



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-sixth session

Summary record of the 1880th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 28 May 2014, at 10 a.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties *(continued)*

Combined third and fourth periodic reports of Kyrgyzstan on the implementation of the Convention on the Rights of the Child (CRC/C/KGZ/3-4, CRC/C/KGZ/Q/3-4, CRC/C/KGZ/Q/3-4/Add.1)

1. *At the invitation of the Chairperson, the delegation of Kyrgyzstan took places at the Committee table.*
2. **Mr. Bazarbaev** (Kyrgyzstan) said that important changes had taken place in the Kyrgyz Republic since the consideration of its previous report in 2004. The most significant change was certainly the constitutional reform of 2010, which had made Kyrgyzstan the first country of the Commonwealth of Independent States to adopt a parliamentary system. The new Constitution provided special protection guarantees for families and children and enshrined the principle of the best interests of the child, as well as that of non-discrimination. It also highlighted the multi-ethnic nature of the country and its commitment to the respect of different cultural traditions.
3. The Children's Code had been revised with the aid of international organizations and NGOs, and the new text had been adopted in 2012. It contained a section dedicated entirely to the juvenile justice system and, in particular, provided that the placement of orphans in institutions was a measure of last resort that could only be implemented by court order. It also provided for social reintegration measures and individualized assistance plans for families in serious difficulty. In order to avoid the placement in institutions of orphans and children without parental care, various forms of alternative care were being developed, such as foster care, care in family-type homes and adoption.
4. Kyrgyzstan had signed the Convention on the Rights of Persons with Disabilities in 2011 and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in 2012. It cooperated with other States to prevent the abduction, sale and trafficking of children and had implemented a repatriation procedure for Kyrgyz children in other countries who were without parental care.
5. Measures aimed at reforming and improving the education system were currently being implemented, particularly as part of the Education Development Strategy for 2012–2020.
6. Bodies specializing in child protection, such as departments for family and child support and the Commission on Children's Affairs, had been created and a department specializing in the rights of the child had been set up in the Ombudsman's Office. Since 2009, the proportion of the State budget allocated to the social sector had doubled, reaching 4.9 per cent in 2014. The minimum wage had been raised and allowances were paid to disadvantaged families. The rate of extreme poverty had decreased from 13.4 per cent in 2004 to 4.4 per cent in 2014.
7. Notable progress had also been made in the area of health. Kyrgyzstan had been one of the first countries of the former Soviet Union to adopt the recommendations of the World Health Organization regarding the criteria for live births and stillbirths, and the measures that it had taken regarding reproductive health had allowed it to reduce the infant mortality rate considerably. The system of social security medical assessment boards had been reformed in order to improve the mechanism for assessing disability and to facilitate the social integration of children with disabilities. Since 2011, with a view to improving pupil safety, 38 pilot schools had been testing a Violence Free School programme established with the support of the United Nations Children's Fund (UNICEF), among others.

8. The Government wanted to resolve the problem of torture in places of deprivation of liberty. It had thus authorized civil society organizations to visit such facilities in order to monitor them. Civil society played an active role in drawing up strategic documents relating to the rights of the child and in implementing the corresponding programmes.

9. **Ms. Khazova** (Coordinator, Country Task Force) welcomed the efforts made by the State party to advance the rights of the child in its territory despite the political, economic and social difficulties that it faced. She asked where exactly the Convention was positioned in the domestic legal order, to what extent the Convention was invoked by the courts and whether the population was aware of its provisions. Noting that the term “young persons” was used in some legal texts, she wished to know whether the definition of “child” contained in Kyrgyz legislation conformed to the definition in the Convention. She also asked whether draft bills were subject to examination in order to confirm that they gave due consideration to the best interests of the child.

10. Apparently, many services for children were accessible only if the parents could produce a birth certificate. However, births reportedly could not be registered if no identity document was presented or if they took place outside hospital. Among the Lyuli, the birth registration rate was thus low – around 50 per cent. Access to essential services such as health care and education was further limited by the residence registration system (*propiska*). Lastly, she emphasized that the State party authorities should make a concerted effort to combat the very high number of early marriages, forced marriages and abductions of young girls for the purpose of marriage.

11. **Mr. Gurán** (Country Task Force) asked which body was responsible for coordinating the measures to implement the Convention, why child protection was the responsibility of the Ministry of Labour, Employment and Migration and what were the respective competences of the departments for family and child support and the Commission on Children’s Affairs. Noting that the Ombudsman had recently been authorized to receive and consider complaints from individuals, he asked whether children were aware of that procedure and whether they had easy access to it, and he wished to know the number and type of complaints that had been received to date. The delegation should confirm whether the expression “lawful interests of the child” used in the Children’s Code was a synonym for “best interests of the child” in the sense of the Convention. Lastly, the delegation should provide clarification on the realization of the right of the child to be heard. In particular, were there student councils in schools, and to what extent was the Committee’s general comment No. 12 on the right of the child to be heard known and applied? Did professionals working for and with children receive specific training?

12. **Ms. Muhamad Shariff** (Country Task Force), noting that, according to information provided to the Committee, torture and ill-treatment remained very widespread in the State party, particularly during criminal investigations and proceedings, asked how the Kyrgyz authorities ensured the full implementation of the national programme on combating torture and other forms of ill-treatment. Did the State party plan to adopt measures expressly prohibiting all forms of corporal punishment and combating domestic and gender-based violence? She also asked whether the Government had set up free telephone lines and shelters for victims of violence, whether the police were trained to deal with child victims, whether children could lodge complaints without the presence of their parents or legal guardians, whether parenting support programmes were available and whether teachers and medical staff in particular were required to report suspected cases of violence against children.

The meeting was suspended at 10.50 a.m. and resumed at 11.20 a.m.

13. **Ms. Skripkina** (Kyrgyzstan) said that when drawing up legislation relating to children, the legislature took inspiration from international legal standards, including

specifically the Convention on the Rights of the Child, and ensured that the best interests of the child were taken into consideration. By the same token, when a child was in difficulty, the services responsible for family and child support made recommendations regarding the appropriateness of the child's placement in an institution or under guardianship, for example, bearing in mind the best interests of the child. The bill on juvenile justice currently being considered by the parliament had been drawn up in cooperation with international organizations, including the United Nations, as well as internationally renowned experts.

14. **Ms. Kalieva** (Kyrgyzstan) said that international legal norms were an integral part of domestic legislation and could be invoked before the courts. The courts generally applied the domestic law, but there was nothing to prevent them from referring to the provisions of the Convention. As part of the establishment of the juvenile justice system, members of the judiciary received mandatory training on the rights of the child. The Children's Code defined children as "all persons aged under 18 years" and the Ministry of Health and the Ministry of Education and Science took that definition into account when drawing up their policies. Women who were unable to provide proof of residence registration immediately after giving birth were not issued with birth certificates. However, they could obtain the certificate by producing that proof at a later time; in the meantime, doctors provided them with a document attesting to the birth of the child. The case of Lyuli children was more complex, as it was the parents who did not wish to obtain such documents. In any case, all children, whether they had birth certificates or not, had access to health care and had to be admitted to hospital if necessary. The phenomenon of forced marriages of course existed, but it was not as prevalent as claimed by the Committee. It was often the parents who, for economic or social reasons, wanted their daughters to marry before reaching the minimum age for marriage. That practice was punishable under the Criminal Code.

15. **Ms. Khazova** wished to know whether children who did not have a birth certificate received a document establishing their identity.

16. **The Chairperson** asked what procedure was followed by parents wanting their daughter to be married under the age of 18 and whether the girl's consent was required.

17. **Ms. Kalieva** (Kyrgyzstan) said that the marriage of a minor who was not yet of legal age was only permitted by decision of the competent body. Children who did not have a birth certificate were admitted to health-care centres by virtue of the proof of birth issued by the doctor. The concept of the "lawful interests of the child" contained in Kyrgyz legislation corresponded to that of the "best interests of the child". Under the Family Code, children could bring cases to court and contact the Ombudsman from the age of 14. The courts were required to hear children's views whether they were claimants or respondents, witnesses or victims, and whether the proceedings related to their adoption, the divorce of their parents or their placement under guardianship. From the age of 9, in case of divorce, they were even invited to state with which parent they wished to live. Custody was generally granted to the mother, and siblings were never separated. Children were also entitled to make their points of view known at health-care services and at school.

18. The bill on domestic violence currently under consideration provided for the possibility of removing a violent spouse. Within the family, victims were generally reluctant to report abuse, which was problematic. Teachers were already required to report any suspicion that their pupils were suffering abuse at home. In such cases the competent bodies intervened and an investigation was carried out.

19. **Ms. Muhamad Shariff** asked how many shelters for victims of domestic violence there were in the country and whether persons who had witnessed torture were also placed in those shelters.

20. **Ms. Khazova** asked whether the State party had a structure in place allowing children who were victims of violence in the family, at school or at child protection institutions to report acts committed against them without fear of reprisal.

21. **Mr. Gurán** asked whether the decision to place a child in an institution was taken by the administrative authorities or by a court.

22. **Mr. Bazarbaev** (Kyrgyzstan) said that the country's first children's shelter had been opened in 2011 and that others were in the process of being built. Children at the shelter were given psychological care and also benefited from legal aid. The Government had launched violence prevention campaigns specifically aimed at persons who worked with children.

23. **Ms. Kalieva** (Kyrgyzstan) said that there was not yet a complaints mechanism for children who were afraid to report physical, psychological or sexual abuse. The Ministry of Justice was currently considering that problem and trying to determine what form such a mechanism should take. Under the new Children's Code, all matters relating to adoption, placement in institutions and guardianship should be decided by a judge. The Code of Criminal Procedure provided for the possibility of removing children from the family environment if they were abused there. Corporal punishment was prohibited, both in the family and at school.

24. **Ms. Kendirbaeva** (Kyrgyzstan) said that all children had access to education, including those who did not have the required documentation when enrolling. Marriage to a child under 17 was punishable by 5 years' imprisonment, and forcing a minor to marry was punishable by 7 years' imprisonment. There had been 10 cases of such marriages in 2012 and 9 in 2013. All minors involved in those cases had been cared for by the child protection services. In such circumstances the parents could lose custody of their children.

25. **Ms. Khazova** asked what happened to children without identity documents, such as the Lyuli, who were unable to provide the necessary documentation to school authorities as stipulated, within three months.

26. **Ms. Kendirbaeva** (Kyrgyzstan) said that in such cases, the local authorities could confirm the child's place of residence; no child had ever been expelled from school for failing to present the required administrative documents. Approximately 50,000 children in that situation currently attended school. The case of Lyuli children was special, as around 300 of them did not attend school because their parents were opposed to it. Measures were being adopted to remedy that situation. All children of migrants and foreign children were admitted to school. Teachers were aware of the provisions of the Convention, which were taught as part of in-service training, and the principles of the Convention were instilled in children through the school councils.

27. **Mr. Gurán** asked whether school councils were mandatory or if they existed only on a trial basis at some schools.

28. **Ms. De Jesús Oviedo Fierro** asked whether there were young persons' associations outside schools where minors could express their opinions and be consulted regarding any decisions that concerned them directly.

29. **Ms. Kendirbaeva** (Kyrgyzstan) said that young persons' movements had been created to protect and promote the rights of the child, and all schools were required to establish school councils. Parents' groups had also been set up to allow parents to participate in school life and decision-making.

30. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that mothers could register the births of their children at the civil registry office by presenting medical documents attesting to the birth. With the assistance of UNICEF, the Ministry of Health had set up a new birth registry,

operational in all regions since 2014, that would soon be linked to the national population registry. Anyone could receive health care, even if he or she did not have proof of residence registration, merely by presenting an identity document or certificate from the local authorities. There were plans to amend the legislation on sexual and reproductive health rights to offer improved protection for women and children. Since 2006, all cases of sexual violence had been recorded and followed up by the competent services, thus making it possible to produce accurate statistics and to improve coordination among the services in question. As part of a pilot project, adolescents had now been given access to specialized sexual and reproductive health counselling services that provided them with fully confidential advice and treatment. During their university training, medical students received instruction on how to clinically and psychologically care for children who were victims of sexual violence.

31. **Ms. Skripkina** (Kyrgyzstan) said that the Ombudsman's Office had 11 specialists on the rights of the child who worked exclusively on those matters and could receive complaints from children. Of all the human rights complaints received during the previous four years, around twenty had come from children. The Ombudsman's Office had local representatives in each of the country's regions; those services published an annual report, which was submitted to the parliament. All children, including those in juvenile correctional facilities, could bring cases to the attention of the Ombudsman and send complaints. The placement of children in such facilities was a measure of last resort and was closely monitored by the Ombudsman's Office and the NGOs with which it worked.

32. **Ms. Boronbaeva** (Kyrgyzstan) said that the Ombudsman's Office complied fully with the Paris Principles. Its powers had been extended so that it could monitor respect for the rights of the child in both the public and private sectors. In recent years, its departments had published two reports specifically dedicated to the rights of the child and the rights of women. It had recently signed a memorandum of understanding with NGOs providing for increased cooperation in combating violence against children. It had also recruited two consultants to set up a hotline for children, which would soon be operational. In 2012, following a large-scale national campaign to raise awareness of abductions of young girls for marriage and the adoption of a law prohibiting such practices, the number of abductions had decreased noticeably. The NGOs present in the country ran approximately fifty rehabilitation centres for girls who were victims of early marriage or abduction.

33. **Ms. Parsi** (Country Task Force) asked whether the authorities planned to increase the budget of institutions caring for children without parental care and to take the necessary steps to improve coordination between the various child protection services. The delegation should also indicate whether the authorities had adopted measures to train medical staff at those institutions, to modernize their premises and to improve the children's living conditions, in particular by increasing their food rations and raising hygiene standards. Had the State party taken steps to combat school dropouts and absenteeism? Did it have plans to provide financial aid so that children from poor families could attend school, to make textbooks available free of charge and to train more teachers?

34. **Ms. Muhamad Shariff** asked about the delegation's opinion regarding the position of children with disabilities in the school system and in society in general. Such children were often stigmatized, marginalized and deprived of a future career because of insufficient education; their parents did not receive any financial assistance from the State. Were there plans to gradually adapt schools to the needs of such children, including through the training of specialized teachers? Had the State party adopted measures to combat maternal and infant mortality, and specifically to combat deaths caused by pneumonia and diarrhoea in infants, and to reduce the number of children suffering stunted growth and vitamin A deficiency? Information on campaigns to promote breastfeeding would be welcome. The delegation should also indicate whether there were plans to offer adolescents free health-

care and mental health counselling services. What were the causes of the HIV epidemic that had struck a large number of children in some regions in the country in 2006 and 2007? Had any measures been taken to avoid discrimination by medical staff against HIV-positive children and to help their parents pay for their care? Lastly, she asked how many children were imprisoned in the country and whether they were separated from adults in prisons.

35. **Ms. Khazova** asked how many children had been placed in foster care or shelters and what measures the State was taking so that children whose parents were facing significant difficulties could remain with their families. She also wished to know whether there were plans to improve the transparency of domestic adoption procedures. Had the definitions contained in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography been incorporated into domestic law, and was it true that secondary school pupils were instructed in the use of firearms in some classes?

36. **Ms. Winter** asked whether the State party had implemented measures aimed at protecting and supporting child asylum seekers and child migrants and whether it collected statistical data on those children. The delegation should indicate whether working children had employment contracts and whether they had the means to lodge complaints against employers who exploited them. What was the State party doing to combat sexual violence in the family? Did child victims and witnesses receive assistance from professional social workers? She also asked whether there were shelters for child victims of trafficking and whether children belonging to ethnic minorities could receive education in their mother tongue. Lastly, she would like to hear the delegation's opinion on the bill that would prohibit homosexual propaganda that was under consideration in the parliament and its possible effects on children.

37. **Mr. Mezmur** asked whether the State party planned to take the necessary steps to become party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

The meeting rose at 1 p.m.