



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the fourth periodic report of Kazakhstan*

I. Introduction

1. The Committee considered the fourth periodic report of Kazakhstan (CRC/C/KAZ/4) at its 2030th and 2031st meetings (see CRC/C/SR.2030 and 2031), held on 16 and 17 September 2015, and adopted the following concluding observations at its 2052nd meeting (see CRC/C/SR.2052), held on 2 October 2015.

2. The Committee welcomes the submission of the fourth periodic report of the State party (CRC/C/KAZ/4) and the written replies to the list of issues (CRC/C/KAZ/Q/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 multisectoral delegation of the State party.

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

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

- (a) Convention on the Rights of Persons with Disabilities, in 2015;
- (b) Convention on the Civil Aspects of International Child Abduction, in 2012;
- (c) Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, in 2010;
- (d) United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in 2008.

* Adopted by the Committee at its seventieth session (14 September -2 October 2015).



4. The Committee notes with appreciation the adoption of the following legislative measures:

(a) Amendments to the Criminal Code and the Code of Administrative Offences on 1 January 2015, strengthening the liability for sexual or economic exploitation of children and increasing liability for not fulfilling or improperly fulfilling parental responsibilities;

(b) Amendments to the Domestic Violence (Prevention) Act on 18 February 2014, increasing penalties for offences in the family, including those committed against minors;

(c) Act amending certain legislative acts of Kazakhstan concerning the safeguarding of the right to housing of orphaned children and children without parental care, on 4 July 2013;

(d) Act on the State Education Savings Account on 14 January 2013, which provides for opening educational savings accounts for children in care institutions;

(e) Marriage and Family Code on 26 December 2011, which includes, among others, provisions on children's rights such as the right to a name and property.

5. The Committee welcomes the following policy measures:

(a) Plan of action to combat and prevent offences involving trafficking in persons 2015-2017;

(b) State Programme for the Development of Education for 2011-2020;

(c) The Salamatty Kazakhstan State Health-care Development Programme for 2011-2015.

6. The Committee notes as positive the standing invitation extended by the State party to United Nations special procedure mandate holders on 28 July 2009.

III. Main areas of concern and recommendations

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

7. **The Committee recommends that the State party take all measures necessary to address its previous recommendations of 2007 (CRC/C/KAZ/CO/3) that have not been implemented or not sufficiently implemented, in particular, those related to coordination (para. 15), independent monitoring (para. 17), data collection (para. 21), dissemination of the Convention (para. 23), the best interests of the child (para. 29), respect for the views of the child (para. 31), alternative care (para. 42) and children with disabilities (para. 48).**

Legislation

8. The Committee welcomes the adoption of numerous legislative acts addressing the rights of children and bringing the State party's legislation closer to the provisions of the Convention. The Committee also notes the decision of the Supreme Court of 10 July 2008 ordering the courts to directly apply international treaties to which Kazakhstan is a party and information provided by the State party during the dialogue with the Committee about the draft code of civil procedure soon to be adopted, which will make direct application of these international treaties mandatory. However, the Committee is concerned that

implementation of the State party's legislation and the Convention overall remains insufficient.

9. **The Committee recommends that the State party strengthen its mechanisms for implementing its legislation that is in compliance with the Convention and the Optional Protocols thereto, including by introducing sanctions for violations of children's rights and raising the awareness of judges, law enforcement officials and children themselves of their rights under the Convention and the Optional Protocols thereto. It also recommends that the State party expedite the adoption of the above-mentioned draft code of civil procedure.**

Comprehensive policy and strategy

10. The Committee regrets that no policy or strategy on the rights of children has been adopted since the Children of Kazakhstan State programme was terminated. It is also concerned that the National Human Rights Action Plan for 2009-2012, in particular the part related to children's rights, is not implemented widely enough.

11. **The Committee recommends that the State party prepare a comprehensive policy for implementing the rights of children on the basis of the analysis and evaluation of its Children of Kazakhstan State programme and the National Human Rights Action Plan for 2009-2012. It also recommends that the State party develop an action plan based on that policy that includes establishing efficient mechanisms for its implementation, supported by sufficient human, technical and financial resources.**

Allocation of resources

12. The Committee regrets the lack of information about any targeted and transparent budget allocations for children, in particular for those in marginalized and disadvantaged situations.

13. **The Committee recommends that the State party establish a budgeting process that includes a child rights perspective and specifies, in a transparent manner, allocations for children, in particular children in marginalized and disadvantaged situations, in the relevant sectors and agencies, including specific indicators and a tracking system.**

Data collection

14. While noting the extensive data provided by the State party both in its report and its written replies, the Committee is concerned that the data provided are not sufficiently specific to enable effective evaluation of the general situation of children in the country.

15. **In the light of its general comment No. 5 (2003) on general measures of implementation, the Committee urges the State party to expeditiously improve its data collection system and identify data indicators. It also recommends that the data and indicators be shared among the ministries concerned and used for formulating, monitoring and evaluating policies, programmes and projects for the effective implementation of the Convention. In this context, the Committee also recommends that the State party strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF) and regional mechanisms.**

Independent monitoring

16. The Committee notes the existence of the Child Rights Unit at the Office of the Commissioner for Human Rights in Kazakhstan, as mentioned by the State party during the dialogue. However, it regrets that, despite the commitments made publicly, the

establishment of the post of the ombudsperson for children has been delayed. The Committee is also concerned that the number of complaints concerning children's rights received and dealt with by the Office of the Commissioner remains low, which may be linked to the lack of awareness about the procedure for submitting complaints among children.

17. In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions, the Committee recommends that the State party take measures to expeditiously establish the post of ombudsperson for children in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). He or she should be able to receive, investigate and address complaints by children in a child-sensitive manner, ensure the privacy and protection of victims and undertake monitoring, follow-up and verification activities for victims.

Children's rights and the business sector

18. The Committee notes the State party's explanation that business enterprises are legally accountable for violations of children's rights under civil, administrative and criminal procedures and that the State party is preparing to ratify relevant international treaties. Nevertheless, the Committee is concerned that the State party lacks regulations for business activities, including regulations on corporate social responsibility and codes of conduct on respecting human rights and environmental standards, in particular in their extracting activities.

19. The Committee draws the State party's attention to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and recommends that the State party establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environment and other standards, particularly with regard to children's rights, and in the light of Human Rights Council resolutions 8/7 (para. 4 (d)) and 17/4 (para. 6 (f)). In particular, it recommends that the State party:

(a) Establish a clear regulatory framework for the industries operating in the State party to ensure that their activities do not negatively affect human rights or endanger environmental or other standards, especially those relating to children's rights;

(b) Ensure effective implementation by companies, in particular industrial companies, of international and national environment and health standards, and effective monitoring of the implementation of these standards and appropriately sanction the perpetrators and provide remedies when violations occur, as well as ensure that the appropriate international certification is sought;

(c) Require companies to carry out assessments, consultations and full public disclosure of the environmental, health-related and human rights impact of their business activities and their plans to address such impact;

(d) Be guided by the United Nations "Protect, Respect and Remedy" Framework, accepted unanimously in 2008 by the Human Rights Council, when implementing these recommendations.

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

Non-discrimination

20. While noting the numerous legislative acts that prohibit discrimination against children in vulnerable situations, the Committee is concerned that the implementation of such acts is insufficient and discrimination against children with disabilities, children in rural areas, children residing in areas of environmental disasters, non-citizen children and children from poor families persists, especially with regard to their access to education and health care. It also regrets that the State party's legislation does not contain a definition of "discrimination" as prescribed in the Convention on the Elimination of All Forms of Racial Discrimination.

21. **The Committee recommends that the State party take all measures necessary to implement its legislative acts that prohibit discrimination and to combat any forms of discrimination against children in marginalized and disadvantaged situations, and ensure that such children have equal access to quality education and health care. It also recommends that the State party adopt a definition of "discrimination" that is in accordance with international standards.**

Best interests of the child

22. While noting that the principle of the best interests of the child is incorporated into the State party's legislation, including the Constitution, the Committee is concerned about the lack of proper understanding and practical application of the best interests of the child in deciding all matters concerning children, in accordance with article 3 of the Convention.

23. **In the 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, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons with authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.**

Respect for the views of the child

24. The Committee notes the information provided by the State party at the dialogue that, in practice, the courts ask a child's opinion irrespective of his or her age in cases where the child's interests are at stake. However, the Committee is concerned that the State party has maintained the age limit for a child to express his or her views at 10 years in its legislation. Furthermore, the Committee is concerned about the low levels of children's participation in decision-making processes on issues that have a direct impact on them.

25. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Take measures to abolish the age limit for a child to express his or her views and ensure the effective implementation of the legislation recognizing the right of the child to be heard in relevant legal proceedings, including by establishing systems and/or procedures to ensure social workers and courts comply with the principle;**

(b) **Conduct research to identify the issues that are the most important to children, to hear their views on those issues, to find out how well their voices are**

heard in family decisions affecting their lives and to identify the channels through which they currently and potentially have the most influence on national and local decision-making;

(c) **Develop toolkits for public consultation on national policy development to standardize such consultation at a high level of inclusiveness and participation, including consulting with children on issues that affect them;**

(d) **Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, including within student council bodies, with particular attention given to girls and children in vulnerable situations;**

(e) **Establish the children's parliament and ensure that it is provided with a meaningful mandate and adequate human, technical and financial resources, in order to facilitate children's effective engagement with national legislative processes on issues that affect them.**

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

Torture and other cruel or degrading treatment or punishment

26. The Committee is concerned about the reports that incidents of torture and ill-treatment of children in police custody and care institutions still occur.

27. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to launch prompt and effective investigations into all reports of torture and other cruel or degrading treatment or punishment, in particular in police custody and care institutions. The Committee recommends that the State party take all measures necessary to prosecute and punish the perpetrators and provide victims of such violations with appropriate physical and psychological rehabilitation.**

Corporal punishment

28. While noting some positive legislative changes, the Committee remains concerned that the State party's legislation fails to explicitly prohibit corporal punishment, however light, in the home, care institutions and day-care facilities. It is also concerned about violent disciplinary measures applied in families, schools and care institutions.

29. **In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to take immediate measures to explicitly prohibit corporal punishment in all its forms in the home, care institutions and day-care facilities and ensure that those who violate the law are held accountable. The Committee also recommends that the State party take measures to foster positive, non-violent and participatory forms of child-rearing and discipline among parents, teachers, staff of care institutions and day-care facilities and other professionals working with and for children.**

Abuse and neglect

30. The Committee is seriously concerned about the reports that physical, verbal and psychological violence by staff is commonplace in care institutions and institutions for children with disabilities. It is also concerned about cases of violence against children by schoolteachers, which have had serious consequences, including the death of a child.

Furthermore, the Committee is concerned about the reports that large numbers of children have been exposed to cyberbullying.

31. **In the light of its general comment No. 13, the Committee recommends that the State party introduce mechanisms, especially in care institutions, institutions for children with disabilities and schools, to enable children to report any form of violence by the staff in a confidential manner and that an immediate investigation is opened into all such cases reported. It also recommends that the State party take measures to educate children on Internet safety and prevent and tackle cyberbullying among and against children.**

Sexual exploitation and abuse

32. The Committee is concerned about the reports of increasing numbers of cases of sexual violence against children and a lack of shelters for child victims of sexual violence and abuse.

33. **The Committee recommends that the State party establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation, including by raising the awareness of children on how to detect and report sexual violence and abuse. It also recommends that the State party ensure the development of programmes and policies to prevent child sexual exploitation and abuse and for recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children.**

Harmful practices

34. While noting the positive measures taken by the State party to prevent child and forced marriages, the Committee is concerned that a number of girls continue to be subjected to early and forced marriages, especially in the rural areas of the Akmola, Mangistau and South Kazakhstan regions. It is also concerned about the continuing practice of “bride kidnapping” in rural areas, which can involve the ill-treatment and the marriage of young girls against their consent.

35. **The Committee urges the State party to ensure that the minimum age of marriage, set at 18 years of age for both girls and boys, is enforced throughout the country. The Committee also recommends that the State party:**

(a) **Develop awareness-raising campaigns and programmes on the harmful effects of early marriages on the physical and mental health and well-beings of girls, targeting, in particular, parents, teachers and religious and community leaders;**

(b) **Establish protection schemes for victims of early and forced marriages who file a complaint;**

(c) **Fully eradicate the harmful practice of “bride kidnapping”;**

(d) **In the light of the 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 on harmful practices (2014), take active measures to put an end to harmful practices against children in the State party.**

D. Family environment and alternative care (arts. 5, 9-11, 18 (1 and 2), 20-21, 25 and 27 (4))

Children deprived of a family environment

36. While noting the efforts by the State party to introduce other types of alternative care for children deprived of a family environment, the Committee remains concerned that a significant number of children without parental care, namely 29 per cent, remain in institutions. The Committee is also concerned that care institutions fail to prepare older children for a life outside institutions and very limited support is provided by the State to children who leave institutions.

37. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:**

(a) **Continue to support and facilitate family-based care for children wherever possible and establish an effective system of foster care for children with a view to further reducing the institutionalization of children;**

(b) **Ensure adequate safeguards and clear criteria, based on the needs and the best interests of the child, for determining whether a child should be placed in alternative care;**

(c) **Provide children who are about to leave institutions with sufficient support and ensure that they obtain the knowledge and skills necessary to live independently and are provided with an adequate standard of living.**

Adoption

38. The Committee notes that the State party has launched investigations into cases of the sale of children in connection with intercountry adoptions. However, it is seriously concerned that children who were put up for intercountry adoption are still missing from the State party's database. The Committee is also concerned that the State party's legislation provides for adoption secrecy, which prevents children from receiving information about their origins.

39. **The Committee urges the State party to strengthen its investigation into cases of the sale of children and take all measures necessary to locate the children who were placed for intercountry adoption and provide them with the protection necessary. The Committee also urges the State party to amend its legislation to comply with the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and lift the secrecy of adoption.**

E. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1-3) and 33)

Children with disabilities

40. The Committee notes the efforts of the State party to create a "barrier-free" environment for children with disabilities. However, the Committee is concerned that there remain challenges with regard to pedagogical and psychological assistance provided in schools to implement inclusive education and that large numbers of children with disabilities are still not enrolled in mainstream schools or kindergartens. Furthermore, the Committee is concerned about the lack of rehabilitation programmes for children with psychosocial disabilities.

41. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to ensure that all children with disabilities are enrolled in preschools and schools. It also recommends that the State party adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and continue to develop and prioritize inclusive education over the placement of children in specialized institutions and classes. It specifically recommends that the State party train and assign specialized teachers and professionals in inclusive classes to provide individualized support and all due attention to children with special educational needs, as well as rehabilitation programmes for children with psychosocial disabilities.

Health and health services

42. The Committee welcomes the positive developments in health, including the significant reduction of maternal, infant and child mortality rates. It is, however, concerned about:

- (a) Unequal access to quality health services throughout the country, with the majority of the rural and marginalized population having limited access to specialized care;
- (b) Undernourishment of children seeming to persist in some regions of the country;
- (c) Regional disparities in distribution of hospital beds, doctors and nurses;
- (d) Reports of the mass infection of children with hepatitis C in the children's hospitals in the cities of Astana and Almaty.

43. The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party provide equal access to quality health-care services, including specialized care, hospital facilities, qualified doctors and nurses and all equipment necessary throughout the country both in urban and rural areas. The Committee also recommends that the State party take measures to address the undernourishment of children in regions where that is identified as a problem. Furthermore, it recommends that the State party continue improving sanitary standards and procedures in all its hospitals and institutions regarding blood transfusion and prevent any potential negligence by their staff.

Mental health

44. The Committee notes the considerable efforts of the State party in combating suicide, including the interdepartmental suicide prevention action plan for 2012-2014, which have led to a decrease in the number of suicides. However, it remains concerned that suicide is still the leading cause of adolescent mortality in the country.

45. The Committee recommends that the State party strengthen its efforts to prevent suicides and suicidal behaviour among its adolescents and adopt mental health programmes and other measures, such as making available specifically trained schools counsellors, to address the specific needs of adolescents who are prone to suicidal behaviour.

Adolescent health

46. The Committee is concerned about the persistently high number of teenage pregnancies, which remains a problem in the State party, as well as about the high rate of abortions among teenage girls. The Committee is also concerned about the lack of access to sexual and reproductive health information and facilities, in particular in rural areas.

47. In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee recommends that the State party adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention given to preventing early pregnancy and sexually transmitted infections. It furthermore recommends that the State party establish centres and clinics in rural areas where children could seek confidential counselling on sexual and reproductive health.

Environmental health

48. The Committee is still concerned about the negative impact of the pollution of the Aral Sea and the environmental pollution of the former nuclear test site of Semipalatinsk on the health of children living in neighbouring areas. While noting the State party's efforts to dispose of waste, the Committee remains concerned about air pollution and the accumulation of waste, as well as the contamination of soil and water by industrial waste, agricultural pollutants and chemicals.

49. The Committee urges the State party to take further steps to address environmental hazards that affect the health of children living in close proximity to the Aral Sea and Semipalatinsk, and to strengthen its efforts to address environmental issues concerning waste disposal and the use of pollutants and chemicals. The Committee further calls on the State party to allocate more resources in this regard and to strictly enforce its environmental legislation.

Standard of living

50. The Committee is still concerned that, despite some improvements, significant numbers of children in the State party continue to live in poverty, in particular children who live in rural areas, large households, young families, single-parent families, families with persons with disabilities and migrant families.

51. The Committee recommends that the State party take additional measures to combat poverty, in particular by identifying and addressing root causes and increasing its social welfare and child support allocations to families with children in need.

F. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

52. The Committee welcomes the significant improvements in the State party's education system, but is concerned that schools do not accept the children of asylum seekers, refugees or migrant workers who do not possess valid registration or documents. Furthermore, the Committee is concerned that children's rights are not part of a mandatory school curriculum.

53. In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party provide education in mainstream schools to all children on its territory irrespective of their parents' legal status or whether they possess registration or other documents. The Committee also recommends that the State party include a course on children's rights as part of the mandatory curriculum in all schools.

G. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d) and 38-40)

Asylum-seeking and refugee children

54. While welcoming the adoption of the Refugee Act in 2009, the Committee is concerned that:

(a) Several by-laws and regulations by the State party contain inconsistencies with the Refugee Act of 2009 and international standards established in the 1951 Convention on the Status of Refugees;

(b) The special needs and rights of children are not reflected in the State party's asylum procedures and there is no law or regulation addressing the treatment of unaccompanied and separated children;

(c) The State party's legislation lacks special protection measures (the non-refoulement principle) for children who cannot return to their countries of origin owing to armed conflict or generalized violence;

(d) Despite some positive efforts by the State party, repatriate, refugee, asylum-seeking and stateless children still face barriers in enjoying the full range of rights, including free health care and education.

55. In the light of its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party take all measures necessary to:

(a) **Address inconsistencies in all of its national legislation, including by-laws and regulations, in order to comply with international standards under the 1951 Convention on the Status of Refugees;**

(b) **Ensure that refugee status determination is conducted in a child-sensitive manner with regard to both procedural and substantive aspects and that the best interests of the child are taken into account as a primary consideration in all its decisions;**

(c) **Introduce a special protection status (the non-refoulement principle) for children who are not formally recognized as refugees, but are nonetheless unable to return to a country where there are substantial grounds to believe that there is a real risk of irreparable harm to the child;**

(d) **Amend its legislation to allow all children irrespective of the status of their parents to have access to free education and medical services, among other services.**

Economic exploitation, including child labour

56. The Committee notes the efforts undertaken by the State party to prevent child labour. However, it is concerned about the incidence of the use of children in cotton-harvesting, which involves heavy lifting, poor living conditions, poor-quality meals and health risks related to fertilizers and pesticides. The Committee is also concerned about the reports of child labour in vegetable plantations and in car-washing, places of entertainment or trade.

57. The Committee recommends that the State party take all measures necessary, including legal measures, to prevent the involvement of children in cotton-harvesting, on vegetable plantations and in any commercial activities that are harmful to their health and development, as well as punish those who are responsible. The Committee

urges the State party to ensure and monitor children's school attendance and provide support to families who depend on child labour. Furthermore, the Committee recommends that the State party seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office in this regard.

Sale, trafficking and abduction

58. While noting the significant improvements in the State party's legislation, including increased penalties for trafficking in persons and the introduction as a crime of trafficking in children in 2014, the Committee is seriously concerned about the reports that large numbers of children are trafficked from, to and within the country and most victims remain unidentified. The Committee is furthermore alarmed at the information about the persistent complicity of the police in trafficking and exploitation cases.

59. **The Committee urges the State party to immediately take measures to identify the victims of trafficking within and outside the country and take measures to prosecute and punish perpetrators on the basis of its new legislation. It particularly recommends that the State party continue to take a harsh stance against the police officers involved in such crimes and prosecute and punish them under the relevant provisions of the Criminal Code.**

Administration of juvenile justice

60. The Committee welcomes the significant reduction in the use of deprivation of liberty against children and the establishment of 19 juvenile courts in the country, including the establishment of specialized rooms for interviewing children. However, the Committee is still concerned that:

- (a) There is still no single law that comprehensively regulates the juvenile justice system;
- (b) Not all criminal cases are dealt with in juvenile courts;
- (c) No single body is assigned to psychological support and social work with children in the justice system;
- (d) Not all judges, prosecutors and police officers have been trained on the rights of children;
- (e) There is a lack of qualified and independent legal aid for children;
- (f) Relocation of children to the juvenile detention centre in Almaty has resulted in less frequent meetings of these children with their parents.

61. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

- (a) **Adopt a comprehensive law that will regulate all aspects of the juvenile justice system;**
- (b) **Ensure that all cases involving children in conflict with the law are dealt with by the juvenile justice system;**
- (c) **Ensure that all children in the justice system are provided with psychological counselling and social assistance, where necessary;**

(d) Provide regular training on children's rights to all professionals dealing with children in the justice system, in particular judges, prosecutors and police officers;

(e) Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;

(f) In cases where detention is unavoidable, ensure that the children are able to have a frequent contact with their families, and that detention conditions are compliant with international standards.

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

62. The Committee welcomes that the 2014 amendments to the Criminal Code have introduced most elements of the crimes covered by articles 2 and 3 of the Optional Protocol. However, the Committee is concerned that the State party has not implemented a number of recommendations made in the concluding observations on its report submitted under the Optional Protocol (see CRC/C/OPSC/KAZ/CO/1). In particular, it has retained the requirement of double criminality, for either extraterritorial jurisdiction or extradition for crimes under the Optional Protocol committed abroad.

63. The Committee recommends that the State party strengthen its legislation in order to remove the requirement of double criminality for all crimes covered by the Optional Protocol to ensure extraterritorial jurisdiction and extradition in conformity with the requirements of the Optional Protocol.

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

64. The Committee regrets the lack of information on the implementation of its concluding observations of 29 September 2006 on the State party's initial report under the Optional Protocol to the Convention on the involvement of children in armed conflict (see CRC/C/OPAC/KAZ/CO/1, paras. 7 and 15), in particular in relation to the prohibition and criminalization of recruitment of children into armed groups and their participation in hostilities and access to independent complaint and investigation mechanisms in military schools.

H. Ratification of the Optional Protocol on a communications procedure

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

I. Ratification of international human rights instruments

66. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

IV. Implementation and reporting

A. Follow-up and dissemination

67. 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. The Committee also recommends that the fourth periodic report, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.

B. Next report

68. The Committee invites the State party to submit its combined fifth and sixth reports by 10 September 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that 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 thereof for the purposes of consideration by the treaty body cannot be guaranteed.

69. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.
