

DISCLAIMER: This document was produced in 2005 and is a summary of the laws of Algeria that appertain to international parental child abduction, contact and relocation as they were at that time. **reunite** International Child Abduction Centre cannot vouch for the accuracy of this information for use in litigation and it is not intended to provide case specific advice.

## **TAJIKISTAN**

### **Overview**

Tajikistan became independent from the former Soviet Union in 1991 and it was established as a secular State, as confirmed by Article 1 of the 1994 Constitution. Therefore, although the majority of the population are Muslim, Islamic Sharia is not a source of law. The legal system of Tajikistan has been influenced by Romano-Germanic traditions.

### **Court Structure**

The Constitution reads that the court system consists of the Constitutional Court, Supreme Court, High Economic Court, Military Court, Court of Gorno Badakhshan Autonomous Oblast, Oblast, City of Dushanbe, Town, and Rayon Courts. The courts of first instance are the Town and City Courts. These courts have jurisdiction over both criminal and civil cases, including family cases, whereas the Economic Courts have jurisdiction over commercial cases. The Gorno-Badakhshan Autonomous Oblast Court, Oblast Courts and the Dushanbe City Court are the courts of second instance and act as appeal courts. At the third level is the Supreme Court. There is also a Constitutional Court.

### **Filiation**

A child born outside of marriage has the same rights and responsibilities with regard to the parents as established by Article 54 of the Family Code.

### **Custody**

Custody is governed by Articles 147-158 of the Family Code. Custody arrangements are usually confirmed in court at the time of divorce. If there is no agreement between the parents the court will award custody with regard to the best interests of the child. In considering what is in the best interests of the child the court will take into account the character of the parents, the bonds between the children and each parent and the environment each parent is able to provide in terms of stability for the children.

### **Access**

The custodial parent has no right to restrict the access of the child to the non-custodial parent or other relatives. If the parents cannot agree on access arrangements one parent can apply to the court for resolution. As long as access is not detrimental to the welfare of the children it will be permitted, dependent on the authorisation of the Department of Foster Care and Guardianship who will investigate the situation.

### **Non-Muslim Family Law**

Tajikistan is a secular country and therefore there is no differentiation between citizens of different religion in the application of the Family Code.

### **Nationality**

Nationality is passed down through the father.

### **Leaving the Jurisdiction**

A passport for minor under the age of sixteen can be obtained by the application of the parents. A minor over the age of sixteen may apply for a passport in his or her own right.

### **International Law**

Tajikistan signed the UN Convention on the Rights of the Child in 1993.

### **Child Abduction**

According to Article 130(1) of the Criminal Code kidnapping is punishable by imprisonment of 5 to 10 years, however the abduction of a minor is punishable by 8 to 12 years imprisonment according to Article 130(2e).

### **Contacts**

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22/08/05