

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-fourth session

CRC/C/OPAC/KGZ/CO/1
2 February 2007

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 8 OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON
THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF
CHILDREN IN ARMED CONFLICT**

Concluding observations: Kyrgyzstan

1. The Committee considered the initial report of Kyrgyzstan (CRC/C/OPAC/KGZ/1) at its 1220st meeting (see CRC/C/SR.1220), held on 29 January 2007, and adopted at its 1228th meeting held on 2 February 2007, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report however, it regrets that it does not follow the established reporting guidelines. The Committee appreciates the written replies to its list of issues as well as the constructive dialogue with the high level delegation.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted in relation to the State party's second periodic report of 1 October 2004 (CRC/C/15/Add.244).

B. Positive aspects

4. The Committee notes with appreciation:
- (a) the ratification of seven human rights treaties;
 - (b) the ratification of the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2004; and
 - (c) the adoption of the Code of the Kyrgyz Republic on Children in June 2006.
5. The Committee welcomes that mandatory Military Service begins at the age of 18 and that no derogation is accepted and that article 124 of the Criminal Code provides criminal penalties for the use of minors in armed conflicts.

C. Principle areas of concern and recommendations

C.1. General measures of implementation

Legislation

6. The Committee is concerned that there is no specific provision providing extraterritorial jurisdiction in case of recruitment of a child of Kyrgyz nationality outside the country or recruitment of children by a Kyrgyz citizen, or a person that has other links with the State party, outside Kyrgyzstan.

7. The Committee recommends the State party, in order to strengthen the national and international measures for the prevention of the recruitment of children for armed forces or armed groups and their use in hostilities, to:

(a) establish extraterritorial jurisdiction for the violation of the provisions of the Optional Protocol regarding the recruitment and involving of children in hostilities when they are committed by or against a person who is a citizen of or has other links with the State party; and

(b) ensure, through legislation, that military personnel not undertake any act that violates the rights enshrined in the Optional Protocol, regardless of any military order to that effect.

8. The Committee is concerned that small arms and light weapons may be exported by the State party to countries where persons who have not attained the age of 18 take a direct part in hostilities as members of their armed forces or armed groups that are distinct from the armed forces of a State.

9. The Committee recommends that the State party review its domestic law with a view to abolish trade of small arms and light weapons to countries with current or recent armed conflict that may involve children. In this respect the Committee recommends the State party to indicate, in its next periodic report, what changes to the domestic law have been made and how the implementation of these changes have contributed to halting sales of small arms to those countries.

Coordination and evaluation of the implementation of the Optional Protocol

10. The Committee welcomes the information provided by the State party, that the establishment of a permanent mechanism to coordinate the policies and activities on children's rights is being discussed.

11. The Committee recommends that the State party speedily establish a permanent mechanism to coordinate the policies and activities on children's rights. This mechanism should include the appropriate and effective coordination and regular evaluation of the implementation of the Optional Protocol.

Dissemination and training

12. While the Committee notes that the Optional Protocol is included in the school-curricula of military schools it recommends that **the State party make the provisions of the Convention and its Optional Protocol widely known to children and their parents. Furthermore, the**

Committee recommends that the State party develop systematic awareness-raising campaigns, education and training on the provisions of the Optional Protocol for all relevant professional groups (such as teachers, medical professionals, social workers, lawyers, judges and military personnel), including those who are working with asylum-seeking, refugee and migrant children who may have been recruited or used in hostilities. The State party is invited to provide information on that respect in its next report.

C.2. Recruitment of children

Military schools

13. The Committee is concerned at the lack of information on any complaints and investigation mechanism to deal with complaints by students attending military schools. Furthermore, the Committee is concerned at the limited information provided on training in the use of weapons in regular schools for pupils in grade 11.

14. The Committee recommends that the State party ensure that all children attending military schools receive education in a manner consistent with the Convention, in particular articles 28 and 29, duly taking into account its General Comment No. 1 on the aims of education. Furthermore, the Committee recommends that children attending such schools are provided with access to a complaint and investigation mechanisms and that the State party provides further information on training in the use of weapons in regular schools.

C. 3. Measures adopted with regard to disarmament, demobilization, physical and psychological recovery and social reintegration

Measures of recovery and social reintegration

15. The Committee welcomes the information that medical assistance and educational services for refugee children are part of the State policy and that the State party closely cooperates in that regard with WHO and UNHCR. Furthermore, the Committee notes the existence of day and evening schools for refugee children traumatized by military conflicts.

16. The Committee encourages the State party to continue and strengthen, where necessary, protection for asylum-seeking, refugee and migrant children living in Kyrgyzstan who may have been recruited or used in hostilities in their country of origin by taking, inter alia, the following measures:

- (a) systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who may have been involved in hostilities in their home-country. In this regard, the Committee recommends that the State party take note of the Committee's General Comment No. 6 (CRC/GC/2005/6) on the treatment of unaccompanied and separated children outside their country of origin;
- (b) provide children, who have fled with or without their families, either with refugee status or another status which will allow social integration in Kyrgyz

society and provide them with equal access to education, health care and other social services; and

- (c) provide affected children with multidisciplinary assistance for their physical and psychological recovery and their social reintegration.

C.4. International assistance and cooperation

Protection of victims

17. While the Committee notes the State party's intention to undertake international cooperation to provide assistance for children affected by armed conflict, the Committee encourages the State party to pursue efforts to obtain international and bilateral technical cooperation and financial assistance. The Committee requests that the State party submit information on international assistance provided for children affected by armed conflict in its next report.

C.5. Follow-up and dissemination

18. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Ministry of Defense and the Zhogorku Kenesh and to the Oblast authorities, where applicable, for appropriate consideration and further action.

19. In light of article 6, paragraph 2, of the Optional Protocol, the Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large and to children in particular in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

C.6. Next report

20. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined third and fourth periodic reports under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 6 May 2010.