



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined fifth and sixth periodic reports of Turkmenistan\*

#### I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Turkmenistan<sup>1</sup> at its 2822nd and 2823rd meetings,<sup>2</sup> held on 28 and 29 August 2024, and adopted the present concluding observations at its 2846th meeting, held on 13 September 2024.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

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

3. The Committee welcomes the State party's ratification of international instruments, including the Convention against Discrimination in Education and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), of the International Labour Organization. The Committee emphasizes in particular the importance of the newly adopted Law on Education and Law on Social Services. In addition, it commends the State party for the adoption of the national plan of action on children's rights for the period 2023–2028, the national early childhood development strategy for the period 2020–2025 and the programme for enhancing school readiness for the period 2020–2025, as well as the national strategy entitled "Healthy Mother, Healthy Child, Healthy Future" and its action plan. The Committee also acknowledges the national programme for healthy nutrition for the period 2020–2025.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: data collection (para. 11), freedom of expression and access to appropriate information (para. 21), children deprived of a family

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\* Adopted by the Committee at its ninety-seventh session (26 August–13 September 2024).

<sup>1</sup> [CRC/C/TKM/5-6](#).

<sup>2</sup> See [CRC/C/SR.2822](#) and [CRC/C/SR.2823](#).

<sup>3</sup> [CRC/C/TKM/RQ/5-6](#).



environment (para. 28), mental health (para. 33), education and inclusive education (paras. 38 and 40) and administration of child justice (para. 44).

5. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

## A. General measures of implementation (arts. 1, 4, 42 and 44 (6))

### Legislation

6. While welcoming the various legislative reforms undertaken, the Committee recommends that the State party:

(a) Develop and adopt by-laws and implementation decrees for the Law on the State guarantees of the rights of the child, ensuring that adequate resources, monitoring and enforcement mechanisms are provided for its realization;

(b) Ensure that the implementation of article 32 of the Law on the State guarantees of the rights of the child, on the duties of the child, is not used to justify violations of the rights of the child guaranteed in national law and international law, in particular the Convention and the Optional Protocols thereto;

(c) Revise the decree on the regulation of the Juvenile Affairs Commission of 1967 and the regulations on the guardianship and custody agencies of the Turkmen Soviet Socialist Republic of 1972 to bring them into full conformity with the Convention and the Optional Protocols thereto;

(d) Ensure the active participation of civil society and children in the development, implementation and monitoring of child-related legislation, including through their direct engagement in consultative forums and public hearings.

### Comprehensive policy and strategy

7. The Committee welcomes the adoption of the national plan of action on children's rights for the period 2023–2028 and recommends that the State party ensure the inclusive participation of all stakeholders, including children and civil society, in the development of strategies and plans related to children's rights, in alignment with the Convention and the Optional Protocols thereto. The Committee recommends that these strategies and plans include clear indicators, timelines and monitoring mechanisms and they be allocated adequate human, technical and financial resources.

### Coordination

8. While noting the role of the inter-agency commission tasked with enforcing the international obligations of Turkmenistan on human rights in monitoring the national plan of action on children's rights for the period 2023–2028, the Committee recalls its previous concluding observations<sup>4</sup> and recommends that the State party consider establishing a separate high-level interministerial mechanism with sufficient authority to coordinate activities related to implementing the Convention at the national, regional and local levels. The Committee also recommends that the State party ensure the creation of dedicated child protection departments within local authorities that are adequately budgeted and staffed with trained professionals and support staff.

<sup>4</sup> CRC/C/TKM/CO/2-4, para. 9.

### Allocation of resources

9. While noting with appreciation the 18.7 per cent increase in State funding for education, health and social services between 2015 and 2022, the Committee notes with concern the lack of budget transparency and the weak capacity for monitoring. Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:

(a) Define budgetary lines for all categories of children, paying special attention to those in specific disadvantaged or vulnerable situations who may need affirmative social measures, in particular children with disabilities and those living in rural and remote areas;

(b) Develop and enforce policies for transparent and participatory budgeting, incorporating consultations with parents, children and civil society to enhance accountability and ensure that decisions are responsive to the needs of children.

### Data collection

10. The Committee is concerned that, despite the national census conducted in 2022, data on the status of children's rights remains largely unavailable, outdated and insufficiently disaggregated. This lack of comprehensive and disaggregated data hinders the development and monitoring of effective policies and practices affecting children's rights. In addition, the Committee notes the absence of publicly accessible data, which limits transparency and accountability in the implementation of the Convention and the Optional Protocols thereto.

11. Recalling its general comment No. 5 (2003) on general measures of implementation and its previous concluding observations,<sup>5</sup> the Committee recommends that the State party:

(a) Strengthen the national data collection system to cover all areas of the Convention and the Optional Protocols thereto, with data disaggregated by age, sex, disability, geographical location, ethnic and national origin and socioeconomic background, in order to facilitate the development and monitoring of effective policies and practices, in particular for those children in situations of specific vulnerability;

(b) Ensure that statistical data and indicators on children's rights are shared among relevant ministries and made publicly accessible to facilitate comprehensive analysis.

### Access to justice and remedies

12. The Committee recommends that the State party:

(a) Amend the national legislation, including the Law on the State guarantees of the rights of the child, to ensure that all children have access to: (i) confidential, child-friendly and independent complaint mechanisms in schools, foster care systems, alternative care settings and detention facilities for reporting all forms of violence, abuse, discrimination and other violations of their rights; and (ii) legal support and age-appropriate information on access to counselling and remedies, including compensation and rehabilitation;

(b) Conduct school-based workshops, distribute informational brochures and use social media campaigns to raise awareness among children of their right to file a complaint under existing mechanisms;

(c) Continue capacity-building for judges, prosecutors, police officers, medical and social professionals and staff working with children in the justice system on child-friendly justice procedures, children's rights and the Convention.

<sup>5</sup> [CRC/C/TKM/CO/2-4](#), paras. 12 and 13.

### **Independent monitoring**

13. While acknowledging the efforts to strengthen the capacity of the Office of the Ombudsman, including through the strategic plan of the Office of the Ombudsman for the period 2024–2028, the Committee remains concerned about the insufficient human and financial resources allocated to the Office, which impede its ability to fulfil its mandate effectively. The Committee recommends that the State party strengthen the capacity of the Office of the Ombudsman to discharge its mandate effectively, impartially and independently, including with regard to its funding and human resources, so as to ensure its full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

### **Dissemination of the Convention and awareness-raising**

14. The Committee recommends that the State party continue to strengthen its awareness-raising programmes, including campaigns, in cooperation with the United Nations Children’s Fund, the Office of the United Nations High Commissioner for Human Rights and civil society organizations, among others, to ensure that the Convention and the Optional Protocols thereto are widely disseminated and made known to the general public, including parents and children themselves, in Turkmen and other local languages, including Uzbek and Kazakh.

### **Cooperation with civil society**

15. The Committee is concerned about the restrictions on the registration of civil society organizations imposed by the Law on introducing changes and amendments into the Law on Public Associations, of 22 August 2020. The Committee urges the State party to lift these restrictions on civil society organizations, in particular those working with and for children, and to systematically involve all relevant civil society organizations in the development, implementation, monitoring and evaluation of the implementation of the Convention and the Optional Protocols thereto.

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

### **Non-discrimination**

16. Noting the persistence of de facto discrimination against children in disadvantaged situations, including children with disabilities, children living in poverty and children belonging to minorities, in particular Baluchi, Nohur, Kazakh and Uzbek minorities, and recalling its previous recommendations,<sup>6</sup> the Committee recommends that the State party:

(a) Undertake legislative and administrative actions to prevent and eliminate disparities in the enjoyment of rights by all children, including those belonging to ethnic minorities, girls, children with disabilities and children living in poverty;

(b) Conduct comprehensive awareness-raising campaigns, especially in rural areas, to combat discriminatory attitudes based on sex, disability, nationality, ethnicity, or religion and to promote inclusivity.

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

17. While noting the adoption of the new revised Criminal Code, of amendments to the Criminal Procedural Code and of the law on administrative procedures, and recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:

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<sup>6</sup> [CRC/C/TKM/CO/2-4](#), para. 19.

(a) Ensure that the right of children to have their best interests taken as a primary consideration is appropriately integrated into, and consistently interpreted and applied in, all legislative, administrative and judicial proceedings and decisions concerning children and all policies, programmes and projects that are relevant to and have an impact on children;

(b) Strengthen the capacity of all professionals working with and for children to assess and determine the best interests of the child in every area as a primary consideration, including through systematic training on the development of relevant procedures and criteria.

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

18. While noting information about the engagement of the Assembly (Mejlis) in awareness-raising campaigns and recalling general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Ensure the effective implementation of legislation recognizing the child's right to be heard, in particular article 16 of the Law on the State guarantees of the rights of the child, in all legal and administrative proceedings affecting the child, including by establishing child-friendly systems and procedures and providing training for judges, social workers and all other relevant professionals;

(b) Promote the meaningful and empowered participation of all children within the family, communities and schools and ensure the active involvement of children, especially those from disadvantaged groups, in decision-making in all matters affecting them.

### **C. Civil and political rights (arts. 7, 8 and 13–17)**

#### **Nationality**

19. While welcoming the State party's efforts to eliminate statelessness and ensure the registration and issuance of birth certificates for all children born in its territory, the Committee recalls its previous concluding observations<sup>7</sup> and recommends that the State party:

(a) Facilitate the naturalization process for stateless children and their eligible family members under the Law on Citizenship;

(b) Remove the requirement for former refugee and stateless children, and children from mixed families who are recognized as Turkmen citizens, to provide a certificate of absence of a second citizenship during each passport renewal;

(c) Improve data collection on the number of stateless individuals, including children, and individuals of undetermined nationality in Turkmenistan and actively cooperate with the Office of the United Nations High Commissioner for Refugees by sharing disaggregated statistics to support the efforts of the Office.

#### **Freedom of expression and access to appropriate information**

20. The Committee remains concerned that despite existing constitutional and other legal guarantees affirming freedom of expression for all, the State party systematically restricts children's right to freedom of expression. It is concerned, in particular:

(a) That traditional societal attitudes in the family and other settings further restrict children from freely seeking and imparting information and from expressing their views on public matters;

(b) About the lack of specific measures to implement existing legal provisions;

<sup>7</sup> CRC/C/TKM/CO/2-4, para. 25.

(c) About the absence of free and independent media, and the disproportionate limitations on online content;

(d) That, despite the increased access to the Internet and the provisions of the Mass Media Act, which prohibits censorship and guarantees the right to access to information and international media, children in the State party face significant limitations in access to information and ideas;

(e) About the blocking of major international websites and strict enforcement of laws prohibiting content deemed harmful to children's development, including with regard to the dissemination of valuable news and educational resources, severely restricting children's opportunities for learning and development in the digital era.

**21. Recalling its general comment No. 25 (2021) on children's rights in relation to the digital environment, the Committee recommends that the State party:**

(a) **Enforce legal provisions to guarantee an environment conducive to independent national media, free from censorship, and that children have broad access to diverse sources of age-appropriate information, both online and offline;**

(b) **Implement the child's right to freedom of expression, in accordance with article 16 (1) of the Law on the State guarantees of the rights of the child, ensuring that children can freely and safely express their opinions in various settings, including within the family, at school and in the community;**

(c) **Enhance digital literacy for children, teachers and families, including on potential threats and opportunities relating to the use of artificial intelligence, and ensure access to age-appropriate information online while protecting children from harmful content.**

**D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 35, 37 (a) and 39 of the Convention, and the Optional Protocol on the sale of children, child prostitution and child pornography)**

**Abuse, neglect, sexual abuse and exploitation**

**22. In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:**

(a) **Strengthen policies and mechanisms aimed at eliminating violence against children in all contexts and situations, in particular through arrangements throughout the country to ensure that all children who are victims or witnesses of violence have prompt access to child-friendly, multisectoral and comprehensive interventions, services and support, including forensic interviews and psychological therapy, with the aim of preventing the secondary victimization of those children;**

(b) **Implement the measures necessary to enhance awareness of child violence and child sexual abuse and exploitation among both the members of the public and professionals working with and for children, including by developing a community-based education programme and launching national media campaigns, and respond to all manifestations of child sexual exploitation and abuse.**

**Corporal punishment**

**23. Recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and concerned about the persistent physical punishment experienced by children, the Committee urges the State party:**

(a) **To establish protocols and procedures to address corporal punishment, including child-sensitive and confidential complaint mechanisms, in particular in schools and alternative care settings, to ensure safe reporting to competent authorities;**

(b) To continue to promote positive, non-violent and participatory forms of child-rearing and discipline by implementing evidence-based programmes and evaluating their outcome on a regular basis;

(c) To intensify awareness-raising campaigns for parents and professionals working with and for children to promote attitudinal change within the family and the community with the aim of ending corporal punishment of children.

#### Harmful practices

24. While noting the State party's efforts to eliminate informal (unregistered) child marriages and unregistered births, including among Baluchi and Nohur ethnic minorities, the Committee calls upon the State party:

(a) To remove all exceptions that allow marriage below the age of 18;

(b) To raise awareness of the harmful effects of child marriages, including informal (unregistered) marriages, investigate all cases and sanction those responsible, and ensure wide dissemination of the outcomes of those cases without compromising the identity of the children involved.

#### Torture and other cruel, inhuman or degrading treatment or punishment

25. While noting with appreciation the review of legislative and normative frameworks for children in contact with the law undertaken by the State party in 2020, and recalling its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party:

(a) To ensure that allegations of torture or cruel, inhuman or degrading treatment of children are thoroughly investigated, that perpetrators are held accountable in a manner commensurate with the gravity of their acts and that child victims receive appropriate remedies and support;

(b) To ensure that children have access to confidential, independent, effective and child-friendly complaint mechanisms for the reporting of cases in children's detention centres and alternative care settings;

(c) To expand the independent monitoring of children's detention facilities by the Office of the Ombudsman, including by providing it with adequate human, technical and financial resources and enabling its staff to accompany the Ombudsman during visits to detention facilities.

#### Optional Protocol on the sale of children, child prostitution and child pornography

26. The Committee regrets the lack of information on the implementation of its concluding observations<sup>8</sup> on the State party's report submitted under article 12 of the Optional Protocol on the sale of children, child prostitution and child pornography. In particular, it is concerned that the possession of child sexual abuse material, improperly inducing consent for adoption, and the use of the Internet for the dissemination of child sexual abuse material or other forms of sexual exploitation (for example recruitment for sexual exploitation of children for prostitution) have not been sufficiently addressed or explicitly criminalized under the Criminal Code. Recalling its 2019 guidelines on the implementation of the Optional Protocol,<sup>9</sup> and recalling its previous concluding observations on the report of the State party submitted under article 12 of the Optional Protocol,<sup>10</sup> the Committee urges the State party:

(a) To review and amend the relevant provisions in the Criminal Code to ensure full compliance with the Optional Protocol, in particular to criminalize all

<sup>8</sup> CRC/C/OPSC/TKM/CO/1.

<sup>9</sup> CRC/C/156.

<sup>10</sup> CRC/C/OPSC/TKM/CO/1.

elements listed in articles 2 and 3 of the Optional Protocol, either through revisions or the introduction of new provisions;

(b) To conduct a comprehensive review on the use of the Internet for the dissemination of child sexual abuse material and other forms of sexual exploitation, such as recruitment for prostitution, and introduce specific legal measures to combat these activities, including mandatory cooperation from Internet service providers.

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

**Children deprived of a family environment**

27. The Committee is deeply concerned about the significant increase in the rate of institutionalization, especially regarding the growing number of children with disabilities in all types of institutions. It is also concerned by the lack of tailored support and aftercare for children leaving alternative care, in particular for children with disabilities, and the limited awareness of aftercare options for those under guardianship. Furthermore, the Committee is concerned about the large number of children left without parental care owing to the labour migration of parents.

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

(a) Strengthen the system of community-based family support to prevent abuse, neglect and abandonment;

(b) Adopt and implement a comprehensive deinstitutionalization strategy and action plan with a view to abolishing the practice of lengthy "temporary" placements in institutions, conduct periodic reviews of placements and ensure effective implementation of the strategy and action plan;

(c) Ensure that policies and practices are guided by the principle that financial and material poverty – or conditions directly and uniquely attributable to such poverty – should never be the sole justification for removing a child from parental care, for placing a child into alternative care or for preventing a child's social reintegration;

(d) Ensure sufficient alternative family-based and community-based care options for children who cannot stay with their families, including by allocating sufficient financial resources for foster care and adoption, regularly reviewing placement measures and facilitating the reunification of children with their families if and when possible;

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

(f) Establish quality standards for all alternative care settings, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children;

(g) Establish a mechanism for the early identification and support of children left without parental care owing to labour migration;

(h) Strengthen the capacity of professionals working with families and children, in particular family judges, law enforcement personnel, social workers and service providers, to ensure family-based alternative care responses and to enhance their awareness of the rights and needs of children deprived of a family environment.



## Adoption

29. The Committee recommends that the State party:

(a) Consider setting up a centralized system for the registration of adoptions to provide disaggregated data and ensure that intercountry adoption procedures align with international standards;

(b) Revise article 122 of the Family Code and article 156 of the Criminal Code to ensure that the right of adoptive children to know their biological parents is guaranteed;<sup>11</sup>

(c) Ratify the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and ensure that all safeguards provided in that Convention are met when children are adopted to countries that are not parties to it.

## F. Children with disabilities (art. 23)

30. Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party:

(a) To develop and implement community-based rehabilitation and home-based care programmes to reduce the institutionalization of children with disabilities;

(b) To develop social support programmes for families in vulnerable situations raising children with disabilities;

(c) To allocate sufficient and qualified human, technical and financial resources to child protection services to support the rehabilitation and social reintegration of children;

(d) To take immediate measures to ensure that children with disabilities have access to healthcare at their place of residence, including early detection and intervention programmes;

(e) To undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of, and prejudice against, children with disabilities and promote a positive image of children with disabilities as rights holders.

## G. Health (arts. 6, 24 and 33)

### Health and health services

31. Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee commends the State party's efforts towards improving the level of the health services provided and recommends that the State party:

(a) Strengthen primary healthcare services nationwide, in particular in rural areas, by improving human resources development, upgrading medical education and ensuring the availability of essential equipment and supplies while developing a long-term staffing strategy with State financing to address gaps in human resources;

(b) Collect, monitor and publish disaggregated data on infant, child and maternal mortality rates, as well as key nutrition indicators, in accordance with international standards, and conduct surveys on adolescent health.

<sup>11</sup> [CRC/C/TKM/CO/2-4](#), para. 41.

### **Mental health**

32. The Committee remains seriously concerned about the rates of suicide among children and the lack of information and comprehensive and disaggregated data that are required to define the root causes of this phenomenon.

33. **Recalling its previous concluding observations,<sup>12</sup> the Committee urges the State party:**

(a) **To strengthen measures to raise public awareness about child and adolescent mental health, provide access to quality mental health services, especially in rural areas, including free, confidential consultations by school psychologists, and promote mental health interventions involving adolescents, their families and communities;**

(b) **To undertake an in-depth review on child mental health to inform the development of a comprehensive mental health programme that includes community-based therapeutic services and counselling in schools, homes and alternative care facilities, and establish national standards for both inpatient and outpatient mental health services, ensuring confidentiality, non-stigmatization and respect for the child's right to privacy and to be heard;**

(c) **To develop and adopt a suicide prevention protocol to address and prevent death by suicide and suicidal behaviour among adolescents, and to expand preventive healthcare services;**

(d) **To collect disaggregated data on the occurrence of suicide to improve prevention efforts.**

### **Adolescent health**

34. **Recalling its general comment No. 4 (2003) on adolescent health and development in the context of the Convention and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party ensure that all adolescents, including those who are out of school and those in rural areas, receive confidential and child-friendly sexual and reproductive health information and services, including access to contraceptives and safe abortion when appropriate.<sup>13</sup>**

## **H. Standard of living (arts. 18 (3), 26 and 27 (1)–(3))**

35. **While noting with appreciation the high level of spending on social protection, the Committee recommends that the State party:**

(a) **Ensure that poverty reduction measures are aligned with a child rights-based approach, and that particular focus is placed on children in disadvantaged situations, including children belonging to ethnic minority groups and children with disabilities;**

(b) **Continue to seek assistance from international organizations to further develop the social care system, including with regard to the adoption of the national social services development plan and securing government financing and technical assistance for the implementation of the plan;**

(c) **Scale up social services based on the joint programme model and the national social services development plan by increasing the number of students in State-financed bachelor's programmes for social workers, increasing the number of social worker positions in all districts nationwide and providing further incentives to engage more qualified social workers.**

<sup>12</sup> CRC/C/TKM/CO/2-4, para. 23.

<sup>13</sup> CEDAW/C/TKM/CO/6, paras. 40 and 46.

## **I. Children's rights and the environment (arts. 2, 3, 6, 12, 13, 15, 17, 19, 24 and 26–31)**

36. Recalling its general comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, and noting the environment protection policies of the State party, including the national strategy on climate change and the disaster risk reduction strategy developed in 2023, the Committee recommends that the State party:

- (a) Ensure active participation of children in decision-making processes related to environmental issues, in particular in the development of an ambitious mitigation plan and in the set of the State party's nationally determined contributions;
- (b) Strengthen the child-friendliness and accessibility of early warning systems;
- (c) Collect disaggregated data on children at risk owing to climate change, with a view to revising and/or informing new policies and programmes on climate change;
- (d) Further strengthen the regulation of the activities of the State and the private sector to address water pollution and environmental degradation that compromise the health and well-being of children;
- (e) Develop a child-centred disaster risk reduction strategy to strengthen the resilience of children to climate change impacts and natural disaster risks;
- (f) Strengthen the child-friendliness, availability and accessibility of its early warning system and policies to protect child rights in emergencies.

## **J. Education, leisure and cultural activities (arts. 28–31)**

### **Education**

37. The Committee notes the progress made in the area of the right to education and that the State party has compulsory education for a period of 12 years, but it remains concerned about:

- (a) Inequality in access to places in kindergarten between urban and rural areas;
- (b) The insufficiency of the resources allocated to the development of the early education system, especially in remote and rural areas;
- (c) The lack of comprehensive and disaggregated data on access to education, including on literacy levels, dropout rates and the performance of children in specialized educational settings;
- (d) The insufficiency of opportunities for children belonging to national minorities, in particular Kazakh and Uzbek children, to study their languages;
- (e) Forced participation of children in festive or similar events, whether within or outside of school hours;
- (f) The inadequate training, and insufficient standard of living, of teachers.

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

- (a) Continue expanding access to and the quality of early childhood education, making it available to children from infancy, and enhance programmes that prepare children for primary school, in particular in rural and remote areas;
- (b) Continue improving the quality of education by enhancing the status of teachers, reviewing school curricula, ensuring sufficient budget allocation for teacher salaries to improve their standard of living and enabling the monitoring of education quality through data collection and participation in regional or international assessments;

(c) **Ensure the availability of language classes for children belonging to ethnic minorities;**

(d) **End the practice of forced mass mobilization of schoolchildren and students for festive events, especially within school hours, which affects the children's right to education.**

#### **Inclusive education**

39. While welcoming the progress achieved by the State party in ensuring the rights of children with disabilities, the Committee remains concerned that there is a significant number of children with disabilities who remain in special schools and that, in some areas, there is a shortage of specially trained teachers and assistant teachers.

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

(a) **Accelerate efforts towards inclusive education, expand child-friendly schools, and ensure the staff are sufficiently and appropriately trained;**

(b) **Ensure that all children with disabilities have access to inclusive education at all levels and that schools and kindergartens are staffed with a sufficient number of appropriately trained teachers, assistant teachers and specialists;**

(c) **Ensure cooperation between social specialists and educational specialists in assessing special needs in schools and kindergartens, strengthen the capacity of local authorities that are failing to provide adequate specialized services for children with disabilities and improve national supervision to ensure that the necessary assistance is provided.**

### **K. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40 of the Convention, and the Optional Protocol on the involvement of children in armed conflict)**

#### **Asylum-seeking, refugee and migrant children**

41. Recalling joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration and its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party:

(a) **Guarantee unrestricted access to its territory and asylum procedures for children and their families in need of international protection, ensuring that the prohibition against refoulement is strictly respected in practice;**

(b) **Ensure that asylum-seeking children and their families have access to independent, qualified and free legal advice and representation and that their protection needs are duly recognized;**

(c) **Ensure that refugee and stateless children who do not have proof of residence registration (*propiska*) are not deprived of their rights to education, healthcare, social benefits and other essential public services by implementing alternative registration mechanisms or providing special provisions in line with the Convention.**

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

42. **The Committee recommends that the State party strengthen its efforts to ensure the effective implementation of existing legislation prohibiting child labour, including by:**

(a) **Conducting effective investigations into cases of child labour, in particular in cotton harvesting, and identifying and prosecuting cases of coercive and exploitative child labour in cotton harvesting;**

(b) **Regularly implementing campaigns to ensure that the public and State officials are aware of the high-level policy statements condemning forced labour and child labour in the cotton harvest;**

(c) **Taking effective measures against the intimidation of or retaliation against those who make complaints about forced child labour.**

#### **Administration of child justice**

43. While welcoming the State party's efforts to develop a child justice system, the Committee remains seriously concerned about the limited progress achieved by the State party during the reporting period regarding:

(a) The absence of specialized child courts and judges trained to address cases involving children alleged as, accused of or recognized as having infringed criminal law;

(b) The lack of inclusion of diversion or disposition mechanisms in national legislation and the limited application of corresponding measures, such as diversion, mediation, counselling and community service, where appropriate;

(c) The limited availability of community-based social services for adolescents at risk of contact with the criminal justice system;

(d) The limited number and availability of rehabilitation and reintegration programmes for such children.

44. **Recalling its general comment No. 24 (2019) on children's rights in the child justice system, the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party:**

(a) **To expeditiously appoint specialized judges for children and ensure they receive appropriate training, with the aim of establishing specialized child court facilities and procedures supported by adequate human, technical and financial resources;**

(b) **To ensure that qualified legal aid is provided to children alleged as, accused of or recognized as having infringed criminal law from the early stages and throughout legal proceedings;**

(c) **To define by law and promote non-judicial measures, such as diversion and mediation, and the use of non-custodial sentences for children, such as probation or community service, wherever possible;**

(d) **To provide systematic training on children's rights and child-friendly proceedings for members of the judiciary, lawyers, law enforcement officials and other relevant professionals working with children in the justice system;**

(e) **To develop and provide adequate resources for follow-up services and support for children after the end of their imprisonment;**

(f) **To ensure that deprivation of liberty is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis;**

(g) **To ensure, in the few situations where deprivation of liberty is justified as a measure of last resort, that children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services.**

#### **Optional Protocol on the involvement of children in armed conflict**

45. While welcoming the information that under no circumstances does any obligatory military recruitment of children below the age of 18 take place in the State

party and that students at military schools are free to transfer back to the ordinary education system without penalty,<sup>14</sup> the Committee urges the State party:

- (a) To ensure that students below the age of 18 are under no circumstances considered to be members of the armed forces and are thereby completely protected from any risk of deployment, and that they are not subject to military discipline or the jurisdiction of military courts;
- (b) To establish an independent complaints and investigation mechanism for military schools and higher military academies;
- (c) To revise article 171 of the Criminal Code and enact the explicit prohibition and criminalization of the recruitment and use of children under the age of 18 years in hostilities both by State armed forces and non-State armed groups;
- (d) To ensure that students in military schools are not trained in the use of weapons before the age of 18 years;
- (e) To modify the declaration made upon accession to the Optional Protocol with respect to allowing voluntary military service from 17 years of age.

#### **L. Ratification of the Optional Protocol on a communications procedure**

46. The Committee recommends that the State party ratify the Optional Protocol on a communications procedure.

#### **M. Ratification of international human rights instruments**

47. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments:

- (a) International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families;
- (b) International Convention for the Protection of All Persons from Enforced Disappearance;
- (c) Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

### **IV. Implementation and reporting**

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

48. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations. The Committee also recommends that the combined fifth and sixth periodic reports and the present concluding observations be made widely available in the languages of the country.

#### **B. National mechanism for reporting and follow-up**

49. The Committee recommends that the State party establish a standing government structure and ensure that it has the mandate and the adequate human, technical and financial resources to coordinate and prepare reports to international and

<sup>14</sup> CRC/C/OPAC/TKM/CO/1, paras. 15 and 17.

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regional human rights mechanisms effectively and to coordinate and track national follow-up to, and the implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the Office of the Ombudsman and civil society.

### C. Next report

50. The Committee will establish and communicate the due date of the combined seventh and eighth periodic reports of the State party in due course, in line with the envisaged predictable reporting calendar based on an eight-year review cycle, and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The reports should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>15</sup> and should not exceed 21,200 words.<sup>16</sup> In the event that reports exceeding the established word limit are submitted, the State party will be asked to shorten the reports. If the State party is not in a position to review and resubmit the reports, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

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<sup>15</sup> [CRC/C/58/Rev.3](#).

<sup>16</sup> General Assembly resolution 68/268, para. 16.