



TAJIKISTAN: SUBMISSION TO THE UN COMMITTEE ON THE RIGHTS OF THE CHILD

**ISSUES RELATED TO THE DETENTION
AND DEPORTATION OF REFUGEE
AND ASYLUM-SEEKING CHILDREN**

SUBMITTED: JULY 2026

ABOUT THE GLOBAL DETENTION PROJECT (GDP)

The Global Detention Project (GDP) is committed to ending arbitrary and harmful migration-related detention practices around the world, and to ensuring respect for the fundamental human rights of all migrants, refugees, and asylum seekers. To achieve this, we seek to:

- Increase public knowledge and awareness of immigration detention policies.
- Expand coverage of immigration detention by human rights monitoring bodies and other international agencies.
- Expand partnerships with local and international civil society organisations working to end arbitrary and harmful immigration detention practices.
- Strategically target research and advocacy so that it effectively challenges arbitrary and harmful detention laws and policies.

ABOUT THE INTERNATIONAL LEGAL INITIATIVE (ILI)

The International Legal Initiative (ILI) was established in 2010 in Almaty, Kazakhstan and in 2017 in Geneva. The mission of the International Legal Initiative (ILI) is the protection and promotion of human rights in Central Asia, including: protecting civic space; protecting and monitoring the trials of freedom of peaceful assembly and association; supporting the development of civil society; preparing analysis of draft laws and legislation to ensure compliance with international human rights standards; international advocacy; strategic litigations, including complaining to UN Treaty Bodies; education on human rights; and the protection of labour migrants, victims of trafficking, refugees, and victims of torture. ILI is currently the one of the leading human rights organisations in Kazakhstan.

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STATE PARTY REPORT

101st Session (31 August – 28 September 2026)

Submitted July 2026

1. INTRODUCTION

- 1.1 The [Global Detention Project \(GDP\)](#) and the [International Legal Initiative \(ILI\)](#) welcome the opportunity to provide this report to the Committee on the Rights of the Child relevant to its review of Tajikistan's sixth and seventh periodic reports during the Committee's upcoming 101st session.
- 1.2 This submission focuses on Tajikistan's treatment of child refugees, asylum seekers, and migrants, particularly its arrest, detention, and deportation of Afghan children.
- 1.3 A core consideration for making this submission has been the Committee's crucial and transformative support for the norm prohibiting the immigration detention of children. The Committee's position is cogently laid out in the Joint General Comment (No. 23/No.4), issued with the Committee on Migrant Workers in 2017, which affirms that detention of children for immigration purposes is never in their best interests and thus represents a child rights violation in every instance, with no exceptions. As the General Comment states:
- "[C]hildren should never be detained for reasons related to their or their parents' migration status and States should expeditiously and completely cease or eradicate the immigration detention of children. Any kind of child immigration detention should be forbidden by law and such prohibition should be fully implemented in practice."*
- 1.4 **We encourage the Committee, during its review of Tajikistan's implementation of the Convention, to adhere to the guidance it provides in Joint General Comment (No. 23/No.4) and thereby recommend that the State Party immediately cease the immigration detention of children, as well as the detention of families with children.**

2. LEGISLATIVE CONCERNS

- 2.1 Tajikistan’s legal framework governing migrants, refugees, and asylum seekers does not provide adequate safeguards to protect children from immigration detention or removal proceedings, nor does it ensure that the best interests of the child are a primary consideration in such proceedings.

2014 Law on Refugees

- 2.2 Although the **2014 Law on Refugees** recognises in principle the need to prioritise protection of vulnerable persons, identifying this as one of the guiding principles governing work with asylum seekers and refugees under Article 3.1, it fails to provide sufficient protections to ensure child refugees and asylum seekers are not detained or deported due to their immigration status.
- 2.3 Article 5(2) of the law authorises the detention of asylum seekers entering “without a permit,” and provides for deportation following the rejection of an asylum application or the cancellation or cessation of refugee status. Although the same article requires the principle of non-*refoulement* to be observed, it does not establish safeguards for children, or prohibit their detention or removal. Similarly, Article 6(4) permits the detention of individuals who have crossed the border irregularly while seeking refugee status, but fails to provide protections for vulnerable groups like children.
- 2.4 While Article 6(7) provides some specific safeguards for unaccompanied children (when an unaccompanied minor arrives seeking asylum, migration authorities are to interview the child and transfer them to state guardianship until their legal status is determined), it does not explicitly prohibit their detention, and it does not apply to accompanied children.

2018 Law on the Legal Status of Foreign Citizens and Stateless Persons

- 2.5 The **2018 Law on the Legal Status of Foreign Citizens and Stateless Persons** further provides for the administrative detention and expulsion of foreign nationals, and similarly fails to provide provisions addressing the specific rights and vulnerabilities of children in immigration proceedings. Article 32 provides for the administrative expulsion of non-nationals and stateless persons, with Article 32(6) authorising the detention of individuals subject to expulsion orders in “designated facilities,” subject to court order. No specific wording is included protecting children from detention for migration-related reasons.

- 2.6 Recommendations:** Tajikistan's failure to prohibit immigration detention of children contrasts with the Committee's repeated insistence that such detention always amounts to a child rights violation. *We urge the Committee to recommend that the country amend both the 2014 Law on Refugees and 2018 Law on the Legal Status of Foreign Citizens and Stateless persons to explicitly prohibit the immigration detention of all children—both accompanied and unaccompanied—to ensure that children are never deprived of their liberty on the basis of their or their parents' migration status.*

3. THE DETENTION AND DEPORTATION OF AFGHAN REFUGEE AND ASYLUM-SEEKING CHILDREN

- 3.1 Tajikistan has served as a refuge for several waves of refugees from Afghanistan—such as those fleeing the civil war of the 1990s, the U.S invasion in the 2000s, and in the wake of the Taliban's return to power in 2021.
- 3.2 Although the Tajik government announced in July 2021 that it would accept 100,000 refugees,¹ in reality this promise did not materialise. Instead, by August 2021 the country had closed its border to most Afghans and ceased the issuance of Tajik visas to Afghan nationals.
- 3.3 Access to the territory also remained limited due to inconsistencies in the application of the 2014 Refugee Law and the country's Criminal Code. While Article 6(4) of the 2014 Refugee Law protects irregularly arriving asylum seekers from criminal sanctions, UNHCR reports that authorities continue to take a restrictive approach to irregular arrivals in line with the Criminal Code (Article 335).² As UNHCR noted in 2023, "*Asylum-seekers attempting to enter the country informally would be vulnerable to the abovementioned inconsistencies between Refugee Law and Criminal Code and would be subjected to detention and subsequent deportation/refoulement for illegal border crossing under the Criminal Code.*"³
- 3.4 This severely limited the number of Afghans able to enter the country: UNHCR reports that 5,705 new arrivals were registered in 2021, and 21

¹ Asia Plus, "КЧС: Таджикистан на сегодняшний день готов принять порядка 100 тыс. беженцев из Афганистана," 23 July 2021, <https://asiaplus.news/2021/07/23/kchs-tadzhikistan-na-segodnyashnij-den-gotov-prinyat-poryadka-100-tys-bezhenczev-iz-afganistana/>

² UNHCR, "Regional Refugee Response Plan 2023 for Afghanistan Situation," 16 March 2023, <https://data.unhcr.org/en/documents/details/99583>

³ UNHCR, "Regional Refugee Response Plan 2023 for Afghanistan Situation," 16 March 2023, <https://data.unhcr.org/en/documents/details/99583>

in 2022.⁴ As of December 2025, there were 11,800 Afghan refugees and other 3.5 Afghans in need of international protection in Tajikistan.⁵ While there are no publicly available statistics regarding the total number of Afghan children in the country, according to UNHCR as of March 2022 there were 750 Afghan children (398 girls and 352 boys) enrolled in state educational institutions.⁶ The overall number of Afghan children in Tajikistan is, however, likely to be higher.

- 3.6 Furthermore, in July 2021 Tajik authorities suspended the issuance of residence permits to newly arrived Afghans, despite the fact that this documentation is required for asylum applications.⁷ At the same time, the State RSD Commission suspended its work reviewing asylum applications,⁸ leaving Afghan refugees unable to formalise their stay in the country, and vulnerable to fines, arrest, detention, and deportation.
- 3.7 Since 2021, there have been regular reports of Tajik authorities arresting, detaining, and forcibly deporting Afghan refugees—amongst them children—as well as reports of non-admission and pushbacks, in violation of both national and international law. In its General Comment No.6 (2005), the Committee expressly provides that “States shall not return a child to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child.”
- 3.8 According to the reports documented by the GDP and ILI, Tajik law enforcement agents typically arrest refugees in their homes and workplaces, briefly detain them, and conduct swift deportations—denying refugees the opportunity to even inform their relatives or gather their belongings. These removals do not appear to include individual assessments of protection needs or the right to access justice, and have affected recognised refugees in possession of UNHCR documentation, as well as children and other vulnerable groups.⁹ Former detainees have

⁴ UNHCR, “Regional Refugee Response Plan 2023 for Afghanistan Situation,” 16 March 2023, <https://data.unhcr.org/en/documents/details/99583>

⁵ UNHCR, “Operational Data Portal – Afghanistan Situation,” accessed 14 July 2026, <https://data.unhcr.org/en/situations/afghanistan?gsid=82dd5c54-e494-45b3-8420-bd96e2000567&>

⁶ UNHCR, “Afghanistan Outflow: Humanitarian Situation Report No.1,” 2022, <https://www.unicef.org/media/133796/file/Afghanistan-Outflow-Situation-Report-Mid-Year-2022.pdf>

⁷ UNHCR, “UNHCR Urges Tajikistan to Halt Returns of Afghans at Risk,” 19 November 2021, <https://www.unhcr.org/central-asia/en/news/unhcr-urges-tajikistan-halt-returns-afghans-risk>

⁸ UNHCR, “UNHCR Urges Tajikistan to Halt Returns of Afghans at Risk,” 19 November 2021, <https://www.unhcr.org/central-asia/en/news/unhcr-urges-tajikistan-halt-returns-afghans-risk>

⁹ Khama Press, “Dozens of Afghan Refugees Forcibly Deported from Tajikistan, Sources Say,” 22 April 2025, <https://www.khaama.com/afghan-refugees-deported-from-tajikistan/>

recounted experiencing verbal and physical harassment during their detention.¹⁰

- 3.9 There is minimal public information available regarding the exact facilities refugees are detained in. According to Article 32.6 of the 2018 Law on the Legal Status of Foreign Citizens and Stateless Persons, individuals subject to expulsion may be held in special closed facilities (“designated facilities”) of the national security agencies. Various media reports have documented Afghans being “invited” to local offices of the National Security Committee, which may subsequently have been used as sites of detention.¹¹ Reporting by rights groups has confirmed the use of such buildings for detention in other contexts, and raised concerns regarding the risk of torture and other ill-treatment within these facilities.¹²
- 3.10 Despite repeated calls from international bodies urging Tajikistan to immediately halt deportations to Afghanistan,¹³ such campaigns have not only continued, but intensified in the past two years. Between October 2024 and July 2025, at least 485 Afghans—amongst them 334 refugees and asylum seekers—were deported.¹⁴ In July 2025, several reports also indicated that authorities had ordered Afghan refugees to leave the country within 15 days, with authorities subsequently stepping up their detention and deportation of Afghan nationals, regardless of

¹⁰ UNHCR, “UNHCR Afghanistan: Border Monitoring Report, January – December 2024,” February 2025, <https://www.unhcr.org/sites/default/files/2025-02/AFG%20Annual%20Border%20Monitoring%20Report%20-%20Jan%20-%20Dec%202024-%20FINAL.pdf>

¹¹ Media Zona, “«Озоди»: Таджикистан выслал на родину девять афганских беженцев,” 25 August 2022, <https://mediazona.ca/news/2022/08/25/9>

¹² Human Rights Watch, “Tajikistan: Free Political Activist and Drop Charges,” 11 September 2023, <https://www.hrw.org/news/2023/09/11/tajikistan-free-political-activist-and-drop-charges>

¹³ See, for example, Special Rapporteur on the human rights of migrants; the Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, “OHCHR Special Procedures Communication to Tajikistan, UA TJK 4/2022,” 31 October 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27635&>

¹⁴ UN Multimedia Newsroom, “UN Geneva Press Briefing – 18 July 2025,” 18 July 2025, <https://www.unognewsroom.org/teleprompter/en/2726/un-geneva-press-briefing-18-july-2025/8205>

their residency status.¹⁵ As of 14 July 2026, 1,020 Afghans had been deported back to Afghanistan this year alone.¹⁶

3.11 Children have often been amongst those detained and removed. Alleged cases include:

- In August 2021, a group of 80 asylum seekers—amongst them 32 children—were denied entry to Tajikistan, beaten, and forcibly relocated to an island in the Amu Darya River, between the Afghan and Tajik borders. The group were denied access to vital resources including clean water, food, clothes, and shelter. UN experts, including the Special Rapporteur on torture, Special Rapporteur on migrants, and the Working Group on arbitrary detention noted grave concerns regarding the case, arguing that such conditions would amount to deprivation of liberty, as well as torture or other cruel, inhuman or degrading treatment or punishment.¹⁷
- In August 2022, five Afghans—including three children and their mother—were deported to Afghanistan through the Panji Poyon border checkpoint.¹⁸
- In September 2022, 30 Afghans—amongst them families with children—were deported, with several families allegedly separated.¹⁹
- In 2024, UNHCR reported the deportation of four families, amongst them six children.²⁰

¹⁵ See: OHCHR, “Afghanistan: Returns of Afghans Creating Multi-Layered Human Rights Crisis,” 18 July 2025, <https://www.ohchr.org/en/press-briefing-notes/2025/07/afghanistan-returns-afghans-creating-multi-layered-human-rights-crisis>; Afghanistan Peace Campaign, “Tajikistan Orders Afghan Refugees to Leave Within 15 Days,” 9 July 2025, <https://afghanistanpeacecampaign.org/2025/07/09/tajikistan-orders-afghan-refugees-to-leave-within-15-days/>

¹⁶ UNHCR, “Operational Data Portal – Afghanistan Situation,” accessed 14 July 2026, <https://data.unhcr.org/en/situations/afghanistan?gsid=82dd5c54-e494-45b3-8420-bd96e2000567&>

¹⁷ Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working group on Arbitrary Detention and the Special Rapporteur on the human rights of migrants, “OHCHR Special Procedures Communication to Tajikistan, UA TJK 3/2021,” 7 September 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26642>

¹⁸ UNHCR, “UNHCR Raises Concerns Over Afghan Refugee Forced Returns from Tajikistan,” 25 August 2022, <https://reliefweb.int/report/tajikistan/unhcr-raises-concerns-over-afghan-refugee-forced-returns-tajikistan>

¹⁹ See, for example, Special Rapporteur on the human rights of migrants; the Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, “OHCHR Special Procedures Communication to Tajikistan, UA TJK 4/2022,” 31 October 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27635&>

²⁰ UNHCR, “UNHCR Afghanistan, Border Monitoring Report, January-December 2024,” February 2025, <https://www.unhcr.org/sites/default/files/2025->

- In May 2026, 42 families (totalling 168 Afghan refugees, amongst them children), were deported to Afghanistan from Jabbor Rasulov district in North Tajikistan, where they had lived for more than 20 years. They were unable to take all of their belongings. At a press conference on 27 July, a local government stated that "the reasons for the departure of Afghan citizens were their illegal residence, violation of residence and migration regulations, non-compliance with Tajik law, and the commission of particularly serious crimes."²¹

3.12 In addition to the direct impact of detention and deportation on children—which is unquestionably harmful—these campaigns have significant indirect consequences for children who remain in Tajikistan.

3.13 The removal of parents or primary caregivers may result in the separation of children from their families, which can have profound emotional, developmental, and material consequences. Furthermore, the removal of male adult family members—who are often the primary income earners—can leave women and children in situations of heightened economic and social vulnerability.²²

3.14 Recommendations: In light of the above information, we urge the Committee to call on Tajikistan to:

- 3.14.a Immediately cease the arrest, detention, and deportation of refugee and asylum-seeking children. Authorities must release all children—as well as other vulnerable individuals—from detention, protect them from removal, and provide adequate reception conditions that take into account their physical, psychological, legal, and social needs.
- 3.14.b Investigate allegations of arbitrary detention, ill treatment, unlawful deportations, and pushbacks of refugee and asylum-seeking children and their families.

[02/AFG%20Annual%20Border%20Monitoring%20Report%20-%20Jan%20-%20Dec%202024-%20FINAL.pdf](#)

²¹ Asia Plus, “«Нарушали миграционный режим, совершали преступления». Глава Джаббор-Расуловского района Таджикистана объяснил высылку афганских беженцев,” 29 July 2026, <https://asiaplus.news/2026/07/29/narushali-migraczionnyj-rezhim-sovershali-prestupleniya-glava-dzhabbor-rasulovskogo-rajona-tadzhikistana-obyasnil-vysylku-afganskih-bezhenczev/>

²² See: UNHCR, “UNHCR Calls on Tajikistan to Halt Forcible Return of Afghan Refugees and Uphold International Protection Standards and Commitments,” 7 December 2024, <https://www.unhcr.org/central-asia/en/news/unhcr-calls-tajikistan-halt-forcible-return-afghan-refugees-and-uphold>

- 3.14.c Guarantee respect for family unity in all migration and asylum proceedings. Tajikistan should ensure that deportation decisions do not result in the separation of children from parents or primary caregivers, and should assess the impact of removal on children remaining in Tajikistan.
- 3.14.d Encourage the State Party to systematically collect and publish disaggregated data—by age, sex, nationality, and grounds for—and length of—detention, on all children detained and deported for immigration-related reasons.
- 3.14.e Ensure the systematic collection, disaggregation, and public reporting of data on refugee and asylum-seeking children to support effective child protection measures and ensure that children’s rights are adequately protected.