoni children's association, which offers three levels of education according to age: "Akhtaron" (classes 1 to 4), "Borisoni Oli Somon" (classes 5 to 9) and "Somoniyon" (classes 10 and 11).

469. This association helps children to study human rights and engage in creative activities and other forms of learning. The children are coached mainly by teachers of history and law, among other disciplines. The non-governmental organizations also provide informal education for children and young people. Thus, the NGOs "Adabsoro", "Nasli Navras", "RCVC", "Mekhr", "Associations of Scouts", "Our Children" and many others have established education and vocational training centres for teaching reading and writing and the rudiments of a trade to children who do not go to school, abandoned children, orphans and refugee children.

### ***Initiatives in the fields of pre-school education and early development***

470. The representatives of the local community, the *mahallia*, participate in the educational process. NGOs engage in informal education activities in Gorno-Badakhshan Autonomous Oblast, in Sughd and Khatlon provinces, in the districts under the direct jurisdiction of the capital and Dushanbe. The country has about 2,143 NGOs, more than 67 of which deal with problems connected with the social protection of children. However, there are no mechanisms for overseeing or monitoring their work with children and no clear rules on the protection of children and the creation of the conditions necessary for their comprehensive development with dignity.

471. Due to inadequate funding the pre-school establishments suffer from an acute shortage of food and medical supplies and lack textbooks and teaching materials. Most of the buildings and installations are in need of repair. The pre-school establishments are seriously short of qualified teachers. Many have been forced out of the profession by the low pay (between two and four dollars per month).

472. As shown by the UNESCO study of the needs of children and mothers in 2001, many parents (mothers) had only a poor understanding of the early development needs of the child. Accordingly, the role of the pre-school establishments in the education and upbringing of the young child is expanding. During the last five or six years, alternatives to the existing forms of early education have emerged. These include private groups for teaching the arts (dancing, music, drawing, singing, modeling in clay and plasticine, foreign languages and good manners) to children of pre-school age (between four and six years old).

473. This education is not accessible to all children, since it has to be paid for. Tutoring is another type of paid-for pre-school education. For some time, families with sufficient means have been hiring private tutors to educate their young children. The new forms of pre-school education mentioned above are available to only a small percentage of children and do not solve the broader problem of access to modern forms of high-quality pre-school education. Moreover, most of the population is living below the poverty threshold and is not in a position to take advantage of services for which there is a charge.

474. Children from vulnerable segments of the population have only very limited opportunities for gaining access to early education. In Dushanbe and in the cities under provincial jurisdiction of Khujan, Kurgan-Tyube and Khorog, some pre-school establishments have special groups for children with poor hearing and children with retarded mental development. However, the early education system is not in a position to meet the needs of children with developmental problems, since it is itself currently experiencing serious economic difficulties and needs radical reform.

#### **Achievements in the field of education**

475. During the last five years, the following changes have taken place in the field of education. The stabilization of the situation in the Tajikistan has made it possible to launch a new and more active phase in the reform of the education system. In his annual message to Parliament, President Emomali Rakhmon viewed this system as a permanent priority. At its session held on 4 April 2003, Parliament set itself the primary goal of consistently developing the national education system, raising the level of knowledge and introducing modern education technology.

476. Tajikistan's education policy is designed to support the World Declaration on Education For All. The country has played an active part, preparing a national report on the evaluation of education in Tajikistan for the year 2000. It also drew up a national plan of action for the period 2003-2010, reflecting the strategy of continued reform and democratization of education. The principal measures envisaged are as follows:

- Equal access to education;
- Promotion of the development of early education;
- Improvement of the quality of education at the primary and basic secondary levels;
- Gender equality;
- Improved standards in education;
- Development of curricula, syllabuses and textbooks;
- Enhancement of the system for assessing learning;
- Modification of teacher training policy;
- Modernization of the school infrastructure;
- Increase in the share of the budget allocated to education.

477. These and other important activities envisaged in the national plan of action will contribute to the development and improvement of education.

478. The national education system is undergoing important changes, both qualitative and quantitative. In 2002-2003, the country had 3,677 day schools, including 662 primary schools, 844 basic (nine-year) schools, 2,044 secondary schools, 59 gymnasiums, 60 lycées, and 11 schools for children with developmental problems. These schools were attended by

1,617,650 pupils. The general schools for children with developmental problems were attended by 1,700 pupils. Forty-seven private schools were attended by 12,789 pupils (the main indicators for general education can be found in Annex 7).

479. One of the positive aspects of the reform of the education system is the increase in the number of schools of a new type (in 1995-1996, there was only one gymnasium and only five lycées); there is another positive aspect, namely, the increase in the number of private schools. In school year 1995-1996, there were only three, all secondary schools. The figures reveal an increase in the number of pupils attending general schools. A comparison between school years 2002-2003 and 1995-1996 shows that the number of pupils increased by 306,583. The increase in the number of pupils is outpacing the construction of new schools. This is why, in 2001, 80.5 per cent of schools operated in two or three shifts (Annex 8).

480. In the general schools there has been an increase in the number of pupils per teacher. Thus, the ratio rose from 13.8 in school year 1991-1992 to 15.6 in school year 2001-2001 (Annex 9). The Government has just established five working groups tasked with the reform of the education system, one of which will be responsible for analysing issues relating to further training for teachers and the quality of education. These groups will be required to make clear recommendations with a view to solving this problem.<sup>36</sup>

481. The school attendance rate increased after the World Food Programme (WFP) undertook to implement a school meals programme in 1,679 establishments (schools, boarding schools, kindergartens, etc.). Between 1999 and 2003, more than 367,000 children throughout the country benefited from the programme, which increased school attendance in all districts by 6 to 16 per cent.

### **Monitoring and assessment**

482. Within the context of the study on the monitoring of learning achievement carried out in 2000, the quality of the knowledge acquired by primary class pupils was assessed. Classical methods of assessment, such as written and oral interrogation, testing, questionnaires, independent work and random inspections by education authority officials, were used to determine the level of knowledge of a subject and a specified volume of educational material. The study on the monitoring of learning achievement carried out in 2002 determined the level of preparation of primary school pupils in three areas at once: reading and writing, maths, and practical skills. Forty-three per cent of primary pupils were successful in all three tests. Out of the pupils participating in the study, 36.9 per cent passed the reading and writing test.

### ***Situation in rural areas***

483. The teaching of reading and writing in rural areas is lagging well behind that in urban schools. Thus, 34.2 per cent of rural children passed the reading and writing test as compared with 48.9 per cent of urban children. The Ministry of Education, together with UNESCO, UNICEF and the NGOs, must extend the monitoring to the nine-year basic schools and eleven-

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<sup>36</sup> Ministry of Education data.

year secondary schools, in order to obtain a complete picture of the quality of the education being received.

### ***Provision of free education***

484. The Constitution and the Education Act guarantee free compulsory education (classes 1 to 9). In Tajikistan, there are three stages of general secondary education: primary, basic and secondary. Each stage can function independently, although continuity is assured. The ages and the duration of the studies corresponding to each stage are established by the Regulations on institutions of general education. Primary schools (classes 1 to 4) accept children from the age of 6 or 7 and the studies last four years.

485. General secondary education is delivered over an eleven-year time span. The children begin their studies at the age of 6 or 7 and complete them at the age of 18. Basic (up to the ninth year) education is provided from the age of 10 or 11 and lasts five years (classes 5 to 9). The third stage of general secondary education (classes 10 and 11) is spread over two years up to the age of 17 or 18. Every year, the number of children admitted to the first-year course is observed to increase. Thus, in 1998-1999, the total number of pupils (at the beginning of the school year) was 177,827 whereas in 2002-2003 it was 184,355, i.e., an increase of 6,528. The percentages of girls admitted to the first-year course in the above-mentioned school years were 48.1 per cent and 48.4 per cent, respectively.

### ***Completion of primary education***

486. The number of pupils completing primary school as a percentage of the total number of pupils admitted was:

- In 1990-1991: 91.4 per cent, including 90.9 per cent of girls;
- In 1999-2000: 98.4 per cent, including 98.8 per cent of girls.<sup>37</sup>

### ***Expulsion***

487. Under the Education Act, the teaching council of a State educational institution is authorized to expel pupils who have reached the age of 16, since, under article 174 of the Labour Code, this is the age of admission to employment.

### ***Access to vocational training***

488. There are several types of general and vocational secondary education in Tajikistan. Most pupils follow a course of general secondary education in a general secondary school. Adults or pupils who have completed their basic education (classes 1 to 9) and, for one reason or another, have not had the opportunity to continue their studies in a daytime general school, or older children who have not received an education, can obtain a secondary education in evening

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<sup>37</sup> Ministry of Education data.

schools, in vocational and technical schools and in vocational secondary schools. In addition to secondary education, these institutions provide basic vocational training.

489. The number of evening schools (which work in shifts) increased by eight between 1996 (38 schools) and 2001 (46 schools), due to an increase in the number of students. Thus, in school year 1995-1996, 12,700 children attended evening schools, but by 1999-2000 this had risen to 14,400.

490. Articles 14 and 15 of the Education Act guarantee free vocational education (first specialty) in all primary technical schools, as well as a general secondary education in technical secondary schools. The number of technical schools and the number of technical students have fallen very slightly. In 1995-1996, there were 74 of these schools with 27,600 students, as against 73 and 25,300 students in 2000-2001. Out of these schools, 69 are daytime institutions, with 23,337 students, of whom 16,037 are girls. Fifty-three of these schools admit students who have completed their basic education (10,416, of whom 4,202 are girls) and 42 admit young people without a secondary education certificate (2,809 students, of whom 1,784 are girls).

491. Between school years 1998-1999 and 2002-2003, the number of vocational secondary schools increased from 42 to 50. For these years, together with the increase in the number of schools, the number of students also increased: from 19,400 (including 9,400 girls) to 25,100 (including 12,700 girls).

492. Daytime education is supplemented by correspondence courses, which have also attracted increasing numbers of students. Between school years 1998-1999 and 2002-2003, the number of students taking correspondence courses almost doubled, rising from 4,900 to 8,500.<sup>38</sup>

### ***Access to higher education***

493. Higher education is governed by the Education Act. In 2003, Parliament adopted the Basic Vocational Training Act.

494. Access to higher education is by competitive examination, free of charge and reserved for those with a general or vocational secondary education received at a State or private educational institution. A second type of higher education is provided on a contractual (fee-paying) basis. The daytime departments of institutions of higher education accept citizens aged between 16 and 35; there are virtually no age limits for correspondence courses. Moreover, access to higher education is not subject to any restrictions based on gender. In school year 2002-2003, 96,583 people studied in 33 higher educational establishments. In five years, the number of these establishments has increased by nine and the number of students by 21,100. During the same period, the percentage of women students declined very slightly, from 25.3 per cent to 24.8 per cent.

495. Pursuant to Government Decisions No. 199 of 19 April 2001 on the admission of girls to higher educational establishments in accordance with the presidential quotas for the period 2001-2005 and No. 344 of 4 August 2003 on additions and amendments to the indicators relating

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<sup>38</sup> Ministry of Labour and Social Protection data.

to the presidential quotas concerning the admission of girls (without an entrance examination) to higher educational establishments for the period 2001-2005, 2,886 girls from 56 of the country's cities and districts were admitted, during the period in question, to various higher educational establishments without an examination.

496. The students choose the duration, profile and language of instruction and whether to follow a daytime or a correspondence course (art. 32 of the Education Act). In school year 1998-1999, 33.9 per cent of the students enrolled took correspondence courses; this percentage rose to 37.8 per cent in school year 2002-2003 (an increase of 3.9 per cent).

### ***Language of instruction***

497. Subjects are taught in three languages. In school year 1999-2000, higher education was delivered in Tajik to 62.3 per cent of students, in Russian to 32.6 per cent, and in Uzbek to 5.1 per cent. In school year 2002-2003, 67 per cent of students (65,047) were taught in Tajik, 29.2 per cent (28,188) in Russian; and 3.5 per cent (3,348) in Uzbek.<sup>39</sup> Thus, there was an increase in the number of students studying in the official language, while the numbers studying in Russian and Uzbek decreased.

### ***Financing of the universities***

498. There has been an increase in the number of higher educational institutions that admit, in addition to those whose studies are paid for by the State, students who have signed a study contract and pay for their studies themselves. Thus, in school year 2002-2003, there were 54,412 persons studying at the expense of the State (56.3 per cent), while 42,171 had signed a study contract and were paying fees (43.7 per cent). A presidential scholarship for gifted students was instituted in 1996.

### ***Monitoring/oversight and complaints procedure***

499. Article 32 of the Education Act stipulates that, whatever the form of ownership of an educational institution (public or private), the students have the right to choose the profile, form and duration of their studies and an individual programme of extra-curricular activities, as well as the right to be protected against the unlawful actions (omissions) of the administration or other members of the staff that violate their rights or impugn their honour and dignity. Article 33 of the same Act prohibits from teaching in an educational institution those persons who have been banned from engaging in this activity by court order or on medical grounds; the names of these persons are held on a Government list.

500. Employees of educational institutions who commit immoral acts incompatible with their professional duties may be dismissed in accordance with the legislation in force.

501. Article 29 of the Education Act provides for educational institutions to have a system of self-government (council of the institution, teaching and class councils, parent committees, etc.), within which, in addition to the administration, the teachers and other staff members, parents,

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<sup>39</sup> Ministry of Education data.

students and voluntary associations are all represented. This system of self-government is designed to provide for the management and social oversight of all the activities of the educational institution, and in particular for the repression of all forms of violence and brutality.

502. Complaints lodged by the children in any form (oral or in writing) may be examined by the teachers, the administration, the teaching councils, the parents committees, the local community, the competent bodies of the Ministry of Internal Affairs, the educational management services, the Ministry of Education and any other body that works with children.

### ***International cooperation***

503. In implementing reforms, the Ministry of Education cooperates with such international organizations as UNICEF, UNESCO, the World Bank, the Asian Development Bank, UNDP, the United States Agency for International Development, the OPEC Fund for International Development, the United Nations Mission of Observers in Tajikistan, the Aga Khan Fund for Economic Development, the Soros Fund, the INGO ORA International, CARE International, and Save the Children (United Kingdom).

### ***NGO activities***

504. Acting in conjunction with the international organizations, the following NGOs also take an active part in dealing with education-related issues:

- The National Education Fund has drawn up and introduced a programme of education in pacifism and tolerance; it has printed 3,000 copies in Tajik and Russian of the handbook “Peace in the Smile of a Child”, which has been used in 60 pilot schools. It has conducted a study on monitoring learning achievement and the problem of children who do not go to school. It has drawn up a national plan of action on education for all;
- The Association of University Women has made a study of the situation of girls in Tajik schools;
- Dilafruz, in collaboration with Save the Children (United Kingdom), has begun introducing educational management information systems with the involvement of local communities;
- The Manizha Centre is working to improve child-oriented teaching methods and is making a study of the reasons for dropping out of school;
- The work of the Youth Ecological Centre ECO involves setting up effective student councils;
- The NGOs Aurora and Sarparast cooperate with the Ministry of Internal Affairs in supporting adolescents with learning difficulties;

- The Centre for Educational Reform, with financial support from the Soros Fund, publishes a scientific and practical bulletin on educational problems “School and Society”, in Tajik and Russian;
- The Tajik Association of Women of Science has studied violence against women and children and carried out a two-year project on the moral and sexual education of schoolchildren;
- The Bureau Women in Development: Gender and Development has worked for three years to prevent and control AIDS and HIV infection;
- The NGOs Law and Prosperity and Modar deal with problems relating to the prevention of drug addiction among children and young people;
- The NGO Bovary gives young people advice on adopting a healthy lifestyle and trains young volunteers in the prevention of HIV/AIDS and STD.

## **B. The goals of education**

### ***Development of talent and intellectual and physical capabilities***

505. Article 32 of the Education Act requires the State to show constant concern for gifted young people, provide them with material support and offer them the opportunity to pursue courses of study, whether or not leading to a degree, at the best educational establishments in Tajikistan and other countries. Pupils and students have the right to participate in the activities of clubs, societies and amateur associations and in research, design and other types of scientific activity, as well as in conferences, olympiads and competitions.

506. A presidential lycée has been opened for gifted children aged between 6 and 11. The Government Committee on Youth Affairs, Sport and Tourism manages sports schools, including a national boarding school, for children with a special aptitude for sport. In their free time, Tajikistan’s schoolchildren can develop their intellectual and physical capabilities in 69 out-of-school institutions offering a choice of 1,730 clubs and circles specializing in science and engineering, the arts, natural history, travel, sports, etc.

507. During the last five years, fee-paying private schools have become increasingly numerous, alongside the State schools. In general, these schools seek to develop the special aptitudes of gifted children, who may be awarded a special presidential scholarship. Many ministries, public bodies and funds also award scholarships to gifted children.

508. Agreements concluded, in particular, with the Russian Federation, Belarus, Kazakhstan, Uzbekistan, Turkey, China, Germany, Iran and the United States allow Tajik students to study in those countries, as 385 of them did between 1998 and 2002. Every year, the Aga Khan Fund for Economic Development provides courses in English and computer sciences for 150 students and teaches them the “Science of Man” programme.<sup>40</sup>

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<sup>40</sup> Ministry of Education data.

### ***Respect for human rights***

509. The Constitution proclaims the Tajik people to be an integral part of the international community and recognizes the permanence of liberty and human rights and the equality of rights and mutual friendship of peoples and nationalities. Religion is separate from the State.

### ***Respect for cultural identity and cultural values***

510. According to article 4 of the Education Act (“Basic principles of public education policy”), the education provided in educational establishments must possess the following characteristics:

- Be scientific, secular and humanist in nature;
- Ensure unity and a reciprocal relationship with the cultural traditions of the Tajik people and the other peoples of Tajikistan;
- Give precedence to human values, human life and health, the free development of the individual and civic pride and love of country;
- Ensure the integrity of the education system and the continuity of its various levels in public and private educational establishments;
- Be accessible and protect the individual against all forms of discrimination in educational matters.

### ***Non-discrimination***

511. The Education Act guarantees Tajik citizens the right to education throughout the national territory, irrespective of their origin, sex, language, race or ethnic background, social and material status, type or nature of occupation, place of residence, opinions, religious beliefs or attitude to religion.

### ***Respect for the environment***

512. The inculcation of respect for the environment begins in early childhood in the pre-school system, within the framework of a special programme for the development of language and familiarization with the environment, backed by walks and excursions. These activities extend through every stage of general and higher education.

513. Thus, starting from class 4, a total of 68 hours a year is devoted to natural history; in classes 5 and 6, a total of 68 hours is devoted to botany; the same number of hours is devoted to zoology in classes 7 and 8; eighth-year pupils spend 34 hours studying ecology and those in the ninth year 68 hours studying anthropology; the pupils in classes 6 to 9 study geography and those in classes 10 and 11 biology (68 hours). All higher educational establishments offer courses in ecology lasting at least 20 hours. The teacher training universities train teachers of chemistry/ecology, biology/ecology and geography/ecology. The National State University of Tajikistan trains specialists in environmental chemistry and ecology.

***Teacher training***

514. Teachers are trained by a network of teacher-training universities and colleges, in particular, the State Teacher-Training University of Tajikistan, the National State University of Tajikistan, the Physical Education Institute of Tajikistan, the State Institute of Languages of Tajikistan, the State University of Khujand, the State University of Kulyab, the State University of Kurgan-Tyube and the State University of Khorog, together with 4 teacher-training colleges and 11 schools offering specialist instruction at secondary level. The studies last between four and six years.

515. The State Teacher-Training University of Tajikistan provides training in 24 specializations. In all these institutions, the future teachers study, in addition to their own special subjects, disciplines they will need to develop the personality of the child, namely, pedagogy, psychology, teaching methods, basic teaching skills, methods of teaching their special subject, ethics, aesthetics, music teaching and physical education, preparation for working life, the basics of a healthy lifestyle, the elements of government and law, etc.

***Reform policy and curriculum reform***

516. Education policy reform is aimed at revising curricula and syllabuses, the content of textbooks and educational and reading material, in the best interests of the child, its all-round development, the realization of its potential, and the nurturing of a well-balanced individual imbued with the ideals of peace and humanism and equipped with the necessary in-depth knowledge and occupational skills. On the other hand, the above-mentioned institutions do not train such specialists as social workers or teachers of deaf-mutes, for example.

***Compliance with national standards***

517. The Education Act stipulates that educational institutions may be established not only by the official bodies responsible for managing the education sector but also by enterprises and institutions, irrespective of the form of ownership, voluntary associations, religious organizations and private individuals. The Ministry of Education issues permits to open private educational institutions and monitors compliance with the national curricula and teaching standards. Private institutions must apply the relevant State standards, but have the right to introduce additional programmes, provided that they do not harm the health of the child.

**C. Leisure and recreational, cultural and artistic activities (art. 31)**

518. Government policy on children and young people is based on the fact that they constitute the main resource in the service of development and are instrumental in social change and economic and technical progress. Their creative imagination and ideals are of great importance for the continuing development of the society in which they live. The provision of opportunities to engage in cultural, recreational and leisure activities is an important part of the education of the younger generation.

***Legislative basis***

519. The legislative basis for the cultural, recreational and leisure activities in which children and young people are invited to engage consists of the following:

- The Constitution;
- The Convention on the Rights of the Child;
- The Education Act; the Youth and Youth Policy Act, July 2004;
- The national blueprint for education;
- The State programmes for the development of education;
- The national “Youth of Tajikistan” programme, 1999-2003, adopted by Government decision No. 400 of 5 February 1998.

520. The programme is mainly intended to create a healthy lifestyle for children and young people, to ensure that children have access to various types of information and to promote their social, spiritual and moral well-being, their health and their physical and psychological development.

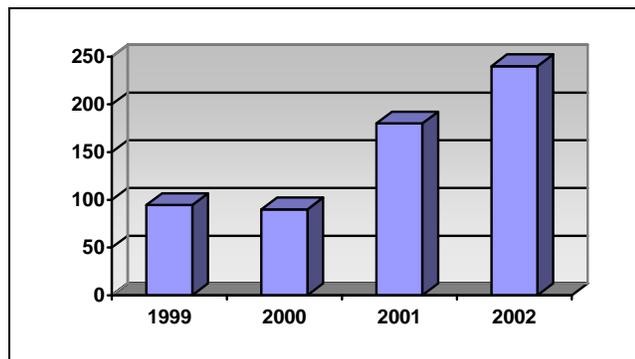
521. In order to make the implementation of government policy on behalf of children and young people more effective and provide a real guarantee of the rights of children to, among other things, leisure, education and health, Government decision No. 240 of 27 May 1997 established the Government Committee on Youth Affairs. In accordance with article 5 of the Youth and Youth Policy Act, the policy in question is aimed at citizens under the age of 30, i.e., mainly children.

522. Matters relating to children’s leisure and recreational activities also fall within the competence of such organs of government as the Ministry of Education, the Government Committee on Youth Affairs, Sport and Tourism and the Government Committee on Women’s and Family Affairs, and the local executive bodies. For some years, the trade union federation has been closely involved with the organization of children’s leisure activities.

**Table 29**  
**Budget appropriations**  
*Trend in the appropriations for children’s summer holiday  
and recreational and cultural activities*

No.	1999	2000	2001	2002
1	94.5	90.0	180.0	240.0

**Chart 4**  
**Allocation of resources for children's leisure activities, 1999-2002.**



523. Whereas, in 1998, the number of children benefiting from recreational and physical training activities at State expense stood at 77,000, it reached 114,000 in 1999, 381,371 in 2001 and 369,338 (children and young people) in 2002. For these purposes the children were accommodated in school or country camps, fitness camps, sanatoria, clinics and rest homes. In 2002, a total of 240,000 somoni from the Social Protection Fund enabled 67,986 children and young people to recover their health.

524. According to the information obtained, local executive bodies, ministries, government agencies, enterprises, organizations, trade unions and sponsors nationwide spent 1,579,000 somoni on the organization of summer leisure activities for children and young people.

#### ***Cultural and artistic activities relating to the organization of leisure***

525. After the collapse of the Soviet Union and during the civil war, the entire leisure infrastructure was destroyed and the Government of Tajikistan has undertaken to rebuild it.

526. Every year, within the context of the implementation of the national "Youth of Tajikistan" programme, which began in 2000, the country organizes a themed leisure camp for gifted youngsters, at which 100 children from all over the country can rest and enjoy themselves.

527. The Ministry of Education manages a national extra-curricular activities centre. Altogether, the country has established 33 youth centres, one of whose main objectives is to organize leisure activities for older children and young people.

528. The mass events organized for the young are cultural, sporting and creative in character. Tajikistan systematically organizes various actions on behalf of children. Thus, in April 2001, one such action was organized within the framework of the Global Movement for Children "Say Yes for Children". On that occasion, more than 150,000 signatures were collected at national level (April 2001).

529. In 2003, there was a distinct improvement in the state of the country's sports infrastructure.

530. This now consists of a total of 5,901 sports facilities, made up as follows:

- 81 stadia;
- 4,521 sports grounds;
- 955 sports halls;
- 45 swimming pools;
- 3 indoor swimming pools;
- 299 auxiliary facilities;
- 73 sports schools for children, with 21,102 pupils;

including:

- 19 special schools, with 5,400 pupils
- 6 sports academies, with 1,121 pupils.

**Table 30**  
**Trend in the number of children participating in physical education and sports activities**

Year	Total	of which girls
1998	201,605	30,966
1999	209,410	36,477
2000	293,730	35,400
2001	233,235	45,380
2002	215,415	39,673

531. In the last five years, children’s organizations have participated in the discussion and adoption of documents as important as:

- The national “Youth of Tajikistan” programme;
- The State programme on the patriotic education of Tajik youth for the period 2002-2005, etc.

532. In the opinion of the Government Committee on Youth Affairs, Sport and Tourism, the level of social and political activity of the children’s and young people’s organizations is not very high and they do not show much initiative or contribute actively to the decision-making process where government youth policy is concerned.

533. In this connection, in the context of the second (2000-2003) and third (2004-2006) phases of implementation of the national “Youth of Tajikistan” programme, government support for these organizations was identified as a priority.

534. In 2000, the National Association of Children's and Young People's Organizations was established with the support of the Government Committee on Youth Affairs, Sport and Tourism. A Government decision adopted in September 2001 created the Commission on the Rights of the Child, whose decisions are binding on State executive bodies. This Commission is headed by the Deputy Prime Minister. The Government adopted a national plan of action for the protection of the rights and interests of the child for the period 2003-2010, opened an advisory bureau for the observance of the rights and interests of the child and created a Child Reference Group which actively monitors the implementation of the legislation on the protection of the rights of the child at all levels.

535. Cultural institutions such as libraries and theatres play an important part in introducing children to the arts. The country currently has 1,332 libraries serving 872,300 people, including 75 children's libraries with a stock of 1 million books and 129,500 visitors, which is clearly insufficient.

**Table 31**  
**Libraries, book stocks and visitors, 1998-2001**

<b>Libraries</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
Number of libraries	1,473	1,463	1,441	1,436
Book stocks, in thousands	13,912	13,849	13,487	13,339
Visitors, in thousands	815.7	798.5	805.9	816.6

536. Library development faces serious difficulties. Every year, libraries are forced to close due to lack of funds or a shrinking readership.

537. For several years, the Government has been allocating resources for the restoration of children's theatres, of which there are five. Amateur theatres have been set up in a large number of schools. Many museums have been restored, but without ever completely solving the problem of how to interest the children in studying their national history and culture, which is why children rarely visit theatres and museums, as evidenced by the following.

**Table 32**  
**Children's theatres and number of visits, 1998-2001**

<b>Theatres</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
For children and young people	2	4	4	4
Number of visits, in thousands	511	524	351	429

**Table 33**  
**Museums and number of visits by children, 1998-2002**

<b>Museums</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
Number of museums	24	27	28	33
Number of visits, in thousands	484	312	283	318

## **VIII. SPECIAL PROTECTION MEASURES**

### **A. Children in situations of emergency**

#### **1. Refugee children (art. 22)**

538. In accordance with the Convention on the Rights of the Child, all children without exception, irrespective of their nationality, origin or beliefs, have the right of access to education, medical care and all the services essential to life. Refugee children constitute the most vulnerable social group.

#### ***Number of refugee children***

539. The status of refugee or asylum-seeker is determined in accordance with the Refugees Act in force. Between 1998 and 2002, the State Migration Commission granted refugee status to 3,502 foreign nationals who, for various reasons, found themselves on Tajik territory. Among these refugees there were 1,923 children (55 per cent of the total). In 2002, this status was again granted to 609 children as a result of re-registration.

540. The refugee children come from the Islamic Republic of Afghanistan. The following table shows the number of children registered as refugees between 1997 and 2001, broken down according to sex and age.<sup>41</sup>

**Table 34**  
**Number of refugee children, by sex**

	<b>Total number of refugee children</b>	<b>Breakdown by age</b>	
		<b>0-5 years old</b>	<b>6-15 years old</b>
Both sexes	1 923	454	1 469
Male	1 223	296	927
Female	700	158	542

<sup>41</sup> Ministry of Labour and Social Protection data.

541. The socio-demographic composition of the refugee children, following the extension of refugee status in 2002, is as follows:

**Table 35**  
**Number of refugee children, by sex**

	Total number of refugee children	Breakdown by age	
		0-5 years old	6-15 years old
Both sexes	780	78	702
Male	439	46	393
Female	341	32	309

***Measures to assist refugee children***

542. It is mainly the UNHCR that provides protection and humanitarian assistance for refugee children and refugees in general, through its partners in the field, namely, the Norwegian Refugee Council, the NGO Refugee Children and Vulnerable Citizens (RCVC), the Legal Aid Centre of the NGO Society and Law and other organizations, such as the International Committee of the Red Cross and the Red Crescent Society of Tajikistan.

543. The UNHCR and the RCVC provide material, humanitarian and medical assistance for 2,350 refugees and child refugees (the latter account for half the total) and refunds 50 per cent of what they spend on medicines. These refugees can consult doctors free of charge and obtain hospital treatment. Persons with disabilities of various kinds and vulnerable groups with children receive a monthly allowance. The poorest groups have their rent paid.

544. In accordance with article 6 of the Refugees Act, asylum-seekers under the age of 16 are registered with a family member aged 18 or over who volunteers to take responsibility for the behaviour, upbringing and support of those members of the family who are under 16.

545. As a rule, refugee children are accompanied by their parents. The families of refugees, in particular their children, who need material support may obtain it from RCVC.

***Access to services***

546. Under the Migration Act, refugees, and in particular the children among them, have the right to primary and secondary education, medical care and an allowance, the conditions of payment and amount of which are determined by the Government.

***Access to education***

547. According to information supplied by the migration service, there are at present 705 refugee children enrolled in general schools in Dushanbe, of whom 650 are enrolled at the Somonyon school, where they are taught in their own language, while 52 are enrolled in other institutions where the teaching is in Tajik. Refugee children have access to education in schools

close to their place of residence or live and study in boarding schools (Shakhrinai district of the city of Kurgan-Tyube), while some receive a special secondary education.

### ***Personnel working with refugee children***

548. The migration service of the Ministry of Labour and Social Protection has set up a group of four people to deal with the problems of refugee children. To improve the skills of the members of this group and familiarize them with the Tajik legislation and the international instruments relating to the problems of child refugees, several seminars have been organized in close cooperation with the UNHCR, the International Organization for Migration (IOM), government organizations and NGOs.

### ***Tracing and reunification***

549. The group in question seeks to reunite refugee children with their parents and other family members. Recently, acting in close cooperation with United Nations agencies and inter-governmental organizations, the group succeeded in finding several children in the city of Rostov-on-Don and reuniting them with their family.

550. Its researches have enabled 20 children to find their parents again. Thirty children have been integrated into Tajik society, have become members of the national football team or work in industry or specialized workshops. As for their long-term intentions, they all want to go back to their own country.

### ***Evaluation mechanism***

551. In June 2002, the migration service, in close cooperation with the UNHCR, the NGO Society and Law, the NGO Refugee Children and Vulnerable Citizens and the Committee of Afghan Refugees in Tajikistan, investigated the situation of the Afghan refugees in the country. It found that 492 refugee families are currently living in Tajikistan, that is, a total of 2,412 persons requesting refugee status, among them 1,158 children.<sup>42</sup>

## **2. Children in armed conflicts, including physical and psychological recovery and social reintegration**

552. On 5 August 2002, Tajikistan ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Insofar as there has been no armed conflict in the country since 1997, the risk of children being recruited is minimal, especially as the law prohibits the enlistment of persons under the age of 18. In 2002, the Ministry of Defence introduced a procedure for examining anonymous complaints in every recruiting office because of the complaints generated by the procedure for recruitment into the armed forces. The Ministry of Defence runs the Suvorov military academy, which accepts students from the age of 15 for three years of study. The academy mainly provides a military and patriotic education consisting of courses in physical education, social sciences and military theory.

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<sup>42</sup> Ministry of Labour and Social Protection data.

553. The Central Committee for the Promotion of Defence organizes military-sports competitions and driving courses for young people under the age of 18. The senior pupils at general secondary schools can take a basic military training course, which includes self-defence and the administration of first aid.

## **B. Children in conflict with the law**

554. Pursuant to a resolution of the First National Conference on the Protection of the Rights of the Child (2001), the Government Commission on the Rights of the Child set up a group of experts in juvenile justice. This group consists of representatives of all the competent ministries and departments and the NGOs. Its objectives are, firstly, to analyse the legislation relating to juveniles and determine the extent to which it reflects the Convention on the Rights of the Child and the minimum standards of the United Nations and, secondly, to formulate recommendations with a view to improving the situation in this field. The working group decided not to concentrate exclusively on the criminal justice system applicable to minors over the age of 14, but to include within its remit all children in conflict with the law.

555. In 2003, the group of experts carried out an analysis of the system for the protection of children in conflict with the law and formulated a series of recommendations on how to bring that system into conformity with international standards.

556. The publication of the results of this analysis was followed by the adoption of a number of important reforms. Further reforms will be necessary to achieve complete conformity with the provisions of the Convention on the Rights of the Child.

### **1. The administration of juvenile justice**

557. The Criminal Code is the main instrument governing the Tajik system of criminal justice. Since 1998, the Criminal Code has been amended and supplemented on nine occasions, mainly with a view to humanizing the criminal law. The Criminal Code of 1998 was adopted at a time when the number of criminal offences recorded was increasing sharply and, in response to the concerns of the public, stern measures were taken to combat crime. The Code of Criminal Procedure establishes due process for persons charged with an offence.

#### **Age of criminal responsibility**

558. Article 23.1 of the Criminal Code establishes the age of criminal responsibility at 16. However, this age is reduced to 14 if the child commits one of the offences specified in article 23.2 of the Criminal Code.<sup>43</sup>

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<sup>43</sup> Homicide (art. 104), infanticide (art. 105), grievous bodily harm with intent (art. 110), moderate bodily harm with intent (art. 111), kidnapping (art. 130), rape (art. 138), forcible acts of a sexual nature (art. 139), terrorism (art. 179), hostage-taking (art. 181), theft of arms, ammunition, explosives or explosive devices (art. 199), trafficking in narcotic drugs and psychotropic substances or their precursors (art. 200), illegal handling of narcotic drugs and psychotropic substances or their precursors (art. 201), misappropriation of narcotic drugs and psychotropic substances or their precursors (art. 202), illegal dealing in potent or toxic

### Offences committed by juveniles

559. Most juvenile offences involve the theft of private property.<sup>44</sup> The following table gives a list of the offences committed by juveniles aged from 14 to 18 during the period 2001-2003.

**Table 36**  
**Offences committed by juveniles aged 14 to 18, 2001-2003**

Category of offence	2001	2002	2003
Homicide	4	3	6
Grievous bodily harm with intent	6	4	6
Trafficking in narcotic drugs or psychotropic substances or their precursors	11	10	7
Hooliganism	5	30	50
Theft	310	372	335
Fraud	5	6	4
Armed robbery	4	6	12
Aggravated theft	2	1	1
Other	62	70	89
<b>Total</b>	<b>409</b>	<b>502</b>	<b>510</b>

560. There is as yet no separate judicial system for minors and there are no provisions in the legislation that take the needs of minors specifically into account.

561. The Ministry of Internal Affairs has a section responsible for solving crimes involving children and young people, whose main task is to coordinate the activities of the departmental services responsible for preventing and solving crimes committed both against and by juveniles. This section provides practical assistance and directly participates in the detection, repression and solution of such crimes as inciting a minor to commit an offence, antisocial behaviour, trafficking in minors, child substitution and failure properly to discharge the obligation to ensure the safety and health of children.

In the case of a minor, coercive measures, such as arrest and detention, can be taken only exceptionally, depending on the seriousness of the offence.

Minors placed under arrest or in pretrial detention are kept separate from adult detainees.

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substances (art. 206), sabotage of a means of transport or a means of communication (art. 214), aggravated hooliganism (article 237, paragraphs 2 and 3), theft (art. 244), armed robbery (art. 248), aggravated theft (art. 249), blackmail (art. 250), theft of a car or other vehicle without the intent to misappropriate (art. 252), aggravated criminal damage (art. 255, paragraph 2).

<sup>44</sup> Ministry of Internal Affairs data.

At the discretion of the examining magistrate or the procurator or at the request of the defence counsel, a teacher may be present at the hearing of an accused minor under the age of 16. A teacher may also be present in the case of a minor over the age of 16 if he or she is found to be mentally retarded.

562. Under article 412 (3) of the Code of Criminal Procedure, a person suspected of having committed an offence punishable with deprivation of liberty may be placed in detention only in one of the following situations:

- (1) when caught in the act of committing a crime or immediately after committing a crime
- (2) when identified by eye-witnesses, including direct victims, as having committed a crime
- (3) when clear signs of the commission of a crime have been found on him, in his immediate surroundings or in his home.

563. If there are other reasons to suspect a person of having committed an offence, that person may be placed in detention only if he or she has attempted to run away or has no permanent residence, or when his or her identity cannot be established.

564. If the person attempts to flee or offers resistance, he or she may be handcuffed. However, when dealing with minors the use of firearms is prohibited (art. 429 of the Code of Criminal Procedure).

In accordance with article 91 of the Code of Criminal Procedure, minors must be held separately from adults.

565. Under article 412.6 of the same Code, if a minor has parents and is arrested or charged with an offence, his or her parents must be informed within eight hours. Children over the age of 14 whose parents cannot be found or live in another town or village may be detained in a police station for three days, after which a decision must be taken as to whether or not to charge the minor and open a preliminary investigation. At this stage, either the minor will be released or a decision will be taken to place him or her in pretrial detention.

566. Minors under the age of 14 can be returned to their parents once the police have talked to them about their conduct.

### **Legal representation and other forms of aid**

567. Under article 48 of the Code of Criminal Procedure, any person charged with an offence must be informed of the details of the charges against him and must be presented with the evidence.

568. A minor must be granted the assistance of a lawyer when arrested or charged (art. 51 (3) of the Code of Criminal Procedure), during the preliminary investigation of the case (art. 49) and during the trial (art. 59 (3)). Legal representation must be provided free of charge at the discretion of the court, the procurator or the legal adviser or bar council (art. 49).

569. Under article 52 (2) of the Code of Criminal Procedure, the court is not required to decide whether the minor can dispense with a lawyer. A refusal by the legal representative to appear at the hearing need not lead to the hearing being suspended if the court does not consider his presence indispensable.

570. A teacher may be present at the hearing of a minor under the age of 16. If the minor is aged between 16 and 18 and suffers from mental illness, a teacher must be present at the hearing (art. 150 of the Code of Criminal Procedure).

### ***Pretrial detention***

571. If a minor is charged with an offence punishable with deprivation of liberty for less than one year, pretrial detention is illegal (despite the fact that paragraphs 1, 2 and 5 of article 90 of the Code of Criminal Procedure stipulate that, in exceptional cases, detention may be ordered if the custodial sentence is less than one year). Minors charged with more serious offences (that is, punishable with deprivation of liberty for more than one year) may be placed in pretrial detention. However, this measure is applicable only in exceptional circumstances, when an investigation has to be conducted, when the offence is a particularly serious one or when the minor is obstructing the course of justice (art. 91 of the Code of Criminal Procedure). A minor may not be detained for more than two months for the purposes of a preliminary investigation. However, detention may last three months if the municipal or district procurator determines that the investigation cannot be completed in two months. In exceptional cases, the period of pretrial detention may be extended to 15 months (art. 92 of the Code of Criminal Procedure).

572. Pretrial detention can be challenged before a court in accordance with article 221 of the Code of Criminal Procedure. However, minors rarely choose to exercise this right.

573. Minors are placed in the same pretrial detention centres as adults, but held in different cells (art. 91 of the Code of Criminal Procedure).

574. The law provides for alternatives to detention. In conformity with paragraphs 1 and 2 of article 89 of the Code of Criminal Procedure, juveniles may be released into the charge of their parents or guardians or the administration of a secure institution, i.e., persons able to guarantee their appearance in court or for questioning by the examining magistrate. However, in practice juveniles are sometimes placed in pretrial detention even for relatively minor offences.

### **Judicial system and sentencing**

575. Under the Constitution, the judiciary is independent and judicial power is wielded by the judges on behalf of the State. The judiciary defends human rights and civil liberties and the interests of the State, organizations and institutions, as well as legality and justice.

576. Judicial power is exercised by the Constitutional Court, the Supreme Court, the Supreme Economic Court, the Military Court, the Court of Gorno-Badakhshan Autonomous Oblast and the provincial courts, the courts of the city of Dushanbe and other cities, the district courts, the Economic Court of Gorno-Badakhshan Autonomous Oblast and the provincial and Dushanbe economic courts.

577. The organization of the courts and the conduct of proceedings are determined by constitutional law.

578. Judges may remain in office for a maximum of 10 years. There is a ban on the creation of special courts. Judges are independent and subject only to the Constitution and the law. Interference in the work of the judges is prohibited.

579. The Tajik criminal justice system lacks juvenile courts, judges who specialize in juvenile crime and a separate form of criminal procedure for juveniles. Juvenile cases are heard in exactly the same way as cases involving adults, except for the fact that juveniles are accorded certain additional guarantees.

580. The Code of Criminal Procedure sets out the rights of the accused during trial. In particular, the following procedural safeguards are provided:

- Accused persons must be informed of their rights and those rights must be respected (art. 59);
- Only a court may pronounce an accused person guilty and impose a lawful penalty (art. 8);
- If an accused person is unable to speak the official language, he may address the court in his mother tongue and use the services of an interpreter (art. 12 (1));
- A minor must be granted a lawyer (see above).

581. Minors are entitled to participate in the hearing, but may be removed from the courtroom if, after having heard the opinions of their legal representatives and the procurator, the court takes the view that they might be adversely affected by the proceedings (art. 282).

582. The parents and guardians of a minor defendant may participate in the criminal investigation and be present at hearings, give testimony, and rebut and present evidence. However, the court may decide to have them leave the courtroom or restrict their participation if it considers that their presence might not be in the minor's best interests (art. 251).

583. Both during the preliminary investigation phase and during the court hearing, consideration must be given to the age and living conditions of the minor, the factors that drove him or her to commit the offence and the influence exerted by any adult or other accomplices (art. 61).

584. Hearings are open to the public. However, in certain circumstances, and in particular during the consideration of cases involving juveniles under the age of 16, the judge may decide that the public should be excluded (art. 13). Sentences and judgments are pronounced publically.

### **Nature and forms of punishment**

585. When pronouncing sentence on a minor, the court takes into consideration his or her "living conditions, education, level of intellectual development, state of health and other circumstances" (paragraph 1 of art. 88 of the Criminal Code). Moreover, in accordance with the Code of Criminal Procedure, special attention must be paid to the age of the minor and his or her

family situation. Nevertheless, the courts do not always consider all the circumstances of the case, and psychologists do not always participate in the proceedings.

The following forms of punishment may be imposed on persons who have not reached the age of 18 before sentencing (art. 87 of the Criminal Code):

- Fines: fines are only imposed on minors with an independent income or property of their own. The fine may amount to a maximum of 100 times the minimum wage;
- Deprivation of the right to exercise a certain activity for a period of up to two years;
- Community service: unpaid community service is imposed for a period of between 40 and 160 hours; it consists of tasks within the powers of the minor carried out in his or her free time after school or work. For children under 16, this punishment may not exceed two hours a day, as compared with three hours a day for children aged 16 to 18. This category of punishment was instituted in May 2004 by the Criminal Code as an alternative to deprivation of liberty;
- Punitive deduction of earnings for a period of two months to one year. Between 5 and 15 per cent of the earnings of convicted minors may be deducted and paid to the State. However, this punishment cannot be imposed on children under the age of 16 (art. 52 (4) (b) of the Criminal Code);
- Deprivation of liberty: for a maximum of 7 years for serious or particularly serious offences committed by minors under the age of 16; and for a maximum of 10 years for serious or particularly serious offences committed by minors aged 16 to 18. Pursuant to article 58 (1) of the Criminal Code, deprivation of liberty consists in isolating a convicted person from society and holding him or her in a correctional colony with an ordinary, strengthened, strict or special regime, or a prison. Article 87 of the Criminal Code stipulates that male minors convicted for the first time and female minors are to serve their sentence in general-regime educational colonies, while male minors with previous convictions are to serve their sentence in educational colonies with a strengthened regime.

586. In the case of a minor aged between 14 and 16, the sentence imposed for an aggregation of offences and sentences where the offences are of moderate seriousness, serious or particularly serious may not exceed 10 years of deprivation of liberty, or 12 years if the minor is aged 16 to 18, in the same circumstances.

587. Pursuant to article 59 (2) of the Criminal Code, the death penalty may not be imposed on a woman or on an offender under the age of 18. In June 2004, at the initiative of the President of Tajikistan, Parliament adopted the Death Penalty Moratorium Act.

588. Under article 18 of the Constitution: “The inviolability of the individual is guaranteed by the State. No one may be subjected to torture or cruel or inhuman treatment. Coercive medical or scientific experimentation on human beings is prohibited.”

589. The Criminal Code (2004) introduced an important change according to which minors convicted of lesser and intermediate offences may have their sentence replaced by the application of compulsory re-education measures (art. 90).

590. Moreover, first-time young offenders who have committed lesser crimes may be released from criminal responsibility if it is considered that they can be reformed through the application of compulsory re-education measures, namely:

- A caution;
- A supervision order addressed to the minor's parents, surrogate parents or a State agency dealing with minors' affairs;
- An obligation to make amends for harm caused;
- Restriction of leisure activities and imposition of specific rules of behaviour (art. 89).

591. Criminal sanctions are enforced in accordance with the Penal Enforcement Act. This act establishes the rights of juveniles on whom a criminal sanction is imposed. In accordance with its article 3, the penal enforcement system is based on the following principles:

- Legality and social justice;
- Human rights and civil liberties to be protected and guaranteed;
- Humanism, transparency and accessibility.

592. Article 10 of the act defines the principle of humanism. It stipulates that, in the process of enforcement, the rights of the person convicted are to be restricted only insofar as strictly necessary and sufficient to achieve the aims of the punishment.

### **Children deprived of liberty**

#### **Young offender institutions**

593. In Tajikistan there is one young offender institution for male minors. This institution holds more than 100 boys. There is no such institution for female minors. A small number of convicted girls are sent to a correctional colony for women.

594. Chapter 15 of the Penal Enforcement Act establishes the regime under which juveniles must serve their sentence of deprivation of liberty.

595. Persons convicted of lesser offences are kept apart from those convicted of offences of a serious or particularly serious nature (art. 140).

The rights of minors sentenced to deprivation of liberty are defined in article 16. These minors have the right:

- To be informed in writing of their rights and obligations;

- To address petitions and complaints to the administration of the institution or enforcement agency, a higher authority, a court, the procurator's office, other organs of central or local government and voluntary associations, as well as to inter-State bodies and international organizations for the protection of human rights and fundamental freedoms;
- To give explanations and correspond in their own language or another language with which they are familiar;
- To health care, in particular to receive primary and specialist medical attention;
- To receive social benefits, in particular a pension and a general allowance, in accordance with the Tajik legislation;
- To be assisted by a qualified lawyer;
- To be visited by family members and relatives and to receive food products.

596. Compulsory basic general education (nine years) and vocational training are provided for juveniles in the general evening school and the vocational training institute and enterprise of the young offender institution.

597. Article 142 defines the measures to encourage good behaviour applicable to persons sentenced to deprivation of liberty in a young offender institution. Likewise, pursuant to article 140, if the juvenile behaves well, he will be permitted, once he has completed one quarter of his sentence, to go outside the institution on a visit.

Article 144 lists the disciplinary measures that can be taken against persons sentenced to deprivation of liberty in a young offender institution, namely:

- A caution;
- Suspension of improved conditions of detention;
- Deprivation for a maximum of one month of the right to receive short or longer visits or make telephone calls;
- Deprivation for a maximum of one month of the right to see films;
- Solitary confinement for a maximum of seven days accompanied by a ban on attending classes.

598. A board of guardians, whose members are representatives of public enterprises, institutions, organizations and voluntary associations, as well as private individuals, has been set up to help the administration of the young offender institution organize its educational activities and strengthen its logistical base (art. 150).

599. In accordance with article 28, voluntary associations may also provide the institution with practical support.

600. During the last five years, local and international NGOs and UNICEF have helped the administration to improve living conditions. Moreover, the children and staff have received instruction in the provisions of the Convention on the Rights of the Child.

601. Under article 91 of the Criminal Code, conditional early discharge (parole) may be granted to persons sentenced to deprivation of liberty or punitive work for an offence committed before their eighteenth birthday once they have served a certain proportion of their sentence, namely, at least one third of the sentence for a lesser or moderately serious offence, at least half of the sentence for a serious offence and at least two thirds of the sentence for a particularly serious offence. Moreover, under article 90 (3) of the Criminal Code, minors may benefit from early discharge in cases of rehabilitation.

602. Persons sentenced to a period of deprivation of liberty who have reached the age of 18 and whose behaviour is considered unsatisfactory may be transferred from a young offender institution to serve the rest of their sentence in a correctional colony for adults. The decision to transfer a person over 18 to a correctional colony is taken by the court (art. 148 of the Criminal Code), under the procedure laid down by Tajik law. Under article 147 of the Criminal Code, all inmates who have reached the age of 21 will be transferred from the young offender institution to serve the rest of their sentence in a correctional colony, under a general or strengthened regime, at the discretion of the governor of the colony.

### **Children who have reached the age of criminal responsibility**

603. The Commission on Minors' Affairs operates at national, provincial, municipal and district levels. The Presidential decree of 23 February 1995 establishing the Commission and the Commission's regulations determine its responsibilities. Under its regulations, the Commission is granted broad powers in the area of child protection.

604. The Commission on Minors' Affairs is an interdepartmental body authorized to hear various cases of offences committed by minors. To appear before it, a minor must be at least 11 years old. The Commission also considers cases involving minors who play truant from school or fail to turn up for work, disobey their parents or teachers, engage in antisocial behaviour or take narcotic drugs or psychotropic substances.

### **Activities of the Commission**

605. The Commission meets once a month to consider cases.

606. The Commission is authorized to hear cases involving children who have committed offences or consider related matters. The presence of the minor or his or her parents (or guardians) is compulsory. However, the children and/or their parents or guardians do not always appear before the Commission.

607. Although the Commission's regulations do not expressly restrict the right of the minor to be represented by a lawyer, in practice lawyers are rarely present during the proceedings.

608. After hearing a case, the Commission may decide to dismiss it, suspend it in order to obtain additional information, refer it to the investigating authorities or apply any of the following sanctions for which its regulations provide:

- Issue a caution or reprimand. This remains in force for one year unless the Commission decides to cancel it earlier;
- Order the minor to apologize to the victim and pay for the damage caused;
- Place the minor under the supervision of the parents or the control of the authorities, who take responsibility for the minor's behaviour. The Commission may dismiss the case if the parents or other authorities can show that the minor has mended his ways;
- The Commission may ask a court to restrict the spending of the minor or impose a fine;
- Placement in a secure institution of a minor who has committed an offence that constitutes a danger to society. The child may be placed in a special school if aged 11 to 14 or in a special technical and vocational institute if aged 14 to 18.

609. When ruling on the case of a child, the Commission must take into consideration its age, its social situation and its social behaviour, as well as the seriousness of the offence it has committed.

610. In most cases, the Commission cautions or reprimands the child or places it in a secure institution. Children are often placed in an institution of this type for having committed a minor offence or engaging in antisocial behaviour, for having played truant or systematically failed to turn up for work, or for having disobeyed their parents, but not for having committed an offence that constitutes a danger to society or an act of violence. As a rule, commissions take this decision for lack of any other effective alternative at community level.

611. Children may also be placed in these institutions when their parents (often single mothers with a large family) feel incapable of bringing up their child themselves for lack of a stable income.

612. Children may be placed in secure institutions for between one and three years. The Commission must review the placement of a child in an institution of this type at least once a year. The children can stay in these institutions for up to four years in order to complete their studies. In practice, the majority of them stay there for three years at most.

### **Children deprived of liberty and placed in secure institutions**

613. At present, Tajikistan has two national institutions to which the Commission on Minors' Affairs can send a child. These are the Special School managed by the Ministry of Education and the Special Technical and Vocational Institute, which comes under the Ministry of Labour and Social Protection; these two institutions are both in Dushanbe. The Presidential decree on the restructuring of the central executive bodies adopted in November 2006 led to the reorganization of a series of ministries and departments. Thus, the Vocational Training Directorate was transferred from the Ministry of Labour and Social Protection to the Ministry of Education; accordingly, the Special Technical and Vocational Institute now comes under the Ministry of Education.

614. The Special School is a secure young offender institution for boys aged 11 to 14 and, since 2003, girls aged 11 to 16 (decree of the Minister of Education of 3 September 2003). The school generally accommodates between 80 and 100 boys and up to 15 girls.

615. During the last three years the conditions in this institution have distinctly improved. The children receive a general secondary education. They have access to medical care and organized leisure activities and are able to communicate with their family. However, communication is made difficult by the fact that many families live far away from the capital. There are no individual plans for the care, rehabilitation and social reintegration of the children concerned.

616. Further reforms and staff training are required to improve the quality of the care and education and ensure that the children have access to rehabilitation services to facilitate their return to normal life. There is also a need for better supervision of the procedure for considering the children's complaints in order to protect them from sexual and physical violence. The Ministry of Education is taking steps to ensure that the school is staffed by highly qualified personnel. It has set itself the following priorities: training for the Special School's teachers, improvements in the school regulations, higher standards of care and education, and a reduction in the number of children held long term in the institution, by providing various day-stay and family assistance services.

617. The Special Technical and Vocational Institute is a secure institution for minors aged 14 to 18 who have committed offences but have been exempted from criminal responsibility or sentenced to compulsory education. The Institute currently houses 26 boys.

618. In 2005, the Ministry of Labour and Social Protection inspected the Institute and uncovered a number of breaches of the rules, in particular, the unlawful placement of minors, cases of maltreatment of minors and malnutrition, inhumane living conditions and a very low level of education and vocational training. Moreover, most of the children placed in this Institute had not committed any offence; they had been taken and placed there by their parents or the police. As the Institute houses only 26 boys guilty of no more than minor offences, there seems to be no need for an establishment of this type. The Ministry of Education plans to convert this secure institution into a multipurpose open centre.

619. The living conditions of the children in the Institute have now been improved, the detention regime is more open, corporal punishment has been banned, the children have access to legal aid, a procedure for considering complaints has been put in place, the staff have received basic training in working with vulnerable children and, with the aid of UNICEF, many children have been returned to their family. Moreover, the Institute is cooperating with international and local organizations, which are providing it with material and technical support.

620. The two institutions face the same problem, namely, a lack of specially trained personnel and staff shortages and high turnover due to low pay. The quality of the care and the educational and rehabilitation services provided for the children inevitably suffers. At the same time, both institutions are underfunded.

### **Mitigation of the administration of justice and alternatives to pretrial detention and preliminary investigation**

621. In November 2004, with the assistance of the INGO Children's Legal Centre (United Kingdom), a scheme for the mitigation of the administration of juvenile justice and alternatives to pretrial detention and preliminary investigation was introduced in the Sino district of Dushanbe, in collaboration with the competent authorities and the Commission on Minors' Affairs. The police, the procurator's office, the court and the Commission can refer children aged 10 to 18 who have committed lesser offences to the pilot project which, implemented at community level, provides for sanctions unconnected with a stay in a secure institution.

622. Each pilot project implemented at community level is managed by a local NGO which relies on a team of specialists (composed of social workers, a psychologist and a teacher). The team assesses the state of the child and begins to work intensively with the child and its family to discover and eliminate the underlying causes of the offending behaviour. Moreover, the children are involved in a re-education process and the team endeavours to persuade dropouts to return to school. The success of the first project, carried out by the NGO Nasli Navras (which worked on 100 juvenile cases), led to the launching, in 2005, of a second project (NGO Minerva) in the Firdausi district of Dushanbe.

623. This project led to the appointment of the first judges specializing in juvenile justice in the most difficult districts, which made it possible to deal more effectively with cases involving juvenile offenders brought before a court and referred to the project for the mitigation of the administration of juvenile justice for minors and alternatives to pretrial detention and preliminary investigation.

624. Efforts are now being made to extend this project to the whole of the country and give it long-term stability. It is also important to amend the existing legislation.

### **Training**

- In September 2005, the Council of Justice organized a five-day training course on the rights of the child and juvenile justice for 100 judges. Some of these judges were taught how to train other judges who had not been able to attend;
- In 2004, police officers and other law-enforcement personnel received two weeks of training in the rights of the child, organized by the Children's Legal Centre (United Kingdom) (with the support of the British Foreign Office). In 2006, a training course on questioning child victims of violence was organized.

### **Children in need of protection**

625. The main task of the temporary detention centres for children (former reception and holding centres) of the Ministry of Internal Affairs is to provide temporary accommodation for children in need of aid from the State and society. The country has two such centres, one in Dushanbe and the other in Khujand.

626. These centres take in children aged from 3 to 18. They may also take in young offenders who have not yet reached the age of criminal responsibility. Separate accommodation is provided for these children.

627. During the last two years, the Dushanbe temporary detention centre for children has been reorganized and now takes in more than 400 children a year. Until recently a secure reception and holding centre, where the children did not stay for more than six months, it has become a child welfare centre. The centre must comply with new rules that lay down the rights of the child, the role and obligations of the staff in assessing the situation of the child, finding its family and returning it to its family, where that is appropriate and does not expose the child to any risk. The staff have 30 days in which to complete this task. If the family cannot be found or returning the child to its family would not be in its best interests, the centre offers the child the opportunity of alternative care and protection. However, at present, there is only one other option, namely, placement in a social protection institution. The building which houses the centre has been completely refurbished and a core group of staff members has received intensive training in the organization of social work. The children have access to legal aid. Despite its financial difficulties, the centre is doing everything in its power to return the children to their family, even if it lives far away from Dushanbe.

### **C. Children in situations of exploitation, including physical and psychological recovery and social reintegration**

#### **2. Use of narcotic drugs**

628. The main task of the rapid assessment and response project carried out by the Ministry of Health's National Centre for the Control of HIV/AIDS was to analyse protective and risk behaviour in connection with the transmission of HIV infection, before making specific recommendations. The main aspects examined were as follows: the use of injection drugs and risky sexual behaviour. Protective behaviour is understood to mean the frequent use of safe practices such as clean needles and condoms.

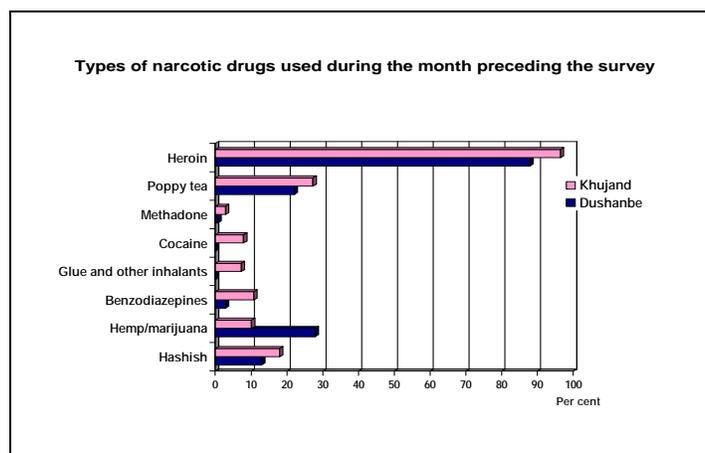
629. The survey involved 280 young injecting drug users from Dushanbe and Khujand, 34.4 per cent of whom were women and 65.6 per cent men. The average age was 23.3 years (21.7 in Dushanbe and 25.2 in Khujand). In these two cities, the minimum age was 14 and the maximum age 30.

630. The average age at which drug use begins is 18.2 in Dushanbe (minimum age: 11, maximum age 27) and 19.3 in Khujand (minimum age: 11, maximum age: 29) (Vong, 2002). On average, a young person begins using drugs at 18.7 years of age. Injection begins a little later, at 20.4 years of age on average (minimum age: 11, maximum age: 29). In Dushanbe, young people begin injecting drugs three years earlier than in Khujand (on average at 19.1 as against 22 years of age). The first experiment with narcotic drugs generally involves taking heroin, although some young people begin with hashish (14.1 per cent) and others with opium (4.7 per cent). In some cases it was not known precisely which drug was used first. However, it is typical of both cities that drug-taking begins with the inhalation of heroin, followed by injection. The time interval between first smoking the drug and then injecting it is very short. In Tajikistan, many young people inject the drug from the outset, as distinct from other users in, for example, the countries of South-East Europe (Vong, 2002). For 44.3 per cent of juveniles the

transition from occasional to intensive drug use takes less than a year. In Tajikistan, however, there is a big difference in this respect between Dushanbe (60.2 per cent) and Khujand (29.2 per cent). Clearly, the situation with regard to the use of drugs is more serious in Dushanbe than in Khujand, especially as in Dushanbe 23.6 per cent of juveniles inject the drug from the start, whereas the corresponding figure for Khujand is only 10.0 per cent. This is very probably because Dushanbe is directly situated on the main transit route for the drug from its source in Afghanistan.

631. The replies to the survey showed that heroin is used in 92.1 per cent of cases, with only a relatively small difference between the figures for Dushanbe and Khujand (87.9 per cent and 96.5 per cent, respectively), poppy tea is drunk by 24.7 per cent of respondents and hashish and marijuana by 15.4 per cent and 19.0 per cent, respectively. The other drugs used in Tajikistan are glue and other inhalants (3.6 per cent), diazepam and other benzodiazepines (6.8 per cent); cocaine is used only in Khujand (7.9 per cent of respondents) (Chart 4).

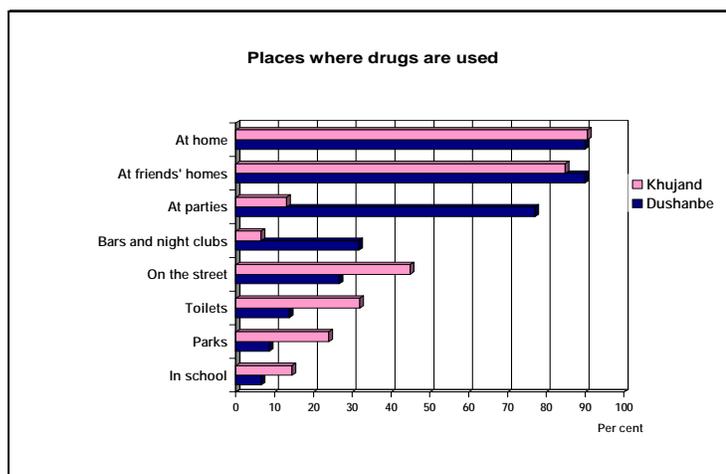
**Chart 5**



632. It is worth noting that 71.3 per cent of respondents used two or more drugs at the same time, this being more common in Khujand (89.9 per cent) than in Dushanbe (52.0 per cent). Apart from narcotics, intravenous-drug users drink alcohol and smoke tobacco (94.6 per cent of respondents smoke cigarettes and 44.8 per cent drink alcohol).

633. The preferred places for taking drugs are at home, then at parties, on the street, in public conveniences and in night clubs (Chart 5).

**Chart 6**



634. The practice of syringe and needle sharing is directly linked to the transmission of HIV infection within groups of drug users. This is a widespread practice (85.1 per cent), observed in both cities. Only 14.5 per cent of drug addicts obtain their syringes from medical centres, the percentage being higher in Dushanbe than in Khujand (25.0 per cent and 4.6 per cent, respectively), which shows that the support services for drug addicts are less well developed in Khujand than in Dushanbe. This is confirmed by the results of a survey conducted at the exchange centres used within the framework of the syringe exchange programme: in Dushanbe, 86.3 per cent of injecting drug users can obtain sterilized needles and syringes at these centres, as compared with only 60.3 per cent in Khujand (Table 37).

**Table 37**  
**Methods of obtaining syringes and needles for drug injection**  
**(per cent affirmative replies):**

Method	Dushanbe		Khujand	
	Number	per cent	Number	per cent
Shared use	26	21.0	29	22.1
Pharmacies	114	91.9	108	82.4
Friends	84	67.7	45	34.4
Medical centres	31	25.0	6	4.6
Places where drugs are used/distributed	24	19.4	33	25.2
Exchange centres	107	86.3	79	60.3

635. However, the qualitative data provided by the rapid assessment and response project survey showed that very often the exchange centres are unable to obtain all the needles and syringes they need. Thus, it was found that the group in question is the most vulnerable and the one most exposed to the risk of HIV infection due to the very common practice of sharing syringes. According to the survey, injecting drug users often gather together in groups and share

needles and syringes. There are not enough syringe exchange centres in Dushanbe where users could go to exchange their syringes. Considering their lifestyle and economic and social situation, it is clear that the majority are not in a position to buy syringes. The interviews with drug addicts showed that there are not enough syringe exchange centres in Khujand either. Lack of money forces users to reuse the same syringe many times and share it with others. Moreover, they are reluctant to enter into contact with the exchange centre staff because they fear being reported to the police.

636. The sterilization of syringes is not very widespread. Thus, only 56.9 per cent of addicts wash their syringes and needles before use. Moreover, 36.8 per cent fail to wash them correctly, using only water. Boiled water is used by 56.7 per cent of injecting drug users, a chlorine solution by 4.8 per cent and alcohol by 1.7 per cent.

637. The age at which young people have their first sexual relations – 16.3 years – is the same as in most other countries (Vong, 2002) and there is no significant difference between Dushanbe and Khujand. The practice of frequently changing partners is very widespread and one of the main risks of becoming infected with HIV. The average number of partners in the week immediately preceding the survey was 3.2 and 10 in the course of the preceding month (if such unlikely claims as 162, 193, 222 and 232 partners a month are discarded). There was no significant difference between the two cities in this respect either.

638. Most respondents said they rarely used a condom. The only safe practice is to make regular use of condoms; unfortunately, only 11.8 per cent of respondents reported using them, which is much lower than the figures recorded in other countries (Vong, 2002). The reasons most often given for condoms not being systematically used are as follows: the partner objects to them (34.1 per cent), a high degree of confidence in the partner (36.2 per cent) and, in general, the fact that the respondents did not like having sexual relations wearing a condom (63.0 per cent). Less important reasons included the high price of condoms, the lack of condoms for sale, embarrassment when buying them, difficulty in using them and not knowing how to use them, and ignorance of the protection they give. Each of these reasons was mentioned by between 8.1 per cent and 12.4 per cent of respondents (see Table 38). This reluctance to use condoms is especially risky inasmuch as almost all injecting drug users have had sexual relations under the influence of drugs (83.6 per cent of the drug addicts in Dushanbe and 95 per cent of those in Khujand).

**Table 38**  
**Reasons for the nonsystematic use of condoms**  
**(per cent affirmative replies)**

Reason	Dushanbe		Khujand	
	Number	per cent	Number	per cent
Too expensive/cannot afford them		13.3	3	2.5
Embarrassment when buying them	25	19.5	7	5.9
Difficult to use	13	10.2	8	6.8
Not always available	30	23.4	3	2.5

Reason	Dushanbe		Khujand	
	Number	per cent	Number	per cent
Use makes sex less pleasant	79	21.1	19	16.1
Too embarrassed to ask partner to use one	27	21.1	19	16.1
High degree of confidence in partner	59	46.1	30	25.4
Ignorance of protection they give	15	11.7	14	11.9
Partner refuses to wear one	42	32.8	42	35.6

### Context of protective and risk behaviour

639. Apart from the statistics and the reports published by international organizations, data on protective and risk behaviour were gathered by triangulation. Additional information was obtained by interviewing the official representatives of various ministries (Ministries of Health, of Education and of Justice) and from the managers of the institutions that deal with problems relating to the health of the especially vulnerable groups among the young.

640. Tajikistan is one of the poorest countries in the world; about 64 per cent of the population lives below the poverty threshold: in 2000, average GDP per capita fell to 169 dollars.<sup>45</sup> Seventy per cent of the population is under 30 years of age.<sup>46</sup> However, despite a high birth rate (about four children per woman), the population has declined (from 6.3 to 6.1 million according to the 1999 national census). This is attributable to the civil war of the 1990s and the high level of labour migration.

641. A low level of education is linked with risky behaviour by the young, especially those who drop out or skip the later years of schooling. The risk is greater for girls than for boys, since girls give up going to school before having completed their ninth year, even though it is compulsory under the Constitution and the Education Act.

642. Heroin is a particular problem among young injecting drug users. Tajikistan is located in a region where the opium poppy grows. Moreover, it lies on a main drug trafficking route and, in particular, has a common frontier with Afghanistan, with all the problems of crime and corruption which that entails. The UNODC has estimated that in 2002, 48 tonnes of heroin crossed the frontier between Afghanistan and Tajikistan, which is 1,400 km long. Out of the total volume of narcotic drugs transported about 23 per cent is produced in Afghanistan. Tajikistan found itself in a very difficult situation when the Afghan economy, which is based on opium, expanded in 1990 and the traffickers began looking for new routes. The massive influx of drugs led to a fall in price, and, as a consequence, an increase in drug use and dependence in Tajikistan. According to the official data of the National Centre for the Control of HIV/AIDS, a substantial increase in the use of narcotic drugs was observed (15 per cent a year, in particular among the young): 8.2 per cent of students and up to 22 per cent of all schoolchildren acquired a

<sup>45</sup> Human Development Index, UNDP, 2002.

<sup>46</sup> European Observations, 2000.

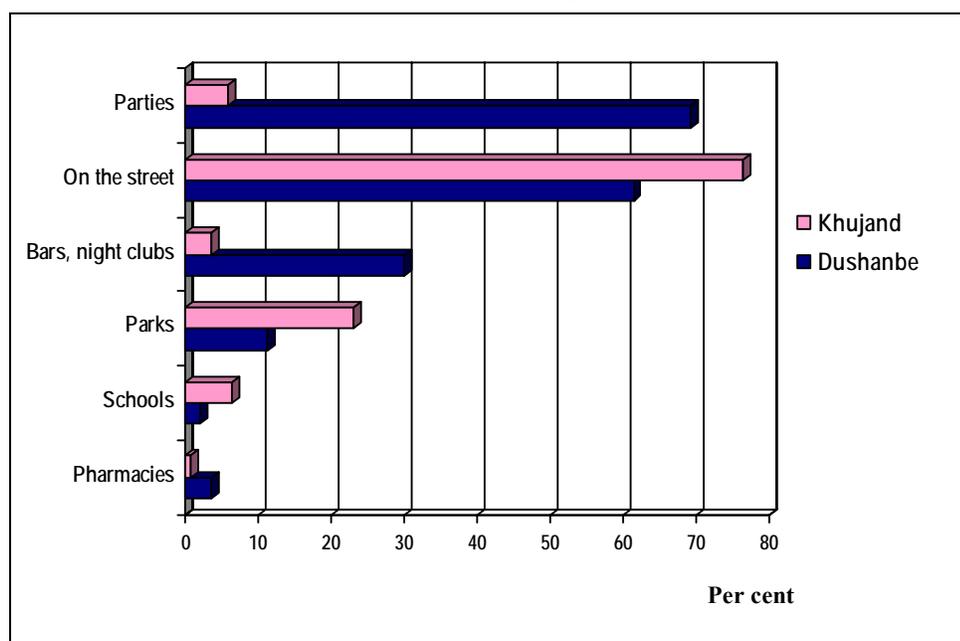
taste for drugs or became dependent on them (official data from the National Centre). In 1999, a survey was carried out among Tajik youth with the aid of an international consultant. Table 39 shows the total number of officially registered drug users.

**Table 39**  
**Increase in the number of drug addicts in Tajikistan among various groups<sup>47</sup>**

	1997	1998	1999	2000	2001	2002
<b>Drug addicts</b>	996	1475	2703	4604	5593	6671
<b>Juveniles</b>	/	/	23	25	26	24
<b>Women</b>	28	61	98	201	182	308
<b>Opium addicts</b>	586	795	678	871	394	957
<b>Heroin addicts</b>	57	247	1695	3211	2716	4984

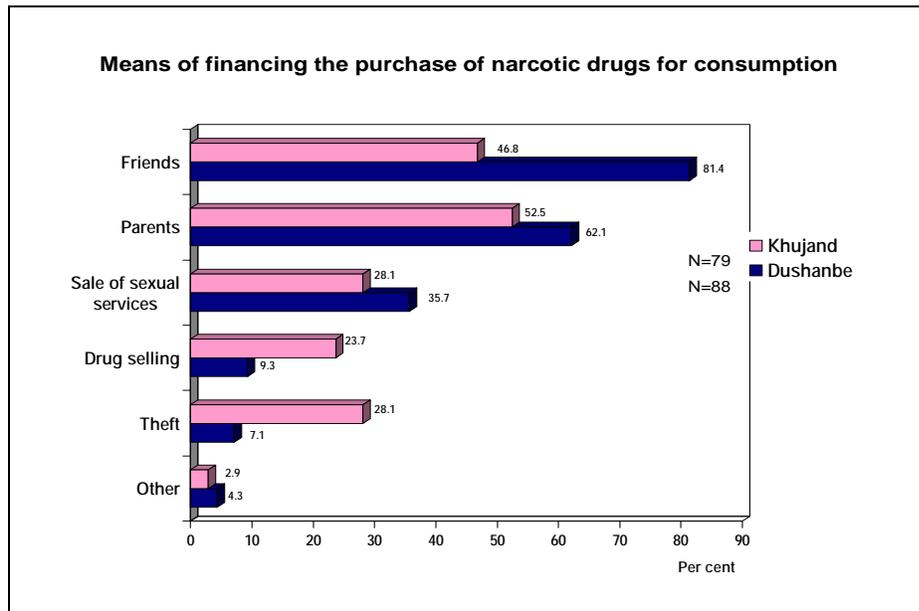
643. However, according to other United Nations estimates, the official statistics are unreliable, the figures being lower than those obtained by the United Nations Country Team in Tajikistan in 2003.

**Chart 7**  
**Places where narcotic drugs are obtained**



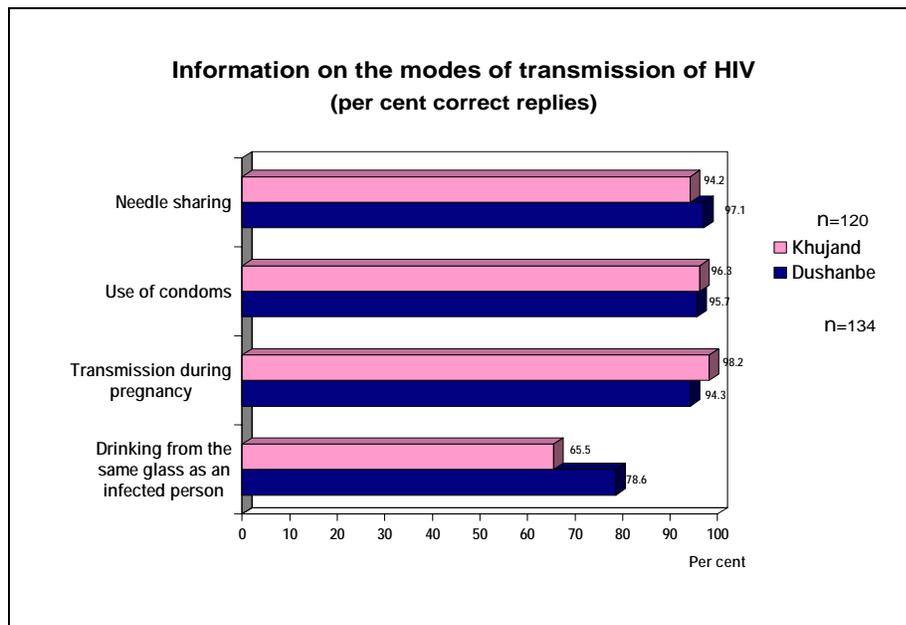
<sup>47</sup> Data published by the National Centre for the Control of HIV/AIDS, October 2003.

Chart 8



644. Within this context, information about HIV/AIDS and the assessment of the individual risk of contracting the virus have an important influence on the transmission of HIV. It appears that injection drug users are well informed about HIV/AIDS. They also know that sharing syringes and needles increases the risk and that seropositive pregnant women can pass on the virus to their child (see Chart 9).

Chart 9

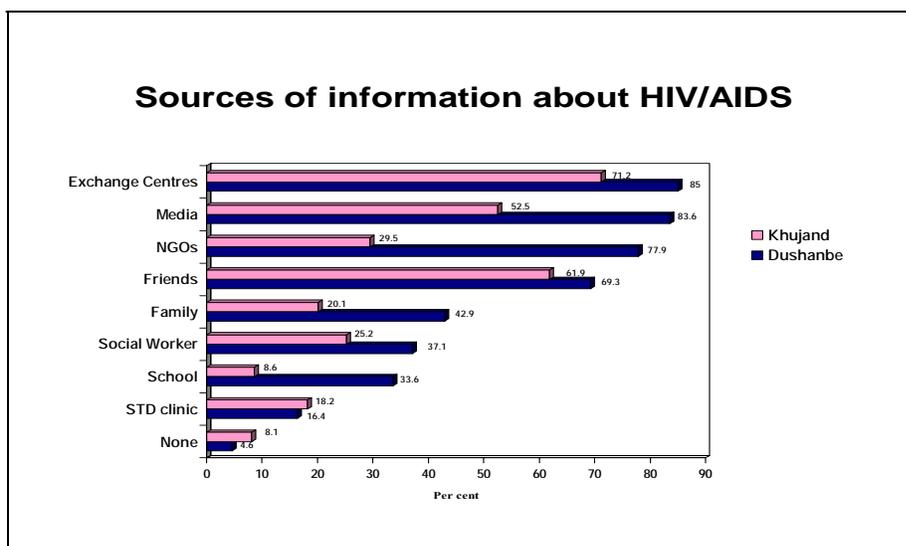


### Medical and social consequences of risk behaviour

645. According to the information available, the possible consequences of risk behaviour for injecting drug users in Tajikistan include, in 49.6 per cent of cases, skin disorders in the area of the point of injection, expressed as a reddening, pain or rash. Last year, 36.2 per cent of young drug addicts were found to be suffering from sexually transmitted diseases (STD), the percentage being higher in Khujand than in Dushanbe (44.6 per cent and 27.9 per cent, respectively). However, according to the qualitative data obtained by triangulation, the police authorities often take injecting drug users to the national centre for compulsory detoxification.

646. According to the rapid assessment and response project survey, the second and most conspicuous social consequence of drug addiction is that associated with the problems that follow from the fact that drug addicts are breaking the law. From what they say, it appears that 63.1 per cent of young drug addicts have had brushes with the police for using intravenous drugs. These problems are more common in Khujand (86.3per cent) than in Dushanbe (40.0 per cent). In this connection, 67.6 per cent of the persons questioned mentioned various forms of violence, including beatings, rape and blackmail. The police had arrested 11.4 per cent of respondents in a state of intoxication. In 10.2 per cent of cases the problems were the result of not having an identity card.

Chart 10



647. Voluntary testing as a second line of defence against HIV infection is not yet very widespread. Only 28.7 per cent of respondents had been tested for HIV, many fewer in Dushanbe than in Khujand (9.3 per cent and 48.2 per cent, respectively). The situation is the same with regard to voluntary testing for hepatitis B, hepatitis C and sexually transmitted diseases (table 40).

**Table 40**  
**Results of voluntary testing**  
**(per cent affirmative replies)**

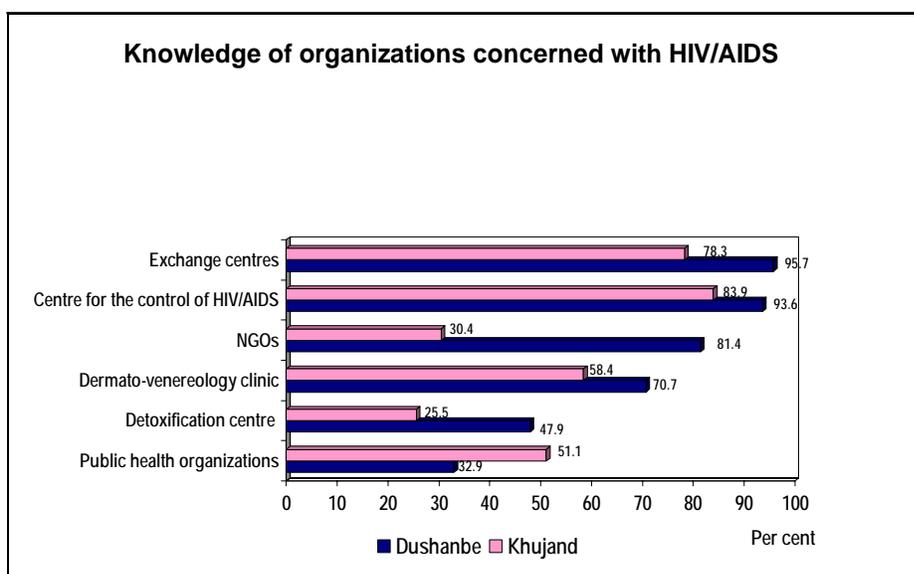
Testing for:	Dushanbe		Khujand	
	Number	per cent	Number	per cent
HIV	13	9.3	67	48.2
Hepatitis B	11	7.9	49	35.3
Hepatitis C	7	5.0	48	34.5
Other STD	14	10.0	86	61.9

648. According to the qualitative data, the fact that the country lacks the resources to acquire the instruments and equipment needed to carry out testing for HIV/AIDS and evaluate the test results means that it has been unable to develop a proper reporting system. Moreover, the country suffers from a shortage of specialists and advisory services.

649. In fact, the resources of the healthcare system are too slender for it to be possible to provide the public with services of this type, as confirmed by the fact that in 2001 expenditure on health represented only 1 per cent of GDP, or US\$2.5 per capita in 1998 (United Nations Country Team, 2003, and European Observations, 2000).

650. Few young injection drug users are acquainted with the organizations involved in combating the problem of HIV/AIDS in Tajikistan. However, it is reassuring to note that they do know about the operation of the exchange centres, the syringe exchange programme and the National Centre for the Control of HIV/AIDS. The situation is less favourable in Khujand than in Dushanbe (Chart 11).

**Chart 11**



651. As part of the survey of injecting drug users, they were also asked for their suggestions on how to prevent HIV/AIDS. They suggested the following measures: improvements in the HIV/AIDS testing system, an information campaign and an intensified effort to make schoolchildren more aware of the problem of HIV/AIDS, and strengthening of the resources of the institutions that deal with prevention, health and safe practices.

652. In the course of the qualitative rapid assessment and response survey carried out in Khujand, the situation in the city with regard to STD prevention was assessed. Subsequently, following the adoption of the Government decisions on the national programme for the prevention and suppression of human immunodeficiency virus, AIDS and sexually transmitted diseases (STD) for the period to 2007 (30 December 2000) and the strategic plan for the prevention of the threat of propagation of the human immunodeficiency virus and of AIDS in Tajikistan for the period 2002-2005 (1 October 2002), the executive body of Sughd province took steps to implement the provisions of the documents in question. These measures gave positive results. The Directorate of Youth Affairs, Sport and Tourism of Sughd province established MAIL, a centre for the prevention of drug addiction and HIV/AIDS. Those in charge of the centre have prepared and published a series of information leaflets and brochures, calendars, etc. and are participating in the organization of seminars, meetings, courses and television programmes, among other activities.

### **3. Sexual exploitation and sexual violence**

653. Young sex workers formed the second target group of the qualitative rapid assessment and response survey carried out in Tajikistan. The average age of the persons targeted was 23.1 years (minimum age: 15, maximum age: 30) (the average age was 23.3 in Dushanbe and 22.9 in Khujand). Women accounted for 79.4 per cent of the theoretically defined sample and men for 20.6 per cent.

#### **Risk behaviour and safe or protective behaviour**

654. The survey of the safe and protective behaviour of young sex workers employed the same quantitative and qualitative methods of assessment as in the case of injecting drug users.

655. The percentage of sex workers that uses drugs is only 14.7 per cent, although the information collected indicates a higher level of use. Apparently, narcotic drugs help the young sex workers to cope with the internal discomfort associated with the provision of sexual services. The average age at which the sex workers begin using drugs is the same as for injecting drug users, i.e., 18.3 (minimum age: 13, maximum age: 22). Drugs begin to be injected, on average, two years after they are used for the first time. In Dushanbe, when sex workers take drugs for the first time, in 50 per cent of cases the drug is hashish, whereas in Khujand they begin with heroin. However, these data are not conclusive. It appears that only one sex worker in Dushanbe uses injection drugs, while there are six in Khujand.

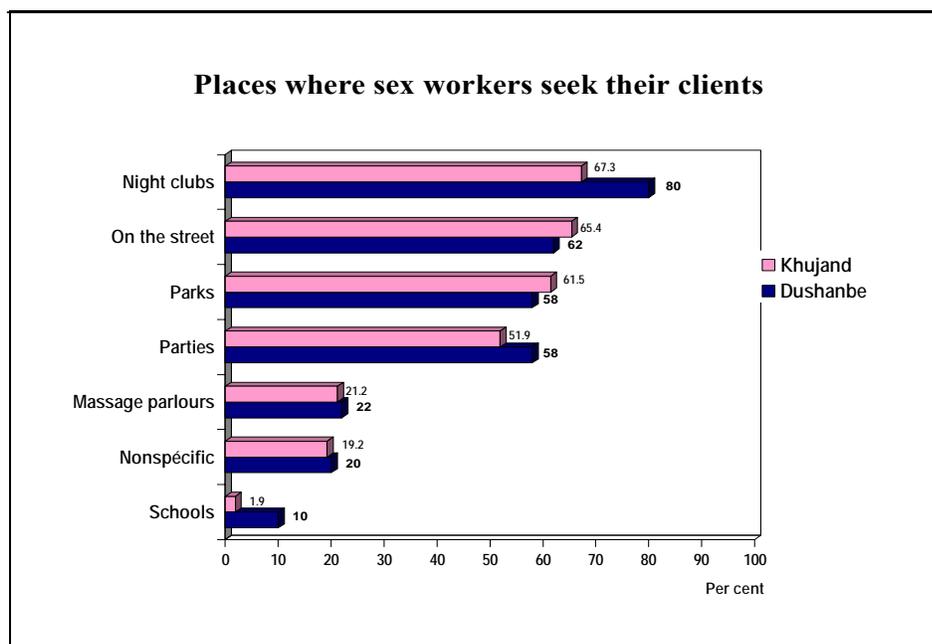
**Table 41**  
**Places where sex workers use drugs**

<b>Places of use and corresponding percentages</b>	
At home	85.7 per cent,
At the homes of friends	71.4 per cent,
On the street	42.9 per cent,
In parks and at parties	28.6 per cent.

656. These figures are identical with the results obtained for injecting drug users. The sharing of syringes shows that sex workers use drugs in the same way as injecting drug users (85.7 per cent of sex workers always use the same syringe).

657. The average age for the first sexual experience is 16.5 (minimum age: 12, maximum age: 21), there being no difference between the two cities. The average age for beginning sex work is 18.3 years. On average, sex workers keep working for 4.8 years. During this period, the sex workers' behaviour is rendered very risky by the fact that they have so many partners. In the month preceding the survey alone, the average number of clients was 13.9, and the monthly number of clients can go as high as 50. Most sex workers seek out their clients themselves (52.0 per cent), a smaller proportion relies on help from friends (36.3 per cent) and an even smaller proportion depends on a pimp (11.8 per cent). Pimps are much more active in Khujand (19.2 per cent) than in Dushanbe (4.0 per cent). The places where sex workers find their clients include night clubs (73.5 per cent), the streets (63.7 per cent), parks (59.8 per cent) and parties (54.9 per cent). As Chart 12 shows, there is little difference between Dushanbe and Khujand.

**Chart 12**



658. The clients of the sex workers are generally men (89.2 per cent) and mostly locals (86.5 per cent), although in Dushanbe there are more foreigners, mainly Russian soldiers and officers and in some cases foreign consultants. As there are more foreigners in Dushanbe, the sex workers there have more foreign clients, such as soldiers and international experts, than those in Khujand (24.0 per cent and 7.7 per cent, respectively).

### **Street children**

659. According to the United Nations Common Country Assessment (CCA), the street children phenomenon is a fairly recent development in Tajikistan, though nearly 3,000 children spend most of their time on the streets (United Nations Country Team in Tajikistan, 2003). However, the phenomenon is unusual insofar as almost 90 per cent of these children have a home and almost half live with both parents. The main reason for their spending their time on the streets is that they are working to earn money for their family.

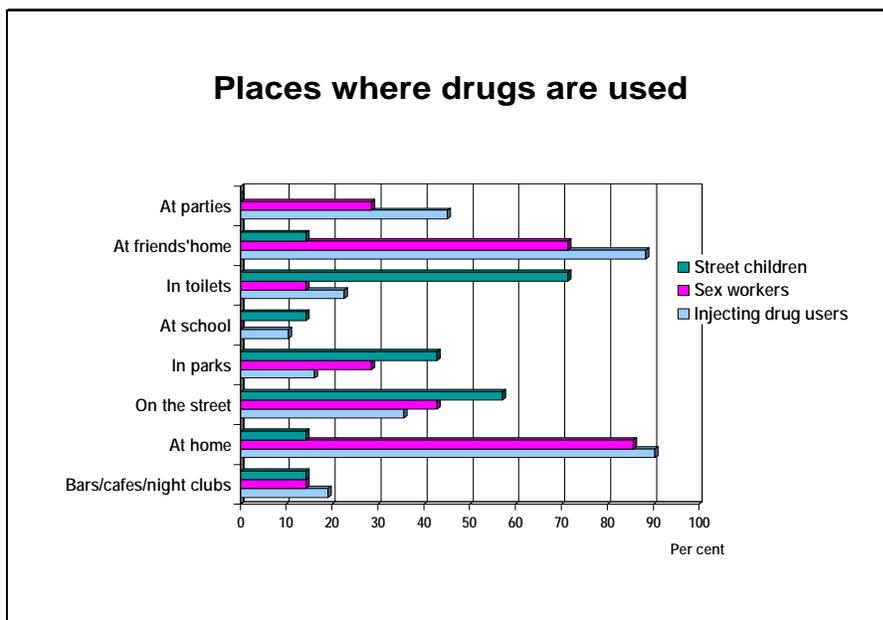
660. The rapid assessment and response survey succeeded in questioning a total of 120 street children, 60 in Dushanbe and 60 in Khujand, aged from 10 to 18. The average age of these children was 13.9 years. Boys made up 65 per cent of the children questioned and girls 35 per cent. The aim of the survey was to assess the extent and nature of the risk of infection with HIV among street children, by studying their protective and risk behaviour in this respect. All the quantitative replies received in the context of the survey were triangulated with account for the data obtained from focus groups and interviews.

### **Risk behaviour**

661. The main objective of the survey, as far as street children were concerned, was to assess the extent of the use of injection drugs and sexual risk behaviour. Protective behaviour was studied in terms of the frequency of the safe use of syringes and the use of condoms.

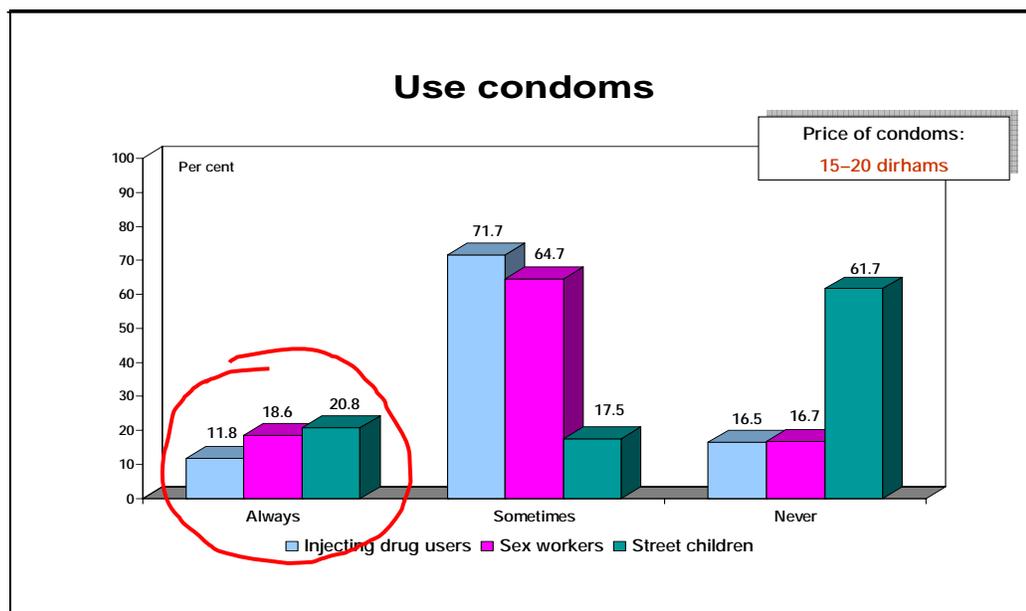
662. Drugs are used less frequently by street children than by other groups at risk: only nine child drug users were counted (6.7 per cent in Dushanbe and 8.3 per cent in Khujand). Three of these were already injecting drugs. The average age at which risk behaviour begins is 14.8 years in Dushanbe and 11.8 years in Khujand. In contrast to the case of injecting drug users and sex workers, the main form of narcotic drug for street children was hashish. The drug users mentioned that, during the month preceding the survey, they had mainly used glue or some other inhalant, various benzodiazepines and poppy tea, which distinguishes them from the other two target groups (Chart 13).

Chart 13



663. Among the street children, 52.5 per cent had already had sexual relations and this group was more numerous in Khujand (56.7 per cent) than in Dushanbe (48.3 per cent). On average, among those who had had sexual relations, the first experience had been had at the age of 15.6 years. In Dushanbe, seven children had had their first sexual relations before the age of 10, as compared with two in Khujand. It is noteworthy that the percentage of members of this target group with sexual risk behaviour is lower than for injecting drug users and sex workers, but the street children often change partners. For example, during the previous month, the street children had had 7 partners in Dushanbe and 5.3 in Khujand. Moreover, the number of street children who never use a condom during sexual relations is much higher than for injecting drug users or sex workers (see Chart 14). The reason is that the street children do not like to have sexual relations using a condom or else that the partner refuses to use one. A quarter of them found condoms too expensive, which was not a reason for not using them given by injecting drug users or sex workers.

Chart 14

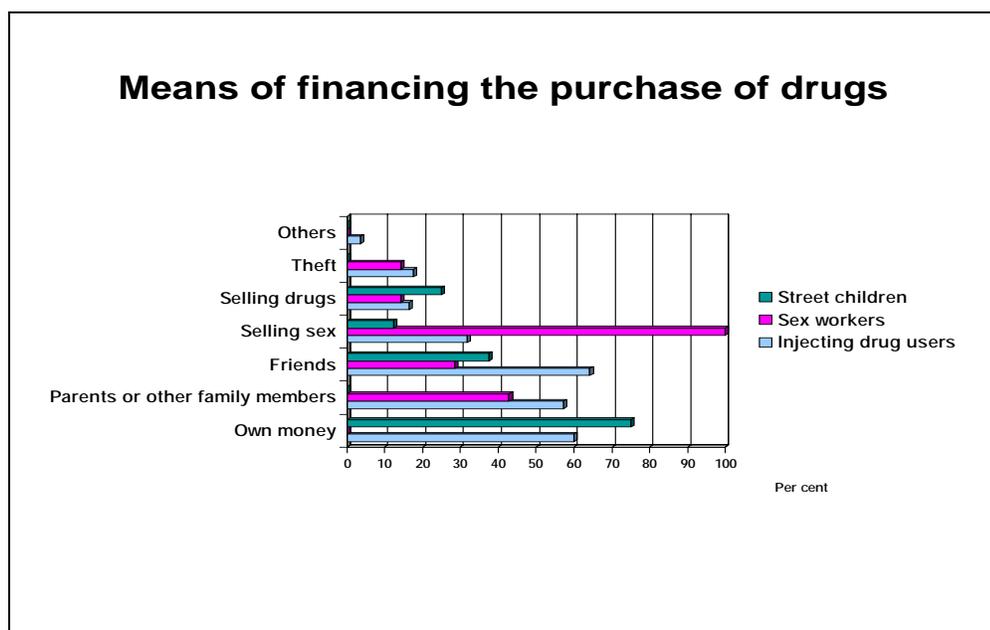


***Context of protective and risk behaviour***

664. To understand the context of protective and risk behaviour, as part of the survey questions were put to children working on the streets (washing cars, selling small items or renting hand-carts), i.e., children earning money for themselves and for their family. Their replies revealed that they lived in low-income families and worked on the streets to help their parents cope with the family’s financial problems. The children in this category go to school and, according to their replies, earn enough money to buy clothing and textbooks. The volunteers mobilized for the purposes of the survey distributed humanitarian aid in the form of clothing among the street children.

665. The methods of financing the purchase of drugs were different for the three groups. In the case of the street children, it was exclusively money they had earned themselves by working (Chart 15).

Chart 15

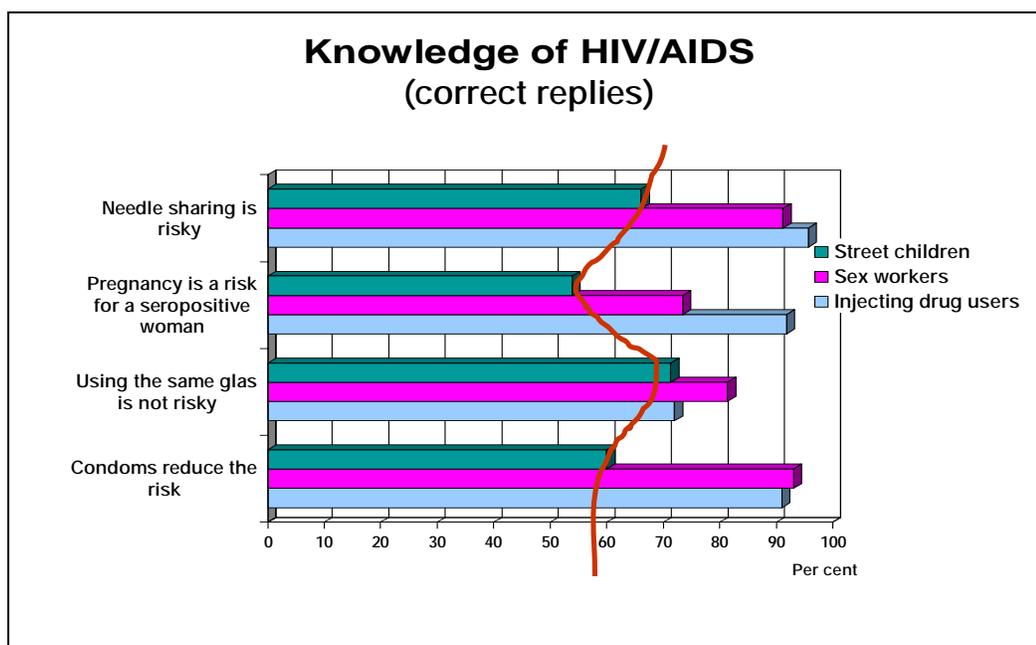


666. The survey showed that more than 30 of the children questioned spent the night on the street or elsewhere. However, there are children who spend the night at home. They have a family, often with a single parent.

667. The data revealed that, in most cases, the children go out on the street to beg, sell small items, wash cars or work as porters in the markets, and in some cases turn to sex work. Sometimes they hire hand-carts, paying the rent out of their own pocket. The parents themselves may send their children to work on the streets. Many of the children questioned wanted to lead a normal life, wear trendy clothes and go to school.

668. An analysis of the published documents, such as the Common Country Assessment, made it easier to understand the background to the isolation of this vulnerable group, which is associated with poverty, unemployment, drug addiction and violence. The Common Country Assessment states, in particular, that: “The traditional approach to the individuality of the child and, in particular, the desire to keep the child in a state of subordination, irrespective of its personal inclinations, and to preserve the domination of the patriarchal family structures limit the opportunities for the young to act independently and assume their responsibilities; it follows that there are few young people with sufficient confidence in themselves to take responsibility, show initiative and fight for their rights. Excluded from decision-making and with only limited access to impartial information, the young are often deprived of the opportunity to develop the habit of thinking for themselves and mature judgment” (United Nations Country Team in Tajikistan, 2003). The interviews associated with the survey and the replies of the various ministries provided a similar explanation of the street children phenomenon. As these children are poorly informed about HIV/AIDS, it is logical to give top priority to the factors and measures likely to improve the situation in general (Chart 16).

Chart 16



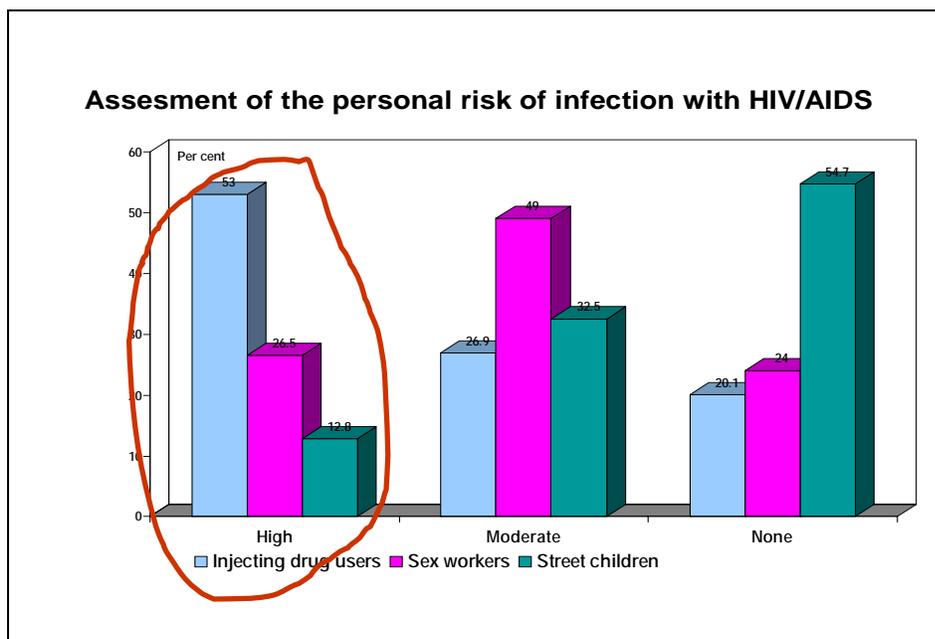
669. Most street children are not well informed about sexually transmitted diseases (STD), in particular HIV/AIDS. Only 1 per cent of the children surveyed had information about STD and contraceptives.

670. The link between poverty and the personal assessment of the risk of infection with HIV needs to be stressed. As street children are poorly informed about HIV/AIDS, it is precisely these children, among the three vulnerable groups in question, who believe they are running the least personal risk (see Chart 17).

671. The street children of Khujand are much less worried about the risk of being infected with HIV than the street children of Dushanbe (only 3.5 per cent of the street children of Khujand consider the risk to be high, whereas in Dushanbe the corresponding percentage is much larger: 21.7 per cent).

672. According to the results of the survey, street children are accustomed their risky existence, since attempts to get them to lead a different, i.e. more normal, life seem doomed to failure. For example, several people in succession tried to take one boy under their wing, but without success: every time the child went back to his former life on the streets. However, in spite of everything, there are almost no drug addicts among the street children. Many of them become sex workers in order to earn money, but only a few use drugs. The survey also showed that most street children would like to go to school, but their parents or other close relatives do not let them, since they lack the means.

Chart 17



### Medical and social consequences of risk behaviour

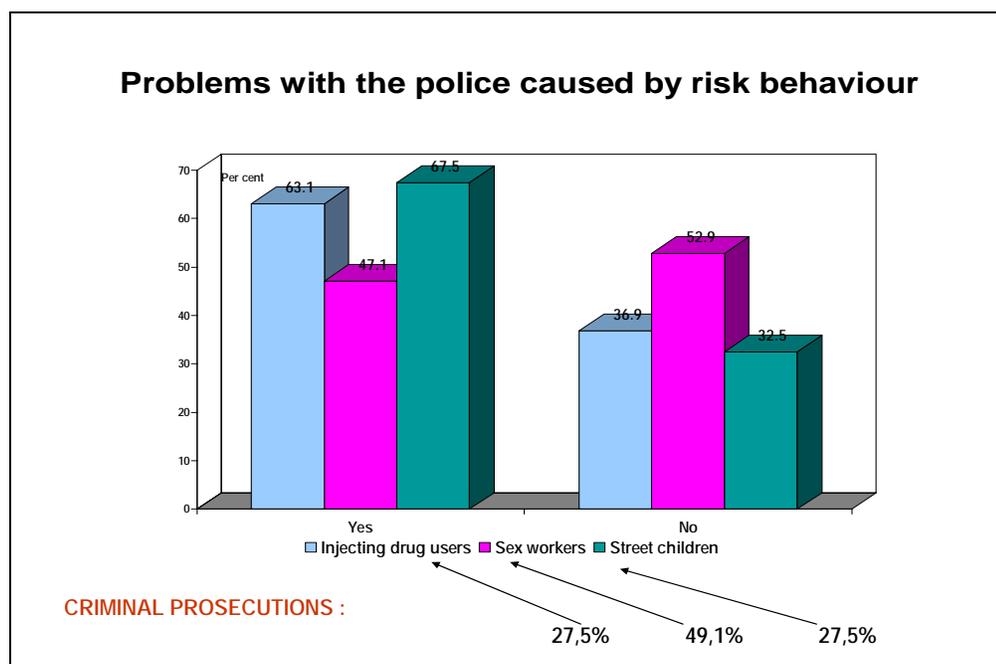
673. As distinct from young injection drug users and sex workers, the street children surveyed did not report any serious consequences for their health due to their risk behaviour, apart from the skin problems around the injection point mentioned by those among them who used injection drugs. However, even in these cases, none of the children had been to a hospital for treatment or made use of the medical services.

674. Among the social consequences of their risk behaviour the one most often mentioned by the street children is brushes with the police (see Chart 18). The most serious problem that the children reported was their exposure to various forms of police violence, although the street children of Khujand mentioned police violence distinctly less often (35.5 per cent) than those of Dushanbe (74.5 per cent).

675. Living and working on the street, these children are victims of various forms of aggression, both from children of the same age and from adults, as confirmed by interviews and focus group discussions. The older children make the younger ones work for them or take away money they have earned and often beat them up.

676. Adults often use child labour and then pay nothing in exchange. When interviewed, some street children refused to talk to the volunteers conducting the survey, saying they did not trust them.

Chart 18



677. While the survey was being carried out, the Ministry of Education took a number of positive initiatives. It issued decree No. 211 of 11 April 2003 on the programme for the prevention of the inhalation and injection of narcotic drugs, intended to stop the spread of HIV/AIDS and promote a healthy lifestyle in educational institutions (2002-2003). This programme was adopted by the Ministry’s collegial council on 22 February 2002 in order No. 5/5 with a view to preventing the use of injection drugs and the spread of STD and HIV among children and young people.

678. In 2003, the Ministry of Education distributed a book published in Tajik and entitled “Healthy Lifestyle” in 60 of the country’s schools.

### Discussions, recommendations and conclusions

679. In the course of the above-mentioned survey, it became clear that the lack of opportunities and the poor socio-economic prospects for sex workers, injecting drug users and street children influence their decision to behave as they do. Their lifestyle puts them at very great risk of contracting STD and HIV/AIDS. Their reluctance to seek medical assistance and their practice of self-medication can have very dangerous consequences.

680. With regard to the rapid spread of HIV in Tajikistan, it is of the utmost importance to adopt new expanded prevention strategies. At present, in addition to lacking the funds and the monitoring system needed to launch a sustainable prevention campaign, Tajikistan does not have enough programmes at national level for the most vulnerable groups of young people. Not enough attention is being paid to the cultural and physical development of Tajik youth and the country lacks accessible and well-organized youth centres.

681. Nevertheless, Tajikistan has taken some steps in this direction. Thus:

- In 1997, the National Committee for the Control of HIV was set up to strengthen the machinery for coordinating the activities of the interdepartmental sectors, the international organizations and the NGOs concerned with the prevention of HIV/AIDS. This Committee also serves as a centre for monitoring the implementation of the Global Fund to Fight AIDS, Tuberculosis and Malaria project and other donor investments;
- The first national programme to combat HIV extended up to 1998; the Government has adopted a second national programme to prevent and control HIV/AIDS and STD for the period 2000-2007;
- The strategic plan to combat the threat of the spread of HIV/AIDS in Tajikistan for the period 2002-2005 was drawn up with the assistance of the United Nations theme group on HIV/AIDS and adopted by the Government in 2002;
- The AIDS Prevention Act was adopted in 1993;
- Tajikistan approved the Declaration of Commitment adopted at the conclusion of the special session of the United Nations General Assembly held in 2001, and the first progress report was prepared with the assistance of the United Nations theme group in 2003.

682. The United Nations Organization is providing intensive support for HIV prevention in Tajikistan through UNAIDS. New information support posts have been created in certain co-sponsoring organizations in Tajikistan, such as UNICEF, UNDP and WHO. More than 15 organizations are engaged in HIV prevention activities within the framework of international programmes: UNDP, UNFPA, UNICEF, UNESCO, UNODC, World Bank, IOO-Tajikistan, WHO, IOM, UNHCR, USAID, Global Fund, Aga Khan Fund for Economic Development, etc. Some of these programmes are wholly dedicated to young people and to reducing the harm being done to them, while others involve the rehabilitation of medical services in special situations, such as those that exist in prisons.

683. Tajikistan is currently considered to be the region to which HIV has spread least. The results of the 2003 rapid assessment and response survey show that various vulnerable groups tend to behave in a way that exposes them to HIV infection. Most of the persons concerned use the same syringes and the same needles and have unprotected sex with multiple partners. Although they are running a high risk of contracting the virus, most of them have no access to voluntary testing, mainly because the country is poor and lacks family planning experts. The NGOs continue to bear the main responsibility for prevention measures, but there is a need for activities in this field to be better coordinated. In the course of the above-mentioned survey, particularly vulnerable young people participated in the formulation of proposals for future interventions and initiatives.

#### **4. The sale, trafficking and abduction of children**

684. In 2002, Tajikistan became party to the United Nations Convention against Transnational Organized Crime and its supplementing Protocols, namely, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, which place it under certain obligations, in particular that of harmonizing its domestic legislation on combating trafficking in persons so as to establish effective mechanisms for prosecuting traffickers and protecting their victims.

685. Tajikistan has taken steps to improve its legislation. In 2004, it adopted the Trafficking in Persons Act. This Act establishes the legal and organizational basis of the system for combating trafficking in persons and defines the legal status of its victims. The Criminal Code has been strengthened by the inclusion of new provisions, namely, paragraph 1 of article 130 “Trafficking in persons” and article 167 “Trafficking in minors”.

686. Since 2004, the Organized Crime Directorate of the Ministry of Internal Affairs has included a unit for combating people trafficking.

687. At the beginning of 2005, the Government set up an interdepartmental commission to study the problems relating to trafficking in persons and its prevention.

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