



# Convention on the Rights of the Child

Distr.: General  
18 October 2023

Original: English

---

## Committee on the Rights of the Child

### Concluding observations on the combined fifth and sixth periodic reports of Kyrgyzstan\*

#### I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Kyrgyzstan<sup>1</sup> at its 2740th and 2741st meetings,<sup>2</sup> held on 12 and 13 September 2023, and adopted the present concluding observations at its 2756th meeting, held on 22 September 2023.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the delegation of the State party.

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

3. The Committee welcomes the legislative, institutional and policy measures taken by the State party to implement the Convention, including the amended Criminal Code 2021, the amended Code of Criminal Procedure 2021, the Mediation Act 2017, the Probation Act 2017, the Law on State-Guaranteed Free Legal Aid 2022, the Human Rights Action Plan 2022–2024, the Concept of Migration Policy 2021–2030, the National Strategy for Gender Equality and National Action Plan on the Attainment of Gender Equality 2022–2024, the Education Development Programme 2021–2040, the Emergency Plan for the Prevention of Child Abuse and Violence against Children 2019–2020, the establishment of the national referral mechanism for victims of human trafficking, in 2019, and the ratification of the Convention on the Rights of Persons with Disabilities, also in 2019.

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

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: legislation (para. 7), sexual exploitation and abuse and gender-based violence (para. 27), children deprived of a family

---

\* Adopted by the Committee at its ninety-fourth session (4–22 September 2023).

<sup>1</sup> [CRC/C/KGZ/5-6](#).

<sup>2</sup> See [CRC/C/SR.2740](#) and [CRC/C/SR.2741](#).

<sup>3</sup> [CRC/C/KGZ/RQ/5-6](#).



environment (para. 31), children with disabilities (para. 34), education (para. 41), and economic exploitation, including child labour (para. 44).

5. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

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

### **Legislation**

6. The Committee is deeply concerned about the rejection of the new version of the Children's Code which had been adopted by Parliament in July 2021, and the lack of clarity regarding the status of the Children's Code of 2012, in view of information received by the Committee that provisions on children's rights are being incorporated into the revision of the Family Code of 2003.

7. The Committee reiterates its previous recommendations<sup>4</sup> and urges the State party to:

(a) Bring its current Children's Code into line with the Convention, including with regard to violence against children, children deprived of a family environment and child justice;

(b) Develop and implement systematic child-rights impact assessment procedures for legislation and policies relevant to children;

(c) Ensure that civil society and children participate in the development, implementation and monitoring of legislation relevant to children, including the revision of the Children's Code and the Family Code.

### **Comprehensive policy and strategy**

8. The Committee notes that the National Development Plan 2021–2026 includes targets for reducing child poverty and improving education, but is concerned about the absence of a policy on children's rights. The Committee recommends that the State party develop and adopt a comprehensive policy and action plan on the implementation of the Convention, with the participation of children, which encompass all areas covered by the Convention and include specific, time-bound and measurable goals.

### **Coordination**

9. While noting that several bodies coordinate activities related to child protection, child justice and social protection for children, the Committee recommends that the State party designate a single government entity with sufficient authority, adequate resources and a clear mandate to monitor and coordinate all activities related to the implementation of the Convention at the national and local levels and across all sectors.

### **Allocation of resources**

10. The Committee notes with appreciation the guidelines for tracking the allocation and use of financial resources for children and the introduction of programme-based budgeting aligned with the Sustainable Development Goals, but is concerned that they are not systematically applied across the relevant ministries. Recalling its general

<sup>4</sup> CRC/C/KGZ/CO/3-4, para. 9.

comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:

(a) Define specific budgetary lines for all children, paying special attention to those in disadvantaged situations who may require affirmative social measures, and ensure that those budgetary lines are protected even during times of economic crisis;

(b) Apply the national guidelines for tracking, monitoring and evaluating the allocation and use of financial resources for children, ensuring transparent and participatory budgeting in which civil society, the public and children can be involved effectively.

#### **Data collection**

11. The Committee welcomes the measures taken to strengthen the collection of data on the Sustainable Development Goals but is concerned that varying methodologies and software between the National Statistics Committee and the relevant ministries do not allow for efficient sharing. Recalling its general comment No. 5 (2003) on general measures of implementation of the Convention, and its previous recommendations,<sup>5</sup> the Committee recommends that the State party:

(a) Address the incompatibilities in the software used by the relevant actors, such as by establishing a central data-collection system encompassing all areas of the Convention and its Optional Protocols, covering both qualitative and quantitative indicators, and disaggregated by age, sex, disability, geographical location, ethnic origin, nationality and socioeconomic background;

(b) Strengthen the collection and analysis of data on the Sustainable Development Goals, including by expanding the range of indicators, and ensure that data are collected on the situation of children with disabilities, children in alternative care, children belonging to minority groups, and asylum-seeking, refugee and migrant children;

(c) Ensure that statistical data are regularly published and shared among relevant State agencies, ministries, professional groups and civil society, and used for the evaluation of policies and programmes on children's rights.

#### **Independent monitoring**

12. The Committee notes the establishment of a Commissioner for Children's Rights, but is concerned about the lack of clarity regarding its independence. The Committee recommends that the State party:

(a) Clarify the mandate of the Commissioner for Children's Rights, and ensure that it is widely known, in particular by children, and that it has sufficient human, financial and technical resources to monitor children's rights and to receive, investigate and address complaints by children in a child-friendly manner;

(b) Continue to ensure the full compliance of the Commissioner for Children's Rights and the Ombudsperson with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including with regard to their funding and selection processes.

#### **Dissemination, awareness-raising and training**

13. The Committee recommends that the State party:

(a) Continue its awareness-raising regarding children's rights among the public, with the active involvement of children;

(b) Ensure systematic training on children's rights, the Convention and its Optional Protocols for all professionals working with and for children.

<sup>5</sup> Ibid., para. 7 (b).

### Cooperation with civil society

14. Noting with deep concern the draft law on non-commercial non-governmental organizations, the Committee reminds the State party of the important role of independent civil society organizations and human rights defenders, including child human rights defenders, in promoting the human rights of children, and urges the State party to:

(a) Revise the draft law on non-commercial non-governmental organizations to ensure the independence of civil society engaged in work related to human rights, in particular on children's rights, including by ensuring an enabling environment for non-governmental organizations and preventing undue restrictions to registration procedures and on access to foreign funding;

(b) Ensure that civil society organizations and human rights defenders, including child human rights defenders, are able to promote children's rights and exercise their right to freedom of expression and opinion without being subjected to unnecessary restrictions;

(c) Strengthen the participation of civil society organizations, children's organizations and child human rights defenders in children's rights matters and in the development, implementation, monitoring and evaluation of policies, programmes and legislation related to children's rights.

### Children's rights and the business sector

15. Recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and the Guiding Principles on Business and Human Rights, the Committee recommends that the State party:

(a) Ensure the legal accountability of the business sector, including the agricultural and informal sectors, in relation to international and national human rights, health, environmental and other standards that go beyond labour issues;

(b) Require companies to undertake assessments of, consultations on and full public disclosure of the environmental, health-related and children's rights impacts of their business activities and their plans to address such impacts.

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

16. Recalling its previous recommendations,<sup>6</sup> the Committee recommends that the State party harmonize the definition of the term "child" in all national legislation and policies in accordance with the Convention, ensure that in the implementation of the Act on the Principles of State Youth Policy "young persons" under 18 years of age are considered as children, and abolish all legal exceptions to the minimum age of marriage being 18 years.

## C. General principles (arts. 2, 3, 6 and 12)

### Non-discrimination

17. The Committee remains deeply concerned about persistent discrimination against girls and children in disadvantaged situations. Recalling targets 5.1 and 10.3 of the Sustainable Development Goals, the Committee urges the State party to:

(a) Implement targeted policies and programmes to eliminate discrimination against all children in disadvantaged situations, including girls, children with disabilities, children belonging to ethnic minority groups, asylum-seeking, refugee and migrant children, children without a regular residence status, lesbian, gay, bisexual,

<sup>6</sup> Ibid., para. 17.

transgender and intersex children, children in alternative care and children left behind by parents working abroad;

(b) Establish clear avenues for children to seek justice in cases of discrimination and, where appropriate, ensure the access of children in disadvantaged situations to health services, education and a decent standard of living;

(c) Ensure systematic training on the protection of children from discrimination for law enforcement officials, the judiciary, prosecutors and other professionals working with and for children;

(d) Conduct media campaigns to change social norms and behaviours that contribute to discrimination, to raise public awareness of the prohibition of discrimination, particularly on the basis of gender and disability, and to combat stigmatization against children in disadvantaged situations;

(e) Monitor strategies and measures to combat discrimination.

#### **Best interests of the child**

18. The Committee welcomes the integration of the principle of “the best interests of the child” in article 27 of the Constitution and recommends that the State party:

(a) Ensure that the principle is consistently applied in all programmes and legislative, administrative and judicial proceedings affecting children, including in relation to domestic violence, parental custody, alternative care, asylum and child justice;

(b) Strengthen the capacity of all relevant professionals to assess and determine the best interests of the child and to give that principle due weight as a primary consideration.

#### **Respect for the views of the child**

19. The Committee notes with appreciation the Decree on Participatory Local Governance, but is concerned about the lack of mechanisms in place to ensure the right of children to express their views and have these taken into account in all decisions affecting them. The Committee recommends that the State party:

(a) Ensure the right of all children to express their views and to have them taken into account in all decisions affecting them, including in courts and in relevant administrative and judicial proceedings, and develop procedures and guidelines for relevant professionals on ensuring that proceedings are child-friendly and that due weight is given to the views of children;

(b) Promote the meaningful and empowered participation of all children in disadvantaged situations, including girls and children with disabilities, within the family, the community and schools, by developing adapted toolkits for consulting children on national and local policy issues, and by conducting awareness-raising activities to combat negative societal attitudes that hinder children’s participation in society and ensuring the training of teachers and other relevant professionals on the right of the child to be heard;

(c) In relation to the presidential decree of 29 January 2021, integrate all values enshrined in article 29 of the Convention into the activities of child-led organizations.

### **D. Civil rights and freedoms (arts. 7, 8 and 13–17)**

#### **Birth registration and nationality**

20. Noting with appreciation the measures taken to end statelessness and achieve universal birth registration, the Committee recalls target 16.9 of the Sustainable Development Goals and recommends that the State party:

(a) Continue its efforts to ensure the right of all children, regardless of their parents' immigration or residence status, to be registered at birth and have access to identification cards, such as by: (i) simplifying the documentation requirements for birth registration and the issuance of birth certificates, particularly for children of parents who do not have the required documents; (ii) waiving fines for late birth registration for families in need; and (iii) ensuring that the Balaga Suyunchu birth allowance is available to all families who need it;

(b) Simplify the application procedures for citizenship and residency, with a view to facilitating the acquisition of nationality for children who would otherwise be stateless and ensuring that children without a regular residence status have access to basic services;

(c) Develop a procedure to determine the stateless status of children in order to properly identify and protect stateless children, and consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, in line with its commitments made in 2019.

#### **Freedom of expression and access to appropriate information**

21. The Committee is deeply concerned about various legislative measures introducing penalties for insulting teachers, and about the deanonymization of Internet users and the censorship of information that is considered false, or contradictory to family and traditional social values, or is considered to promote "non-traditional" sexual relationships and disrespect for family members. Recalling its general comment No. 25 (2021) on children's rights in relation to the digital environment, the Committee recommends that the State party:

(a) Guarantee the right of children to access information and exercise their right to freedom of expression, including in schools and in the digital environment, by preventing disproportionate restrictions, protecting children from censorship and digital surveillance, and ensuring that children can seek, receive and impart information and ideas using any medium of their choice;

(b) Improve digital inclusion for children in disadvantaged situations and promote the equitability and affordability of online services and connectivity, while ensuring that public services remain accessible to children who do not use or have access to digital technologies;

(c) Enhance the digital literacy, awareness and skills of children, teachers and families.

#### **Freedom of association and peaceful assembly**

22. The Committee recommends that the State party ensure full respect for the right of all children to freedom of association and peaceful assembly as guaranteed by the Convention, and that children are supported and encouraged to form their own associations and initiatives.

### **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

#### **Torture and other cruel, inhuman or degrading treatment or punishment**

23. Recalling its previous recommendations<sup>7</sup> and target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Take legislative measures to explicitly prohibit the use of solitary confinement in alternative care settings, and ensure that all staff receive training on child-sensitive and non-coercive methods of care;

<sup>7</sup> Ibid., para. 29.

(b) Ensure that children have access to confidential, child-sensitive and independent complaint mechanisms for reporting cases, in particular in alternative care settings and detention centres, and that those reporting such cases do not face reprisals;

(c) Investigate all cases of abuse and ill-treatment of children in detention and in alternative care settings, including among children with disabilities, adequately sanction perpetrators and provide reparation to victims;

(d) Ensure that the national preventive mechanism has the capacity and sufficient resources to monitor all detention centres and alternative care settings.

#### **Corporal punishment**

24. The Committee remains deeply concerned about the high proportion of children who have experienced corporal punishment, and that corporal punishment remains socially acceptable in all settings, and legally acceptable in the home, alternative care settings and day care. The Committee reiterates its previous recommendations<sup>8</sup> and urges the State party to:

(a) Explicitly prohibit, as a matter of priority, corporal punishment by law in the home, alternative care settings and day care, and enforce effectively the prohibition of corporal punishment in schools under the Education Act;

(b) Develop protocols and procedures for action when corporal punishment takes place, including the provision of child-sensitive, confidential complaint mechanisms, particularly in schools and alternative care settings, to ensure safe and confidential reporting and that perpetrators are duly sanctioned;

(c) Strengthen awareness-raising campaigns for parents, children, teachers and other professionals working with and for children to promote attitudinal change concerning corporal punishment in all settings and to promote positive, non-violent and participatory forms of child-rearing.

#### **Abuse and neglect**

25. The Committee notes with appreciation the legislative measures to strengthen the prohibition of domestic violence, but is concerned that the number of cases of domestic violence more than doubled from 2014 to 2018. Recalling its previous recommendations,<sup>9</sup> the Committee recommends that the State party:

(a) Adopt a national action plan to end all forms of violence against children and ensure that it: (i) includes specific, time-bound and measurable outcomes and indicators, specific roles and responsibilities of relevant actors and a mechanism for the monitoring and evaluation of the plan; and (ii) is supported by sufficient human, technical and financial resources for its implementation;

(b) Ensure the prompt and effective investigation of and intervention in all cases of violence against children, including abuse and neglect, by professionals who have received specialized training on responding to such cases;

(c) Develop community-based programmes aimed at preventing domestic violence and child abuse, with the involvement of children and community leaders, and ensure that interventions in domestic violence are trauma- and child-focused.

#### **Sexual exploitation and abuse and gender-based violence**

26. The Committee notes with appreciation the introduction of the deposition of evidence by witnesses and victims. Nonetheless, it remains deeply concerned about:

(a) The high incidence of gender-based violence and sexual exploitation and abuse against children, which remain largely underreported;

<sup>8</sup> Ibid., para. 33.

<sup>9</sup> Ibid., para. 31.

(b) The insufficient legislative and institutional frameworks to prevent and combat gender-based violence against girls, and the fact that the legal definition of rape does not include marital rape and only applies to female victims who were in a “helpless state”;

(c) A culture of impunity for perpetrators of sexual abuse, gender-based violence and bride kidnapping, as evidenced by the lack of prosecutions for such crimes;

(d) The insufficient measures to prevent and combat sexual abuse and gender-based violence against girls, including bride kidnapping which remains a persistently widespread and socially accepted practice in the State party;

(e) The lack of child-sensitive and multisectoral support available for victims of gender-based violence, and insufficient measures to prevent their revictimization;

(f) The insufficient capacities of professionals working with and for children to identify victims and address cases of sexual exploitation and abuse in a child-sensitive, rights-based manner;

(g) Deeply entrenched patriarchal attitudes and discriminatory gender stereotypes that cause gender-based violence, and stigma for girls who report such violence.

**27. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee reiterates its previous recommendations<sup>10</sup> and strongly urges the State party to:**

**(a) Strengthen legislation punishing gender-based violence, including by ensuring that the legal definition of rape meets international human rights standards;**

**(b) Strengthen measures aimed at addressing the root causes of sexual abuse and gender-based violence against children, including through mandatory segments in school curricula and awareness-raising measures in cooperation with community and religious leaders, with a view to eliminating persistent patriarchal attitudes, discriminatory stereotypes and stigma that deter girls who are victims and witnesses from reporting violence;**

**(c) Ensure confidential, child-friendly and community-based mechanisms for the reporting of cases of sexual exploitation and abuse;**

**(d) Ensure that all cases of sexual exploitation and abuse, gender-based violence and bride kidnapping are promptly investigated using a multidisciplinary approach and avoiding revictimization, and that perpetrators are prosecuted and duly sanctioned and reparations are provided to victims;**

**(e) Ensure that all child victims of sexual exploitation and abuse and gender-based violence are treated as victims, receive adequate protection under the law, and have access to multisectoral remedies and comprehensive support;**

**(f) Develop child-sensitive protection schemes for girls who are victims of bride kidnapping, as well as services for their psychological recovery and social reintegration;**

**(g) Provide mandatory and systematic training for the judiciary, the police and other relevant professional groups on children’s rights and the prohibition of gender-based violence and bride kidnapping, and on child-sensitive procedures for addressing cases and supporting victims of gender-based violence;**

**(h) Ensure the systematic and coordinated collection and analysis of data on sexual abuse and gender-based violence against children, and on cases that have been reported, investigated and prosecuted.**

<sup>10</sup> Ibid., paras. 34, 36, 37 and 69.

### **Harmful practices**

28. The Committee is deeply concerned about the prevalence of child marriage and the fact that children can get married at 17 years of age with the authorization of local authorities. The Committee reiterates its previous recommendations<sup>11</sup> and strongly urges the State party to:

- (a) Prohibit all marriages for those under 18 years of age, without exception, including by removing the possibility of seeking authorization for marriage at 17 years of age;
- (b) Address the root causes of child marriage, including harmful gender stereotypes and socioeconomic vulnerability;
- (c) Strengthen measures to prevent child marriages and raise awareness about the harmful effects of child marriage.

## **F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

### **Family environment**

29. Noting with concern the large number of children living with caregivers because both of their parents are working abroad, and the limited involvement by fathers in caring for children, the Committee recommends that the State party:

- (a) Provide appropriate assistance and support to caregivers of children whose parents are working abroad for the performance of child-rearing responsibilities, and ensure that such children have access to community-based psychosocial support and to complaint mechanisms to report any abuse;
- (b) Introduce a formal temporary guardianship arrangement for children with both parents working abroad;
- (c) Provide incentives for fathers to be actively involved in child-rearing, and conduct awareness-raising activities to address gender stereotypes in parenting.

### **Children deprived of a family environment**

30. The Committee notes the introduction of digital case management of children in vulnerable situations and the ratification of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. Nonetheless, it remains deeply concerned about: (a) the large number of children living in institutions; (b) the insufficient measures to prevent the placement of children into residential care; and (c) reports of deaths of children and violence against them in alternative care.

31. The Committee reiterates its previous recommendations<sup>12</sup> and urges the State party to:

- (a) Adopt a national strategy and action plan for deinstitutionalization, with a specific budget, staff allocations, and measures for legal reform, for: (i) supporting and prioritizing family-based and community-based care options for children who cannot stay with their families; (ii) developing early intervention and preventive services; and (iii) strengthening support for families in vulnerable situations through child-sensitive social protection policies and services;
- (b) Ensure that disability or migration status are never the sole justification for family separation, and that children are separated from their family only as a measure of last resort and if it is in their best interests after a comprehensive assessment of their situation;

<sup>11</sup> Ibid., para. 38.

<sup>12</sup> Ibid., para. 42.

(c) Ensure regular and substantive reviews of placement in alternative care, and monitor the quality of care therein, and ensure that children are heard in decisions affecting them in alternative care placement and throughout their stay;

(d) Strengthen the capacity of professionals working with families and children, in particular social workers, to ensure family-based care responses and to enhance their awareness of the rights and needs of children deprived of a family environment;

(e) Strengthen its system of foster care for children who cannot stay with their families, including by allocating sufficient financial resources and providing adequate training for foster parents;

(f) Provide education, skills, housing and opportunities for independent living for children leaving alternative care;

(g) Urgently investigate and prosecute cases of deaths of children and violence carried out against them in alternative care, especially children with disabilities, and ensure access for victims to child-friendly reporting channels, to reparation and to free assistance by interpreters, including in sign language.

#### **Children of incarcerated parents**

32. The Committee recommends that the State party develop policies to ensure:

(a) That the best interests of the child are the primary consideration when sentencing the primary caregiver, and that alternatives to incarceration are considered;

(b) That when the incarceration of caregivers is unavoidable, children have access to adequate early childhood education, nutrition and health services, enjoy the right to play, and are visited regularly by social workers to guarantee their physical, mental and social development.

### **G. Children with disabilities (art. 23)**

33. The Committee notes with appreciation the measures taken to revise the law on disability in line with international human rights standards, but remains deeply concerned about persistent and widespread discrimination against and institutionalization of children with disabilities, and about reports of abuse and violence, including sexual violence, against children with disabilities.

34. The Committee reiterates its previous recommendations<sup>13</sup> and further urges the State party to:

(a) Adopt the draft amended law on disability and allocate sufficient resources for the development of family-based care options for children with disabilities;

(b) Facilitate access for children with all types of disabilities to accessible services, including education, health, social protection and support services, by developing regulations for reasonable accommodation and ensuring the accessibility of public spaces, buildings, services and information for children with disabilities;

(c) Strengthen support for parents of children with disabilities and ensure the right of those children to grow up in their family environment, including by: (i) increasing the availability of early detection and early intervention services; (ii) ensuring the referral of children with disabilities to support services deemed necessary, including specialized and accessible health-care services; and (iii) providing supplementary income and social services for all children with disabilities;

(d) Invest in measures to support the social integration and individual development of children with disabilities, including by providing capacity-building to child protection professionals on the rights and specific needs of children with

<sup>13</sup> Ibid., para. 46.

disabilities and ensuring their access to personal assistance, rehabilitation and assistive devices;

(e) Take urgent measures to prevent and investigate cases of abuse, neglect and violence against children with disabilities, including sexual violence against girls, and ensure their access to remedies and the necessary support services;

(f) Strengthen awareness-raising campaigns to combat the stigmatization of children with disabilities and to promote a positive image of them as rights holders.

## **H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

35. Recalling targets 3.3 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Continue to address the overhospitalization of children, including through continuous capacity-building of health professionals, and ensure that the number of qualified medical professionals in outpatient settings, including paediatricians and child psychologists and psychiatrists, is sufficient to meet the health needs of children;

(b) Ensure the access of asylum-seeking, refugee, migrant and stateless children to primary health services;

(c) Strengthen measures, in cooperation with social workers, community leaders and civil society, to prevent mother-to-child transmission of HIV; ensure that children with HIV/AIDS have access to antiretroviral therapy and regular follow-up, such as through an integrated electronic system for monitoring patients; and combat the stigmatization of children with HIV/AIDS;

(d) Take measures to reduce obesity and overweight among children and to promote a healthy lifestyle, including through public awareness-raising on nutrition issues;

(e) Promote breastfeeding and implement the International Code of Marketing of Breast-milk Substitutes, including by ensuring that the relevant by-laws have legal provisions on labelling breast-milk substitutes.

### **Mental health**

36. Noting with concern the growing prevalence of poor mental health among adolescents, the Committee recommends that the State party:

(a) Undertake a study on mental health among children to inform the development of a mental health programme dedicated to children that includes community-based, therapeutic mental health services and counselling in schools, homes and alternative care facilities;

(b) Establish national standards for the provision of both inpatient and outpatient mental health services to children, including standards for determining the duration of inpatient mental health care and for appropriate follow-up;

(c) Ensure that mental health services are confidential, are provided without stigmatization and respect the child's right to privacy and to be heard;

(d) Strengthen measures to address the underlying causes of poor mental health, depression and self-harming behaviours among children and invest in preventive measures.

### **Adolescent health**

37. Recalling targets 3.7 and 5.6 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Ensure access for adolescents to sexual and reproductive health services and age-appropriate family planning services, including affordable or free contraceptives and safe abortion and post-abortion services;
- (b) Conduct training for relevant professionals on the right of adolescents to sexual and reproductive health-care services;
- (c) Integrate comprehensive, age-appropriate information on sexual and reproductive health into mandatory school curricula at all levels of education and into teacher training and ensure that it includes education on sexual diversity, sexual and reproductive rights, responsible sexual behaviour and violence prevention;
- (d) Develop a policy to address substance abuse among adolescents, including through the development of youth-friendly drug dependence treatment and education and awareness-raising on substance-free lifestyles.

#### **Standard of living**

38. Noting with deep concern the large number of children living in poverty, the Committee recommends that the State party:

- (a) Strengthen measures to ensure that all children have an adequate standard of living, including by ensuring their access to adequate and long-term social housing and reforming its social protection programme to address child poverty through increased coverage of State benefits;
- (b) Amend the relevant legislation to enable the parents of asylum-seeking children to access employment while their refugee status applications are pending, and to ensure that their children have equal access to social security;
- (c) Ensure that measures to combat poverty comply with a child rights-based approach and include a particular focus on children in disadvantaged situations, especially children belonging to ethnic minority groups, children with disabilities, and asylum-seeking, refugee and migrant children.

### **I. Children's rights and the environment (arts. 2, 3, 6, 12, 13, 15, 17, 19, 24 and 26–31)**

#### **Impact of climate change on the rights of the child**

39. In the light of its general comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, the Committee welcomes the State party's updated nationally determined contribution, but is concerned about the large number of children living in areas with unsafe levels of air pollution. Recalling target 13.3 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Adopt legislation on air quality and take measures to improve air quality in urban areas;
- (b) Ensure that children's particular vulnerabilities, needs and views are considered in developing policies and programmes to address climate change and disaster risk management;
- (c) Strengthen measures to promote, with the active participation of schools, children's awareness of their right to a clean, healthy and sustainable environment, and to ensure their preparedness for climate change and environmental degradation, including by incorporating the subject into school curricula and teacher training programmes.

## **J. Education, leisure and cultural activities (arts. 28–31)**

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

40. The Committee notes with appreciation the measures taken to improve access to education for all children, including the Education Development Programme 2021–2040, but is deeply concerned about:

- (a) The large number of children attending schools with insufficient or unsafe infrastructure, and the shortage of classrooms and teachers, which negatively affect school attendance rates and learning outcomes;
- (b) Inequalities in learning outcomes experienced by girls, children belonging to minority groups and socioeconomically disadvantaged children;
- (c) The low proportion of children with disabilities enrolled in mainstream schools;
- (d) The prevalence of corporal punishment and bullying in schools.

41. **Recalling targets 4.1, 4.2, 4.5 and 4.a of the Sustainable Development Goals, the Committee urges the State party to:**

- (a) **Strengthen measures for ensuring equal access to and retention in quality, inclusive education for all children, with particular attention to girls, children with disabilities, children in rural and remote areas, children belonging to ethnic minority groups, and asylum-seeking, refugee and migrant children;**
- (b) **Allocate adequate resources to address, as a matter of urgency, schools classified as being in an “emergency” state, and to improve school infrastructure, including by building more classrooms, reducing class sizes, and increasing the quality and quantity of water and sanitation resources;**
- (c) **Establish minimum standards for ensuring safety in schools, and develop a mechanism for monitoring and reporting related issues;**
- (d) **Endorse the Safe Schools Declaration and commit to protecting schools during conflicts;**
- (e) **Improve the quality of school education and teaching and enhance educational opportunities and learning outcomes for children at all levels, including by increasing the number of teachers, in particular in rural areas, ensuring digital skills development and human rights training for teachers and providing them with adequate salaries;**
- (f) **Integrate a definition of the term “multilingual education” in the draft law on education as the right to acquire education in a child’s mother tongue, and ensure that children belonging to minority groups have access to quality multilingual education, including through multilingual teachers and appropriate materials and educational technologies;**
- (g) **Ensure inclusive education in early childhood education and in mainstream schools for all children with disabilities by providing training to teachers and educational administrators on the minimum standard for the accessibility of school education for children with disabilities, ensuring reasonable accommodation within the school infrastructure, and adapting curricula and training and assigning specialized teachers and professionals in integrated classes, so that children with disabilities and learning difficulties receive individual support and due attention;**
- (h) **Combat bullying in schools, and ensure that such measures encompass prevention, early detection mechanisms, the empowerment of children and professionals, intervention protocols, awareness-raising on its harmful effects, and training for teachers on preventing and responding to violence in schools;**
- (i) **Develop guidelines and regular training for teachers on addressing violence and other disturbances in schools, with a view to preventing misuse of the law allowing for penalties on students and/or their parents who insult a teacher, and**

ensuring that teachers take a child-sensitive, non-violent approach to dealing with such disturbances;

(j) Ensure that the teaching of religions in schools promotes respect for a diversity of religions and for children's freedom of thought, conscience and religion;

(k) Ensure the right of children to leisure, play, recreational activities, cultural life and the arts, including through safe and accessible playground spaces.

## **K. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

### **Asylum-seeking, refugee and migrant children**

42. Recalling its joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recommends that the State party:

(a) Strengthen its refugee protection system and status determination procedure to ensure that they take into account the best interests of the child, are child-sensitive and comply with international refugee and human rights law;

(b) Reduce processing times for asylum applications and ensure that all asylum-seeking children have prompt access to housing, education, health services, psychosocial and integration support and social security;

(c) Provide asylum-seeking, refugee and migrant children with durable solutions, including residence status and support for their social integration;

(d) Develop national guidelines on ensuring the rights of unaccompanied children, including through multisectoral coordination, and establish a mechanism for ensuring the prompt identification and referral of unaccompanied children to a professionally trained guardian, tracing mechanisms, temporary care arrangements and support services tailored to their needs.

### **Economic exploitation, including child labour**

43. The Committee is deeply concerned about the large number of children exploited in child labour, including in hazardous work.

44. Recalling target 8.7 of the Sustainable Development Goals and its previous recommendations,<sup>14</sup> the Committee urges the State party to:

(a) Develop a strategy for the elimination of the worst forms of child labour and enforcement of the child labour laws, and provide sufficient resources for the implementation of those laws;

(b) Expeditiously approve the draft amendment to the law on the procedure for conducting inspections of business entities to eliminate the requirement for a 10-day advance notice of a visit by labour inspectors;

(c) Intensify labour inspections, including by providing training for labour inspectors to enforce child labour laws and by increasing the number of labour inspectors in the agricultural and informal sectors of economy, and ensure the imposition of sanctions in cases of infringement of the law;

(d) Strengthen measures to withdraw children from child labour and to ensure their access to education and reintegration programmes;

<sup>14</sup> Ibid., para. 62.

(e) Conduct awareness-raising activities among businesses and in the agricultural and informal sectors on the prevention of the exploitation of children, including child labour, and on the relevant legislation;

(f) Regularly collect data on the nature and extent of, and trends in, the worst forms of child labour, disaggregated by age, sex, refugee and migrant status, and other relevant factors, in order to understand the scale of the problem and inform current and future policies and strategies.

#### **Trafficking**

45. Recalling target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Ensure the effective implementation of the national referral mechanism for victims of human trafficking, and that child victims of trafficking have access to psychological support, legal assistance and other support services;

(b) Investigate and prosecute cases of trafficking of children and ensure appropriate convictions for perpetrators.

#### **Administration of child justice**

46. While welcoming the measures taken to establish a child justice system, the Committee recalls its general comment No. 24 (2019) on children's rights in the child justice system and its previous recommendations<sup>15</sup> and recommends that the State party:

(a) Allocate adequate financial, human and technical resources to establish a child justice system with court facilities, procedures and specially designated judges and prosecutors who receive continuous training, with a view to ensuring that all children accused of having infringed the criminal law are dealt with in specialized child justice systems;

(b) Adopt a new State programme on justice for children and allocate sufficient resources for its effective implementation, including by operationalizing the Inter-agency Coordination Council for Juvenile Justice;

(c) Establish a limit for the duration of pretrial detention; avoid its use by ensuring that children arrested and deprived of their liberty are promptly brought before a competent authority to examine the legality of deprivation of liberty or its continuation; and ensure that it is regularly and judicially reviewed;

(d) Provide systematic training on children's rights and child-friendly proceedings for the judiciary, lawyers, law enforcement officials and other relevant officials working with children in the justice system;

(e) Ensure that all children alleged to have infringed the criminal law, or accused of or recognized as having infringed it, have access to qualified and independent legal aid at an early stage of the procedure and throughout the legal proceedings;

(f) Actively promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences, and, wherever possible, the use of non-custodial sentences for children, such as probation or community service;

(g) Continue to ensure that detention is used as a measure of last resort and for the shortest possible period of time, is subject to appeal and is reviewed on a regular basis with a view to its withdrawal;

(h) For the exceptional situations where deprivation of liberty is justified as a measure of last resort, ensure that children are not detained together with adults and that detention conditions are compliant with international standards;

<sup>15</sup> Ibid., para. 67.

- (i) **Develop community-based services and family support and reintegration services with the aim of preventing reoffending among children and supporting those who are at risk of reoffending.**

#### **Children in armed conflict**

47. Noting with appreciation the measures taken to repatriate children who are nationals of the State party from Iraq and children from camps in the Syrian Arab Republic, the Committee recommends that the State party continue to take effective measures to repatriate all children from camps in the Syrian Arab Republic and facilitate the urgent and child-friendly reintegration of such children back into their communities.

### **L. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention**

#### **Optional Protocol on the sale of children, child prostitution and child pornography**

48. Recalling its 2019 guidelines regarding the implementation of the Optional Protocol<sup>16</sup> and its previous recommendations,<sup>17</sup> the Committee recommends that the State party:

- (a) **Ensure the effective investigation of the sale of girls for the purpose of forced marriage, sexual exploitation and abuse both in and outside the State party, including in prostitution, and that such offences are punishable by appropriate criminal sanctions;**
- (b) **Prevent and address the online sale of children for the purpose of sexual exploitation and abuse, including through the training of relevant professionals and by ensuring that Internet service providers are required by law to promptly block and remove online sexual abuse material;**
- (c) **Ensure that children who are victims of offences covered by the Optional Protocol are treated as victims and receive child-sensitive and specialized support services;**
- (d) **Establish extraterritorial jurisdiction over all crimes covered by the Optional Protocol when the victim is a national of the State party.**

#### **Optional Protocol on the involvement of children in armed conflict**

49. The Committee remains concerned that all children aged 15 and 16 participate in military and weapons training, and that children as young as 14 years of age can enrol in military schools. Recalling its previous recommendations,<sup>18</sup> the Committee recommends that the State party:

- (a) **Guarantee in law that no person under the age of 18 may be deployed on military operations;**
- (b) **Ensure that children who enrol in the Higher Military Academy and other military schools, and all persons sharing parental responsibility for them, are fully informed of the hazards and obligations of military service before enrolment in such schools, and that children are enrolled with the appropriate consent of parents or guardians;**
- (c) **Remove all activities involving the handling of weapons from the civilian education system, and include human rights and peace education consistent with the**

<sup>16</sup> [CRC/C/156](#).

<sup>17</sup> [CRC/C/OPSC/KGZ/CO/1](#).

<sup>18</sup> [CRC/C/OPAC/KGZ/CO/1](#).

Convention, in particular articles 28 and 29, and the Committee's general comment No. 1 (2001) on the aims of education;

(d) Strengthen measures to ensure the early and effective identification, including through intersectoral coordination and capacity-building for the relevant authorities, of all children who may have been recruited or used in armed conflicts abroad upon their entering the State party and provide support for their physical and psychological recovery, rehabilitation and integration into society;

(e) Consider extending extraterritorial jurisdiction for crimes concerning the recruitment and use of children in hostilities.

#### **M. Ratification of the Optional Protocol to the Convention on a communications procedure**

50. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, accede to the Optional Protocol to the Convention on a communications procedure.

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

51. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.

### **IV. Implementation and reporting**

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

52. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations. The Committee also recommends that the combined fifth and sixth periodic reports and the present concluding observations be made widely available in the languages of the country.

#### **B. Next report**

53. The Committee will establish and communicate the due date of the combined seventh and eighth periodic reports of the State party in due course, in line with the envisaged predictable reporting calendar based on an eight-year review cycle, and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>19</sup> and should not exceed 21,200 words.<sup>20</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

<sup>19</sup> [CRC/C/58/Rev.3](#).

<sup>20</sup> General Assembly resolution 68/268, para. 16.