4th Child Protection Forum for Central Asia

Theme: Creating inclusive policies, systems and services for children with disabilities in accordance with the UN Convention on the Rights of Persons with Disabilities (CRPD)

(1-3 August 2013, Dushanbe, Tajikistan)

Honorable guests, colleagues, representatives of international donor agencies,

On behalf of the Government of Tajikistan, I am glad to once again welcome you to the 4th Child Protection Forum for Central Asia on “Creating inclusive policies, systems and services for children with disabilities in accordance with the UN Convention on the Rights of Persons with Disabilities”. Organization of this important event in Tajikistan is an honor and a great opportunity for all of us to learn from both each other’s experiences and from experiences of the experts in this field regarding good practices towards the realization of the right of CWD in the Central Asia Region within the framework of the UN Convention on the Rights of Persons with Disabilities.

Dear colleagues,
When I think about a modern and progressive society, I always recall a famous poem of the Persian poet of 13th century Saadi, which decorates the Hall of the United Nations in New York:

Human beings are members of a whole,  
In creation of one essence and soul.  
If one member is afflicted with pain,  
Other members uneasy will remain…”

In fact, contemporary understanding of development is different from the approaches of last century. Today, it goes beyond economic growth and associated with expansion and realization of human rights and freedoms, it is a composition of rule of law, equity and equality, social justice and commitment to principals of democracy. In this context, equity and equality become important indicators of development, where vulnerable people such as people with disabilities, in particular children with disabilities should have equal opportunities to access to services and resources along with all others.

As stated in the UN OHCHR report “A significant shift in term of understanding of the essence of disability has occurred over the past decades. Attention is no longer focused on what is wrong with the person. Instead, disability is recognized as a consequence of the interaction of the individual with the environment, which does not provide accounting characteristics of the individual and limiting or blocking the participation of the individual in society. This approach is called the social model of disability. The convention of the rights of people with disabilities supports this model and promotes it by accepting that disabilities are an issue of human rights defense”.

In fact, such transformation in people mindsets, in policies and systems of services and in the capacities of stakeholders, it requires a lot of efforts, resources and time. Tajikistan, as well as other developing and medium developed countries still regard disabilities as primarily as a medical problem and secondly as a social welfare issue. Nevertheless, there are positive changes in the situation of the PWDs, in particular CWDs in Tajikistan.

According to the Constitution, Tajikistan is a social state where policies are oriented towards creating conditions to ensure a decent life and the free development of the person. The Constitution of Tajikistan, in article 34, recognizes the responsibility of Government to ensure the protection of
children with disabilities, as well as their upbringing and education. Article 39 guarantees social assistance for those with disability.

The legislation of Tajikistan stipulates the rights of children with disabilities and their families in the Constitution and in a range of specific laws, including the Law on Social Protection of People with Disabilities, the Law on Pension Support, the Family Code, the Housing Code, and the Law on Health Care. In addition, a variety of Government decrees set out entitlements in more detail.

Ladies and gentlemen
I will not go into detail of every law in Tajikistan, but I want to highlight a few that are critical for children with disabilities.

The Law on Social Protection of People with Disabilities (articles 18-23 and 29) includes provisions on inclusive education for children with disabilities in general pre-school, basic and vocational education, where these establishments are appropriately equipped for this service. The law also provides for the establishment of special educational facilities for children whose disabilities cannot participate in general education facilities at pre-school, basic and vocational levels. In addition, the law foresees the home education for children with disabilities who do not have the opportunity to be educated in educational establishments, with the support of their parents or guardians. The law obliges the relevant educational establishments to support parents or guardians of children with disabilities in the education and upbringing of their children at home. For those children who stay in residential care institutions, the law stipulates that these institutions are responsible for the education and upbringing of the children under their responsibility. The law makes provisions regarding social assistance, providing for additional assistance to families with two or more children with disabilities and to single disabled parents who care for disabled children.

The Law on Pension Support sets out the eligibility criteria for children with disabilities to receive a social pension and prescribes the level of this pension. Disability allowances in Tajikistan are of 104 TJS (approximately US$21.85)\(^1\). Based on the Decree of the Government of Tajikistan 2008, additional social assistance is being provided through transfer of compensation payments for the use of gas and electricity for families with two or more children with disabilities and for single parents with disabilities, caring for a child with disability. Important change has been introduced with a new Targeted Social Assistance scheme which was piloted in recent years in the country. According to this scheme, social benefits are being issued on the basis of a proxy means test with the number of children with disabilities in the household being a factor in the proxy means test. This scheme is currently being piloted in 10 districts of the country. With the Decree # 661 from 2012, continuation of the pilot project is being ensured, which is expected to be scaled up nationally.

The Family Code (articles 85-87) makes some special provisions for children with disabilities in the case of divorce, stating that the right of children with disability to alimony is extended to beyond the age of majority (18) if the children of the divorced parents are unable to work after reaching the age of 18. The Family Code also highlights the responsibility of both parents in meeting the extra costs associated with children with disabilities.

The Housing Code (article 34) gives priority to parents of children with disabilities in the provision of housing.

The Law on Health Care defines the right of children with disabilities to health and social care. It

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\(^1\) This is a basic rate, however variations occur depending on place of residence, based on a predetermined coefficient
provides for the care of children with disabilities in specialized day care centres, boarding schools, orphanages and homes at public expense, with the consent of their parents and guardians. The list of medical and social indications and contra-indications for placing children with disabilities in these facilities is established jointly by the Ministry of Health, the Ministry of Education and the Ministry of Labour and Social Protection.

The Labour Code protects employment rights of mothers with children with disabilities below the age of 16 (or below age of 18 in case of single mothers with CWD), and prevents employers from using having a CWD as a pretext for not granting employment or terminating an on-going contract. In both cases if this is to happen written explanation should be provided. In case of the liquidation of the enterprise, contract termination is allowed with mandatory job placement (articles 159, 172). Also, it gives special rights to mothers of CWD in terms of leave days, hours of work and overtime. The law also grants special leave days with pay to one of the caregivers of a CWD below the age of 16 (article 169).

Dear ladies and gentlemen,

It is well known that the problems of CWDs are multifaceted and complex issues that requires in depth analysis and comprehensive, inter sectorial responses at different levels. This is how the Government of the RT approaches the issue and recently we have established a inter-ministerial and interagency working group on children with disabilities to better coordinate among different stakeholders.

We have also achieved some positive results in the recent years in various sectors: The Ministry of Labor and Social Protection of the Population of the Republic of Tajikistan, is the key Ministry in realization of the social policies of the Government of the RT. According to the official data of Ministry of Labour and Social Protection of the RT as of 2012, 26,345 children were registered to receive disability pensions (of the 171,447 persons with disability registered for this benefit).

Presently, there are a few residential care institutions for children with disabilities in Tajikistan as well. The National Center for Rehabilitation of Children and Adolescents with mental disabilities in Chorbogh provides rehabilitation services for 200 children. This institution is specifically designed for children with severe disabilities. In addition, children with severe mental disabilities receive rehabilitation services at three residential centers (J. Rasulov, Panjikent and Yavan districts), which also serve elderly people including those with disabilities. 2300 children stay in residential care institutions.

Rehabilitation Center in Chorbog, which is a residential care facility for children with disabilities, also offers 16 days residential rehabilitation courses to children with disabilities, while their caregivers have access to a training program on how to provide care and support for the child at home. In addition, an innovation center for social work has recently been established by the Ministry of Labor and Social Protection located in the same district, which along with an education program for paraprofessional social workers operates a day care center for children with any type of disability.

In addition to the above, children with disabilities and their caregivers receive rehabilitation services and support through six day care centers located in six different regions of the country. Their services include social supervision, skills education, socio-psychological support, legal support, occupational therapy and various trainings for parents.
Since 2008, with support from UNICEF, the Social Assistance at Home Units/Department’s (SAHU), expanded its work from work with elderly to include work with most vulnerable families and children. The SAHU operates under the local authorities, with policy set by the Agency for Social Protection, Employment and Migration under the MLSP. Starting from 2009 SAHU started to be involved on provision of social assistance to the most vulnerable children. Currently, SAHUs are functioning in 38 out of the 68 districts of the country. Although the SAHU is involved in rendering social assistance to the most vulnerable children, they still need more training to acquire additional skills to fully respond to this responsibility.

The Ministry of Education is making strides in promoting Inclusive Education. The Inclusive Education Concept Paper was adopted by the Government of Tajikistan in 2011. There are plans as part of the revision of the in-service teacher training programme to offer a course on Inclusive Education and support the mainstreaming of children with disabilities in the General Secondary Education system. The Early Childhood Education curriculum, adopted by the Ministry of Education in 2013, promotes inclusive education and the accompanying teacher training package offers practical examples on how to implement inclusive education within the classroom setting. Moreover, the National Strategy for Education Development of the Republic of Tajikistan (2006-2015), focuses on development of programmes of inclusive education and the incorporation of the concept of inclusive education into the curricula of Pedagogical higher schools and colleges. In addition, in 2011 the Government of the Republic of Tajikistan adopted the “National Concept on Inclusive Education for Children with Disabilities in the Republic of Tajikistan for 2011-2015”. The goal of the National Concept on Inclusive Education is to create a national model for inclusion of people with disabilities into the general educational process. The concept has focused intervention in three areas: Education, health care and social welfare.

In the health sector, under the Program of State Guarantees, children with disabilities have the right to benefit from specific free health services. However, the State Guarantee programme is still only functional in selected districts, and we would like to be able to reach out to more children.

We have reformed our system for early identification and referral of children with disabilities through our Psychological, Medical, and Pedagogical Consultation Centres. These centres now function in 9 districts as well as at the Republican level. The PMPCs not only do assessment for disabilities, but also they provide short term rehabilitation to identified children and training for their parents to be able to care for their children. Most importantly, they promote the importance of family life for children with disabilities. In the last year only, about 5000 cases of CWD were seen by the PMPCs, and referrals were made to other services as needed, mainly to inclusive services.

According to the Government resolution, children with disabilities should be visited in their homes by nurses twice a year. However, due to capacity constraints home visiting does not happen as frequently or consistently as foreseen. In 2011-2012, 31,000 children with disabilities have been visited by nurses throughout Tajikistan in order to re-assess their disability status, as a one-off intervention.

Ministry of Health, together with other line ministries, has been supporting piloting of a community based rehabilitation project for children with disabilities in more than 24 districts. More information will be shared about CBR in plenary session 4. What I want to emphasis here is that we are looking at options to ensure that there are services available to children with disabilities and their families at the lowest level possible to ensure inclusion of children with disabilities.
We are also aware that there is always a need for tertiary level care for children with disabilities. In 2012 more than 3000 children with disabilities received treatment in clinics, including 170 children with congenital heart disease, 197 children with abnormal oral surgery and more than 200 children with disorders of the musculoskeletal system.

It should be noted the active role of the international community in the process of development of policies and services for children with disabilities. In particular, I would like to acknowledge the role of UNICEF in Tajikistan, which for many years has been providing technical and financial assistance to the Government of the Republic of Tajikistan in advancing rights and interests of vulnerable children, especially children with disabilities.

Dear Ladies and Gentlemen,

Tajikistan is taking concrete steps to adopt the CRPWD. From the first days of the adoption of the Convention in 2006 globally, Tajikistan has actively started discussions around this Convention; seminars, conferences and roundtables have been taken place and messages addressed the president and the parliament of the RT. Also in 2008, the convention has been translated into Tajik language and shared with a wide audience. We are now looking at the economic considerations for the full implementation of this important convention before we go for its signing or ratification. Still, as I discussed before, we are taking steps to bring its essence into life.

I should note that civil society organizations, in particular Disabled Peoples Organisations have actively participated in the process of advocating for the ratification of this convention.

the Government of the Republic of Tajikistan has developed a national plan for 2013-2015 for the implementation of the recommendations of UN Council based on the UN Universal Periodic Review on Human Rights. This document is signed by our president, and it also takes into account the recommendations about ratification of the Convention on the Rights of Persons with Disabilities by Tajikistan, and outlines steps Tajikistan will take for ratification of this important convention.

Dear ladies and Gentlemen,

In conclusion, I would like to add that organization of this forum in Tajikistan is also an indication of the commitment of the Government of the Republic of Tajikistan to give priority to the needs and rights of children with disabilities. I believe that this important step will be a countdown point towards ratification of the convention in Tajikistan.

On this positive note, and with good intentions, I wish success to the work of the forum and best of luck to all the participants of this event.

Thank you for your attention.