



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the consolidated third and fourth periodic reports of Kyrgyzstan\*

1. The Committee considered the consolidated third and fourth periodic reports of Kyrgyzstan (CRC/C/KGZ/3-4) at its 1880<sup>th</sup> and 1881<sup>st</sup> meetings (see CRC/C/SR.1880 and 1881), held on 28 May 2014, and adopted, at its 1900<sup>th</sup> meeting, held on 13 June 2014, the following concluding observations.

#### I. Introduction

2. The Committee welcomes the submission of the consolidated third and fourth periodic reports of Kyrgyzstan (CRC/C/KGZ/3-4), albeit delayed, and the written replies to its list of issues (CRC/Q/KGZ/3-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multi-sectoral delegation of the State party.

#### II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the adoption of the following legislative measures:
- (a) Amendments to the Code on Children on 10 July 2012;
  - (b) The new Constitution on 27 June 2010, which includes special guarantees for families and children;
  - (c) The Law "On state benefits in the Kyrgyz Republic" on 29 December 2009, which sets out the right to monthly social benefits for families in poverty; and
  - (d) The Law "On the rights and guarantees of persons with disabilities" on 3 April 2008.

4. The Committee welcomes the ratification of and/or accession to the:

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\* Adopted by the Committee at its sixty-sixth session (26 May – 13 June 2014).

- (a) Second Optional Protocol to the International Covenant on Civil and Political Rights in December 2010; and
  - (b) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in December 2008.
5. The Committee welcomes the following policy measures:
- (a) The National Action Plan against trafficking in human beings for 2013-2016;
  - (b) The Strategy on Social Protection for 2012-2014;
  - (c) The Education Development Strategy for 2012-2020 and the Action Plan for implementation of the Education Development Strategy for 2012-2014;
  - (d) The Decree of the Government on standards for social services to families and children as well as institutions which provide social services to children in difficult life circumstances on 9 October 2012;
  - (e) The Order of the Ministry of Social Services on programme for rehabilitation of children in conflict with the law on 17 May 2012; and
  - (f) The Programme of State Guarantees to ensure healthcare for citizens of the Kyrgyz Republic of 2011, which *inter alia*, provides for free healthcare for children under five years of age.

### **III. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

##### **The Committee's previous recommendations**

6. While welcoming the State party's efforts to implement the Committee's concluding observations of 1 October 2004 on the State party's second periodic report (CRC/C/104/Add.4), the Committee notes with regret that some of the recommendations contained therein have not been sufficiently addressed and these issues remain of concern for the Committee.

**7. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations (CRC/C/15/Add.244) that have not been implemented or sufficiently implemented, and in particular, it urges the State party to:**

**(a) Establish a comprehensive policy with a view to strengthening its efforts to ensure that the provisions and principles of the Convention are widely known and understood by adults and children alike as well as reinforce adequate and systematic training of all professional groups working for and with children, in particular law enforcements officials, teachers, health personnel (e.g. psychologists and social workers) and personnel in childcare institutions;**

**(b) Develop a comprehensive system for collecting disaggregated data to cover all those under the age of 18 years as a basis for assessing progress achieved in the realization of children's rights and to help design policies to implement the Convention;**

**(c) Strengthen the role of the Office of the Ombudsman, in particular the Deputy Ombudsman for Children, in accordance with the Paris Principles (General Assembly resolution 48/134, annex) as well as empower the unit on children's rights**

within the Office of the Ombudsman to deal with complaints from children, and do so in a child-sensitive and expeditious manner, and also provide remedies for violations of their rights under the Convention. This department should be provided with adequate human and financial resources;

(d) Involve NGOs, especially rights-based ones, and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention; and

(e) Undertake measures to ensure that children's views are given due consideration in schools, courts, within the family and during relevant administrative processes concerning children through, inter alia, the adoption of appropriate legislation, the training of all caregivers and professionals working with and for children and the use of information campaigns.

### Legislation

8. The Committee welcomes the amendments to the Code on Children on 10 July 2012, making it more consistent with the Convention, in particular in the areas of juvenile justice and de-institutionalization of children. However, it regrets the lack of information on the implementation of the Code on Children and other legislation in the area of children's rights. The Committee also regrets that the courts of the State party do not apply the Convention directly and do not refer to its provisions in their judgments when considering cases concerning the child's rights and interests.

9. **The Committee urges the State party to continue its efforts to bring its legislation in line with the Convention and ensure that such laws are fully and effectively implemented. It recommends that the State party provide information on the evaluation of implementation of its laws and regulations in the area of children's rights. The Committee also recommends that the State party ensure that the Convention is directly applied and referred to in judgements by its courts.**

### Comprehensive policy and strategy

10. The Committee welcomes various programs, plans and strategies concerning rights of children adopted by the State party during the reporting period, including the Action Plan on Child Protection System Reform for 2009-2011. However, the Committee is concerned about the lack of information on the implementation of its programs, plans and strategies and their outcomes.

11. **The Committee recommends that the State party ensure that its programs, plans and strategies are effectively implemented and include concrete measures with clear indication of the roles and responsibilities of relevant bodies at national, regional and local levels, provided with necessary human, technical and financial resources. It further recommends that the State party ensure that there are systems for monitoring and evaluation of its programs and plans of action.**

### Coordination

12. The Committee notes the State party's information that coordination of activities in the area of children's rights is carried out by the Department for Protection of Families and Children under the Ministry of Social Development. The Committee is however concerned that the Department is underfunded and has a high staff turnover due to low salaries, which seriously hampers the effectiveness of its work.

13. **The Committee recommends that the State party take necessary measures to provide its coordinating mechanism with sufficient authority and adequate human,**

**technical and financial resources in order to ensure effective coordination of activities on children's rights across all sectors and at national, regional and local levels.**

#### **Allocation of resources**

14. The Committee notes that despite the budgetary constraints of the last few years, the State Party managed to maintain its planned level of social spending. Nevertheless, the Committee is concerned that the social spending remains very low and those resources for children are not always allocated efficiently.

**15. In the light of its Day of General Discussion on "Resources for the Rights of the Child – Responsibility of States" in 2007 and with emphasis on articles 2, 3, 4 and 6 of the Convention, the Committee recommends that the State party:**

**(a) Earmark sufficient specifically targeted budget resources for implementation of the rights of children; and**

**(b) Establish an effective system of tracking, monitoring and evaluation of the allocation and use of resources for children by all relevant sectors throughout the budget, thus providing visibility to the investment on children.**

### **B. Definition of the child (art. 1 of the Convention)**

16. The Committee notes the State party's statement that the age of majority is 18 years, but is concerned that some of its laws and policies, including the Youth Policy Law and health policies define children as below the age of 14 years, which is not consistent with the definition of a child under the Convention and leads to discrimination against children above the age of 14 years, in particular with regard to free access to medical services.

**17. The Committee recommends that the State party take measures to harmonize its legislation and policies in relation to the definition of a child in order to ensure that all children below the age of 18 years are afforded the same rights and entitlements in all sectors.**

### **C. General principles (arts. 2, 3, 6 and 12 of the Convention)**

#### **Non-discrimination**

18. The Committee notes the efforts of the State party in combatting discrimination, but is concerned that discrimination continues to be prevalent against children in marginalized and disadvantaged situations, such as children belonging to minority groups, including Lyuli children, children in care institutions, children with disabilities, girl children, children of migrant workers, children who do not possess residence registration and children belonging to the LGTBI group.

**19. The Committee urges the State party to take urgent measures to prevent discrimination against children in marginalized and disadvantaged situations, such as children belonging to minority groups, including Lyuli children, children in care institutions, children with disabilities, girl children in rural areas, children of migrant workers, children who do not possess residence registration and children belonging to the LGTBI group, and periodically evaluate outcomes of its measures. The Committee further recommends that the State party include information in its next periodic report on measures and programmes relevant to the Convention and undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and**

**Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.**

**Best interests of the child**

20. The Committee notes that the 2010 Constitution and the Code on Children include provisions on the best interests of the child. However, it is concerned about insufficient measures taken to implement the right of the child to have his or her best interests taken into account as a primary consideration in practice. The Committee is also concerned that the term “legitimate interests of the child”, which is used in some of the State party’s laws is not equivalent to “the best interests of the child” in its scope.

**21. The Committee, in light of its General Comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (CRC/C/GC/14), recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area, giving them the appropriate weight as a primary consideration. Such procedures and criteria should be disseminated to courts of law, administrative authorities and legislative bodies, public and private social welfare institutions, as well as traditional and religious leaders and the public at large.**

**Right to life, survival and development**

22. The Committee is seriously concerned about the considerable number of children who were killed during the June 2010 violence and the inability of the State party to protect them during the conflict. The Committee is also concerned about the failure of the State party to investigate these killings expeditiously and bring those responsible to justice.

**23. The Committee recommends that the State party establish mechanisms to provide rapid response to protect children in case of a conflict and provide prompt, impartial and effective investigation into the killings, including those of children during the June 2010 events.**

**C. Civil rights and freedoms (arts. 7, 8, and 13-17)**

**Birth registration**

24. The Committee is concerned about the reports that children born to parents who do not possess valid identity documents, in particular Lyuli mothers or mothers without a residence permit, are denied birth registration. The Committee is also concerned about the reports of excessive bureaucratic and illegal demands in the process of restoring birth certificates.

**25. The Committee urges the State party to ensure that all children born in its territory irrespective of the availability of their parents’ identity documents or residence permits are registered and provided with standard birth certificates immediately without any undue barriers. The Committee also recommends that the State party simplify the procedure for birth registration and ensure that no illegal demands are made in the process of restoration of birth certificates.**

**Name and nationality**

26. The Committee notes the amendments to the Law on Citizenship on 17 March 2012 which simplified naturalization procedures for certain categories of foreigners such as foreign spouses of Kyrgyz nationals and foreigners who have been living in the country for five and more years, however it is concerned that the law fails to address a number of issues relating to the children of stateless persons who are temporary residents and children born to parents of different nationalities.

27. **The Committee recommends that the State party amend its Law on Citizenship and establish safeguards to prevent children born and living in its territory from becoming stateless. It also recommends that the State party ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

**D. Violence against children (articles 19, 24, para.3, 28, para.2, 34, 37 (a) and 39 of the Convention)****Torture and other cruel or degrading treatment or punishment**

28. The Committee is extremely concerned about widespread torture and ill-treatment of children by the representatives of law enforcement in detention facilities and closed institutions, including solitary confinement for up to seven days. In particular, the Committee is concerned about the case of Nookat in 2008 where families, including children were subjected to torture for their alleged membership in the Hizbut Tahrir religious group. The Committee is also concerned about the lack of complaints mechanisms and effective investigations into the cases of torture and ill treatment of children in detention facilities and closed institutions as well as during the investigation process.

29. **The Committee urges the State party to take immediate measures to:**

(a) **Launch prompt and effective independent investigations into all allegations of torture and ill-treatment against children in detention facilities and closed institutions as well as during investigations, in particular in relation to the Nookat case, and ensure that perpetrators are prosecuted and punished under relevant articles of the Criminal Code;**

(b) **Provide care, recovery, compensation and rehabilitation for child victims of torture and ill-treatment;**

(c) **Prevent incidents of torture and ill-treatment by independent monitoring and unannounced visits to places of detention and closed institutions as well as by undertaking comprehensive training programmes for security and police personnel; and**

(d) **Establish an effective complaints and data collection system concerning complaints on torture or other forms of ill-treatment of children deprived of their liberty.**

**Child abuse and neglect**

30. The Committee is concerned about widespread abuse of children in families, alternative care settings and schools, including verbal, psychological and physical abuse and lack of psycho-social support to such children. It is also concerned that there is no mechanism to refer child victims of abuse and neglect to temporary foster families or crisis centers, which are scarce due to lack of sufficient funding.

31. **The Committee recommends that the State party:**

(a) Take all necessary measures to prevent abuse of children by raising awareness of the public on the negative impacts of such abuse on child's health and development;

(b) Investigate and prosecute those responsible for child abuse in families, alternative care settings and schools and ensure that victims of abuse have access to complaints procedures, counselling, medical care and other recovery assistance as appropriate; and

(c) Establish temporary foster families and crisis centres for such children and a mechanism for referring children to them, as well as allocate sufficient resources in order to provide children with necessary medical, psychological and social support.

#### **Corporal punishment**

32. The Committee notes that corporal punishment is unlawful in schools, penal institutions and residential care institutions, but is concerned that the implementation of the laws prohibiting corporal punishment is ineffective. The Committee also regrets that corporal punishment is not expressly prohibited in the home and in foster and day care.

33. **The Committee, in light of its General Comment No 8 (2008) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, urges the State party to legally prohibit the use of all forms of corporal punishment in all settings, in particular in the home and foster care and provide for enforcement mechanisms under its legislation, including appropriate sanctions in cases of violation. It further recommends that the State party strengthen and expand awareness-raising and education programmes and campaigns, in order to promote positive, non-violent and participatory forms of child rearing and discipline.**

#### **Freedom of the child from all forms of violence**

34. Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular:

(a) Develop a comprehensive national strategy to prevent and address all forms of violence against children;

(b) Adopt a national coordinating framework to address all forms of violence against children;

(c) Pay particular attention to and address the gender dimension of violence;

(d) Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions.

#### **Sexual exploitation and abuse**

35. The Committee is seriously concerned about:

(a) The growing number of cases of sexual exploitation and abuse of children;

(b) The culture of cover up of problems of sexual violence in public educational and medical facilities and even in bodies responsible for children's protection;

(c) The absence of mechanisms in the State party to identify, detect and protect children who are victims of sexual violence;

(d) The inaction of law enforcement agencies, reportedly corrupt, to register cases of child sexual abuse and mishandling of such cases; and

(e) The child not being able to apply directly to the authorities for protection, but only through parents or legal guardians, who at times may be perpetrators themselves.

36. **The Committee recommends that the State party take urgent measures to:**

(a) **Prevent sexual abuse and exploitation of children by ensuring effective pursuit of perpetrators and commensurate sanctions for perpetrators of child sexual exploitation and abuse within its jurisdiction and throughout its territory;**

(b) **Raise awareness and encourage the public and children to report cases of sexual violence and exploitation against children, especially in educational and medical facilities;**

(c) **Establish effective mechanisms to identify, detect and protect children who are victims of such crimes;**

(d) **Ensure that law enforcement officials pay particular attention to crimes against children and be punished for inaction to register and investigate any crimes against children as well as for mishandling of cases; and**

(e) **Provide children of all ages with the possibility to apply for protection of the authorities directly without the involvement of their parents or legal guardians.**

#### **Harmful practices**

37. The Committee welcomes the amendments to the Criminal Code increasing the punishment to up to 10 years of imprisonment for kidnapping of “brides” below the age of 17 years and notes that as the result of a one-year campaign “bride kidnapping” the number of incidents of bride kidnapping has decreased. However it is seriously concerned about the continuing widespread practice of bride kidnapping of underage girls and that the cases often remain unreported by the victims due to social stigma and pressure. The Committee is also concerned about the increasing numbers of early marriage of girls forced by parents due to social and economic difficulties.

38. **The Committee recommends that the State party take all necessary measures to ensure that all incidents of “bride kidnapping” are promptly, impartially and effectively investigated, that all those responsible for such abuses are held accountable, prosecuted and sanctioned, and that victims of such abuses obtain redress. It also recommends that the State party prevent early marriages of girls by developing and undertaking comprehensive awareness-raising programs on the negative implications of early marriage for the girl child’s rights to health, education and development, targeting in particular traditional and religious leaders, parents and state parliamentarians.**

### **E. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1-2), 20-21, 25, 27 (para. 4) of the Convention)**

#### **Family environment**

39. The Committee is concerned that parents who go abroad for work often have to leave their children with grandparents or other relatives, or even place them in care institutions, and that these children may be often subjected to abuse and neglect.



40. **The Committee recommends that the State party provide counselling and financial support to families with children in order to prevent separation of children from their parents. The Committee also recommends that the State party provide the grandparents or other relatives with sufficient support and ensure that such children are not subjected to abuse and violence.**

**Children deprived of a family environment**

41. The Committee notes the State party's Plan on optimization of management and financing of care institutions for 2013-2016 which aims at reducing the number of care institutions, however it is concerned that:

- (a) The number of placements of children in care institutions due to poverty is growing;
- (b) The number of foster families and family based placements of children remains insufficient;
- (c) Children in care institutions do not receive adequate and age sufficient nutrition;
- (d) Children in care institutions do not receive regular health care services of adequate quality, which has resulted in the increase of diseases as well as inappropriate prescription of drugs by medical personnel who are often without necessary qualifications;
- (e) Care institutions do not provide dental care services and as a result most children of 14 and 15 years of age are in need of dental prosthetics;
- (f) Living conditions in care institutions are extremely poor, including poorly heated rooms, absence of hot water and poor hygiene and sanitation;
- (g) Monitoring and control of care institutions, including private care institutions, and family type alternative care, are insufficient; and
- (h) There is no assistance or support such as accommodation to children who leave care institutions other than enrolment in technical colleges.

42. **Recalling the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009, the Committee recommends that the State party:**

- (a) **Strengthen and enforce deinstitutionalization process, by improving support to families and ensuring that placement in institutional care is used only as a last resort;**
- (b) **Increase and provide incentives for family type alternative care;**
- (c) **Ensure and monitor that children in care institutions are provided with quality and age sufficient nutrition;**
- (d) **Ensure that children in care institutions receive timely medical services of adequate quality, including preventive treatment, by qualified medical professionals;**
- (e) **Provide children in care institutions with free and regular dental care services, including dental prosthetics, if necessary;**
- (f) **Improve and monitor living, sanitation and hygiene conditions in care institutions;**

(g) **Ensure systematic, frequent and effective monitoring and control of the situation of children residing in care institutions, including private care institutions, and in family type alternative care;**

(h) **Provide children in alternative care settings with access to an independent and confidential complaints mechanism; and**

(i) **Provide children leaving care institutions with necessary support, including accommodation, employment or further education.**

#### **Adoption**

43. While the Committee notes that the State party is in the process of accession to the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, it regrets that the Convention has not yet been formally acceded to. The Committee is also concerned that adoption procedure in the State party is excessively bureaucratic and subject to illicit activities.

44. **The Committee recommends that the State party speed up the process of accession to the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption. It also recommends that the State party establish effective mechanisms aimed at facilitating the adoption process by removing unnecessary barriers, but at the same time ensuring proper screening of families where children are to be adopted. In particular, it urges the State party to investigate all cases of corruption in the adoption process and ensure that all persons responsible are prosecuted and punished accordingly.**

### **F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33, of the Convention)**

#### **Children with disabilities**

45. The Committee notes the Education Development Strategy for 2012-2020 and the National Presidential Sustainable Development Strategy for 2013-2017, which prioritize inclusive education for children with disabilities. However, the Committee is concerned at:

(a) Widespread institutionalization of children with disabilities and that such institutions are often located far from their home;

(b) Social and economic exclusion of children with disabilities due to widespread stigmatization and negative attitudes towards them;

(c) Lack of adequate support for families with children with disabilities aimed at providing access to care at home;

(d) Insufficient social benefits for families with children with disabilities;

(e) Lack of access to pre-school and school education for children with disabilities due to lack of trained teachers, rigid curriculum and physical and social barriers;

(f) Deaths of children with disabilities in care institutions reportedly due to the neglect of their health and lack of mechanisms of control to prevent such incidences; and

(g) Lack of stimulation activities for the development of children with mental disabilities.

46. **In light of its General Comment No. 9 (2006) on the Rights of Children with Disabilities, the Committee urges the State party to ensure conformity of its legislation, policies and practices with, inter alia, articles 23 and 27 of the Convention**

with the aim of effectively addressing the needs of children with disabilities in a non-discriminatory manner. Furthermore, the Committee recommends that the State party take all necessary measures to:

(a) **Develop a policy on deinstitutionalization and prevent excessive institutionalization of children with disabilities, by providing all necessary support to families with children with disabilities and ensure sufficient alternative family and community based care options for children with disabilities deprived of family environment;**

(b) **Raise the awareness of the public, in particular children about the rights of children with disabilities and take measures for their successful integration into society;**

(c) **Ensure that social benefits for families with children with disabilities are sufficient to cover the basic needs of such children;**

(d) **Provide inclusive education for children with disabilities by training teachers, providing schools with necessary equipment and sensitizing the school personnel, children and public in general on the rights of children with disabilities;**

(e) **Ensure prompt and effective investigation into cases of deaths of children with disabilities in care institutions and establish an independent monitoring of care institutions, in particular health care services provided to children in such institutions; and**

(f) **Ensure that all children with mental disabilities are provided with appropriate stimulation activities.**

#### **Health and health services**

47. The Committee welcomes the Den Sooluk National Healthcare Programme for 2012-2016 and the State Guarantee programme, which provide access to free medical care. However, the Committee is concerned that neither of the programmes cover children above the age of 14 years. The Committee is also concerned about the increasing number of deaths of children in the first 24 hours of admission to hospital as a result of curable diseases such as pneumonia and diarrhoea as well as the high number of children who suffer from malnutrition.

48. **The Committee, in light of its General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, recommends that the State party take measures to ensure that all children up to the age of 18 years are covered under the State party's programs for children and have access to health care services free of charge. It recommends that the State party take measures to prevent deaths of children as a result of preventable and curable diseases, by educating parents and providing easy access to early medical intervention. Furthermore, the Committee recommends that the State party take measures to ensure that no child in the country is undernourished and that all children have access to adequate and sufficient nutritious food.**

#### **HIV/AIDS**

49. The Committee is concerned about the growing number of HIV/AIDS infections, including among children, especially in the south of the country due to needle sharing in hospitals and lack of awareness about the transmission methods. It is seriously concerned about the infection of more than 100 children in medical facilities in Osh province during 2006-2007.

50. In light of its General Comment No.3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party take all necessary measures to prevent transmission of HIV/AIDS by raising awareness of the public, including children, about the transmission methods and providing hospitals with necessary resources to prevent sharing of needles and other instruments that could lead to transmission of infections. The Committee also recommends that the State party provide information on the investigation into the mass infections of children with HIV/AIDS in Osh province and their causes and ensure that the victims are provided with appropriate assistance and support. Furthermore, the Committee urges the State party to take all necessary measures to prevent such incidence from happening again.

#### **Adolescent health**

51. The Committee is concerned about the large numbers of unwanted pregnancies among adolescent girls due to the low awareness of contraception options among adolescents as well as lack of access to contraceptives. The Committee is also concerned that schools do not provide classes on sexual and reproductive health.

52. Referring to its General Comment No.4 (2003) on adolescent health, the Committee recommends that the State party adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that age appropriate sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention to preventing early pregnancy and sexually transmitted infections. It also recommends that the State party provide adolescents with confidential services and easy access to contraceptives.

#### **Breastfeeding**

53. The Committee notes the Law on the promotion of breastfeeding practices of March 2009, regulating the advertisement and promotion of infant formulas. However, the Committee is concerned about the poor implementation of the Law and reported complicity between medical personnel and baby food industries, which has led to inadequate information and free samples of baby food products provided to mothers.

54. The Committee recommends that the State party take all necessary measures to implement its legislation promoting breastfeeding practices and ensure that all mothers receive adequate information on the benefits of their breast-milk. It also recommends that the State party adopt the International Code for Marketing of Breast-Milk Substitutes.

### **G. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

#### **Education, including vocational training and guidance**

55. The Committee is concerned about:

- (a) The increasing number of children not attending schools due to their involvement in the labour market, the trend being especially high among Lyuli children;
- (b) Lack of qualified teachers due to low salaries leading to very low quality of education and lack of textbooks;
- (c) Extortion of fees from parents which prevents many children from attending school;

- (d) Poor infrastructure of educational facilities which do not meet safety standards and lack water supply and sewage system, adequate heating and electricity;
- (e) Widespread violence and racketeering in schools which has led to suicides and barred many high school students from attending school for safety concerns; and
- (f) The tendency to reassign Uzbek Language schools into Kyrgyz and mixed-medium schools following the 2010 ethnic violence.

**56. Taking into account its General Comment No. 1 on the Aims of Education (CRC/GC/2001/1), the Committee recommends that the State party:**

- (a) **Ensure that all children, including minority children, have access to free and compulsory education, which is not compromised by their involvement in the labour market;**
- (b) **Take measures to increase the quality of education, by training teachers, providing incentives to attract qualified teachers, ensuring sufficient number of textbooks and conducting independent regular assessment exams for children;**
- (c) **Put an end to the practice of extortion of fees from the parents of children attending school;**
- (d) **Take measures to invest in and maintain infrastructure of schools, including access to water, sewage system, heating and electricity and ensure that school buildings respond to high safety standards;**
- (e) **Put an end to school racketeering by supervising the behaviour of children and sanctioning those who are involved in racketeering activities; and**
- (f) **Take measures to ensure that children from minority communities, in particular Uzbek children, have access to education in their native language without any restrictions.**

**H. Other special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b-d), 38, 39 and 40, of the Convention)**

**Children in situations of migration**

57. The Committee is concerned that children who have migrated internally with their parents live in hazardous houses with no access to energy, sanitation and communications as well as have no access to health care and education due to the absence of residence permits.

58. **The Committee recalls its report of the Day of General Discussion on the rights of all children in the context of migration (2012) and recommends that the State party ensure that children of internal migrant workers are provided with adequate living conditions and immediate access to health care and education irrespective of their status of residency.**

**Children belonging to minority groups**

59. The Committee is concerned about the discriminatory practices against minority groups, and the still existing atmosphere of insecurity and tension since the ethnic conflict in 2010. It is particularly concerned about the increased segregation of minorities in many respects such as language and social polarization, largely mono-ethnic schools and decrease in inter-ethnic friendships. The Committee is furthermore concerned about the discriminatory practice against members of the Lyuli community in daily life.

60. **The Committee recommends that the State party strengthen its efforts in reconciling communities and preventing discrimination against members of minority groups, through multilingual common education and awareness raising campaigns in order to promote tolerance and friendship among communities.**

**Economic exploitation, including child labour**

61. The Committee is concerned about the large number of children, mostly without a birth certificate, working in hazardous conditions seven days a week ten hours a day. It is particularly concerned that working children, especially those living in care institutions are often subjected to physical, emotional and sexual abuse.

62. **The Committee urges the State party to remove from its legislation the requirement of a 10 days notification prior to the visit of labour inspectors and organize regular unannounced inspection of private and state employment sites and ensure that any person who may be below the age of 18 years is not subjected to hazardous work conditions. The Committee urges the State party to provide regular visits and monitoring of care institutions to detect signs of forced labour and/or physical, emotional and sexual abuse and bring those responsible to justice.**

**Follow up to the Committee's previous concluding observations and recommendations on the Optional protocol on the sale of children, child prostitution and child pornography**

63. The Committee notes the Plan of Action against trafficking in human beings for 2013-2016. However it remains concerned that the State party has not criminalized the sale of children, child prostitution and child pornography as defined in articles 2 And 3 of the Optional protocol. Furthermore, the Committee remains concerned that extraterritorial jurisdiction is limited to crimes committed by Kyrgyz citizens and stateless persons and there is no reference to cases where the victim of a crime is a Kyrgyz citizen.

64. **The Committee reiterates its previous recommendation that the State party amend the provisions with a view to fully including all purposes and forms of the sale of children, child pornography and child prostitution in accordance with article 3, paragraphs 1 and 2, of the Optional Protocol. It also recommends that the State party take the necessary legislative measures to ensure that the domestic law provides for extraterritorial jurisdiction in full compliance with article 4 of the Protocol.**

**Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on children in armed conflict**

65. **The Committee regrets the lack of information on the implementation of its concluding observations of 2 February 2007 on the State party's initial report under the Optional Protocol to the Convention on the involvement of children in armed conflict.**

**Administration of juvenile justice**

66. The Committee notes that the 2012 amendments to the Children's Code has strengthened the juvenile justice system and increased specialization of judges in juvenile cases. Nevertheless, it is seriously concerned about:

- (a) The lack of a holistic juvenile justice system in the State party;
- (b) Children being arrested by law enforcement officers for lack of identification documents without a court order and placed in the Center of Adaptation and Rehabilitation of Juveniles in prison-like conditions;

(c) The detention of children in prison-like conditions often for homelessness, vagrancy and absenteeism at school in the Belovodsky special boarding school used as an alternative to imprisonment, while the large number of children detained have not committed any crime; and

(d) Detention of children in temporary detention centres together with adults with very limited visits allowed from their family.

67. **The Committee urges the State party to establish a juvenile justice system in full compliance with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Guidelines for Action on Children in the Criminal Justice System, and the Committee's general comment No. 10 (2007). In particular, the Committee recommends that the State party:**

(a) **Establish a system of juvenile courts with specialized staff and with a restorative justice approach;**

(b) **Avoid unlawful detention of children and ensure that guarantees of legal safeguards are implemented for the detained children;**

(c) **Ensure independent court review of decisions on placements in the Center of Adaptation and Rehabilitation of Juveniles and Belovodsky Boarding School and provide children placed in these institutions with freedom of movement, including freedom to leave and return at their will; and**

(d) **Ensure that children under no circumstances are detained together with adults and that detention of children is used as a last resort as well as allow regular visits from the families of children in detention.**

**In doing so, make use, if relevant, of the technical assistance tools developed by the United Nations Interagency Panel on Juvenile Justice and its members, including UNODC, UNICEF, OHCHR and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel.**

#### **Child victims and witnesses of crimes**

68. The Committee is concerned about the lack of a child sensitive approach to child victims and witnesses of crimes by untrained personnel who are often dismissive of a child's testimonies. The Committee is also concerned about limited access to justice by child victims of crimes who are totally dependent on their legal representatives such as parents and legal guardians.

69. **The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and/or witnesses of crimes are provided with the protection required by the Convention and that the State party take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20). In particular, it recommends that child victims and witnesses are treated in a child sensitive manner and their views and testimonies are given due weight. Furthermore, it recommends that child victims are provided with unrestricted access to justice without having to be represented by their parents or legal guardians..**

## **I. Ratification of international human rights instruments**

70. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities and its Optional Protocol and the International Convention for the Protection of All Persons from Enforced Disappearance.

## **K. Follow-up and dissemination**

71. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, inter alia, transmitting them to the Head of State, the Parliament, relevant ministries, the Supreme Court and local authorities for appropriate consideration and further action.

72. The Committee further recommends that the combined third to fourth periodic reports and the written replies by the State party and the related recommendations (concluding observations) be made widely available in Russian and minority languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children.

## **L. Next report**

73. The Committee invites the State party to submit its next 5<sup>th</sup> and 6<sup>th</sup> periodic report by 6 November 2019 and to include in it information on the implementation of the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1). and should not exceed 21,200 words (please see General Assembly resolution 68/268, adopted on 9 April 2014, paragraph 16). In the event a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation of the report for purposes of examination of the treaty body cannot be guaranteed.

74. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3). The word limit is 42,400 words as established by the General Assembly in its resolution 68/268 (para. 16).

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