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**Committee on the Rights of the Child****Concluding observations on the combined third to fifth periodic reports of Tajikistan\*****I. Introduction**

1. The Committee considered the combined third to fifth periodic reports of Tajikistan (CRC/C/TJK/3-5) at its 2226<sup>th</sup> and 2227<sup>th</sup> meetings (see CRC/C/SR.2226 and 2227), held on 13 September 2017, and adopted the present concluding observations at its 2251<sup>st</sup> meeting, held on 29 September 2017.

2. The Committee welcomes the submission of the combined third to fifth periodic reports of the State party and the written replies to the list of issues (CRC/C/TJK/Q/3-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

**II. Follow-up measures taken and progress achieved by the State party**

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of or accession to international instruments, in particular the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women. The Committee also notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention, in particular the Children's Rights Act (2015) and the creation of the post of Commissioner for Children's Rights (2016).

**III. Main areas of concern and recommendations**

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: corporal punishment (para. 22), family environment (para. 25), children with disabilities (para. 29), health and health services, in particular, nutrition (paras. 31 and 33), and administration of juvenile justice (para. 47).

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\* Adopted by the Committee at its seventy-sixth session (11 - 29 September 2017).

## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Legislation**

5. While noting the adoption of the Children's Rights Act in 2015 and the Government decision designating the Ministry of Education and Science as the authority responsible for implementing the Act, the Committee recommends that the State party enact regulations and establish enforcement mechanisms to ensure its implementation. The Committee also recommends that the State party harmonise its various laws pertaining to children, in particular the Family Code (2010), the Children's Rights Act (2015), the Criminal Procedure Code (2016), and the Act on Parental Responsibility for the Education and Raising of Children (2011), ensuring they are aligned with the provisions of the Convention and provide guarantees of complete support and protection for all children in the State party.

### **Comprehensive policy and strategy**

6. While welcoming policies and programmes in various areas concerning children, the Committee encourages the State party to prepare and adopt a comprehensive national policy on children that encompasses all areas covered by the Convention and, on the basis of the policy, develop a strategy with the elements for its application, which is supported by sufficient human, technical and financial resources.

### **Coordination**

7. The Committee urges the State party to ensure implementation of the 2017 Regulations on Children's Rights Commissions and to provide appropriate support including by allocating necessary human, technical and financial resources to the Department for the Protection of Children's Rights in the Presidential Executive Office, the Government Commission on Children's Rights and its representations at the provincial and district level in order to enable them to better coordinate all activities related to the implementation of the Convention at cross-sectoral, national, provincial and district levels with a view to improving the effective provision of child protection services. It further recommends that the State party complete the institutional reform process so that the tutorship or guardianship agencies avoid a duplication of functions with the commissions on children's rights.

### **Allocation of resources**

8. With regard to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:

(a) Conduct a comprehensive assessment of the budgetary needs for children and allocate adequate resources, in accordance with article 4 of the Convention, for the implementation of children's rights and, in particular, increase the budget allocated to social sectors and address disparities on the basis of indicators related to children's rights;

(b) Utilize a child-rights based approach in the elaboration of the State budget, by implementing a tracking system for the allocation and the use of resources for children throughout the budget;

(c) Use this tracking system for impact assessments on how investments in any sector may serve the best interests of the child, ensuring that the different impact of such investment on girls and boys is measured;

(d) Take immediate measures to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption.

### **Data collection**

9. While noting the limited progress achieved in data collection and with regard to its general comment No. 5 (2003) on general measures of implementation, the Committee:

(a) Reiterates its previous recommendations that the State party should collect data concerning all persons under the age of 18. It emphasizes that such data are essential to make an analysis of the children's situation in order to design targeted policies;

(b) Recommends that the data collected and generated from the State party's Statistics Agency be disaggregated, inter alia, by age, sex, geographic location, ethnicity and socio-economic background and is effectively used to inform policy makers, and that efforts be made to increase the capacity of the governmental agencies to analyze the data;

(c) Recommends that the State party seek technical assistance from, inter alia, the United Nations Children's Fund (UNICEF), in this regard.

#### Independent monitoring

10. The Committee welcomes the establishment of a Commissioner for Children's Rights in 2016, and, with regard to its general comment No. 2 (2002) on the role of independent human rights institutions, recommends that the State party:

(a) Ensure its independence, including with regards to its funding, mandate and immunities;

(b) Improve the efficiency of the Children's Rights Department in the Office of the Commissioner for Human Rights to receive and investigate individual complaints directly from children, including by raising the awareness of the public, in particular children, of the existence of such mechanism.

#### Dissemination, awareness-raising and training

11. The Committee reiterates its previous recommendation that the State party develop a systematic and sustainable programme for dissemination of information regarding the implementation of the Convention among children, parents, civil society and all sectors and levels of government throughout the country. The programme should include developing training programmes for all professional groups working with and for children. The Committee encourages the State party to seek technical assistance from, inter alia, UNICEF and other relevant agencies, in this regard (CRC/C/TJK/CO/2, para 21).

#### Cooperation with civil society

12. While welcoming the increasing cooperation with civil society organizations, the Committee recommends that the State party continue to strengthen its collaboration with civil society working for children's rights, including by systematically involving them in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to children's rights.

### B. Definition of the child (art. 1)

13. The Committee welcomes the amendment of the Family Code in 2010, raising the minimum age of marriage to 18 years, but remains concerned that under exceptional circumstances, 17 year old children can still be married. The Committee urges the State party to revise the Family Code to eliminate any exceptions to the minimum age of marriage of both girls and boys and to take all measures necessary to eliminate child marriages.

### C. General principles (arts. 2, 3, 6 and 12)

#### Non-discrimination

14. While noting that discrimination is prohibited by law, the Committee reiterates its previous concern (CRC/C/TJK/CO/2, para. 26) and recommends that the State

party continue to take prompt measures to end instances of discrimination in practice against girls, children with disabilities, children living with HIV/AIDS, Roma/Jughi children, children in care institutions, children living in rural and remote areas, asylum seeking and refugee children, including by prioritizing support to these groups through targeted programmes to ensure their equal access to all public services, and particularly to education and health services, as well as by addressing social and cultural attitudes and practices.

#### **Best interests of the child**

15. The Committee, with reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, recommends that the State party ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, particularly in preventing unnecessary separation of children from their parents and placement in residential care institutions, as well as in all policies, programmes and projects that are relevant to and have an impact on children.

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

16. The Committee takes note of the law restricting the right of the child to be heard only in family and adoption cases and only to children above 10 years of age. With reference to its general comment No. 12 (2009), it recommends that the State party establish by law that all children are to be heard in all matters affecting them. It further recommends that the State party conduct programmes and awareness-raising activities to cultivate an attitude of respect for the views of the child and to promote the meaningful and empowered participation of all children within the family, community and schools, and that training in this regard is provided to all professionals working with or for children.

### **D. Civil rights and freedoms (arts. 7, 8, and 13-17)**

#### **Birth registration**

17. In view of the significant number of children under five in the State party without a birth certificate, the Committee, reminding the State party of target 16.9 of the Sustainable Development Goals on providing legal identity for all, strongly urges the State party to continue facilitating access to the birth registration process by expanding the use of mobile civil registration units, speeding up processing times, removing all additional costs, simplifying the supporting documentation requirements and encouraging the reporting of at-home births. It further recommends that the State party seek technical assistance from UNICEF, among others, for the implementation of these recommendations.

#### **Freedom of Expression**

18. The Committee recommends that the State party establish implementing mechanisms for the Youth and Youth Policy Act (2004) providing for the expression of views of children at all stages of development, implementation and evaluation of policies in all political, economic and other decision making processes both at home and in public.

#### **Freedom of thought, conscience and religion**

19. The Committee recommends that the State party guarantee the right of every child to practise freely his or her religion or belief, including through amendment of the Act on Parental Responsibility for the Education and Raising of Children (2011) restricting religious education to be delivered only from State-licensed institutions and only to children over 7 years of age, and further, prohibiting children from entering mosques.

## **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Torture and other cruel or degrading treatment or punishment**

20. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and target 16.2 of the Sustainable Development Goals on ending, inter alia, all forms of violence against children, the Committee reiterates its previous recommendation (CRC/C/TJK/CO/2, para. 38) and further urges the State party to:

(a) Address the reported high risk of torture and ill-treatment of children in detention by the police, and particularly during arrest, transfer to police stations and in interrogations, by applying the legal provisions in place to prosecute perpetrators and provide adequate compensation to child victims;

(b) Immediately ban and cease the practice of the use of solitary confinement as a disciplinary measure for children deprived of their liberty;

(c) Adequately resource the Commissioner for Children's Rights to enable it to continue its monitoring of all places where children are deprived of their liberty, including in institutions and alternative care, in order to ensure that children are free from all forms of torture and inhumane or degrading treatment, and provide them with access to a confidential, safe and child-friendly mechanism for complaints related to deprivation of their liberty, conditions of detention, internment or treatment.

### **Corporal punishment**

21. The Committee notes the adoption of the Act on Parental Responsibility for the Education and Raising of Children (2011), Prevention of Domestic Violence Act (2013) and its accompanying strategic plan (2014-2023), Education Act (2013) and Children's Rights Act (2015). It is, however, deeply concerned that:

(a) The legislative framework does not explicitly prohibit corporal punishment against children, including in the home, alternative care, day care settings and penal institutions;

(b) Although corporal punishment against children is prohibited in school, implementation of the prohibition under the Education Act (2013) remains inadequate due to the absence of an established reporting mechanism.

22. With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:

(a) Explicitly prohibit by law corporal punishment of children in all settings;

(b) Reinforce the capacity and number of officers throughout the country dedicated to preventing family violence and expand their mandate to include all settings where violence is perpetrated against children to ensure that the prohibition of violence against children, including corporal punishment, is adequately monitored and enforced in all settings;

(c) Establish reporting mechanisms for the use of corporal punishment in all settings and ensure that investigations, administrative and legal proceedings are initiated promptly and systematically in relation to cases of all violence against children, and that data on cases and their resolution is collected and disaggregated;

(d) Strengthen support for child victims of violence and ensure their access to adequate services for recovery and counselling;

(e) Promote positive, non-violent and participatory forms of child-rearing and discipline through awareness campaigns and trained officers working with families.

### Harmful practices

23. Concerned that “nikoh” still persists through religious marriage ceremonies for children under 18 years of age, in particular in remote and rural communities, the Committee recommends that the State party adopt a national strategy to combat child marriage and continue to provide comprehensive awareness-raising programmes on the negative consequences of marriage on children, targeting especially the religious leaders in rural areas.

## F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))

### Family environment

24. The Committee is concerned about:

(a) The continued high rate of institutionalization of children due to the inability of families to afford care of their children (CRC/C/TJK/CO/2, para. 42);

(b) The separation of children from their families because of domestic and international migration of their parents and about the neglect suffered by these children;

(c) Children’s engagement in economic activities to support their household.

25. The Committee recommends that the State party:

(a) Substantially increase its social and financial support and benefits to vulnerable families, with particular attention to single mothers, to assist them in caring for their children inside the family, including by prioritising the provision of practical advice and guidance in child-rearing;

(b) Raise public awareness about the negative influence of institutionalization on children’s development;

(c) Provide social protection measures for the children of labour migrants and their families .

### Children deprived of a family environment

26. Drawing the State party’s attention to the United Nations Guidelines for the Alternative Care of Children, the Committee emphasizes that financial and material poverty, or conditions directly and uniquely attributable to such poverty, should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child’s social reintegration. In this regard, the Committee recommends that the State party:

(a) Develop family-based care for children wherever possible with a view to reducing the institutionalization of children, by reintegrating children into their biological families, promoting foster care and adoption;

(b) Ensure the implementation of the 2017 Regulations on Agencies of Tutorship or Guardianship, with a view to ensuring adequate safeguards and clear criteria for determining whether a child should be placed in alternative care, as based on the needs, views and best interests of the child;

(c) Finalize and adopt the draft new model Regulations for Children’s Homes with a view to improving the standard of care in such facilities;

(d) Systematically increase the number of inspections conducted by the Ministry of Health and Social Protection of children’s homes and the placement of children in foster care to monitor conditions and quality of care provided, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children.

**Adoption**

27. **The Committee notes the increased number of domestic adoptions and recommends that the State party:**

- (a) **Legalize the right of extended family members residing outside the State party to adopt children without parental care;**
- (b) **Consider acceding to the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption.**

**G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)**

**Children with disabilities**

28. While welcoming the adoption of the Social Protection for Persons with Disabilities Act (2010), the Committee is seriously concerned about the insufficient protection of children with disabilities from discrimination, particularly the:

- (a) Uneven distribution of the State party's funding for children with disabilities born before and after the adoption of the Social Protection for Persons with Disabilities Act (2010);
- (b) Shortage of reliable data, which hinders the delivery and evaluation of services for children with disabilities;
- (c) Continued limited physical accessibility of public institutions, transportation and housing;
- (d) Limited availability of State-funded early detection and diagnosis of disability and rehabilitation services;
- (e) Absence of a comprehensive approach to the needs of children with disabilities and their families, and particularly to the needs of adolescent girls with disabilities;
- (f) Insufficient social welfare allowance and services provided to children with disabilities with high needs and their families that do not sufficiently encourage, and provide support for families to keep their children at home, resulting in a disproportionate number of children with disabilities continuing to live in institutions;
- (g) Extremely limited access to education for children with disabilities.

29. **With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee reiterates its previous recommendation (CRC/C/TJK/CO/2, para. 51) and urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:**

- (a) **Systematically collect disaggregated data on children with disabilities, which is necessary for putting in place appropriate policies and programmes for those children;**
- (b) **Ensure the implementation of the 2014 Planning Rules and Regulations on the Accessibility of Buildings and Facilities for Groups with Limited Mobility, taking into account principles of universal design to facilitate the access of children with disabilities to public buildings and transportation services;**
- (c) **Take immediate measures to ensure that children with disabilities have access to health care, including early detection and intervention and rehabilitation programmes, among others by finalizing and adopting the draft policy framework on early intervention;**

(d) Increase the access of children with disabilities to adequate social assistance and benefits, including through promoting awareness of the availability of these benefits;

(e) Finalize and adopt the draft Education Code, which currently contains a chapter on inclusive education;

(f) Ensure the implementation of the National Education Development Strategy (2020) which refers to the gradual transition of children with disabilities to the general education system, as well as the renewal and implementation of the National Framework on Inclusive Education for Children with Physical Disabilities (2011-2015), and expand it to include children with psychosocial and/ or intellectual disabilities;

(g) Train and assign specialized teachers and professionals in integrated classes providing individual support and all due attention to children with learning difficulties;

(h) Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.

#### **Health and health services**

30. While welcoming the health sector reform undertaken by the State party and the significant reduction in the child and infant mortality rate, the Committee is nevertheless concerned that:

(a) The State party's funding allocated for health service delivery is insufficient and ineffective resulting in a dependency on donor funds to implement the Strategic Plan for the Development of Family Medicine-based Primary Health Care (2016-2020);

(b) Health service delivery is weakened by the poor infrastructure and equipment with hospital buildings frequently lacking water, sanitation and electricity

(c) The knowledge and skills of health workers are poor, noting that the rate of neonatal mortality is linked to the poor quality of care at births;

(d) Early infant deaths are mostly preventable and are exacerbated in rural areas and are underreported;

(e) The routine immunization system is weakened by gaps in surveillance, coverage monitoring and reporting, vaccine stock management and sustainable immunization financing.

31. With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of target 3.2 of the Sustainable Development Goals on ending preventable deaths of newborns and children under 5 years of age, the Committee recommends that the State party:

(a) Promptly take the necessary measures to increase the budget allocated to the health care system with a view to ensuring adequate access to primary health care services to all children, with particular attention to children in rural areas and from low-income families, including through implementation of the Strategic Plan for Further Reform of the Financing of Health Care (2015-2018) and through the introduction of compulsory health insurance coverage as foreseen by the Health Insurance Act (2008);

(b) Allocate sufficient resources to ensure the implementation of the National Immunization Programme (2016-2017) in order to address existing gaps in coverage of all children in the State party;

(c) Implement and apply the OHCHR Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);

**(d) Seek technical assistance from UNICEF and the World Health Organization (WHO), among others, in this regard.**

### **Nutrition**

32. The Committee is concerned that a significant proportion of the rural population, including children, live in a stressed food security situation, have inadequate food consumption, and that many citizens do not have enough money to buy basic food products. It is further concerned that poor knowledge and skills among families and caregivers on childcare and nutrition practices have contributed to the widespread malnutrition of children in the State party, resulting in stunting, anaemia, and iodine deficiency.

**33. The Committee takes note of target 2.2 of the Sustainable Development Goals on ending all forms of malnutrition, and recommends that the State party fully implement its National Development Strategy (2030) to ensure food security and people's access to good quality nutrition, including by:**

**(a) Finalizing and adopting the intersectoral framework plan of action on nutrition to ensure the functioning of the National Nutrition Platform;**

**(b) Ensure the availability of essential micronutrients, including vitamins A and D, to children under 5 years of age, paying particular attention to children in rural areas and from low-income families, and facilitate opportunities for nutrition counselling during distribution;**

**(c) Intensifying its awareness raising efforts about the importance of breastfeeding for infants and nutrition, in general, for children, among the general public and, particularly, caregivers of children.**

### **Mental health**

34. In view of the shortage of qualified mental health service providers to meet the psychosocial needs of children and adolescents in the State party the Committee recommends that the State party increase the number of available psychological counselling services and social workers in schools and communities and ensure that all professionals working with children are adequately trained to identify and address early suicidal tendencies and mental health problems.

### **Adolescent health**

35. While welcoming the amendment of the Reproductive Health and Reproductive Rights Act (2015), reducing the age for parental consent from 18 to 16 for adolescents to freely access information on reproductive health and confidential quality services, and guaranteeing adolescents access to sexual education in educational institutions, the Committee is concerned that the law is not enforced and that, particularly, access to contraception remains difficult for adolescent girls. In the light of its general comment No. 4 (2003) on adolescent health, the Committee recommends that the State party reinforce its Youth-Friendly Health Services program, ensuring that it promotes access to information and services for girls and boys to reduce adolescent pregnancies and increases access to contraceptives, particularly in rural areas.

### **HIV/AIDS**

36. The Committee welcomes the revision of the Law on Countering HIV/AIDS (2014) to, inter alia, increase the age of children's eligibility to receive social allowances and to guarantee their eligibility for testing. The Committee is however concerned about the significant increase in HIV infection among children below the age of 10 years, the increasing number of HIV/tuberculosis co-infection among children in the State party, delays in antiretroviral therapy initiation among pregnant women living with HIV, and the mode of transmission for most children living with HIV being as a result of medical interventions. In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:

- (a) Reinforce the mandatory HIV testing of all pregnant women early in their pregnancy, in an effort to prevent mother-to-child transmission;
- (b) Improve follow-up treatment for HIV/AIDS-infected mothers and their infants to ensure early diagnosis and early initiation of treatment;
- (c) Implement its National Programme to Combat AIDS (2017-2020) with a view to tackling the prevalent modes of transmission for most children living with HIV, and improving their access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services;
- (d) Seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF.

#### Standard of living

37. While welcoming the notable progress made in reducing the rate of poverty in the State party, the Committee remains concerned about its persistence and, particularly, that families with children are at a high risk of poverty. It recommends that the State party dedicate the necessary resources to implement its National Development Strategy (2030) with particular attention to improving the standard of living of children in the State party, including guaranteeing their access to safe drinking water and sanitation as well as by protecting their families from forced evictions. It further recommends that the State party provide families faced with social and economic difficulties with adequate support and welfare services to prevent their children from engaging in child labour. Targeted programmes should be developed with the meaningful participation of children.

#### Impact of climate change on the rights of the child

38. Noting the increased frequency and intensity of natural disasters experienced in the State party due to climate change and the resulting human and property losses as well as damages to the socio-economic and cultural infrastructure, the Committee urges the State party to adopt a child-focused approach to coping with and adapting to climate change and include children in the development of its National Climate Change Adaptation Strategy (2016-2030), with special attention to children with disabilities and girls, taking note of target 13.5 of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change-related planning and management.

## H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

#### Education, including vocational training and guidance

39. With reference to its general comment No. 1 (2001) on the aims of education and taking note of targets 4.1 and 4.2 of the Sustainable Development Goals on ensuring that by 2030 all girls and boys complete free, equitable and quality primary and secondary education and have access to quality early childhood development, care and pre-primary education, the Committee reiterates its previous concern (CRC/C/TJK/CO/2, para. 62) and recommends that the State party:

- (a) Continue to take steps to increase the quality of education, recruitment and continuous training of teachers, and construction of educational facilities, throughout the State party, with particular attention to rural and remote areas, through the transparent and efficient financing of the education sector;
- (b) Address the social factors, including parental support and cultural expectations on the role of girls and women, to ensure girls' equal access to all levels of education, including tertiary education, and give special consideration to education aimed at the empowerment of girls;

(c) Strengthen the system of quality preschool education and increase availability and affordability of preschool education, including for children from marginalized families;

(d) Improve the availability and use of quality disaggregated data by gender, ethnicity, geographical coverage and other indicators on the educational system so as to inform planning, decision-making and monitoring.

#### Rest, leisure, recreation and cultural and artistic activities

40. With reference to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party guarantee the right of the child to rest and leisure by adopting and implementing play and leisure policies with sufficient and sustainable resources, which provide for time and spaces for children to engage in play and recreational activities, as appropriate to their age.

### I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

#### Asylum-seeking and refugee children

41. While welcoming the 2014 revision of the Refugee Act, which ensures that asylum claims submitted by children who are unaccompanied or separated are analysed under refugee status determination procedures, and further welcoming the adoption of the Constitutional Act on Tajik Nationality (2015) containing general safeguards that protect children against statelessness at birth, the Committee recommends that the State party:

(a) Adopt a comprehensive integration policy for asylum-seeking and refugee children such that they are guaranteed access to education, including Tajik literacy classes, vocational training, health services and the National Social Protection Scheme, with particular attention to children from vulnerable families and those living with disabilities;

(b) Consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

#### Children belonging to minority groups

42. The Committee recommends that the State party assess the particular situation of Roma/ Jughhi children and take measures to facilitate their access to official personal documentation, social protection services and social integration programmes in order to ensure that their families can access public services.

#### Economic exploitation, including child labour

43. While welcoming the adoption of the new Labour Code in 2016, which defines the minimum age for employment as 15 years and contains provisions protecting the rights of children aged 15 to 18 years in the workplace, the Committee is seriously concerned that reportedly approximately a quarter of all children aged between 5 and 17 from families facing social and economic hardships are engaged in economic activity. The Committee urges the State party to:

(a) Reinforce the capacity of the ministerial Child Labour Monitoring Unit and the local level child monitoring committees established to identify children engaged in the worst forms of child labour and ensure their removal, rehabilitation and reintegration through the provision of appropriate social services, paying particular attention to the increasing number of children engaged in the informal sector, including in unpaid household services;

(b) Continue to work in close cooperation with the International Programme on the Elimination of Child Labour of the International Labour Organisation to implement these recommendations.

#### Children in street situations

44. The Committee, with reference to its general comment No. 21 (2017) on children in street situations, recommends that the State party:

(a) Immediately cease raids carried out by the Ministry of the Interior in which children in street situations are apprehended and detained without cause;

(b) Undertake a systematic assessment of the situation of children living and/ or working on the street to determine the root causes of their situations;

(c) In coordination with NGOs, provide targeted social assistance and social protection services for recovery and reintegration to children in street situations, including shelter, education and vocational training, adequate access to health care and other social services, including substance abuse programmes and mental health counselling.

#### Child trafficking

45. In view of the State party being a source country for women and children subjected to trafficking, the Committee recommends that the State party adopt the bylaws necessary to enforce the 2014 Act on Trafficking in Persons and Assistance to Victims. It further recommends that the State party systematically provide protection services to all victims of exploitation, including medical and psychosocial care, legal assistance and vocational training, as well as assist in family reunification.

#### Administration of juvenile justice

46. The Committee welcomes the establishment of a Juvenile Justice department in the Ministry of Justice in 2011 and the efforts to reform the justice system. The Committee is, however, seriously concerned that:

(a) There is a limited understanding about the effective prevention of children coming into conflict with the law, especially when children commit status offences, with an inappropriate emphasis on 'crackdowns';

(b) Children are deprived of their liberty at the Special School, Special Vocational School and Boys Colony in Dushanbe, on the basis that their parents could not care for them;

(c) The capacity-building of judges, prosecutors and the police on child rights and juvenile justice is ad hoc and lacks sustainable funding;

(d) There is an absence of non-judicial measures applied to children in conflict with the law;

(e) There is insufficient use of alternative measures to detention of children in conflict with the law, both at the pre-trial and sentencing stages of the judicial procedure;

(f) Children deprived of their liberty are not systematically separated from adults both in pre-trial detention and following conviction;

(g) Disaggregated data on children in contact with the criminal justice system is not systematically collected and published.

47. In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:

(a) Develop effective measures of prevention of children coming into conflict with the law and decriminalize status offences;

(b) Finalize and adopt the draft new programme on Juvenile Justice System Reform (2017-2021);

(c) Reinforce the establishment of child friendly offices in district courts throughout the State party and expeditiously establish specialized juvenile justice procedures, designate specialized judges for children and ensure that such specialized judges, law enforcement officers, juvenile affairs officers, procurators, social workers and medical personnel receive appropriate training on the rights of the child;

(d) Systematically refer all children in conflict with the law to State-paid legal assistance, at an early stage of the procedure and throughout the legal proceedings;

(e) Promote non-judicial measures in the case of children accused of criminal offences, such as diversion, probation, mediation, counselling, or community service; and wherever possible, use alternative measures at sentencing, ensuring that detention is used only as a measure of last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal;

(f) Expand the Juvenile Support Services pilot project to include the whole country to provide psychosocial rehabilitation services to all children in conflict with the law, whether diverted from the criminal justice system or having completed a custodial or non-custodial sentence;

(g) In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services.;

(h) Reinforce the capacity of the monitoring group consisting of NGO representatives and the Office of the Commissioner for Human Rights to carry out visits to all situations where children may be deprived of their liberty;

(i) Collect and publish disaggregated data, inter alia, by age, sex, disability, geographic location, ethnicity and socio-economic background on children in contact with the criminal justice system.

#### **Child victims and witnesses of crimes**

48. While welcoming the amendment of the Criminal Procedure Code in 2016 concerning the provision on interrogation of minors, the Committee recommends that the State party ensure that the Criminal Procedure Code be further amended to take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex).

### **J. Ratification of the Optional Protocol on a communications procedure**

49. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

### **K. Ratification of international human rights instruments**

50. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:

(a) Convention on the Rights of Persons with Disabilities and its Optional Protocol;

(b) Convention for the Protection of All Persons from Enforced Disappearance;

- (c) **Optional Protocol of the Convention against Torture;**
- (d) **Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty.**

## **V. Implementation and reporting**

### **A. Follow-up and dissemination**

51. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third to fifth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. Next report**

52. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 24 May 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

53. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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