



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Thirty-seventh session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding observations: Kyrgyzstan**

1. The Committee considered the second periodic report of Kyrgyzstan (CRC/C/104/Add.4) at its 987th and 988th meetings (see CRC/C/SR.987 and CRC/C/SR.988), held on 23 September 2004, and adopted at its 999th meeting (CRC/C/SR.999), held on 1 October 2004, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the State party's second report, as well as the detailed written replies (CRC/C/RES/63) to its list of issues (CRC/C/Q/KGZ/2), which gave a clearer understanding of the situation of children in the State party. It also notes the open and constructive dialogue it had with the State party's high-level delegation.

**B. Follow-up measures undertaken and progress achieved by the State party**

3. The Committee welcomes the adoption of New Generation, the National Programme and Plan of Action for the Realization of Children's Rights for the period up to 2010, adopted in pursuance of the Convention and the concluding observations of the Committee (CRC/C/15/Add.127) following the consideration of the State party's initial report (CRC/C/41/Add.6).

4. The Committee notes with appreciation the adoption of the Law on the People's Rights Defenders (Ombudsmen), the election of the first Ombudsman in November 2002 and the establishment of a section for children's rights issues within the Office of the Ombudsman.

5. The Committee also welcomes the State party's ratification of the Optional Protocol to the Convention on the involvement of children in armed conflict; the Optional Protocol on the sale of children, child prostitution and child pornography; the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

### **C. Factors and difficulties affecting the implementation of the Convention**

6. The Committee notes that the State party continues to deal with serious economic, social and political challenges following independence in 1991, including a deterioration of living standards, increased unemployment, poverty and corruption, which have had an especially severe impact on children belonging to the most vulnerable segments of society.

### **D. Principle areas of concern and recommendations**

#### **1. General measures of implementation**

##### **Previous recommendations of the Committee**

7. The Committee notes with satisfaction that various concerns and recommendations made upon the consideration of the State party's initial report have been addressed through legislative measures and policies. However, recommendations regarding, inter alia, the establishment of guidelines governing foster care and adoption (CRC/C/15/Add.127, para. 38), the protection of street children (para. 50), the enforcement of labour laws with regard to child labour (para. 56), the protection of children from sexual exploitation (para. 60) and the administration of juvenile justice (para. 62), have not been given sufficient follow-up. The Committee notes that these concerns and recommendations are reiterated in the present document.

**8. The Committee urges the State party to make every effort to address the recommendations contained in the concluding observations on the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second periodic report.**

##### **Legislation**

9. The Committee welcomes the changes in domestic legislation, which should provide a basis for strategies and practice. However, the Committee is concerned that all domestic legislation does not fully conform to the principles and provisions of the Convention. The Committee is also concerned that the new Children Code may not be in compliance with the Convention, especially in the areas of reproductive health and adoption.

**10. The Committee recommends that the State party undertake a comprehensive review of domestic legislation in order to ensure that it conforms fully to the principles and provisions of the Convention. The Committee urges the State party to organize a broad**

**consultative process in order to prepare for the adoption of the Children Code and to ensure that the Code is in full compliance with the provisions and principles of the Convention.**

### **Coordination**

11. The Committee takes note of the information received on the national Commission for Minors. However, the Committee is concerned that there is a no permanent mechanism to coordinate the policies and activities on children's rights that are being carried out by the various government ministries, civil society organizations and international agencies. The limited resources available to New Generation also seem to have impeded the development of coordinated ministerial action for children.

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

**(a) Adopt clear programming tools within New Generation, based on the principles and provisions of the Convention;**

**(b) Review the New Generation programme periodically, with the active participation of children and NGOs; and**

**(c) Allocate sufficient resources for the effective implementation of this programme.**

13. **The Committee also recommends that the State party establish a permanent intersectoral and multidisciplinary mechanism to coordinate all policies, strategies and activities relating to children. Sufficient financial and human resources should be allocated to the coordination mechanism and, if necessary, the State party should seek international assistance from UNICEF, among others, in this regard.**

### **Independent monitoring**

14. While welcoming the adoption of the Law on the People's Rights Defenders and the fact that the Office of the Ombudsman has established a specific department dealing with children's rights, the Committee is concerned that the Law does not specifically empower the Ombudsman to receive and address individual complaints from children.

15. **In light of its General Comment No. 2 (2002) on national human rights institutions, the Committee encourages the State party to strengthen the role of the Office of the Ombudsman in accordance with the Paris Principles (General Assembly resolution 48/134, annex). The Committee also encourages the State party to empower the department of children's rights within the Office of the Ombudsman to deal with complaints from children, and do so in a child-sensitive and expeditious manner, and also provide remedies for violations of their rights under the Convention. This department should be provided with adequate human and financial resources.**

### **Resources for children**

16. The Committee is concerned about the decrease, in percentage terms, in the resources allocated for children in the national budgets of recent years. It is also concerned that these resources are insufficient to respond to national and local priorities for the protection and promotion of children's rights.

17. **The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by:**

**(a) Prioritizing budgetary allocations at the national and local levels in the context of decentralization to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, "to the maximum extent of ... available resources";**

**(b) Identifying the amount and proportion of the State budget spent on children in the public, private and NGO sectors in order to evaluate the impact and effect of the expenditures and also the accessibility, quality and effectiveness of the services for children in the different sectors.**

### **Data collection**

18. The Committee is concerned about the discrepancies in the data collected by the various ministries and about the lack of disaggregated quantitative and qualitative data on persons under the age 18 years in all areas covered by the Convention, including children living in poverty, children living in rural areas, children with disabilities and street children. The Committee is also concerned that certain of the data collected only apply to children under the age of 17 years, as is the case for data relating to children with disabilities, or those under the age of 16 years, as is the case for data relating to education.

19. **The Committee recommends that the State party develop a comprehensive system for collecting disaggregated data to cover all those under the age of 18 years as a basis for assessing progress achieved in the realization of children's rights and to help design policies to implement the Convention. It also recommends that the State party seek technical assistance from, inter alia, UNICEF in this regard.**

### **Dissemination and training**

20. The Committee notes with appreciation the efforts made by the State party in disseminating the Convention through, inter alia, newsletters, seminars and workshops. Nevertheless, it remains concerned about traditional attitudes towards children and adolescents in society and that children, as well as many professionals working with and for them, are not sufficiently aware of the Convention and the rights-based approach enshrined therein.

21. **The Committee recommends that the State party establish a comprehensive policy with a view to strengthening its efforts to ensure that the provisions and principles of the Convention are widely known and understood by adults and children alike. It also recommends that the State party reinforce adequate and systematic training of all**

**professional groups working for and with children, in particular law enforcements officials, teachers, health personnel (e.g. psychologists and social workers) and personnel in childcare institutions.**

### **Cooperation with NGOs**

22. The Committee takes note of the information that efforts are being made by the State party to establish relationships between the Government and civil society and to increase mutual cooperation. However, the Committee is concerned that these efforts have not yet led to a systematic involvement by NGOs and other sectors of civil society in the State party's implementation of the Convention.

**23. The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms, and encourages closer cooperation with NGOs. In particular, the Committee recommends that the State party involve NGOs, especially rights-based ones, and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention.**

## **2. Definition of the child**

24. While noting that the State party defines minors as those under 18 years of age, the Committee is aware that numerous legislative acts contain differing definitions for the cut-off age for a "minor". The Committee is concerned that:

(a) Assistance to families with children with disabilities or children with HIV/AIDS is being provided only to children under the age of 16; and

(b) Children in special institutions for psychological care are being transferred to adult psychiatric hospitals at the age of 16.

**25. The Committee recommends that the State party take the necessary legal measures to ensure that all persons under 18 year of age are guaranteed by law the special protection they are entitled to under the Convention.**

## **3. General principles**

### **Non-discrimination**

26. The Committee is concerned that societal discrimination persists against vulnerable groups of children, including children with disabilities, those living in institutions or in poverty, migrants and asylum-seekers with no formal residence permits. The Committee is also concerned at the increasing discrimination against the girl child, in particular girls living in rural areas, due to re-emerging trends such as bridal kidnappings and forced marriages.

**27. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and adopt a proactive and comprehensive**

**strategy to eliminate discrimination on any grounds and against all vulnerable groups. The Committee urges the State party to pay particular attention to the situation of the girl child, in particular girls living in rural areas, in order to halt the practices of forced marriage and bridal kidnapping, which prevent the girl child from fully enjoying the rights enshrined in the Convention.**

28. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow-up on the Declaration and Programme of Action adopted in 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Committee's General Comment No. 1 (2001) on the aims of education.**

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

29. The Committee is concerned that the principle of the best interests of the child is not fully integrated into all policies and legislation affecting children, or in judicial and administrative decisions affecting children.

30. **The Committee recommends that the State party review all legislation affecting children with a view to incorporating the principle of the best interests of the child as reflected in article 3 of the Convention into legislation, regulations and judicial and administrative procedures.**

#### **Right to life**

31. While acknowledging the existence of bilateral negotiations to address the issue, the Committee is concerned at reports of children being injured as a consequence of landmines on the borders of the State party.

32. **The Committee urges the State party to continue its efforts to achieve a bilateral agreement for the demining and demarcation of the border areas, including the ratification and full implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction of 1997. The State party should seek international assistance from the United Nations and other competent bodies in this regard.**

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

33. Notwithstanding the opportunities provided by the Marriage and Family Code for children to express their views (change of name, determination of paternity, place of residence and determination of adoption, amongst others), the Committee notes with concern that children have limited opportunities to freely and fearlessly express their views in schools, courts, or within the family.

34. **In the light of article 12 of the Convention, the Committee recommends that the State party undertake further measures to ensure that children's views are given due**

**consideration in schools, courts, within the family and during relevant administrative processes concerning children through, inter alia, the adoption of appropriate legislation, the training of all caregivers and professionals working with and for children and the use of information campaigns.**

#### **4. Civil rights and freedoms**

##### **Birth registration**

35. The Committee is concerned that access to civil authorities for the purpose of birth registrations is not always guaranteed, in particular for asylum-seekers, persons seeking protection who have not received refugee status and those living in rural areas.

36. **The Committee recommends that the State party strengthen its efforts to improve the birth registration system, including through the development of mobile registration units and increased outreach activities and awareness-raising campaigns for families and traditional birth attendants.**

##### **Protection from torture and inhuman or degrading treatment or punishment**

37. The Committee is concerned that persons below 18 allegedly continue to be subjected to torture and cruel treatment, in many cases when in police custody or awaiting trial. Access to legal counsel and/or medical services and communication with their families also seems limited for young persons in police custody. The Committee is also concerned that the complaint procedures for these abuses are not child-sensitive and have not proven to be efficient as no sanctions seem to have been applied.

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

**(a) Undertake all necessary measures to prevent acts of torture and inhuman or degrading treatment or punishment, in particular through training of the police forces;**

**(b) Take measures to investigate, prosecute and sanction those involved in committing acts of torture and inhuman or degrading treatment or punishment against children and young persons;**

**(c) Provide information in its next report on the implementation of the 2003 amendment to the Criminal Code that made torture a crime; and**

**(d) Establish programmes for the rehabilitation and reintegration of the victims.**

#### **5. Family environment and alternative care**

##### **Separation from parents and alternative care**

39. The Committee notes with concern that many children in institutional care have parents and are deprived of their family environment. Sanctioning parents who do not fulfil their parental responsibilities by depriving them of their parental rights is also of concern to the Committee.

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

(a) **Adopt a comprehensive strategy and take preventive measures to avoid separating children from their family environment (inter alia, by providing parents or guardians with appropriate assistance) and to reduce the number of children living in institutions;**

(b) **For the limited number of children who have to be placed in institutions, the State party should take measures to make their stay as short as possible, inter alia by strengthening foster care;**

(c) **Take measures to create an environment that would allow for fuller development of the child and prevent and protect children from all forms of abuse. Contacts with the family while the child is institutionalized should also be further encouraged;**

(d) **Establish procedures for the investigation of complaints from children in cases of physical and emotional abuse.**

#### **Adoption**

41. The Committee is concerned that the new Family Code does not require changes in the legislation concerning the secrecy of the adoption or the right of the adopted child to know who his/her biological parents are. The practice of encouraging parents to sign documents by which they agree to give up their children when placing the latter under institutional care, although not widespread, is a matter of concern to the Committee.

42. **In light of article 21 and other relevant provisions of the Convention, the Committee recommends a review of the above-mentioned laws and policies with regard to adoption, as well as the setting up of a mechanism to monitor adoptions. When the State party considers lifting its moratorium on intercountry adoptions, the Committee recommends that it accede to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

#### **Child abuse and neglect**

43. While commending the State party for the adoption of the Law on Protection from Violence (2003), the Committee expresses its concern about the abuse and neglect that take place in families, in particular with regard to children and against adolescent girls. It is also concerned that recovery and counselling services are insufficient to meet the increased demand for such services.

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

(a) **Enforce and closely monitor the Law on Protection from Violence;**

(b) **Carry out effective public-awareness campaigns and adopt measures to provide information, parental guidance and counselling with a view, inter alia, to preventing violence against children, including the use of corporal punishment;**



**(c) Provide more training to law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner; and**

**(d) Ensure access to counselling for all victims of violence as well as assistance for their recovery and reintegration.**

### **Corporal punishment**

45. The Committee welcomes the fact that the State party considers corporal punishment unacceptable and inadmissible; however, it remains concerned that corporal punishment is not explicitly prohibited in the family, in schools, in other institutions and in childcare settings.

**46. The Committee urges the State party to expressly prohibit corporal punishment by law in the family, in schools, in institutions and in other childcare settings. It further recommends awareness-raising and promotion of positive, non-violent forms of discipline, especially in families, schools and care institutions.**

## **6. Basic health and welfare**

### **Children with disabilities**

47. The Committee notes with appreciation the efforts being made by the State party to provide more inclusive education for children with disabilities. However, the Committee is concerned about the still significant number of children with disabilities who do not receive an education and at the still prevalent trend of institutionalizing children with disabilities. The fact that children with disabilities do not have access to public buildings and public transport is also of concern to the Committee.

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

**(a) Establish a comprehensive policy for children with disabilities;**

**(b) Take effective measures to collect adequate and disaggregated data on children with disabilities up to the age of 18 years and use such data in developing policies and programmes to prevent disabilities and to assist disabled children;**

**(c) Reinforce its efforts to develop early detection programmes to prevent and remedy disabilities;**

**(d) In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69, paras. 310-339), further encourage the integration of children with disabilities into the regular educational system and into society, including by providing special training to teachers and by making schools more accessible;**

(e) Undertake awareness-raising campaigns to sensitize the public, and parents in particular, about the rights and special needs of children with disabilities, including those with mental health concerns;

(f) Increase resources, both financial and human, for special education, including vocational training, and the support given to families of children with disabilities;

(g) Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities from, among others, UNICEF and WHO.

### **Right to health and health services**

49. The Committee notes with appreciation the efforts made by the State party to work with different specialized agencies of the United Nations as well as with international NGOs to reduce child mortality. It also welcomes the decision of the Government in December 2003 to introduce the WHO live birth definition nationwide. It is, however, concerned at the regional disparities in mortality rates, the inadequate antenatal care, which is not completely free, the inhumane treatment of children in psychiatric hospitals, and the increase in cases of communicable diseases, such as tuberculosis and HIV/AIDS. Exposure to environmental hazards such as mining wastes or unsafe drinking water also worries the Committee.

50. **The Committee recommends that the State party undertake more efforts to ensure the highest attainable standard of health for all children, to improve antenatal care programmes, to prevent the spread of contagious diseases such as HIV/AIDS and tuberculosis, to improve psychiatric care so as to ensure that children with psychiatric problems are treated humanely and to explicitly prohibit placing children in adult psychiatric hospitals. International assistance from WHO and UNICEF should be requested, inter alia to address the issue of providing safe drinking water and increased access to sanitation.**

### **Adolescent health**

51. The Committee is concerned that adolescents do not receive adequate reproductive health or appropriate sex education. Furthermore, the Committee is concerned at the rising trend of tobacco use, alcohol and drug abuse and suicide among adolescents.

52. **The Committee recommends that the State party ensure adequate adolescent health services, as stated in its general comment No. 4 (2003) on adolescent health, implementing in particular programmes on reproductive health, sex education and family planning. The Committee further recommends that the State party take measures to provide mental health services to adolescents.**

## **7. Education, leisure and cultural activities**

### **Right to and aims of education**

53. The Committee notes the State party's efforts to increase enrolment rates, both in primary and secondary education, through the national programmes spelled out in the Education Act. It

is, however, concerned at the high dropout rates, especially among girls, due to forced marriages. The increasing practice of requesting parents to pay unofficial monthly and/or one-time enrolment fees, as well as for textbooks and school repairs, constitutes an obstacle for children's access to education. The Committee is also concerned that enrolment in early childhood education has decreased in the past several years and that access to education is made difficult for children who are migrants with no formal residence permits, working children and/or street children.

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

(a) **Continue to strengthen measures aimed at increasing enrolment rates in primary and secondary education, in particular with regard to early childhood education;**

(b) **Ensure that the practice of requesting that parents pay "voluntary fees" and other non-official contributions for the education of children is discontinued;**

(c) **Take measures to create more favourable conditions at schools (e.g. improvement of heating and electricity facilities as well as more friendly and less abusive environments) in order to tackle the high dropout rates;**

(d) **Establish special educational programmes in order to accommodate the needs of working children, street children, migrants with no formal residence permits and children deprived of their liberty;**

(e) **Improve the educational system with a view to achieving the aims mentioned in article 29, paragraph 1, of the Convention, taking into account the Committee's General Comment No. 1 (2001) on the aims of education, and introduce human rights, including children's rights, into school curricula;**

(f) **Seek assistance from, inter alia, UNESCO, OHCHR and other competent bodies in this regard.**

#### **Leisure, recreation and cultural activities**

55. The Committee notes with concern the general deterioration of children's access to quality leisure facilities, such as sports centres and cultural institutions, and to public libraries.

56. **The Committee recommends that the State party give priority to improving children's access to, and the quality of sports centres, cultural institutions and other leisure facilities.**

### **8. Special protection measures**

#### **Refugee and asylum-seeking children**

57. While welcoming the adoption of the Law on Refugees in 2002 and the more favourable policies towards refugees, the Committee remains concerned that certain practices do not allow persons below 18 to have their own documentation, and at reports that in some cases asylum-seekers are not being allowed to register their claims for refugee status because of their

ethnic background. The fact that asylum-seekers cannot legally remain in the country during the time given by the law for them to appeal a decision against granting refugee status is of concern to the Committee.

**58. The Committee recommends that the State party review its regulations and practices concerning refugees in order to eliminate all discriminatory elements between adults and minors as well as between refugees of different ethnic backgrounds and ensure that asylum-seekers whose application for asylum has been rejected in the first instance are granted the right to remain in the country for the period allowed by the law for filing an appeal.**

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

59. The Committee welcomes the recent creation of the Coordination Council on Child Labour (in 2004), but remains concerned about the prevalence of child labour in Kyrgyzstan and the lack of official data in this regard. The use of children as workers by State institutions, and in particular by State educational establishments, is a matter of concern to the Committee.

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

**(a) Take steps to improve the labour conditions of children who are allowed to work and enforce the provisions of the Minors' Rights (Protection and Defence) Act with regard to child labour; and**

**(b) Take immediate and effective steps to eliminate the practice in State institutions, in particular in educational institutions, of requiring children to work for the profit of these institutions.**

#### **Sexual exploitation/trafficking**

61. The Committee is concerned that the recommendations made upon consideration of the State party's initial report with regard to the involvement of children in sexual exploitation have not been fully implemented. The Committee is also concerned about the health risks posed to children who are sexually exploited and/or trafficked.

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

**(a) Undertake a study of sexually exploited children and use the data to design policies and programmes to prevent sexual exploitation, including by developing a national plan of action on commercial sexual exploitation of children as agreed at the two World Congresses against Commercial Sexual Exploitation of Children in 1996 and 2001;**

**(b) Carry out awareness-raising campaigns, particularly for children, parents and other caregivers, on the risks and effects of commercial sex;**

**(c) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner that respects the privacy of the victim;**

**(d) Ensure that sexually exploited children are always treated as victims and are provided with assistance and support for their reintegration; and**

**(e) Ensure that those who sexually exploit children are prosecuted.**

### **Street children**

63. The Committee reiterates its concern with regard to the increasing number of street children in the State party and the vulnerable situation they face daily, with many of their rights not being protected (in particular their social and economic rights) and being subjected to frequent mistreatment by police officers. It is also concerned that migrants with no formal residence permits also live in very precarious housing conditions, without access to basic infrastructure and in fear of forced eviction.

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

**(a) Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;**

**(b) Ensure that these children are provided with recovery and reintegration services for physical, sexual and substance abuse, protection from police brutality and services for reconciliation with their families; and**

**(c) Seek international assistance from, inter alia, UNICEF and ILO in this regard.**

### **Juvenile Justice**

65. The Committee is concerned that the State party has not yet established specific procedures and courts to deal separately with juvenile offenders under the justice system. Parents, doctors and lawyers are not guaranteed access to those persons below 18 who are arrested. The Committee is also concerned at the lack of vocational training or rehabilitation programmes for those below 18 who have been detained.

66. The long pre-trial detention periods, the harshness of the punishments given to those below 18 when found guilty (up to 15 years in prison) and the lack of alternative penalties to deprivation of liberty for those under the age of 14 are also of concern to the Committee. The Committee notes that when determining the criminal responsibility of a minor, differences exist between those under the age of 14 years and those under 16 years. The Committee is also concerned at the fact that juveniles, in particular girls, are being detained with adults.

67. **The Committee recommends that the State party ensures the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice. In this regard, the Committee encourages the State party as a matter of priority:**

- (a) To expedite its work on reform of the system of juvenile justice in order for children to be tried under a specific juvenile justice system and not the ordinary justice system;**
- (b) To review the existing distinction regarding criminal responsibility of minors under 14 years and those under 16 years, and ensure that alternative penalties to the deprivation of liberty exist for all minors;**
- (c) To ensure that pre-trial detention is used only in exceptional cases, and when this does occur, that access to relatives/representatives and to doctors and lawyers is guaranteed;**
- (d) To undertake all necessary measures, including through technical cooperation, to establish separate detention facilities for juveniles;**
- (e) To review the mandate and restructure the Commission on Minors' Affairs with a view to removing its punitive functions;**
- (f) To ensure that the Akzakal Courts (Elders' Courts), when dealing with children in conflict with the law, fully apply the principles and provisions of the Convention; and**
- (g) To seek technical assistance from the OHCHR and UNICEF in this regard.**

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

### **Follow-up**

68. The Committee recommends that the State party take all appropriate measures to fully implement the present recommendations, inter alia by transmitting them to the members of the Council of Ministers, the Cabinet or a similar body, the Parliament, and to provincial or local governments and parliaments, when applicable, for appropriate consideration and further action.

### **Dissemination**

69. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) adopted by the Committee be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children in order to generate debate on and awareness of the Convention, its implementation and monitoring.

## **10. Next report**

70. **In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties'**

**responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its third and fourth reports in one consolidated report by 6 May 2010, i.e. 18 months before the due date established in the Convention for the fourth periodic report. The report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.**

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