



# Country Factsheet for CRC

## COUNTRY: Tajikistan

<p><b>REPORT N°</b></p>	<ul style="list-style-type: none"> <li>▪ UNCRC: Third, Fourth and Fifth Combined Periodic Report, CRC/C/TJK/3-5</li> <li>▪ OPSC: Initial Report, CRC/C/OPSC/TJK/1</li> </ul>
<p><b>PRE-SESSION/SESSION</b></p>	<ul style="list-style-type: none"> <li>▪ Session: 76<sup>th</sup> (September 2017)</li> <li>▪ Pre-session: 76<sup>th</sup> (February 2017)</li> </ul>
<p><b>LAWS (THC-1993, GUIDELINES, DOMESTIC LAWS)</b></p>	<ul style="list-style-type: none"> <li>▪ Tajik Constitution 1994, article 34</li> <li>▪ Family Code of the Republic of Tajikistan 1998, reformed 2015</li> <li>▪ Labour Code 1997, arts. 29, 91, 139, 156, 159 and 161 ff.</li> <li>▪ Criminal Code of 21 March 1998, arts. 165 ff., revised 2016 (also under current review)</li> <li>▪ Civil Code 1998, arts. 29, 32, 33, 175, 176, 1086, 1998, revised 2016</li> <li>▪ Act No. 52 2004 on young people and State youth policy</li> <li>▪ Refugees Act 2002</li> <li>▪ Law on fight against human trafficking 2004</li> <li>▪ Law on Social Protection of People with Disabilities 2010</li> <li>▪ Law No. 1004 on Education 1993, revised 2013</li> <li>▪ Law on Child Rights Protection, 2015</li> <li>▪ Law on Prevention of Domestic Violence, 2013</li> <li>▪ UNCRC ratified in 1993</li> <li>▪ OP I and OP II of UNCRC, signed in 2002</li> <li>▪ 1993 Hague Convention: Tajikistan is not a State Party</li> </ul>
<p><b>GENERAL SITUATION OF CHILDREN DEPRIVED OF THEIR FAMILIES</b></p>	<ul style="list-style-type: none"> <li>▪ In 2015, it was pointed out that 26% of children living in Tajikistan were chronically malnourished and 10% acutely malnourished. Approximately 3,081,000 people, or 40.8 %, are under the age of 18. 30.6 % of the population in Tajikistan is currently living below the poverty line. In 2010, UNICEF indicated that 92.1 % of pre-primary-aged children were out of school. On the same matter, a report from the Centre of Strategic Research under the President of the Republic of Tajikistan indicates that in Dushanbe, Khujand, Kurgan-Tube and Kulyab, all the children who live and work in the streets are of “school age”. Child mortality in Tajikistan decreased in 2015 to 45 per 1000 live births, from 108 per 1000 live births in 1990. However, poverty and malnutrition, among other causes, still make this a hugely crucial issue.</li> <li>▪ The official number of children with disabilities is 25,356, which is approximately 0.7% of the child population in Tajikistan. However, there are concerns that this may be a gross under-estimate.</li> <li>▪ Adequate services to prevent trafficking are still largely unavailable. To this end, the interagency commission within the framework of Combat against Human Trafficking – a new law addressing in particular women and children - with the support of both IOM and OSCE office in Tajikistan, have developed the referral mechanisms for victims of trafficking. These people are now provided with assistance and employment opportunities, thanks to the framework of Memorandum on Cooperation, signed by the Government and IOM Mission in Tajikistan. The Law’s key focus is protection of rights of</li> </ul>



family members and provides possibilities for legal, medical and psychological assistance to victims of violence.

- The current issues and challenges vis-à-vis child protection include lack of capacity of the justice and law enforcement sectors in working with children; as well as a lack of specialised services and facilities. The legal awareness of the population is low and, therefore, rights-holders often are not aware of their rights and entitlements, while the accountability and mechanisms to monitor access to justice are weak or ineffective. The Government has adopted the Program for Human Rights Education for 2013-2020 in order to improve the latter services. To this end, in May 2016, the Tajik Government created the Ombudsman for Child Rights.

Sources:

- UNCT, 2016, [https://www.upr-info.org/sites/default/files/document/tajikistan/session\\_25\\_-\\_may\\_2016/unct\\_tajikistan\\_upr25\\_tjk\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/tajikistan/session_25_-_may_2016/unct_tajikistan_upr25_tjk_e_main.pdf);
- UNICEF, Annual Report 2015, [https://www.unicef.org/about/annualreport/files/Tajikistan\\_2015\\_COAR.pdf](https://www.unicef.org/about/annualreport/files/Tajikistan_2015_COAR.pdf); 2015, <http://www.news.tj/en/news/tajikistan-s-creates-position-ombudsman-children>; 2012, [https://www.unicef.org/tajikistan/overview\\_27466.html](https://www.unicef.org/tajikistan/overview_27466.html);
- UNICEF Tajikistan.

## ALTERNATIVE CARE OPTIONS

- **Guardianship:** In 2015, 571 children entered into trusteeship/guardianship care. In the same year, around 400 children left guardianship care, of which only 13 returned to their biological parents.
- **Foster care:** The new Law on Child Rights Protection (2015) regulates foster care (art. 44). To expand the alternative family care options available in Tajikistan, UNICEF Tajikistan, Health Prom, the local NGO Sarchashma and the Ministry of Health and Social Protection of the Population (MOHSPP), started a foster care pilot program in two locations (Sughd region and Dushanbe). To this end, in January 2015, about 30 Government professionals, civil society organisation staff members, and foster carers were trained on foster care, monitoring, and parental skills. There are currently four children from Khujand Baby Home and four from Dushanbe Baby Home 2 placed in foster care. The purpose is to raise the awareness of all actors involved about this programme all over Tajikistan. However, since the Tajikistan traditional system of alternative family based care services does not include foster care, this still remains in a basic state of development with neither legislative nor financial coverage, and even some resistance at governmental level. Additionally, the Government of Tajikistan approved the Plan of Action for the period of 2015-2020 on the implementation of the concluding observations of the UN Committee on the Economic, Social and Cultural Rights, where line 26 emphasise implementation of the foster care in the country.
- **Residential care:** In recent years, the number of children in residential care has remained stable, at about over 10,000 children; of which approximately 300 under the age of three were living in baby homes. It is necessary to both continue raising awareness of the negative effects of institutionalisation, especially for children under the age of three and children with disabilities, and to influence a change in perspective among a population that traditionally believes that only State child care is a guarantee of a better education and brighter future for their children.

### Number of all children in residential care institutions, 2002 – 2015, TransMonEE, 2016

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
11,274	12,060	12,599	12,262	11,814	10,496	9,898	10,146	11,289	10,890	10,802	10,947	10,201	10,642

Sources:

- TransMonEE 2016;
- UNICEF Tajikistan.

## ADOPTION

The 1993 Hague Convention on adoption has not been ratified by Tajikistan. The 1998 Family Code prohibits the adoption of Tajik children by non-Tajik citizens, “although couples where



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	<p>only one spouse is a Tajik citizen may still be allowed to adopt”. Since no information about intercountry adoption is available, it therefore appears to be prohibited. It is worth highlighting that, for the year 2015, over 900 adoptions were reported.</p> <p>However, the Commission on Child Rights under the Government of Tajikistan included in its Plan of Action for 2017 the following activity: “Explore the option for Tajikistan to join the Hague Convention on Protection of Children and Co-operation in respect of Inter-Country Adoption”.</p> <p><i>Sources:</i></p> <ul style="list-style-type: none"> <li>• France Diplomatie, <a href="http://www.diplomatie.gouv.fr/fr/adopter-a-l-etranger/comment-adopter-a-l-etranger/les-fiches-pays-de-l-adoption-internationale/fiches-pays-adoption/article/adopter-au-tadjikistan">http://www.diplomatie.gouv.fr/fr/adopter-a-l-etranger/comment-adopter-a-l-etranger/les-fiches-pays-de-l-adoption-internationale/fiches-pays-adoption/article/adopter-au-tadjikistan</a>.</li> <li>• UNICEF Tajikistan.</li> </ul>
<p><b>STATISTICS</b></p>	<p>See above.</p> <p><i>Source:</i></p> <ul style="list-style-type: none"> <li>• TransMonEE (provided by Council of Justice).</li> </ul>
<p><b>RISKS</b></p>	<ul style="list-style-type: none"> <li>▪ Poverty is a considerable problem in Tajikistan, which affects children through violence, abuse, trafficking, exploitation and placement in institutions. This does not allow the full enjoyment of their rights such as the access to education, social security and sufficient nutrition.</li> <li>▪ The low awareness about rights as well as the lack of capacity and training for professionals cause the effective inaccessibility to, and not inclusive institutions, public administrative and judicial services.</li> <li>▪ Family-based care and community care seemed to have decreased in recent years, although the Government is introducing important policies in cooperation with civil society organisations. The Government is outsourcing services from NGOs to provide community-based rehabilitation for children with disabilities. In 2016, 20 NGOs were contracted by the Government to provide such services in the regions. In 2017, the number is increasing to 30 NGOs. However, no assessments are available to check such improvements and particularly it seems that children with disabilities are marginalised in society and care systems.</li> <li>▪ Even though foster care has now been included in the recently-approved legislation, quality foster care still appears neither to be financially supported by the Government nor to have been the subject of more detailed secondary legislation. This then results in low estimation by citizens and families of its potential benefits for children, thus increasing their preference for institutional care.</li> <li>▪ There is also a need to further strengthen the quality of care in residential care, and to ensure that the provision of quality care is adequately and exhaustively supervised.</li> <li>▪ Officially, intercountry adoption is almost inexistent in Tajikistan.</li> </ul>
<p><b>POTENTIAL QUESTIONS</b></p>	<ul style="list-style-type: none"> <li>▪ Are there any measures in place protecting and/or supporting children from poverty? If this is the case, are these preventing the several risks mentioned above?</li> <li>▪ Is the Government supporting and improving capacity training for professionals vis-à-vis family care services, reintegration to biological families, alternative care and education systems? If this is the case, is a follow-up assessment ensured to those children who left alternative care?</li> <li>▪ What is the extent of the resort to intercountry adoption in Tajikistan? What are the safeguards in place?</li> <li>▪ What is the current status of Tajikistan’s interest in ratifying the 1993 Hague Convention? What efforts are being undertaken?</li> </ul>

