



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-seventh session

SUMMARY RECORD OF THE 987th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 23 September 2004, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Kyrgyzstan (CRC/C/104/Add.4; CRC/C/Q/KGZ/2; CRC/C/RESP/63; HRI/CORE/1/Add.101)

1. At the invitation of the Chairperson, Ms. Ibragimova, Mr. Jumaliev, Mr. Mamyrov and Mr. Sarybaev took places at the Committee table.
2. Mr. MAMYROV (Kyrgyzstan) said that, although Kyrgyzstan had made progress in achieving political stability and increasing economic growth, many problems relating to social protection for children remained unsolved. During the reporting period, the Government had approved the “New Generation” State Programme for the Realization of Children’s Rights, which would run until 2010. The aim of the Programme was to improve coordination between central and local government bodies, establish a comprehensive system for preventing child neglect and juvenile crime, and rehabilitate socially disadvantaged children. The Programme would also be used to set minimum social standards for education, health and social security. An interdepartmental commission had been established to monitor the implementation of the Programme and to draft new legislation on children’s rights. Commission members included representatives of government ministries and departments and non-governmental organizations (NGOs).
3. Efforts had been made to conduct joint awareness-raising activities, such as seminars, conferences and training sessions on children’s rights, with the participation of children, government bodies, NGOs and international organizations. The Government had adopted a declaration on cooperation with NGOs with a view to providing State support for such organizations.
4. All children in Kyrgyzstan were guaranteed the right to development and self-assertion, and particular assistance was granted to disabled and socially disadvantaged children. Efforts were being made to guarantee all children access to immunization. Specific measures had been taken to ensure that orphans had access to education.
5. Over the past two years, much domestic legislation had been revised, including the Family Code, the Labour Code, the Refugees Act, the Education Act and the Act on Social and Legal Protection from Domestic Violence. Despite such efforts, there were still gaps in the system of social protection for children.
6. Several government ministries, NGOs and international organizations were responsible for disseminating the text of the Convention, which had been incorporated into school curricula. Regular seminars and conferences on children’s rights were held for professionals who worked with children, and activities to publicize the Convention were organized for parents. Media participation in such events was encouraged.

7. The Kyrgyz education system had recently been reformed and currently received an allocation of one fifth of the State budget. Health care was free for all, and benefits were provided by the State for critically ill children and children living with HIV/AIDS. The State also provided financial assistance to children who had lost one or both parents, and families living below the poverty line.
8. A State programme to combat traffic in persons had been established and would run until 2005 under the auspices of the Ministry of Internal Affairs. Kyrgyzstan had ratified International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2003, and had established a coordinating council on child labour to monitor the implementation of that Convention. Measures were also being taken to combat sexual abuse of children, child pornography and sexual exploitation, and to rehabilitate child victims of violence.
9. In 2003, the Supreme Court of Kyrgyzstan had reviewed the procedures for dealing with juvenile offenders. As far as possible, efforts were made to rehabilitate juvenile offenders without isolating them from society. Deprivation of liberty was a last resort and was used only when the offender posed a serious threat to the public. Measures were being taken to educate all legal personnel to deal appropriately with juvenile offenders, and to apply the provisions of the Convention when handling such cases.
10. Kyrgyzstan was experiencing considerable financial difficulties, which posed an obstacle to the improvement of its human rights situation. However, the Government's efforts were continuing, with the much-needed support of international organizations.
11. Ms. VUCKOVIC-SAHOVIC, Country Rapporteur, commended Kyrgyzstan for its timely submission of its second periodic report and written replies to the list of issues (CRC/C/RESP/63). The Committee welcomed the positive steps that had been made by the State party during the reporting period, in particular the adoption of the "New Generation" Programme, as well as the measures that had been taken to educate children with disabilities in mainstream schools.
12. Although the Ombudsman Act had been adopted, Kyrgyzstan still did not have an Ombudsman for children. She wished to know whether the State party intended to ratify the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, since there had been many mine-related incidents involving children in Kyrgyzstan. The Government should also consider ratifying the Optional Protocol to the Convention against Torture and the second Optional Protocol to the International Covenant on Civil and Political Rights.
13. Insufficient measures had been taken to implement the recommendations made by the Committee in its previous concluding observations (CRC/C/15/Add.127), particularly those regarding the protection of street children, the protection of children from sexual exploitation, the elimination of child labour, the administration of juvenile justice and the establishment of guidelines for foster care and adoption. Although a new children's code had been drafted, it contained provisions that were contrary to those of the Convention. She requested information on the content of the draft children's code, and on the bodies that had prepared it.

14. Although the Government had endeavoured to provide the Committee with data disaggregated by gender, age and location, certain statistics, such as those on disabled children and education, were insufficient. The Committee had been informed that the Kyrgyz authorities had instigated conflict with and, in some cases, violence against, certain NGOs. She requested further information on the measures that had been taken to facilitate cooperation between NGOs and government bodies.

15. According to information received by the Committee, institutional violence against children was a serious problem in Kyrgyzstan, and she asked whether any measures were being taken to prevent acts of violence by members of the police force, teachers and caregivers. There was also a high rate of domestic violence, and she wondered what was being done to address that problem.

16. Ms. SARDENBERG, Alternate Country Rapporteur, commended the Government of Kyrgyzstan for its efforts to increase public awareness of human rights issues. Such efforts must be continued. She asked what was the specific mandate of the State Commission for the Family, Women and Youth, and how the Commission's work was related to that of other government bodies, particularly those dealing with children's issues. She requested further information on the mandates of the minors' inspectorates, which appeared to place too much emphasis on law enforcement and punitive measures and too little on social assistance.

17. The reporting State should clarify whether there was a government department devoted to children's rights. Additional information should be provided on the working methods of the Office of the Ombudsman, and whether it reported to Parliament. It was unclear whether the Office of the Ombudsman was sufficiently independent to fulfil its mandate, and whether children were able to submit complaints easily.

18. She asked what measures the Government had taken to raise awareness of the need to enforce legislation on children's rights, and what steps would be taken to ensure good governance. Additional information on the drafting of a children's code would be welcome; in particular, she would be interested in knowing what the main differences were between the Minors' Rights Act and the draft children's code.

19. She enquired what approach the Government had taken in preparing its periodic report and whether any NGOs had been involved. The State party should indicate what proportion of its budget was allocated to children.

20. Mr. CITARELLA said that Kyrgyzstan should undertake a thorough review of all its legislation, as the Committee had recommended after its consideration of the State party's initial report. Additional information should be provided on the amendments to legislation on juvenile justice that had been due for adoption in 2002. The reporting State should clarify whether the Convention took precedence over domestic law and whether it could be invoked directly.

21. He asked why there had been so little investment in primary education at the national and local levels. He wished to know what percentage of local and national budgets was represented by the expenditure indicated in all the tables in the report.

22. He asked why no action had been taken to assist children under the age of 16 with disabilities, and why children under 10 did not have the right to participate in all matters affecting them. It was unclear whether the minimum employment age was 14 or 16.
23. Mr. KOTRANE requested additional information on the draft children's code, and on the requirement that adoptive parents should reimburse the State for its childcare expenses prior to the adoption.
24. The definition of childhood in the State party was unclear. Further details on the age of majority and the age of criminal responsibility should be provided. In particular, he wished to know at what age children could be prosecuted.
25. It was difficult to understand why children born in the State party were granted Kyrgyz nationality only if the father was a Kyrgyz national. Nationality should be granted automatically to children of Kyrgyz women.
26. Ms. KHATTAB asked what measures had been taken to implement the findings of the programme conducted by "New Generation" and NGOs to harmonize data collection. She wished to know what steps were being taken to ensure that, following rejection of an asylum application, asylum-seekers were allowed to remain in the State party for the three months during which they were allowed to lodge an appeal. The reporting State should clarify what measures had been taken to register ethnic Uigurs who crossed the border from China in search of asylum. She asked what assistance asylum-seekers and other people in need of protection were given in obtaining a birth certificate.
27. She requested additional information on the incidence of discrimination against girls, particularly forced marriages and bride abduction. Such discrimination had reportedly led many girls to drop out of school, particularly in rural areas. She wondered what measures were being taken to prevent such discrimination and how the Government planned to reduce poverty in rural areas. Additional information on the steps taken to combat discrimination against street children and children who had lived in institutions would also be useful.
28. She asked how many complaints had been received from children concerning ill-treatment by their parents. The reporting State should explain what measures had been taken to prevent child abuse. She requested information on steps that would be taken to ensure that children born to Kyrgyz women and foreign men would be granted Kyrgyz nationality.
29. Mr. FILALI asked what system had been established to process complaints from abused children or their representatives. He commended the reporting State on the progress that had been made in bringing domestic legislation into line with the Convention. The delegation should explain what factors had impeded implementation of its amended legislation.
30. He asked how data on police brutality against street children were collected. The identity of minors involved in judicial cases was very often disclosed in the press, and the reporting State should indicate what steps would be taken to safeguard children's right to privacy.
31. Mr. LIWSKI asked whether there were any indicators that demonstrated that a rights-based perspective was taken when preparing the budget.

32. Additional information on the causes of the high suicide rate among young people would be useful. The delegation should indicate what policies the Government was adopting to prevent that phenomenon.

33. Ms. CHUTIKUL requested additional information on the national action plan on children's rights up to 2010. The delegation should specify what monitoring system would be used to follow up the plan and which indicators for children would be included, if any.

34. She asked how parents and children had reacted to information that had been disseminated on right of children to freedom of expression. The reporting State should indicate whether children were allowed and encouraged to express themselves at home, at school and in society in general. Since schoolchildren had the right to complain to their teachers and the head teacher, it would be useful to know to whom they should complain if the grievance was against a teacher or head teacher.

35. Ms. OUEDRAOGO asked how the general public, and children in particular, had been able to participate in the debate prior to the preparation of the periodic report. She wished to know what plans the Government had to improve the birth registration system in order to ensure that all children, particularly rural children, had a birth certificate. The State party should clarify the current situation regarding the availability of passports and national identity documents.

36. The reporting State should indicate what measures had been taken to provide appropriate care for children who had been traumatized during the riots of March 2002. She asked whether the police officers involved had been prosecuted.

37. The CHAIRPERSON asked whether the percentage of gross domestic product (GDP) allocated to health and education had increased since 2001. The reporting State should indicate what measures had been taken to lower the alarming suicide rate among children. He wished to know whether the focus of the Office of the Ombudsman for 2004 on students' rights included both schoolchildren and university students. He asked what relationship existed between the independent departments that received complaints from children and the Office of the Ombudsman.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

38. Mr. MAMYROV (Kyrgyzstan) said that the Office of the Ombudsman submitted an annual report to Parliament on the status of respect for the rights and freedoms of Kyrgyz citizens, including children. The Office had a special department that dealt with the rights of minors, and on weekdays it was open to the general public.

39. Birth certificates were issued by the central and local authorities. Children who were not born in State hospitals received a birth certificate following the submission of corroborating documents issued by local medical institutions. The fee for a birth certificate covered printing costs. Disabled persons and families with four or more children were entitled to a 50 per cent reduction of that fee.

40. Ms. SARDENBERG asked how the Office of the Ombudsman followed up complaints. The Government should consider conducting a campaign to raise awareness that all children had the right to be registered at birth. It should also consider setting up mobile units to ensure birth registration in rural areas.

41. Mr. MAMYROV (Kyrgyzstan) said that, when the Office of the Ombudsman received a complaint, it contacted the individual or organization in question and requested a written response that either confirmed or denied the alleged violation. There was no need for mobile birth registration units, since birth registration was dealt with by the local authorities. With the assistance of several international organizations, the Ministry of Justice was taking steps to educate officials concerning children's right to birth registration.

42. Allocations to children's programmes were determined on the basis of the priorities set by the Prime Minister and the Finance Minister in conjunction with the other ministries that dealt directly with children. Such allocations were submitted to Parliament for approval.

43. Cooperation between the United Nations Children's Fund (UNICEF) and the Government consisted of a four-year programme that would end in 2004. Efforts were under way to approve a new plan, with the same objectives as the "New Generation" Programme, which would run until 2010. The "New Generation" Programme was a policy document that outlined a plan of action and the mechanisms for its implementation and used qualitative and quantitative indicators to evaluate its results.

44. The CHAIRPERSON asked whether the trend towards decreasing expenditures on education and health had continued. He wished to know what percentage of GDP was allocated to health and education. He asked what was the primary focus of the UNICEF-supported cooperation programme for the period 2005-2010.

45. Ms. CHUTIKUL asked whether the "New Generation" Programme was based on the principles of the Convention and whether it addressed all four areas of concern identified in the outcome document of the special session of the General Assembly devoted to children held in 2002.

46. Mr. FILALI asked how the Office of the Ombudsman interacted with the executive and judicial branches of Government. He enquired whether the Office could require other bodies to provide information or carry out investigations.

47. Mr. MAMYROV (Kyrgyzstan) said that, under the Ombudsman Act, the Office of the Ombudsman could order other bodies to provide information or carry out investigations. The Ombudsman could also attend the meetings of government ministries and visit institutions and facilities, such as prisons, with a view to carrying out inspections. The Office of the Ombudsman was proving to be a very effective tool for implementing the Convention in Kyrgyzstan.

48. Mr. SARYBAEV (Kyrgyzstan) said that the "New Generation" Programme had been established in response to the concluding observations of the Committee on Kyrgyzstan's initial report. A special secretariat had been set up to oversee the programme's implementation.

49. The decline in State expenditure for social services, education and health as a percentage of GDP reflected the Government's financial difficulties. The medium-term budget for the period 2005-2007 provided for increased spending in those areas.

50. Ms. IBRAGIMOVA (Kyrgyzstan) said that poverty was widespread in Kyrgyzstan and was increasing. Families were finding it difficult to make ends meet, and children who had lost one parent were often placed in institutions. The Government had responded by carrying out a census with the objective of offering low-income families financial assistance to enable them to provide for their children at home.

51. The Government had recently developed a family code and was considering a bill that promoted alternatives such as foster care to institutionalization. Efforts had been made to improve conditions for children in institutions. Although the Government had the primary responsibility for improving the situation of children and families, civil society had also become very active in that area.

52. The Government had just begun to address problems related to adolescent suicide. Efforts would centre on assisting young persons who left school at age 15. Kyrgyz society's disapproval of sexual diseases and early pregnancy contributed to suicide among teenage girls. Adolescents in Kyrgyzstan lacked sufficient health care and psychosocial support to deal with their rapidly changing environment.

53. With international assistance, a process to make schools more democratic had been implemented over the past few years. Both parents and children were being encouraged to express their views, although children did not always avail themselves of that right. In general, children were becoming more familiar with their rights under the Convention through the inclusion of human rights education in the curricula. A special hotline and mailbox had been set up in the Ministry of Education to enable children to register complaints.

54. Every child had the right to choose the nationality and the name of either of his or her parents. Regrettably, there was a trend towards early marriage among girls, many of whom did not finish school. Nevertheless, all girls, whether married or not, had access to education. There had been a number of positive developments in the situation of refugee children as a result of efforts to improve their access to information, education and social protection.

55. Ms. SARDENBERG said that traditional attitudes towards women still prevailed in Kyrgyzstan, particularly in rural areas. She asked the delegation to comment on the increasing number of cases of rape, violence against girls and women, and bride abduction. The delegation should provide additional information on government decentralization, particularly on coordination among the different levels of government.

56. Ms. IBRAGIMOVA (Kyrgyzstan) said that the National Council on Women, Family and Gender Development and women's organizations throughout the country were making every effort to deal with rape, violence against girls and women, and bride abduction. All of those offences were punishable under Kyrgyz law. A number of programmes had been introduced to address that situation, and the Government planned to adopt special measures to raise awareness of those problems in educational establishments.

57. A number of functions, including in the area of education, had been transferred from the federal Government to local governments. Local authorities, which had become responsible for their educational institutions, were faced with a number of problems, including incompetence and lack of professionalism among the authorities. At present, training programmes for representatives of local governments were being prepared.

58. Ms. VUCKOVIC-SAHOVIC said that, in addition to providing financial support to low-income families, the Government should provide special support to the growing number of single-parent families in Kyrgyzstan.

59. According to the information provided by the delegation, the number of children's institutions had remained unchanged over the past few years, while the number of institutionalized children had increased. She wished to know how the lives of children had been affected as a result, and asked whether the staff working in institutions for children were sufficiently qualified.

60. The delegation should provide information on the number and percentage of reports of child abuse received each year that had resulted in either a court decision or other types of follow-up. She would be interested in knowing what decisions had been taken in such cases.

61. The delegation should provide disaggregated data on the school attendance rate among children between the ages of 16 and 18. She was concerned that there had been a significant drop in the number of children attending kindergartens.

62. Ms. SARDENBERG asked whether the Government had a poverty reduction strategy. If so, she would be interested in knowing whether that strategy was linked to the implementation of the Convention.

63. Kyrgyzstan's approach to child-related problems seemed to be oriented more towards punishment than towards understanding and finding a solution. For example, when a child did not attend school, his or her family was punished, and parents who failed to fulfil their parental responsibilities were punished by child protection bodies. She wished to know what steps were being taken to find a more democratic approach to such problems.

64. The delegation had not provided sufficient information on corporal punishment. She enquired whether the use of corporal punishment was prohibited by law and whether it was used in schools and institutions. The delegation should comment on the situation with regard to religious education in schools.

65. Ms. LEE questioned the reliability of the Government's data collection system. For example, there was no disaggregated data on children with disabilities. She was concerned that most services for children with disabilities were provided only to children up to the age of 16. According to some reports, many children with disabilities did not attend school, and most parents of disabled children did not know that their children had a right to education. She asked how widely Kyrgyzstan's initial report had been disseminated among the public.

66. She wished to know what measures the Government was taking to support educational establishments, and what the literacy rate was.

67. Ms. AL-THANI asked what the Government's objectives were in providing financial assistance to children with disabilities. The heavy reliance on the institutionalization of disabled children was a matter of concern. According to some sources, no efforts were being made to facilitate the access of persons with disabilities to public transport and buildings.

68. She asked the delegation to explain why the infant mortality rate had decreased slightly, while the maternal mortality rate had increased, and what measures the Government was taking to prevent a further increase. She asked what steps were being taken to prevent the spread of HIV/AIDS and other diseases among the population. Since a growing number of women preferred to give birth at home, she would be interested in knowing whether there were special programmes to train local midwives.

69. According to a recent survey, many adolescents had not been informed about ways of protecting themselves from sexually transmitted diseases and were not aware of the dangers of drug and alcohol abuse. She was concerned at the fact that mental health services were not provided to adolescents.

70. Although working children in Kyrgyzstan were under a high risk of disease or injury, health-care services were insufficient and there were no efficient programmes to protect children from such risks.

71. Mr. KRAPPMANN said that, according to some reports, the attendance rate in early childhood institutions in the 1990s had been 30 per cent, and had fallen to 15 per cent by 2002. The delegation should explain why that was the case and indicate what measures were being taken to reverse that trend.

72. He would be interested in knowing whether early childhood institutions had a mandatory curriculum and, if so, what it included. He asked whether there was a system to monitor such institutions. The delegation should comment on reports that bribery was a common practice in the school administration.

The meeting rose at 1 p.m.