



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

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### **Written replies by the Government of Tajikistan to the list of issues (CRC/C/TJK/Q/2) prepared by the Committee on the Rights of the Child in connection with the consideration of the second periodic report of Tajikistan (CRC/C/TJK/2)\***

[30 November 2009]

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

## Contents

	<i>Paragraphs</i>	<i>Page</i>
Question 1 .....	1	3
Question 2 .....	2	3
Question 3 .....	3–6	3
Question 4 .....	7	4
Question 5 .....	8–9	5
Question 6 .....	10–13	5
Question 7 .....	14	6
Question 8 .....	15	7
Question 9 .....	16–17	7
Question 10 .....	18–20	8
Question 11 .....	21–25	9
Question 12 .....	26–27	11
Question 13 .....	28	11
Question 14 .....	29–30	12
Question 15 .....	31–32	13
Question 16 .....	33–40	14
Question 17 .....	41–46	16
Question 18 .....	47	18
Question 19 .....	48–49	18
Questions 20–22 .....	50	19
Question 23 .....	51–52	19

**1. Please provide information as to whether there has been any attempt to unify the existing laws and regulations in the area of children's rights into a single code.**

1. There is an initiative in Parliament to establish a single law on children. Work on this initiative began in 2007 and is still under way.

**2. Please provide information on the mechanisms to monitor and review the implementation of the National Plan of Action on the rights of the child for 2003–2010. Please indicate what resources are available for its implementation.**

2. The Commission on the Rights of the Child, together with the Department of Youth, Sports and Tourism of the Office of the President, has distributed a National Plan of Action to all Government ministries and departments, as follows:

- Under the National Plan of Action, the ministries and departments are to include questions related to the rights of the child in annual workplans funded under the State budget.
- Large-scale studies (multiple indicator cluster surveys (MICS) of the situation of women and children, studies of living standards, etc.) requiring investment by international organizations in accordance with the Government's memorandum on cooperation with such organizations have been carried out with the assistance of the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the United Kingdom Department for International Development (DFID), the Global Fund, the European Union and other sources. The indicators used in the reports of studies conducted by the State Statistics Committee have been considered by a council on methodology and also by a coordinating council involving all interested ministries, departments and international organizations. In accordance with the workplan, the coordinating council also reviews every stage of the activities carried out in all fields included in the research list. The findings of the studies are communicated to the media, international organizations and ministries and departments by means of presentations and press conferences.

**3. Please provide information on the status of the Commission on the Rights of the Child mentioned in the State party's report. How does it coordinate its activities with other institutions working on the rights of children at central and local levels? Does it have authority and resources to carry out its coordination role?**

3. Government Decision No. 377 of 1 August 2008 on the defence of children's rights established a competent Government Commission on the Rights of the Child. The Commission on Juvenile Affairs was abolished and its powers were transferred to the Commission on the Rights of the Child. The Commission on the Rights of the Child is a permanently operating Government body; its Chairperson is the Deputy Prime Minister, who has responsibility for State policy for ensuring the rights and interests of children, which is aimed at implementing domestic law and fulfilling the country's international legal obligations under the Convention on the Rights of the Child and other international children's rights treaties. The Commission includes representatives of ministries and departments and also of non-governmental organizations (NGOs).

4. Representatives of interested bodies and international organizations (such as UNICEF) may take part in the Commission's work in an advisory capacity. The Commission includes:

- (a) Commissions in the Gorno-Badakhshan Autonomous Oblast, the provinces and the city of Dushanbe (provincial commissions) – at least three people; and
- (b) District (municipal) commissions – 3 to 12 people.

5. The chairpersons of the provincial commissions are provincial deputy chairpersons named by the provincial chairpersons. Under the Commission's statutes the Commission:

(a) Monitors the activities of bodies and establishments involved in implementing national legislation and the country's international legal obligations relating to the defence of children's rights and interests;

(b) Monitors, directs and coordinates the work of the provincial and district (or municipal) commissions, provides them with work-related assistance and disseminates their experiences;

(c) Takes part in the drafting of laws and programmes relating to the defence of children's rights and legitimate interests, improvement of their living conditions, their education, schooling, work and leisure, and the prevention of neglect, homelessness and juvenile delinquency; in addition, within its competence, it monitors the implementation of such laws and programmes;

(d) Provides methodological and organizational direction for the work done by sectoral, operational and local bodies in defending the rights and legitimate interests of children.

6. Material and technical support for the work of the commissions is provided by the Government of Tajikistan and by the local authorities, as appropriate.

4. **Please provide information on the share of the budget allocations specifically directed at children's rights, especially at disadvantaged children such as children living in care institutions, children in regions of the country which are lagging behind in socio-economic development, internally displaced, refugee and asylum-seeking children and children of families living in rural areas. Please inform the Committee whether there have been any efforts to ensure more transparency in expenditures, especially at local levels. How is it coordinated?**

7. The budget allocations are presented in the following table:

<i>Amounts, in thousand somoni</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Preschool education	9 630	12 556	15 191	18 949	25 236
Secondary education (general education schools, boarding schools and sports schools)	181 099	240 998	350 530	465 351	769 119
Children's medical establishments	493	597	1 510	972	4 105
Compensation for students at general education schools	10 142	10 200	10 320	10 500	11 860
Boarding schools for disabled children	399	475	562	1 274	2 455
Children's libraries	55	69	75	213	280
<b>Total</b>	<b>201 818</b>	<b>264 895</b>	<b>378 188</b>	<b>497 259</b>	<b>813 055</b>

(Source: Ministry of Finance and Ministry of Labour and Social Protection).

- Benefits are paid for disabled children in the amount of one minimum wage
- One-off benefits are paid upon the birth of a child
- Monthly benefits are paid for childcare
- Monthly benefits are paid for orphans

- Benefits are paid to destitute families with children studying at basic education schools (in 2008, 223,354 students each received an annual stipend of 40 somoni, for a total of 10,042,000 somoni)

**5. Please provide information on progress in the collection and analysis of disaggregated data (by sex, age, region) for persons under 18 years of age relating to the rights contained in the Convention.**

8. The State Statistics Committee annually disaggregates data (by gender, age and region) on the registration of births, deaths, marriages and divorces, based on registration documents received from the Ministry of Justice (registry offices). The State Statistics Committee maintains the MONEE statistical database on the situation of women and children, and since 1998 has presented data at the national level. This template comprises sections with indicators relating to maternal and child health, morbidity and disability, children's access to all levels of education by age and gender and data on children deprived of parental care, children in boarding schools and children being raised by guardians or in foster homes; it includes indicators of juvenile delinquency and provides data on convicted children and children in custodial institutions. In addition, a statistical overview is published on children's access to education at all levels; the data is broken down by age and gender, by urban and rural location and by individual regions.

9. The multiple indicator cluster surveys (MICS) from 2000 and 2005, which included information relating to children's rights such as data on birth registration, child labour, discipline, early marriage, school attendance, immunization and child development, also presented information broken down by gender, age and region. This material has been published. A database on 18,600 disabled children has been set up by the Ministry, in the department dealing with family and child social services and social protection, in accordance with the Memorandum of Cooperation concluded with UNICEF; owing to technical limitations, the regions in Gorno-Badakhshan Autonomous Oblast are not covered.

**6. Please provide information on the measures taken to reduce increasing gender disparities among children, especially in education and to encourage the school attendance of girls, particularly in rural areas.**

10. Information on this subject is provided by the Ministry of Education and the Ministry of Labour and Social Protection. At all basic education schools in the country, boys and girls attend school in mixed classes. Those schools that have been established jointly by other countries and Tajikistan have adopted this type of education and carry out their activities in accordance with the requirements of a democratic and secular society. According to these requirements, the education dispensed at the country's schools must foster an improvement in social intercourse and speech and also cultivate a humane relationship between girls and boys. There are no factors in the country that might give rise to unacceptable relations between young men and women; on the contrary, this educational principle benefits children's upbringing in many ways. It should be noted that girls are not subjected to any pressure or persecution in schools in Tajikistan. Both in towns and in the most remote villages, girls show more diligence and apply themselves more to their studies than do boys. In the country's villages, girls freely attend school.

11. Under Tajik law, villages and rural municipalities (*jamoats*) draw up lists of school-age children and present them to schools to ensure that educational coverage is provided. Children are enrolled on the basis of these lists, and their parents or persons acting in loco parentis are obliged to ensure that they attend school. Children who for various reasons are not enrolled in school within one or two years are enrolled in residential preschool. In new settlements that have two or three main sources of employment and are unable to build

elementary or secondary schools, children of school age are enrolled in boarding schools. When parents object to their children's attending school, the legislation in force makes such parents or persons acting in loco parentis subject to criminal penalties. Students who refuse to study and who do not wish to attend school are assigned to a national special needs school.

12. Every possible opportunity is taken and the necessary conditions are created to overcome inadequacies and solve problems encountered in schools. Education in Tajikistan is provided in six languages, and textbooks and other educational materials are provided to schools on an equal basis. There are absolutely no cases of school-age children from ethnic minorities being excluded from the education system, suffering verbal abuse or having their rights infringed. They, along with students from other ethnic groups, enjoy the right to receive an education in their mother tongue. The use of a presidential quota to include girls living far from the centre or in remote villages in the education system is one way of encouraging such girls to attend school. The presidential quota also covers girls from ethnic minorities. For example, 70 per cent of girls studying under the presidential quota are Kyrgyz girls from Murghob and Jirgital districts, while 40 per cent of the girls covered by the quota from Spitamen district are Uzbek. Thus, the members of ethnic minorities from all of Tajikistan's towns and districts are included in the education system along with Tajiks. During the 2008/09 school year, the following textbooks were published in Uzbek: an eighth grade geometry text; a textbook entitled *Ona tili* ("mother tongue") for grade 3; an information technology text for grades 7 to 9; an Uzbek language textbook for grades 6 to 8; *Ona tili* for grade 1; and a mathematics textbook for grade 5. These texts have been distributed to schools having Uzbek as the language of instruction. As part of the 2007–2010 State programme for the development and publication of textbooks, the Ministry of Education has gradually been writing and publishing textbooks for ethnic minorities.

13. Disabled children generally receive schooling at specialized boarding schools. The overall number of children (under the age of 16) with disabilities is 19,602, of whom 10,629 are girls, and only 2,128 or roughly 11 per cent of the total, are taught at such boarding schools. This problem is attributable to a shortage of places, as the number of such schools is limited.

**7. Please indicate if there are any State-funded training programmes for law enforcement personnel to prevent ill-treatment of children, particularly children in vulnerable situations, in addition to the programmes financed by non-governmental and international organizations.**

14. This information is provided by the Ministry of Internal Affairs. The Ministry's Juvenile Delinquency Prevention Service was established pursuant to Government Decision No. 257-10 of 30 May 2008. This Service also works with the legal representatives of juveniles who fail to fulfil their responsibilities for the upbringing or education of such young people or who negatively influence their behaviour or subject them to cruelty. A number of laws and regulations have been adopted in keeping with the country's legislation and the Convention on the Rights of the Child. Ministry of Internal Affairs Order No. 140 of 25 February 2009 approved the Regulations for the Juvenile Delinquency Prevention Service; Ministry of Internal Affairs Order No. 315 of 13 May 2009 approved the Instructions on the organization of work of departments concerned with juvenile affairs in agencies of the Ministry of Internal Affairs, which have been agreed with the country's ministries and departments. On 26 March 2009, Ministry of Internal Affairs Order No. 210 approved the Instructions governing the activities of juvenile reception centres. To ensure the proper application of the law and to ensure that children's rights are not violated, Ministry of Internal Affairs Order No. 615 of 26 September 2009 approved practical instructions for officers of the juvenile delinquency prevention services of internal affairs bodies.

8. Please provide information on the measures taken to prevent all forms of physical, psychological and sexual violence against children. Have there been awareness-raising campaigns on violence against children in other regions of Tajikistan besides the Nurabad region? Has there been any progress in adopting a unified law against corporal punishment? What is the legal framework to protect the rights of children who are at risk of abuse, neglect and exploitation?

15. The Juvenile Delinquency Prevention Service of the Ministry of Internal Affairs was established in February 2009; until then an inspectorate for juvenile affairs had existed both in the Ministry's central offices and in local branches. In 2008, the Government's Commission on the Rights of the Child approved a Policy for the Protection of the Rights of the Child and Procedures for the Provision of Technical Assistance by UNICEF Consultants for Custodial Institutions, while a National Plan of Action for juvenile justice was approved for the period 2010–2015. The system for the prevention of child neglect and juvenile delinquency involves provincial and district commissions on the rights of the child set up under Tajik law; social protection, employment and education bodies and local government children's rights bodies; the Committee for Youth Affairs, Sport and Tourism; the Committee on Women and the Family; health and internal affairs agencies; and the judiciary and procurator's offices. In addition, departments of the Ministry of Labour and Social Protection have been established to provide social services in the home in 46 of the country's districts, and these offer advisory services to parents with a view to preventing juvenile delinquency.

9. Please indicate which activities are undertaken in the context of deinstitutionalization measures mentioned by the State party. Please also provide information on the outcomes of the pilot projects indicated in the State party's report. Please indicate measures taken to improve the conditions in care institutions and to monitor them regularly.

16. Outline of the deinstitutionalization process in pilot projects:

Location of institution	No. of children at start of project	No. of children remaining	No. of children integrated	Type of institution following reorganization	
				Before start of project	After start
Ghafurov	289	0	289	Boarding school	Secondary school (arts) (day centre)
Kanibadam	181	8	173	Boarding school	Secondary school (arts) (foster family, day centre)
Isfara	63	12	51	Children's home	Children's home
Bokhtar	Was 93; 29 at start of project	0	19 with families, 7 in custody, 3 at boarding school in Kolkhozabad	Boarding school	General middle school (day centre)
Qurghonteppa (Kurgan-Tyube)	127	12	115	Boarding school	Secondary school (arts) (day centre)
Qabodiyon	66	13	53	Boarding school	Boarding school*
Jomi	94	12	82	Boarding school	Secondary school* (sciences)
Kulyab	215	215	Work ongoing	Boarding school	Work begun

\* Work ongoing; children living in secondary boarding school.

Results of the pilot project on deinstitutionalization:

- The Children's Rights Office (OPR) has assumed responsibility for discharging the obligations of the Commission on Juvenile Affairs and the Guardianship and Tutelage Commission
- Experience gained from OPR pilot activities is being disseminated throughout the country
- Government Decision of 1 August 2008
- OPRs in pilot districts are involved in the sharing of their experience with newly formed OPRs
- For the chosen model to be effective the knowledge of experts in newly formed OPRs must be increased in order to improve management of the children's rights system

17. With a view to broadening the spectrum of social services for children with disabilities, the Ministry, with support from the European Commission in Tajikistan, has created four day centres for children with disabilities, which prevent such children from being placed in institutional facilities. The Chorbog National Rehabilitation Centre for Children and Adolescents operates a third wing where disabled children and their parents receive training in caregiving and self-help skills to care for children at home, in groups of 20 children accompanied by their parents.

**10. Please inform the Committee on the measures taken to improve the national adoption standards, in particular in relation to adoptive family screening.**

18. Information provided by the Office of the Procurator-General and the Ministry of Justice. Matters relating to adoption are regulated by the Family Code of Tajikistan. Under article 125 of the Family Code, the adoption of minors is authorized only if it is in their interests. Article 126 of the Family Code sets out the adoption procedure. Article 137 (Children entitled at the time of adoption to pensions or benefits in connection with the death of their parents) preserves this entitlement even in the event of adoption. If a child who has reached the age of 10 is to be adopted, his or her opinion must be taken into account.

19. Article 126 of the Family 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. Under article 129 of the Code, 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 to the adoption of their child until the adoption has been ordered by the court. They may give their consent to the adoption of the child by a specific person or without indicating a specific person. 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; or, 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.

20. Under article 132 of the Family Code, the views of a child over the age of 10 must be taken into consideration for adoption purposes. In accordance with article 123 of the



Code, officials of institutions (nurseries, schools, medical centres, etc.) and others 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 have not been taking care of their children for an extended period of time must communicate this 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.

**11. Please inform whether there is any progress in decreasing the level of institutionalization of children with disabilities as well as if there is any improvement of the conditions in State-run institutions for children with disabilities. What are the concrete results of the research carried out by the experts group working on the rights of children with disabilities within the Commission on the Rights of the Child? What are the guarantees to provide children with disabilities with access to mainstream schools?**

21. With a view to broadening the spectrum of social services for children with disabilities, the Ministry, with the support of the European Commission in Tajikistan, has created four day centres for children with disabilities, which prevent such children from being placed in institutional facilities. In addition, the Chorbog National Rehabilitation Centre for Children and Adolescents operates a third wing, where disabled children and their parents receive training in caregiving and self-help skills to care for children at home, in groups of 20 children accompanied by their parents. Under the law, the education authorities are obliged to provide education to children with disabilities under a special general education programme. In November 2007, within the framework of a project entitled "Integration programme to improve the social sector in Tajikistan through support from civil society and local authorities" and with financial support from the European Commission, the representative of Hilfswerk Austria in Tajikistan opened the first day centre for children with disabilities in Hissar district. When the project was completed in December 2009, the Oftobak centre was turned over to Tajikistan's Ministry of Labour and Social Protection. Following a decision by the tendering committee, Chashmai Ekhsion, a civil society organization, began delivering social services, becoming the first such public service provider in the country.

**22. Objectives of the centre:**

- To create pleasant conditions for children's personal development
- To offer psychological and educational support for all aspects of a child's development, with the aim of rehabilitation
- To provide psychological support to families of children with developmental problems
- To help in solving basic problems preventing children from entering preschool and provide adaptation assistance to families

**Tasks of the centre:**

- To identify children with disabilities and their families
- To provide remedial and educational services to children with disabilities
- To provide parents with information on child development and parenting, and on the specific nature of their child's condition and abilities

- To identify the needs and requirements of each child, conduct an assessment of the child's condition, taking into account his or her abilities and potential, and draw up an individual plan for the child
- To create a pleasant environment suited to the child's technical requirements
- To carry out regular developmental and remedial activities in line with individual plans
- To provide various educational sessions for parents and specialists
- To select appropriate ways of interacting with the child and optimal education methods

23. Within the framework of the Step by Step programme and with the support of the Open Society Institute and the Soros Fund, the Ministry of Education has established a working group to develop the concept of inclusive education in Tajikistan, with the participation of representatives of the Ministry of Labour and Social Protection. A review of the country's current education policy for children with special educational needs or disabilities has been undertaken, involving the Government, local NGOs, the Organization for Economic Cooperation and Development and the Soros Fund. The concept of inclusive education is provided for in the Poverty Reduction Strategy for 2007–2009. Tajikistan has no specific legal act on the rights of children with developmental problems that would focus on the need for this group to be covered by an inclusive education programme. Tajikistan has ratified six human rights conventions that relate to children, but has not yet ratified the Convention on the Rights of Persons with Disabilities.

24. The following deinstitutionalization programmes are supported by UNICEF and other international organizations and are operated with the approval of the Government of Tajikistan:

- ORA International (orphans, refugees, humanitarian aid) is successfully helping children to return home from closed institutions and integrate into the school system; it also trains trainers from among the disabled population, which creates a positive impression on many specialists and parents of children with disabilities.
- European Union: project to develop social services for families. The basic aim of the projects was to define a strategy for the development of social services (over the period 2007–2010) in collaboration with the Ministry of Labour and Social Protection. Workplans include social workers and other specialists providing assistance to children with disabilities in their own homes and according to place of residence. Three day centres have been established for children with disabilities, along with four regional social services centres, which will come under the State budget during the period 2009–2010. The aim of the joint projects is to establish high-quality social services and day centres, retrain public sector specialists in health and social work, educate and support parents, undertake public campaigns in support of persons with disabilities, forge links between centres for children with disabilities and schools, support entrepreneurial activities for persons with disabilities and facilitate physical access to the services they require.
- Save the Children: as a result of projects carried out, 522 children with disabilities are now able to attend mainstream schools and 10 children have received technological equipment to help them in their studies.
- A project on inclusive education was operated by Save the Children for a three-year period (2004–2007) covering 102 schools in 18 districts across the country. Training was given to 30,000 teachers, public education committees were established with the aim of supporting schools, mobile teams of psychological, medical and educational

consultants were set up to provide consultancy services to 1,045 children, and children's clubs (open to both able-bodied children and children with disabilities) have been founded, attracting 1,020 children.

- An NGO has developed training modules that can now be used to create a solid basis for future long-term and widespread improvement of both general social provision and education for people with special needs.

25. Legislative improvements have not yet led to changes in practice, and the most recent education strategy does not meet the educational requirements of this specific group. Overall, changes to the legal system have not yet had a noticeable impact on the provision of education services, given the generalized lack of funds and low level of service delivery.

**12. Please provide information on the measures taken to develop community-based child mental health services.**

26. Information provided by the Ministry of Health. In order to ensure the early identification, upbringing, education, social adaptation and integration of children with various developmental disorders, psychological, medical and educational clinics operate in Dushanbe, Khujand (Sughd province) and Qūrgonteppa (Khatlon province) (a structural reform of the system is under way with technical assistance from UNICEF). They offer diagnosis and treatment, and their activities are aimed at the early identification, upbringing, education, social adaptation and integration of children with developmental problems. Every year, the number of children seen by these centres increases. Dushanbe also has a hospital for nursing care and the Kishti Centre for child rehabilitation, the aims and objectives of which are to provide nursing, medical and social care and educate parents in how to care for their disabled children. The Kishti Centre has seen more than 200 children. Every year the Ministry of Health helps disabled children to obtain wheelchairs: 15 children were provided with wheelchairs in 2008–2009.

27. The Ministry of Health runs children's homes, the aim of which is to provide medical care to orphans and children deprived of parental care, as well as to children with disabilities or physical developmental disorders.

**13. Please provide information on the measures taken to provide access to quality medical services and access to medical establishments by children who live in remote areas. Please provide information on the measures taken to address adolescent reproductive health and to combat high levels of malnutrition.**

28. Information provided by the Ministry of Health. In order to enhance the delivery of medical services for children and adolescents, Government Decision No. 482 of 1 October 2008 created the National Scientific and Clinical Centre for Paediatrics and Paediatric Surgery and the 40-bed National Children's Rehabilitation Centre. Key health-care texts that have been prepared and adopted are the Health Care Act (1977), The Reproductive Health and Reproductive Rights Act (2002) and the Breastfeeding Protection Act (2006). To date, 37 hospitals have been recognized under the Baby-Friendly Hospital Initiative and the following have been adopted: a national strategic plan for reproductive health for the period to 2014; a national programme for the development of young people's health, 2006–2010 (2006); a national health-care strategy for children and adolescents for the period to 2015 (2008); and a national plan of action for maternal health care for the period to 2014 (2008). The main reason for developing these documents was that roughly half the country's population consists of children and adolescents. In order to improve young people's state of health by reducing the impact of risky behaviours, such as casual sexual relations, drug use, sexually transmitted infections and HIV/AIDS, and also by implementing the national programme for the development of young people's health 2006–2010, adopted by Government Decision No. 107 of 3 March 2006, the Government's

Committee for Youth, Sport and Tourism and the Ministry of Health, in cooperation with the international NGO CARE in Tajikistan and with financing from the United States Agency for International Development, established eight medical counselling centres during 2007–2008 to provide friendly services to adolescents and young adults. The aim is to improve sexual and reproductive health among the 10–24 age group, targeting vulnerable young people, such as girls, those not attending school, migrants, conscripts, commercial sex workers, street children and injecting drug users. These centres have been provided with contraceptives and medicines to treat sexually transmitted infections, to the value of US\$ 227,389.10.

**14. Please inform if there has been any progress in publishing school books in minority languages.**

29. Information supplied by the Ministry of Education. Education in Tajikistan is provided in six languages, and textbooks and other educational resources are provided to educational institutions on an equal basis. There are absolutely no cases of school-age children from ethnic minorities being excluded from the education system, suffering verbal abuse or having their rights infringed. They, along with students from other ethnic groups, enjoy the right to receive an education in their mother tongue. The use of a presidential quota to include girls living far from the centre or in remote villages, in the education system is one way of encouraging such girls to attend school. The presidential quota also covers girls from ethnic minorities. For example, 70 per cent of girls studying under the presidential quota are Kyrgyz girls from Murghob and Jirgatal districts, while 40 per cent of the girls covered by the quota from Spitamen district are Uzbek. Thus, members of national minorities from all of Tajikistan's towns and districts are included in the education system along with Tajiks. During the 2008/09 academic year, the following textbooks were published in Uzbek: an eighth grade geometry text, a textbook entitled *Ona tili* ("Mother tongue") for grade 3, an information technology textbook for grades 7 to 9; an Uzbek language textbook for grades 6–8; *Ona tili* for grade 1; and a mathematics textbook for grade 5. These texts have been distributed to schools having Uzbek as the language of instruction.

30. As part of the 2007–2010 State programme for the development and publication of textbooks, the Ministry of Education of the Republic of Tajikistan has gradually been writing and publishing textbooks for ethnic minorities. No national minority in Tajikistan is oppressed or has its rights restricted, and there are educational establishments for even the smallest national group in even the remotest parts of the country. National minorities living in Tajikistan enjoy equal rights to education. In 1,160 schools across the country, children of various nationalities are able to study in their native language. In Tajikistan, education is provided in six languages, and educational institutions are provided with teaching materials and other educational resources on an equal basis. There are absolutely no cases of school-age children from ethnic minorities being excluded from the education system, suffering verbal abuse or having their rights infringed. They, along with students from other ethnic groups, enjoy the right to receive an education in their mother tongue. The use of a presidential quota to include girls living far from the centre or in remote villages in the education system is one way of encouraging such girls to attend school. In accordance with the Republic of Tajikistan's regulations on basic education schools, Afghan children who are refugees from Afghanistan may study in ordinary schools in Tajikistan, but there is also a school where education is given in their native language.

**15. Please provide information about the results of the nationwide survey on child labour indicated in the State party's report. What impact did it have to prevent child labour, especially in informal sectors and under hazardous conditions in agriculture, particularly in cotton fields? Please provide information on the legal framework prohibiting child labour.**

31. In December 2000, Parliament ratified the 1999 International Labour Organization (ILO) Worst Forms of Child Labour Convention (No. 182). Under article 26 of the Education Act, pupils and students may not be employed in any agricultural work during their studies. The main achievements in combating the worst forms of child labour have been:

- The establishment in Tajikistan of a structure to defend human rights, including children's rights, and the establishment of the office of the ombudsman for human rights
- The enactment of a ban on the use of child labour in agriculture, especially during cotton harvesting
- The establishment, with the assistance of ILO, of a special child labour monitoring sector within the Ministry of Labour and Social Protection

The national child labour survey was prepared by the Shark scientific research institute on the basis of research carried out from May to August 2005 in Dushanbe and Qurghonteppa (200 children working in markets, on the street and for their families). According to this research, some 20 to 30 per cent of children in these towns are engaged in various forms of employment. Among the children surveyed, the largest age group was between 14 and 16, or students in grades 6 to 8. The survey showed that in both cities working children are of local origin, from poor families and vulnerable population groups. Generally, parents in families with working children are from low-status groups: self-employed (small-scale traders, porters, chauffeurs) and hired workers (construction workers, truck drivers, State employees, unemployed people and domestic workers). The seasonal nature of child labour was also noted, as higher indicators were recorded in the summer months when there was no school. However, the research and the survey do not give a picture of child agricultural labour. Child labour was included in the multiple indicator cluster surveys (MICS) on the situation of women and children carried out by the State Statistics Committee and UNICEF. The data from these two surveys (conducted in 2000 and 2005) indicate that children are employed more during the summer months, when there is no school, and are generally employed in agricultural work on their family farms. The MICS-2000 data (for July-August) indicated that 24.9 per cent of children (25 per cent of boys and 24.8 per cent of girls) between the ages of 5 and 15 were engaged in various types of work (remunerated outside the home or unremunerated domestic work). The MICS-2005 data (for August-September) indicated that 10.4 per cent of boys and 10.6 per cent of girls between the ages of 5 and 14 were engaged in various types of work: remunerated and unremunerated outside the home – 3.6 per cent; domestic work – 4.6 per cent of boys and 6.0 per cent of girls; or in a family business – 1.6 per cent and 1.4 per cent, respectively. Furthermore, according to a survey of living standards in 2007, 53 per cent of the population was poor and 17 per cent very poor. In such circumstances, children from the poorest income quintile were more often engaged in work in order to support their families, while those in the richest quintile were half as likely as the first group to work. In rural areas 10.6 per cent of children were employed, and in urban areas 8.0 per cent were.

32. Regarding the prohibition of the use of child labour for the cotton harvest, the Labour Code contains a special chapter 13 entitled "Additional guarantees for youth", article 174 (Minimum age for employment) of which stipulates that:

"Children under the age of 15 may not be engaged for employment.

...

“To prepare young people for productive labour, pupils from basic education schools, technical training schools and secondary specialized educational establishments may, with the agreement of one parent or person acting in loco parentis, be recruited to perform, in their free time and until they reach the age of 14, light work which is not harmful to the health and does not disrupt their education.”

Article 67 (Length of the work day) reads as follows:

“The length of the work day (shift) shall not exceed:

- For workers aged 15 to 16 years, five hours, and from 16 to 18 years, seven hours
- For students at basic education schools and at beginning and secondary vocational schools combining studies with work during the academic year, aged from 14 to 16 years, 2.5 hours, and from 16 to 18 years, 3.5 hours
- For disabled persons, 6 hours.”

**16. Please provide information on the types of reforms that are planned by the Government of Tajikistan in the area of juvenile justice and on the progress in the work of the experts group on juvenile justice. What measures have been taken to expand and sustain the appointment of judges on juvenile justice?**

33. Under article 19 of the Constitution, no one may be subjected without legal justification to arrest or detention. From the moment of arrest, the detainee has the right to consult a lawyer. Under article 48 of the Code of Criminal Procedure, minors who are suspected or accused of an offence (depending on the stage of the criminal proceedings) have the right to be informed of the grounds for such suspicion and of the charges brought against them, to respond to the accusations made against them, to present evidence, file applications and challenge the lawfulness of and the grounds for their arrest before a court, to familiarize themselves with the reports of investigations involving them and, once the investigation is completed, with all the case materials, to have access to an attorney, to take part in the proceedings, to file objections, to file complaints concerning the actions and decisions of the investigator, the procurator and the court, and to defend their rights and legitimate interests using any other resources and means permitted by law. Under article 141 of the Code, if a minor takes part in the commission of an offence with an adult, the case involving the minor must, to the extent possible, be treated as a separate case during the pretrial investigation stage. If separation of the minor's case is likely to create significant obstacles to a thorough, complete and objective investigation of the case, the rules established for minors under this Code shall be applicable to the accused minor whose case is being heard along with that of the adults.

34. Under article 159 of this Code, during examination of witnesses under the age of 14 and, at the discretion of the investigator, witnesses between the ages of 14 and 16, a teacher shall be summoned. If necessary, legal representatives of the minor or his or her close relatives may also be summoned. Prior to examination, minors shall be informed of their rights and duties, and this shall be reflected in the record of the examination. Such persons shall be present during the examination and may, with the permission of the investigator, ask questions of the witness. The investigator is entitled to object to a question that has been put by them, but the question remains on the record. Upon completion of the examination, those in attendance sign a document testifying to the veracity of the evidence on record.

35. Under article 91 of the Code of Criminal Procedure, the arrest and detention of minors may be carried out as a preventive measure only in exceptional circumstances, when the severity of the offence so warrants and when the grounds cited in articles 84 and 90 and

chapter XXXIV A of the Code apply. Minors who have been arrested or placed in pretrial detention must be held separately from adults and from minors who have been convicted. Under article 412.6 of the Code of Criminal Procedure, if a minor has parents and has been arrested or accused of an offence, his or her parents must be notified within eight hours. Children over the age of 14 whose parents cannot be found or who live in another city or village may be held for three days at a police station. At the end of this period, a decision is made as to whether 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.

36. Under article 156 of the Code of Criminal Procedure, witnesses under 16 years of age are summoned through their parents or other legal representatives. For the examination of witnesses under the age of 14 and, at the discretion of the investigator, of witnesses between the ages of 14 and 16, a teacher shall be summoned. If necessary, legal representatives of minors or their close relatives may also be summoned. Under article 176 of the Code of Criminal Procedure, the presiding judge shall explain to witnesses under the age of 16 their duty to state truthfully everything they know about the case; however, the witnesses are not warned of their liability should they refuse to testify, avoid testifying or give false testimony. Under article 180 of the Code, when witnesses under the age of 14 or, at the discretion of the court, witnesses between the ages of 14 and 16 are examined, a teacher shall be summoned. If necessary, their parents, adoptive parents, tutors or guardians may also be summoned. Under article 59.2 of the Code, if there is sufficient information to the effect that a victim, witness or other participant in the case or members of their families or close relatives are the subjects of death threats or threats of violence, destruction of or damage to their property or other unlawful acts, the body conducting the initial inquiry, the investigator, the procurator and the court must take the measures prescribed by law to protect their lives, health, honour, dignity and property and to identify and prosecute the perpetrators.

37. After the presentation in 2000 of Tajikistan's national report to the Committee on the Rights of the Child, the Committee drew attention to the area of juvenile justice, calling on Tajikistan to take certain steps to implement the provisions of the Convention and other applicable standards fully. The national Commission on the Rights of the Child established an expert group consisting of representatives from Government ministries with a view to addressing various problems relating to children, including juvenile justice. In 2004, this group prepared a detailed analysis of the situation of children in conflict with the law and an analysis of the law, policy and practice regarding children of different ages. In the course of this work it identified a series of areas requiring attention:

- The lack of a separate criminal justice system for persons under 18
- The lack of effective measures to keep children out of the formal justice system and place them in alternative justice programmes
- The excessive application of custodial measures to juvenile offenders under the age of criminal responsibility who commit minor offences
- Poor conditions of detention and treatment of children at all specialized custodial institutions (in police custody, correctional facilities for minors, women's correctional facilities, specialized schools and vocational schools and juvenile reception centres)

The Government, in cooperation with the Commission on the Rights of the Child and with UNICEF, which is a key partner, has made significant progress in bringing all legislation relating to criminal proceedings into line with international standards for juvenile justice

38. In 2005, amendments were made to the Criminal Code. One amendment prohibits the sentencing to deprivation of liberty of first-time juvenile offenders whose offences are minor or of moderate severity. International standards encourage the establishment of a separate criminal justice system for persons under the age of 18, with separate laws, proceedings and institutions and in which children are subjected to deprivation of liberty only as a measure of last resort. Since 2004, the training of law enforcement staff, juvenile police officers, judges and procurators has been a key element in increasing awareness of the rights and interests of children. The Council of Justice selected a group of judges to undergo thorough training in the field of children's rights, including at the provincial level. The Ministry of Internal Affairs Inspectorate for Minors' Affairs underwent substantial changes in 2008. In February 2008, a Juvenile Delinquency Prevention Service was set up in the Ministry of Internal Affairs, and subunits of the Service were established in the regions. In 2008, the Government Commission on the Rights of the Child approved a policy and a set of procedures for defending children's rights in custodial institutions. One of the best known and most successful initiatives was the establishment of an effective pilot programme for an alternative system of justice and rehabilitation at the community level. The Inspectorate for Minors' Affairs, the police, the procurator's office, the courts and the Commission on Minors' Affairs can send minors aged 10–18 years to such projects as a preventive measure, thus replacing criminal liability with alternative punitive and educational measures. Individualized programmes are drawn up to provide children with psychological and social assistance, and work is done with their families with a view to understanding why such children commit offences.

39. The first project establishing an alternative justice system was introduced in 2005; by 2009 there were five projects in operation, involving over 300 children in conflict with the law (two in Dushanbe and three in Sughd province). In 2005, the Ministry of Labour and Social Protection, which was responsible for specialized vocational education, checked whether children's rights were being violated at a particular institution. It was subsequently decided that the placement of children in custody for minor offences was contrary to international children's rights standards and that deprivation of liberty should be used only for minors who committed serious crimes. A decision was thus taken to transform custodial schools into multi-purpose centres with temporary residence and services for short vocational courses. The restructuring process also encompassed specialized schools such as police lock-ups, correctional facilities for minors and juvenile reception centres. The conditions of detention at such facilities in Tajikistan and the care provided for offenders and convicted persons have improved.

40. At the end of 2005, regulations for juvenile reception centres were adopted, according to which such institutions must return children to their families within 30 days, provided that doing so does not jeopardize the safety of the child, or, where possible, placing temporarily the child in alternative care. In 2007, the Ministry of Justice concluded a memorandum of understanding with UNICEF for the provision of assistance to juvenile correctional facilities with a view to improving the conditions of detention and the care provided for young people. Among the activities contemplated in the memorandum is enhancing the staff's capacity to prepare young people for their release from custodial institutions, to create networks involving local authorities and NGOs and to assist young people with their reintegration in their communities. In 2009, a national plan of action for the reform of juvenile justice during the period 2010–2015 was formulated and approved.

**17. Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention.**

41. The National Plan of Action 2003–2010 sets out the following priorities:



- Ensuring safe maternity and protecting child health, including the health of children living in especially precarious conditions and newborns
- Ensuring child immunization coverage of 100 per cent
- The prevention of congenital disabilities and the medical rehabilitation of disabled children and their integration in society
- Meeting young children's needs for special or medicinal food products
- Ensuring a comprehensive approach to early childhood development
- Safeguarding reproductive health and ensuring that only desired and healthy children are born
- Enhancing children's education and development, including for children with developmental problems
- The creation of proper conditions for the education of girls
- The creation of conditions for the normal physical, psychological, educational and cultural development of children from families that have been displaced owing to environmental factors
- Prevention of child abandonment, development of mechanisms for the upbringing of orphans in family environments and improvement of the socialization of orphans and other children deprived of parental care
- Prevention of child abuse, development of mechanisms to assist child victims of violence
- Development and optimization of the institutional network providing various social services to families and children living in difficult circumstances
- Fostering of a healthy lifestyle, especially among adolescents
- Creation of a basis for a comprehensive solution to the problems of neglected and delinquent juveniles, the social rehabilitation of such young persons and a reduction of the scale of homelessness among children
- Establishment of a system for the early identification of children with disabilities
- Provision of appropriate social services
- Ensuring access to basic services (education, medical care, work, in accordance with their capabilities)

42. Under part II, the State party is invited to briefly (three pages maximum) update the information provided in its report with regard to:

- New bills or enacted legislation
- New institutions
- Newly implemented policies
- Newly implemented plans of action, programmes and projects, and their scope

The following laws and enactments have been adopted in the field of social protection:

- Act No. 482 of 31 December 2008 on social aims
- Act No. 522 of 19 May 2009 on social standards
- Act No. 521 of 19 May 2009 on minimum subsistence levels

- Government Decision No. 302 of 28 May 2009 on additional measures for the transport of persons with disabilities and veterans of the Great Patriotic War (Second World War)

43. Pursuant to a Government decision, the Chorbog home for the mentally retarded has been transformed into the National Rehabilitation Centre for Children and Adolescents (the number of children permanently living there is 200, of whom 20 are there with their parents). Day centres for children with disabilities have also been established in Tajikistan and are now in operation:

- Oftobak, in Hissar district (children ages 3 to 14, 20/7/5, database 468)
- Sitora, in Vosseysky district (ages 0 to 18; 20/5, database 460)
- Nur, in Khorcg (20/10)
- Umed, in Kulyab (ages 0 to 18, 22/5/24, database 520)

44. The following laws have been adopted in the field of health: the Reproductive Health and Reproductive Rights Act (2002), the Protection of Breastfeeding Act (2006), the National Strategic Plan for Reproductive Health for the period to 2014 (2004), the National Programme for the Development of Young People's Health for 2006–2010 (2006), the National Health Care Strategy for Children and Adolescents for the period to 2015 (2008), the National Plan of Action for Maternal Health Care for the period to 2014 (2008) and the National Plan of Measures to ensure Safe Maternity to 2014 (2008).

45. New structures are in operation: the Nursing Hospital in Dushanbe and the Kishti children's rehabilitation centre, whose objectives are to provide care and medical and social assistance and educate parents in how to care for their disabled children, the National Scientific and Clinical Centre for Paediatrics and Paediatric Surgery and the National Children's Rehabilitation Centre.

46. With regard to education, as part of the 2007–2010 State programme for the development and publication of textbooks, the Ministry of Education has gradually been writing and publishing textbooks for ethnic minorities.

**18. Please provide updated data on budget allocations for children for 2007, 2008 and 2009 on education, health, social services and child protection. Please elaborate on the impact of the financial crisis on the resources allocated for children.**

47. Budget allocations for children in 2007, 2008 and 2009 in the fields of social services and social protection of children were as follows:

- 2007: 1,258,322
- 2008: 2,261,729
- 2009: 3,836,976

**19. Please provide disaggregated data (by sex, age, region) on enrolment, attendance and dropouts from primary school.**

48. The main strategy in education is the provision of access for all to basic education and increased secondary education coverage. In this context, priority is given to raising the quality of education at all levels. Under article 42 of the Education Act, parents or persons acting in loco parentis who obstruct the education of their children or relatives are liable to prosecution under national law. Article 174 of the Criminal Code establishes that parents, teachers and other school employees who restrict a child's right to education are subject to criminal prosecution. Access to basic education schools is ensured in Tajikistan on a geographical basis, through optimal distribution of schools. A broad and diversified

network of basic educational institutions has been inherited. Access to and participation in education form a key element of State policy. Primary education is free. The procedure for acceptance in grade 1 is established in the Education Act and the regulations of each educational institution. Acceptance in the first grade of primary school of children who have reached the age of 7 is obligatory. Subsequently, children who have completed the primary curriculum move to grade 5 in basic schools. Continuation of study after primary school is guaranteed by law. Each year after school begins (during the summer), basic education schools in each district and population centre identify and register children of school age in order to include them in compulsory education. The enrolment rate is now 96 per cent, which is higher than it was last year.

49. In Tajikistan, efforts to enrol all school-age children in school are carried out pursuant to State decisions and programmes and also through international programmes. One such programme that has made an enormous contribution to education, run by UNICEF, is the Education for All project. This project seeks to provide education coverage for children from the remotest villages and develops means for them to study and to encourage their schooling. Another international programme working in Tajikistan is the Education for Girls project. By law, State and non-State structures and local bodies are obliged to create all the necessary conditions for the education of school-age children. For children not covered by the education process or those who do not wish to continue their education following completion of grade 9, the Ministry of Education annually conducts a special inspection of schools in the remotest regions and considers this issue at a meeting of the Ministry's board. The Ministry also sends visiting teams to the field to study how students' needs are being met by basic education schools. Every six months the national Khukumat is presented with information on the enrolment rate of school-age children.

**20. With reference to children deprived of a family environment and separated from their parents, please provide disaggregated data (by sex, age groups, urban and rural areas) for the years 2007 and 2008 on the number of children:**

- (a) Separated from their parents;
- (b) Placed in institutions (give the number of institutions in the country);
- (c) Placed with foster families.

**21. Please provide data on the number of children involved in sexual exploitation, including prostitution and pornography, and the number of those children who were provided access to recovery and social reintegration services. Please also provide data on the number of investigations, prosecution and punishment of the perpetrators.**

**22. Please provide statistics on the number of children deprived of their liberty, disaggregated by provinces and regions, by age, sex and type of institution they are detained in. Please provide data on penalties imposed on children deprived of their liberty.**

50. Disaggregated data for 2008 on all holding institutions is provided in the table in the annex.

**23. Please provide disaggregated data on the number of children with disabilities in care institutions (by sex, age groups, urban and rural areas).**

51. There are 360 children at the four State institutions for children with mental disabilities, including 144 girls and 217 boys aged 6 to 18 years.

52. The following is a preliminary list of major issues (which does not contain issues already covered in part I) that the Committee may take up during the dialogue with the

State party. *They do not require written answers.* This list is not exhaustive, as other issues may be raised in the course of the dialogue:

- Discrimination against children with disabilities and HIV-infected children
  - Best interests of the child and respect for the views of the child
  - Polygamy and its impact on children
  - Children born outside legal marriages and not recognized by their fathers
  - Psychosocial support to families
  - Consequences of the civil war and its impact on children
  - Consequence of the economic crisis on children and their families
  - Poverty and its impact on children
  - Adequate standards of living, including lack of power supply
  - Refugee children and their access to social services
  - Economic exploitation, including child labour
  - Juvenile justice
-