

UN CRC	Accession Date	Care-Related Concluding Observations
	26 Oct 1993	<p>CRC/TJK/CO/3-5</p> <p>29 September 2017</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fTJK%2fCO%2f3-5&Lang=en</p> <p>III. Main areas of concern and recommendations</p> <p>C. General principles (arts. 2, 3, 6 and 12)</p> <p>Non-discrimination</p> <p>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.</p> <p>Best interests of the child</p> <p>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.</p>

		<p>Respect for the views of the child</p> <p>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.</p> <p>E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)</p> <p>Torture and other cruel or degrading treatment or punishment</p> <p>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:</p> <p>...</p> <p>(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.</p> <p>Corporal punishment</p> <p>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:</p> <p>(a) The legislative framework does not explicitly prohibit corporal punishment against children, including in the home, alternative care, day care settings and penal institutions;</p>
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		<p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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.</p> <p>Adoption</p> <p>27. The Committee notes the increased number of domestic adoptions and recommends that the State party:</p> <p>(a) Legalize the right of extended family members residing outside the State party to adopt children without parental care;</p> <p>(b) Consider acceding to the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption.</p> <p>G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)</p> <p>Children with disabilities</p> <p>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:</p> <p>...</p> <p>(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</p>
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		<p>their children at home, resulting in a disproportionate number of children with disabilities continuing to live in institutions;</p> <p>I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)</p> <p>Asylum-seeking and refugee children</p> <p>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:</p> <ul style="list-style-type: none">(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. <p>Children in street situations</p> <p>44. The Committee, with reference to its general comment No. 21 (2017) on children in street situations, recommends that the State party:</p> <ul style="list-style-type: none">(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.
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		Country Report
		<p>CRC/C/TJK/3-5</p> <p>28 September 2016</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTJK%2f3-5&Lang=en</p>
OPSC to CRC	Accession Date	Care-Related Concluding Observations
CRC/C/OPSC/TJK/CO/1	5 Aug 2002	<p>3 November 2017</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fTJK%2fCO%2f1&Lang=en</p> <p>V. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and (2))</p> <p>A. Measures adopted to prevent offences prohibited under the Optional Protocol</p> <p>18. The Committee is seriously concerned about the insufficient measures carried out by the State party to prevent children falling victim to offences prohibited under the Optional Protocol. In particular, the Committee is concerned that:</p> <ul style="list-style-type: none"> (a) The State party lacks sufficient programmes that specifically target children in vulnerable and marginalized situations; <p>19. The Committee urges the State party to adopt a consistent human rights-based approach for all activities conducted, in order to prevent the occurrence and reoccurrence of offences prohibited under the Optional Protocol, and recommends that the State party:</p>

		<p>(a) Adopt comprehensive and targeted protection and prevention measures and programmes for those children at risk of falling victim to offences under the Optional Protocol, including children living in poverty, children engaged in child labour, child victims of prostitution, child spouses and children living in street situations;</p> <p>VII. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))</p> <p>Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol</p> <p>...</p> <p>33. In the light of article 9 (3) of the Optional Protocol, the Committee recommends that the State party strengthen its measures to protect the rights and interests of child victims of all offences under the Optional Protocol and, in particular:</p> <p>(a) Establish mechanisms and procedures for the early identification of child victims, including unaccompanied children, of offences under the Optional Protocol and ensure that the personnel responsible for identification in such cases, including immigration officials, judges, prosecutors, the police, social workers, medical staff and other professionals working with child victims, are trained in children’s rights, child protection and child-friendly interviewing skills;</p>
OPAC to CRC	Accession Date	Care-Related Concluding Observations
CRC/C/OPAC/TJK/CO/1	5 Aug 2002	<p>1 November</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPAC%2fTJK%2fCO%2f1&Lang=en</p> <p>III. General measures of implementation</p> <p>Data</p>

		<p>12. The Committee regrets the inadequate mechanism for data collection, analysis and monitoring for all areas covered by the Optional Protocol. It notes with concern that insufficient data was provided relating to the implementation of the Optional Protocol, including data on asylum-seeking, refugee, and unaccompanied migrant children who enter the State party and may have been recruited or used in hostilities abroad.</p> <p>13. The Committee recommends that the State party establish a centralized mechanism for the comprehensive collection of information and disaggregated statistics on the implementation of the Optional Protocol, and for the identification and registration of all children under its jurisdiction who may have been recruited or used in hostilities by non-State armed groups abroad, including refugee and asylumseeking children. It also requests that it provide information on the implementation of this recommendation in its next periodic report under the Convention.</p> <p>VI. Protection, recovery and reintegration</p> <p>Measures adopted to protect the rights of child victims</p> <p>24. The Committee regrets that insufficient information was provided on measures taken to identify children, including refugee and asylum-seeking children, who may have been recruited or used in hostilities abroad, as well as information on measures taken for their physical and psychological recovery and social reintegration.</p> <p>25. The Committee encourages the State party to establish an identification process for children who may have been recruited or used in hostilities abroad, and to take the necessary measures for their physical and psychological recovery and social reintegration. Such measures should include careful assessment of the situation of these children, reinforcement of the legal advisory services available for them and the provision of immediate, culturally responsive, child-sensitive and multidisciplinary assistance for their physical and psychological recovery and social reintegration.</p>
ICCPR	Accession Date	Care-Related Concluding Observations
	4 Jan 1999	

ICESCR	Accession Date	Care-Related Concluding Observations
	4 Jan 1999	
CEDAW	Accession Date	Care-Related Concluding Observations
	26 Oct 1993	
CRPD	Ratification Date	Care-Related Concluding Observations
	N/A	
UPR	Date of Consideration	Link to Page
	6 May 2016	http://www.ohchr.org/EN/HRBodies/UPR/Pages/TJindex.aspx
Hague Intercountry Adoption	Ratification Date	Link to Country Profile
	N/A	N/A

Acronyms and Abbreviations:

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

Better Care Network
www.bettercarenetwork.org



Country Care Review:
Tajikistan

UN United Nations
UPR Universal Periodic Review