



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Combined fifth and sixth periodic reports submitted by Kyrgyzstan under article 44 of the Convention, due in 2019\*

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\* The present document is being issued without formal editing.



## I. Introduction

1. On 12 January 1994, the Kyrgyz Republic ratified the Convention on the Rights of the Child and the Optional Protocols to the Convention on the involvement of children in armed conflict, and on the Rights of the Child on the sale of children, child prostitution and child pornography.
2. The Committee considered the combined third and fourth periodic reports of Kyrgyzstan (CRC/C/KGZ/3-4) at its 1880th and 1881st meetings (CRC/C/SR.1880 and CRC/C/SR.1881), held on 28 May 2014, and adopted, at its 1900th meeting, held on 13 June 2014, the concluding observations on the reports.
3. In accordance with article 44 of the Convention, Kyrgyzstan hereby submits to the Committee its combined fifth and sixth periodic reports on the measures taken to implement the provisions of the Convention.
4. General information on Kyrgyzstan, its population and political structure, the various human rights protection agencies and efforts to disseminate human rights information can be found in the common core document, which was adopted pursuant to Government Decision No. 141 of 20 February 2012 on national reports relating to the implementation of international human rights treaties and submitted to the Human Rights Committee in March 2012.
5. The present report has been prepared in accordance with the relevant reporting guidelines. It draws on information received from State bodies and non-governmental organizations (NGOs), taking account of the Committee's concluding observations on the combined third and fourth periodic reports adopted in 2014 (CRC/C/KGZ/CO/3-4). It provides information on the measures taken in the reporting period to fulfil the country's obligations under the Convention, the progress made, the difficulties encountered and plans for its further implementation.
6. The Committee's concluding observations were broadly discussed with the support of the United Nations Children's Fund (UNICEF) country office in Kyrgyzstan in all regions of the country with the participation of representatives of State bodies, local authorities, civil society and international organizations and the academic community.

## II. Follow-up information relating to the Committee's concluding observations on the combined third and fourth periodic reports of Kyrgyzstan

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

#### Follow-up information relating to paragraph 7 of the concluding observations

##### (a)

7. Kyrgyzstan has carried out the following activities to raise awareness among judges, lawyers and procurators about the Convention and the direct applicability of its provisions in domestic law.
8. Every year, the Coordinating Council on Human Rights attached to the Government, with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for Central Asia, runs training seminars on the application of international human rights treaties for representatives of ministries and departments, the Supreme Court, the Procurator General's Office, the Akyikatchy (Ombudsman) and the National Centre for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Two-day training seminars were held in 2017 and 2018 for independent local and international experts (including OHCHR human rights officer Anita Trimaylova).

9. The Higher School of Justice attached to the Supreme Court provides targeted training to professionals for public positions in the judicial system and subsequent training for future judges, and retraining and professional development of judges and staff in the court system. Training takes account of new legislation on the protection of the rights of the child.
10. The School has offered advanced courses under the comprehensive training programme for local court judges, following the modules entitled “Current issues in criminal cases involving minors” and “Consideration of cases by the courts involving adoption, tutorship or guardianship, and the placement of children in institutional care”.
11. In 2014, 23 training sessions were held in the country’s provincial capitals, attended by 46 district court presidents, 50 judges, 58 procuratorial officials, 60 officials of the juvenile affairs inspectorate, 48 lawyers and 72 social workers. In 2015, 38 judges received training. Since 2016, 66 first-time judges have been trained.
12. With the support of UNICEF, a study guide was prepared to provide members of the judiciary, procurator’s offices, internal affairs agencies and the legal profession with information about juvenile justice legislation. The Higher School of Justice, the Centre for the Advanced Training of Procurators, the Academy of the Ministry of Internal Affairs, the Kyrgyz State Academy of Law and the Lawyers’ Training Centre offered training sessions from 2014 to 2018. Training programmes are regularly introduced to the course on juvenile justice for students. The basics of juvenile justice have been introduced to the curriculum of the Resource Centre of the Academy of the Ministry of Internal Affairs. A separate module on working with child victims and witnesses of crime and violence, and with children involved in civil proceedings, is currently being developed.
13. The Centre for the Professional Training of Procurators and Investigators of the Office of the Procurator General also provides procuratorial officials with training under a professional development programme.
14. In 2014–2015, the training centre, with the support of NGOs, OHCHR, the United States Department of Justice, the United States Embassy in the Kyrgyz Republic, the Organization for Security and Cooperation in Europe (OSCE), the Friedrich Ebert Foundation, the Kylym Shamy foundation, UNICEF and the British Embassy in the Kyrgyz Republic, organized and conducted more than 70 lectures and workshops on international law to protect human and civil rights and freedoms.
15. The State Programme for the Development of Justice for Children for the period 2014–2018, adopted pursuant to Decision No. 4390-V of 16 October 2014 of the Zhogorku Kenesh, the parliament of Kyrgyzstan, has been carried out. As part of a joint project of the Ministry of Justice and the Pokolenia Insan foundation to design a model juvenile justice system under that programme, a two-day training session was organized with support from UNICEF for procurators, internal affairs officers, members of the judiciary, members of the Bar, officers of the State Penal Correction Service and workers of the social development system in the regions where the project was being piloted.
16. The Ministry of Justice, with the support of UNICEF, provided training to 227 lawyers included in the register of guaranteed State legal aid from all regions of the country with a view to enhancing their areas of expertise and improving the quality of free legal aid.
17. Within the framework of the cooperation between the French National Bar Council and Kyrgyzstan, between 28 and 30 October 2015, training sessions on the rights of the child were organized for teachers at two Bishkek schools, with the participation of lawyers from both countries. Sample lesson topics were developed for pupils in grades 5 to 11 on the basis of the outcome of these sessions. On 18 February 2016, Ministry of Education and Science approved modules and the list of lawyers and identified two pilot schools in Chüy Province and Bishkek to test the lessons. The results of the work were discussed at a round table in June 2016.
18. In addition, every year, at least 100 specialists and social workers in the social development system are trained in child protection issues.

(b)

19. The calculation of the total population by age (at the beginning of each calendar year) is made by the National Statistics Committee throughout the country, in the provinces, districts, cities and towns. The calculation is made for males and females by single year of age, from 0 to 99 (including ages 0–17) and for the 100 years and older age group. Data are published on the website of the National Statistics Committee in the dynamic tables section (<http://www.stat.kg/ru/statistics/naselenie/>) and in the Demographic Yearbook.

20. There were 2,371,400 children in Kyrgyzstan as of 1 January 2019, with a resident population of 6,389,500.

Table 1  
Distribution of the resident population by age

| <i>Estimate at the beginning of the year, persons</i> |                  |                  |                  |                  |                  |
|-------------------------------------------------------|------------------|------------------|------------------|------------------|------------------|
| <i>Male</i>                                           |                  |                  |                  |                  |                  |
| <i>Indicator</i>                                      | <i>2015</i>      | <i>2016</i>      | <i>2017</i>      | <i>2018</i>      | <i>2019</i>      |
| <b>Total population</b>                               | <b>2 916 971</b> | <b>2 980 894</b> | <b>3 042 510</b> | <b>3 101 817</b> | <b>3 169 634</b> |
| Age:                                                  |                  |                  |                  |                  | 1 208 778        |
| Less than 1 year                                      | 81 744           | 83 099           | 79 934           | 77 695           | 86 596           |
| 1 year                                                | 78 228           | 81 606           | 82 893           | 79 696           | 77 509           |
| 2 years                                               | 77 839           | 78 148           | 81 467           | 82 789           | 79 608           |
| 3 years                                               | 74 975           | 77 796           | 78 087           | 81 374           | 82 726           |
| 4 years                                               | 73 092           | 74 852           | 77 751           | 78 033           | 81 347           |
| 5 years                                               | 67 351           | 73 062           | 74 809           | 77 709           | 78 003           |
| 6 years                                               | 59 171           | 67 343           | 73 034           | 74 765           | 77 681           |
| 7 years                                               | 62 979           | 59 167           | 67 320           | 73 009           | 74 732           |
| 8 years                                               | 57 005           | 62 965           | 59 142           | 67 298           | 72 974           |
| 9 years                                               | 54 662           | 56 979           | 62 944           | 59 128           | 67 266           |
| 10 years                                              | 56 170           | 54 632           | 56 957           | 62 900           | 59 107           |
| 11 years                                              | 52 660           | 56 151           | 54 595           | 56 947           | 62 870           |
| 12 years                                              | 50 289           | 52 666           | 56 154           | 54 570           | 56 920           |
| 13 years                                              | 48 115           | 50 294           | 52 653           | 56 132           | 54 539           |
| 14 years                                              | 50 175           | 48 086           | 50 265           | 52 628           | 56 086           |
| 15 years                                              | 51 491           | 50 153           | 48 096           | 50 242           | 52 588           |
| 16 years                                              | 52 904           | 51 445           | 50 102           | 48 051           | 50 210           |
| 17 years                                              | 51 710           | 52 830           | 51 391           | 50 033           | 48 016           |
| <i>Estimate at the beginning of the year, persons</i> |                  |                  |                  |                  |                  |
| <i>Female</i>                                         |                  |                  |                  |                  |                  |
| <i>Indicator</i>                                      | <i>2015</i>      | <i>2016</i>      | <i>2017</i>      | <i>2018</i>      | <i>2019</i>      |
| <b>Total population</b>                               | <b>2 978 091</b> | <b>3 038 586</b> | <b>3 097 690</b> | <b>3 154 913</b> | <b>3 219 866</b> |
| Age:                                                  |                  |                  |                  |                  | 1 162 633        |
| Less than 1 year                                      | 77 212           | 77 593           | 75 820           | 73 652           | 82 205           |
| 1 year                                                | 74 284           | 77 011           | 77 405           | 75 617           | 73 519           |
| 2 years                                               | 73 990           | 74 229           | 76 913           | 77 308           | 75 543           |
| 3 years                                               | 71 484           | 73 961           | 74 180           | 76 825           | 77 263           |
| 4 years                                               | 70 109           | 71 393           | 73 952           | 74 164           | 76 794           |
| 5 years                                               | 63 717           | 70 105           | 71 380           | 73 956           | 74 146           |

| <i>Estimate at the beginning of the year, persons</i> |                  |                  |                  |                  |                  |
|-------------------------------------------------------|------------------|------------------|------------------|------------------|------------------|
| <i>Female</i>                                         |                  |                  |                  |                  |                  |
| <i>Indicator</i>                                      | <i>2015</i>      | <i>2016</i>      | <i>2017</i>      | <i>2018</i>      | <i>2019</i>      |
| <b>Total population</b>                               | <b>2 978 091</b> | <b>3 038 586</b> | <b>3 097 690</b> | <b>3 154 913</b> | <b>3 219 866</b> |
| 6 years                                               | 56 717           | 63 699           | 70 096           | 71 376           | 73 938           |
| 7 years                                               | 60 957           | 56 730           | 63 699           | 70 085           | 71 347           |
| 8 years                                               | 54 790           | 60 950           | 56 712           | 63 710           | 70 065           |
| 9 years                                               | 52 823           | 54 769           | 60 945           | 56 722           | 63 691           |
| 10 years                                              | 53 861           | 52 817           | 54 758           | 60 959           | 56 707           |
| 11 years                                              | 50 495           | 53 864           | 52 790           | 54 739           | 60 933           |
| 12 years                                              | 48 390           | 50 502           | 53 854           | 52 788           | 54 716           |
| 13 years                                              | 46 454           | 48 386           | 50 493           | 53 851           | 52 756           |
| 14 years                                              | 48 430           | 46 456           | 48 368           | 50 490           | 53 829           |
| 15 years                                              | 49 545           | 48 433           | 46 447           | 48 345           | 50 458           |
| 16 years                                              | 51 107           | 49 490           | 48 389           | 46 421           | 48 320           |
| 17 years                                              | 49 922           | 51 017           | 49 420           | 48 348           | 46 403           |

21. In 2018, the National Statistics Committee conducted a multiple indicator cluster survey with technical support from UNICEF. According to the survey, early stimulation and care for children ages 2–4 is provided mostly by an adult household member (87 per cent), but the father's involvement was very limited (11 per cent). Access to early education programmes does not vary significantly by gender and was relatively higher for children aged 4 years, children from urban areas and children from the wealthiest families. Development index scores were higher for children from urban areas (76 per cent) and fairly well-off families (78 per cent) and, in terms of gender, were higher for girls (75 per cent). One in five families had three or more books at home. The percentage of children aged 3–4 whose development was appropriate to their age was 72. The level of fine motor skills is quite high, at 99 per cent; cognitive development, 92 per cent; and social and emotional development, 74 per cent. The rate for reading and counting is much lower, at 14 per cent. The share of children up to the age of 5 left alone or in the care of another child under 10 years of age was 8 per cent. This indicator is significantly high in Chüy (16 per cent), Batken (12 per cent), Talas (10 per cent) and Jalal-Abad (8 per cent) Provinces.

22. The Ministry of Labour and Social Development is developing a database for the early identification and inter-agency support of children in precarious situations.

(c)

23. In accordance with article 108 of the Constitution, parliamentary control over the observance of human and civil rights and freedoms in Kyrgyzstan is carried out by the Ombudsman. Every year, the Ombudsman submits a report to the parliament, which officially reports on cases of violations of citizens' rights and freedoms in the country. The data presented to the general public by the Ombudsman facilitate the review of current legislation and streamline the process of harmonizing it with international law.

24. According to article 23 of the Children's Code, the Ombudsman monitors, analyses and oversees the observance of the rights, freedoms and legitimate interests of children by State bodies, local authorities and organizations, regardless of their form of ownership, and their officials.

25. The Code has expanded the powers of the Ombudsman, including the power to receive and consider individual complaints from children. The Ombudsman is authorized by law to investigate violations of civil rights and to demand that State and municipal officials take action to safeguard such rights.

26. With a view to strengthening the work on the protection of children's rights, in an order on 19 June 2019, the Ombudsman appointed the Deputy Ombudsman, Ms. G.O.

Zhamgyrchieva, to serve as Children's Ombudsman. The Children's Ombudsman is responsible for providing operational assistance to child victims of violence, pursuing measures and objectives aimed at providing legal and organizational assistance to children, teachers at educational and specialized children's institutions, social workers and juvenile affairs inspectorates, conducting preventive measures with parents and other relatives to strengthen measures against violence and establishing close cooperation between State agencies for the protection of rights and interests.

27. The Human Rights Action Plan for the period 2019–2021 approved pursuant to Government Order No. 55-r of 15 March 2019 provides for measures to bring the Ombudsman (Akyikatchy) Act into compliance with the Paris Principles.

**(d)**

28. There are 29,610 registered NGOs in Kyrgyzstan, but only a third of them (about 6,000) are functioning in practice, with activities aimed at addressing social problems in various areas. It should be noted that the Non-Profit Organizations Act aims to support the civil sector and creates the right conditions for a sustainable partnership between the State and the civil sector. The Government of Kyrgyzstan and public bodies work closely with the non-governmental sector to develop and implement child protection policies.

29. In accordance with the Government Social-Sector Procurement Act, the Ministry of Labour and Social Development implements socially useful projects, including those aimed at providing services to children in difficult circumstances, through NGOs. Thus, from 2014 to 2018, of the approved and implemented projects, 47 were aimed at providing services to families and children in difficult situations, including children with disabilities. Funding under the State social-sector procurement system during this period increased eightfold, from 4 million to 32 million soms.

**(e)**

30. Under the Constitution, the procuratorial authorities are responsible, within the limits of their authority, for supervising the precise and uniform implementation of legislation, including legislation on children.

31. In the period 2014–2018, the procuratorial authorities conducted 6,632 inspections on the implementation of legislation on minors, resulting in 4,922 representations to address violations of the law, 1,974 orders, 693 warnings and 329 statements of claim to protect the rights and interests of children and 145 criminal cases initiated.

32. As a result of consideration of procurators' reports on action taken to remedy violations of the law, disciplinary sanctions were imposed on 8,108 officials and administrative sanctions on 183.

33. The main targets of the inspections were the social development, internal affairs, education and health authorities, the commissions on children's affairs and educational and residential institutions.

### **Follow-up information relating to paragraphs 9 and 21 of the concluding observations**

34. The Children's Code defines the best interests of the child in accordance with the provisions of the Convention on the Rights of the Child.

35. Pursuant to article 19 of the Convention and the Convention on the Elimination of All Forms of Discrimination against Women, the Protection against Domestic Violence Act, No. 63 of 3 October 2017, was adopted to reduce and eradicate acts of violence against women and children. The Act is focused mainly on the prevention and suppression of domestic violence and the provision of social and legal protection to victims of domestic violence. The law sets out fundamental principles to guide the actors responsible for its implementation.

36. Under the law, the internal affairs agencies are obliged to respond to all reports of domestic violence and not only those made by victims. A single type of restraining order has been introduced to replace the two previous ones: temporary restraining orders and court

orders. For the first time, provision has been made for rehabilitation programmes to change violent behaviour among perpetrators of violence.

37. As part of the judicial and legal reforms, the Criminal Code was amended to increase liability for domestic violence and failure to comply with the terms of a protection order, as have the Code of Infractions and the Code of Violations.

38. The Codes set out the specific characteristics of children's liability and the minimum and maximum thresholds of punishments that may be imposed on children in order to ensure that the best interests of the child are considered and any punishment of minors is humane. There are clear boundaries within which the court decides whether or not to impose a penalty on persons under the age of 18.

39. The Codes provide for the introduction of new institutions, such as a single register of crimes and infractions, the investigating judge, the digitalization of the investigation rooms and courtrooms, probation and mediation.

40. Among the objectives of the Probation Act, adopted in February 2017 is to create the conditions for the rehabilitation and reintegration into society of persons on probation and to prevent recidivism by such persons. The law contains such a new concept as "juvenile probation".

41. The Mediation Act, adopted in August 2017, regulates the use of mediation in disputes relating to civil, family and labour law.

42. The Code of Civil procedure, as amended on 25 January 2017, has improved civil proceedings, including separate provisions governing the procedure for consideration by the courts of categories of cases involving children, proceedings relating to adoption, guardianship or trusteeship and the placement of children in residential institutions. All of this is aimed at establishing clear mechanisms to protect the rights of the child.

43. In December 2016, the State Legal Aid Act was adopted in a new version, which expanded the range of persons who are entitled to receive State legal aid.

44. The Centre for the Coordination of State Legal Aid attached to the Ministry of Justice was established by Government Decision No. 314 of 31 May 2017 with a view to ensuring the interaction of all actors in the system. As part of providing legal aid, 24 legal counselling centres have been set up at local justice departments.

45. Taking into account the Committee's comments and recommendations from 2014, the practical experience of other countries and the recommendations of State authorities, a new version of the Children's Code was completed in the second quarter of 2019, which provides for a number of significant new developments, including the introduction of rules on basic guarantees of the child's right to social support and protection, which will allow children whose parents are unknown to receive State benefits and social support alongside children who are orphaned. The prohibition of corporal punishment as a form of child discipline has been introduced. The list of all concepts used has been revised, with the addition of new terms such as alternative childcare, child protection team and children with disabilities.

46. A new development in the draft Children's Code is the introduction of a social service for child protection that will directly conduct case management at the local level, or practical social work to support a child in difficult circumstances and his or her family at all stages, from the identification of such a child to his or her removal from the register and closure of the case.

47. Given the need to gradually do away with residential institutions for children and put a complete end to the placement of children in them, the new version of the Children's Code aims to develop family-type institutions with a maximum of 12 children.

48. The section "Justice for children" contains the new term "juvenile prevention", which aims to prevent and deter juvenile offending and consists of three stages of prevention: primary prevention, secondary prevention and a third stage, namely working with children in conflict with the law to prevent them from reoffending and promoting their rehabilitation and social reintegration.

49. The procedures for an official of the investigating authority, the investigator and the judge in criminal proceedings involving a child is described in detail. Provision is made for child-friendly rooms, specially equipped spaces and separate waiting rooms in the courthouse.

50. Regarding the Committee's recommendation that courts explicitly refer to the provisions of the Convention in their decisions, it should be noted that the rules of the Convention are applied in practice.

51. For example, the Supreme Court, in a review of a civil case involving an appeal by way of supervision of a complaint lodged by K.M.M.'s representative against a decision of the civil division of the Chüy Provincial Court of 22 August 2016, disallowed K.M.M.'s claim for the children's place of residence to be with their father.

52. The decision of the civil division of the Chüy Provincial Court of 22 August 2016 was upheld. In doing so, the Supreme Court was guided not only by Kyrgyz law but also by article 3 (1) of the Convention, which states that, in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

### **Follow-up information relating to paragraph 11 of the concluding observations**

53. The Kyrgyz Republic has remained committed to further progress in ensuring human rights and freedoms and has integrated the objectives of the Sustainable Development Goals into its policies.

54. The National Sustainable Development Strategy for the period 2013–2017 was approved by Presidential Decree No. 11 of 21 January 2013. Among the areas of action identified in the Strategy are building a State governed by the rule of law, ensuring lawfulness and addressing social problems and challenges.

55. Based on this Strategy, the Housing Construction in Rural Areas Development Programme for 2015–2017, approved by Government Decision No. 85 of 27 February 2015, was adopted.

56. The social protection of children and families in difficult circumstances has been identified as one of the priority areas of the Programme. With a view to achieving this objective:

- Mechanisms for the timely identification and follow-up of children and families in difficult circumstances have been strengthened.
- The quality of family-friendly social services has been improved.
- Mechanisms for contracting out social services have been introduced to the process of developing the market for social services.
- The effectiveness of the system of benefits for low-income families has been improved.

57. Presidential Decree No. 221 of 31 October 2018 approved the National Sustainable Development Strategy for 2018–2040, which is a fundamental document in the State development policy in all spheres of society.

58. The programme envisages the introduction of State benefits for children under the age of 3 with a view to their harmonious development and the development of regulations governing the remuneration of mothers and carers of children with disabilities living in families. A system for planning, organizing, financing and providing social service alternatives to residential institutions is to be established.



## **Follow-up information relating to paragraph 13 of the concluding observations**

59. Under Government Decision No. 169 of 19 April 2011 on issues relating to the Ministry of Social Protection, in order to effectively coordinate the protection of children's rights, the Department of Family and Child Protection was placed under the direct authority of the Ministry of Labour and Social Development, which, according to Government Decree No. 888 of 28 December 2015 on issues relating to the Ministry of Labour and Social Development of the Kyrgyz Republic, implements child protection policy and ensures overall coordination of activities. A number of ministries and departments ensure the development of State and departmental policies within their competence and the implementation of the main provisions of the Children's Code by their organizational units at the national and regional level, including the Ministry of Education and Science, the Ministry of Health, the Ministry of Internal Affairs and other departments.

60. The Interagency Coordinating Council on Juvenile Justice attached to the Government was established pursuant to Government Decision No. 232 of 3 May 2013 on the Interagency Coordinating Council on Juvenile Justice attached to the Government of the Kyrgyz Republic. The main aim of the Council is to coordinate measures and combine the efforts of State and local authorities, civil society and international organizations to implement measures to protect and restore the rights and legitimate interests of minors in conflict with the law. The Council is chaired by the Deputy Prime Minister for Social Affairs. The members of the Council are representatives of 23 State bodies, local authorities, international organizations and NGOs.

61. Government Decision No. 830 of 4 December 2015 on the Coordinating Council on Social Protection of the Population and the Rights of Children established the Coordinating Council on Social Protection of the Population and Rights of Children, which coordinates the implementation of measures in the field of social protection of children, persons with disabilities and older people and develops proposals for the improvement of legal acts in the field of social protection and the rights of children. The Coordinating Council is also chaired by the Deputy Prime Minister for Social Affairs. The members of the Council are representatives of 25 State bodies, local authorities, international organizations and NGOs.

62. In 2013, the Coordinating Council on Human Rights attached to the Government was established to improve the mechanisms for the protection of human and civil rights and freedoms and to implement international human rights obligations. The Council is chaired by the Deputy Prime Minister in charge of law enforcement.

63. It should be noted that there are sufficient coordination mechanisms at the national level for the protection of children's rights.

64. At the district and local government level (in cities with national and provincial status), child protection issues are coordinated by the deputy heads of the local State administrations and city halls, where commissions for children operate under these bodies.

65. In accordance with the Children's Code (art. 27), local divisions of the authorized body for the protection of children perform the functions of guardianship and tutorship at the district or city level, are organizational units of the Ministry of Labour and Social Development and report to it and to State administrations and city halls. Local authorities are thus also responsible for the situation of children and the provision of relevant services. Draft individual child protection plans proposed by the local units of the child protection authority are coordinated with the Commission on Children's Affairs and adopted by decision of the State administration, thus ensuring a collegial decision in cases involving children.

66. Increased staffing levels of social protection workers in the field are being considered as part of the newly drafted Children's Code.

## Follow-up information relating to paragraph 15 of the concluding observations

### (a) and (b)

67. Half of the budget revenue of Kyrgyzstan is allocated to the social sphere, including children (social protection, education, health care, culture and sports). In accordance with the Act on the 2019 National Budget and the 2020–2021 Forecast, 5,280.7 million soms were set aside in the budget of the Ministry of Labour and Social Development for monthly allowances (*ui-bulogo komok*) for children living in low-income families and lump-sum payments upon a child's birth (*balaga suinchu*), an increase of 1,752.2 million soms as compared to 2018.

68. In addition, 3,412.3 million soms are envisaged for monthly social benefits (disability, loss of breadwinner), which is over 400 million soms more than in 2018.

69. Furthermore, in accordance with Government Decision No. 556 of 23 November 2018 on the Approval of the Decision on the Conditions of Payment for Personal Assistant Services for Children with Disabilities requiring Constant Care and Supervision, payments are being made to personal assistants of children with disabilities. Since 1 January 2019, the payment to personal assistants is about 5,000 soms based on the minimum consumption basket, where the current year payment of 136,995,400 soms was made.

70. A total of 140 million soms were allocated from the national budget for the period 2014–2019 for the development of social services under State social procurement contracts.

## B. Definition of the child

### Follow-up information relating to paragraphs 16 and 17 of the concluding observations

71. The term “child” was first defined in Kyrgyzstan by the Family Code of 30 August 2003, in which a child is designated as someone who has not attained the age of 18 years (the age of majority). As recommended by the Committee, the Children's Code also establishes that a minor is a child aged under 18 years.

72. The draft of the new version of the Children's Code includes the following definition: “A child is a person aged under 18 years.”

73. The Act on the Principles of State Youth Policy is also aimed at upholding the rights and interests of young people and youth organizations and realizing their potential for the benefit of the State and society. Under the Act, young citizens and stateless persons mean persons aged 14–28 years who are working to implement their own initiatives in the interests of the State and society. The Act is intended to promote young people's initiatives through financial assistance, in accordance with targeted State and local-level programmes, and on a competitive basis, and to support talented young people. In this connection, the Act does not restrict any of the rights of the child as enshrined in the Convention but promotes citizen-led initiatives for socially useful activities in the interests of the State and society, including those carried out by children aged 14 years and over who are aware of the need for such activities.

74. The Health Care Act contains no provisions or definitions that restrict children's rights or contradict the definition of a child.

75. Minor citizens may independently seek legal advice from tutorship or guardianship agencies, the commission on children's affairs and other State bodies. Medical and surgical treatment of minors is subject to parental consent except in cases where urgent medical assistance is required.

## C. General principles

### Follow-up information relating to paragraph 19 of the concluding observations

76. Kyrgyzstan has established legal principles governing non-discrimination, the best interests of the child, the right to life, survival and development and respect for the views of the child applied equally to boys and girls.

77. Under the Constitution, every person is entitled to fundamental human rights and freedoms from birth. Human rights and freedoms are enforceable. They are recognized as absolute and inalienable, determine the sense and content of the operation of the legislative, executive and local government bodies, and are protected by the law and the courts. In Kyrgyzstan, all persons are equal before the law and in court. No one may be discriminated against in any way or suffer a violation of his or her rights and freedoms on grounds of origin, sex, race, ethnicity, language, belief, political and religious views or any other personal or social circumstances. In accordance with the Constitution and other laws and regulations, priority is given to the interests of the child and to enforcing his or her rights in matters relating to ownership, inheritance, access to free education, health care and so forth.

78. A number of special laws and regulations guarantee the rights of children in difficult circumstances, for example refugee children, children with disabilities and children without parental care. The Education Act establishes the child's constitutional right to education regardless of social or property status, ethnicity and religion and guarantees free primary and lower secondary education and vocational training and, on a competitive basis, free higher education.

79. In accordance with the Convention (art. 3), the Children's Code establishes the basic principles of upholding the rights of the child, including non-discrimination on the basis of the child's or his or her parents' or legal guardians' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

80. Under the Health Care Act, Kyrgyz citizens have an inalienable right to health care, regardless of their sex, race, ethnicity, language, social origin, professional status, place of residence, attitude to religion, beliefs and membership of voluntary associations, including equal opportunities in exercising the right to medical and social care (art. 61).

81. Article 12 of the Children's Code defines the responsibilities and powers of the Ombudsman with regard to protecting children's rights and freedoms and preventing discrimination of any kind against children exercising these rights and freedoms. The local units of the child protection authority ensure that the rights of the child are enforced should the need arise to protect a child in the family. They conduct comprehensive children's rights and family assessments, draw up care plans for children and consider the possibilities for guardianship, foster care or adoption.

82. Under Kyrgyz law, no restrictions are placed on the rights of the child, agencies have been established to uphold children's rights (the Ombudsman, family and child welfare offices and commissions on children's affairs), and the country receives assistance from international organizations.

83. The commission of an offence for reasons of racial, ethnic, religious or interregional hostility or hatred constitutes an aggravating circumstance under criminal law.

84. With regard to lesbian, gay, bisexual and transgender persons, existing legislation reflects an attitude of non-discrimination and positive realization of citizens' rights.

85. Kyrgyzstan is continuing to take steps to bring national law into line with international standards on the rights of lesbian, gay, bisexual and transgender persons. Under the Health Care Act, medical and social assistance for transgender, transsexual and gender-nonconforming persons is provided at health-care facilities. Such services include specialized medical and psychological assistance, check-ups and examinations and the preparation of

medical reports for use in changing the sex indicated in the person's identity documents for the purposes of legal gender recognition and social rehabilitation assistance.

86. Sex reassignment is performed at the request of an adult patient in accordance with a medical assessment. In 2013, 15 transgender persons underwent sex reassignment. According to the State Registration Service under the Government of Kyrgyzstan, in 2017, 12 Kyrgyz citizens officially changed the sex marker in their identity documents in accordance with article 72 of the Civil Registration Act.

87. The Ministry of Health prepared the Manual on Provision of Medical and Social Care for Transgender, Transsexual and Gender-Nonconforming Persons, for use by medical professionals at all levels of the national health-care system and at other national institutions (Order No. 42 of the Ministry of Health of 18 January 2017). Instructions on changing the sex marker in the identity documents of lesbian, gay, bisexual and transgender persons were drawn up for civil registry offices in accordance with the rules approved by the Ministry of Health on 18 January 2017.

88. No cases of discrimination against lesbian, gay, bisexual and transgender persons have been recorded in the country.

### **Follow-up information relating to paragraph 23 of the concluding observations**

89. Analysis has shown that 5,640 criminal cases were opened in connection with the crimes committed during the events of June 2010, with 442 persons killed, 21 bodies still unidentified and 22 persons reported missing.

90. Proceedings were suspended in 559 cases, of which 26 cases were suspended under article 221 (1), subparagraph (1), of the Code of Criminal Procedure (owing to a failure to locate the accused) and 533 under article 221 (1), subparagraph (3) (owing to a failure to identify a person who could be charged), of the Code of Criminal Procedure. All possible measures are being taken to shed light on these crimes.

91. Proceedings were terminated in 13 criminal cases. These include 4 cases in which missing persons were found (terminated under article 28 (1), subparagraph (2), of the Code of Criminal Procedure), 7 cases involving the unauthorized taking of a vehicle (terminated under article 28 (1), subparagraph (10), of the Code of Criminal Procedure) and 2 cases of weapons theft.

92. As at 1 January 2019, there were no reopened criminal cases being handled by the investigative authorities.

93. In exercise of their oversight function, the procuratorial authorities have reviewed all the criminal cases handled by the law enforcement agencies of Osh Province and have issued 561 directives, given 12 orders to rectify breaches of the law and initiated 4 disciplinary proceedings.

94. The law enforcement authorities of Osh Province issued international wanted persons notices for 17 persons in 12 criminal cases through the International Criminal Police Organization (INTERPOL). The reasons for the failure to shed light on the crimes committed during the events of June 2010 include delays by victims in contacting law enforcement authorities, loss of evidence, a lack of eyewitnesses to the crimes and the incomplete and delayed conduct of inquiries. In this connection, the following points are of particular note:

- It was not known where most of the killings had taken place, as relatives or unidentified persons had taken the bodies to medical facilities, cemeteries and morgues (for example, 37 bodies had been taken to Osh Provincial Hospital, 27 to the provincial cancer hospital, 12 to Madyn Rural Hospital and 33 to the Eski Mazar cemetery).
- For the reasons stated above, the internal affairs officers and military personnel who discovered bodies had no real opportunity to carry out a proper examination of the

crime scene; many of the gunshot wounds had been caused by a bullet that exited the body, which meant that no bullets could be recovered.

- There were typically no eyewitnesses to the killings, arson attacks, destruction of property and looting, as many had fled their homes and gone into hiding; during the investigation, no victims or witnesses could be found at their place of residence, and many were living with relatives in other places.
- For these reasons, the necessary forensic examinations were not ordered promptly, and major difficulties were subsequently encountered in ordering technical and biological forensic examinations, as there was nothing to submit for examination.
- Most of the crimes were committed in a spontaneous and indiscriminate fashion by groups both large and small.
- Following the rioting, there was an outflow of citizens to foreign countries. For example, 60,495 persons left Osh Province (47,628 for the Russian Federation, 11,988 for Kazakhstan and 1,478 for other countries), including 37,048 persons in the first five months of 2011 (29,181 for the Russian Federation, 7,260 for Kazakhstan and 607 for other countries). Some of those who left have been identified as perpetrators who took advantage of the simplified procedure for issuing passports to claim that their documents had been destroyed, change their personal details and leave the country, making it difficult to track them down. In addition, most of the victims and witnesses left the country.
- In the days and months following the rioting, there was no real opportunity to carry out investigations or inquiries, particularly at the mahallas. This included investigations and inquiries aimed at apprehending suspects. On arrival at the scene, officers faced significant resistance; crowds immediately formed and obstructed their work.

95. In total, 325 criminal cases involving 638 persons have been heard by the courts in connection with the June events.

Table 2

**Information regarding cases heard by the judicial authorities**

| <i>Measures</i>                                           | <i>Jalal-Abad Province</i> | <i>Osh Province</i>        | <i>Military court, Osh garrison</i> | <i>Total</i>               |
|-----------------------------------------------------------|----------------------------|----------------------------|-------------------------------------|----------------------------|
| Prison sentences                                          | 33                         | 139                        | 6                                   | 178                        |
| Life sentences                                            | 27                         | 17                         | –                                   | 44                         |
| Suspended sentences                                       | 92                         | 82                         | 4                                   | 178                        |
| Fines                                                     | 4                          | 10                         | 9                                   | 23                         |
| Convictions                                               | 156 persons<br>(63 cases)  | 248 persons<br>(133 cases) | 19 persons (5 cases)                | 423 persons<br>(201 cases) |
| Acquittals                                                | 7 persons<br>(5 cases)     | 7 persons<br>(5 cases)     | –                                   | 14 persons<br>(10 cases)   |
| Orders to terminate proceedings                           | 14 persons<br>(7 cases)    | 14 persons<br>(7 cases)    | 19 persons<br>(15 cases)            | 47 persons<br>(29 cases)   |
| Remission of sentence                                     | –                          | –                          | 1 person                            | 1 person                   |
| Returned to procurator's office for further investigation | 57 persons<br>(24 cases)   | 59 persons<br>(26 cases)   | –                                   | 116 persons<br>(50 cases)  |
| Returned to procurator's office for other reasons         | 17 persons<br>(12 cases)   | 18 persons<br>(13 cases)   | –                                   | 35 persons<br>(25 cases)   |
| Referrals to psychiatric hospitals                        | –                          | 8 persons<br>(8 cases)     | –                                   | 8 persons<br>(8 cases)     |

## D. Civil rights and freedoms

### Follow-up information relating to paragraph 25 of the concluding observations

96. Under article 14 (1) of the Civil Registration Act, the State registers births on the basis of:

- A certificate of birth issued by the health facility where the delivery took place or, for births outside a health facility, a certificate of birth issued by a physician or other medical worker authorized by the relevant medical authority
- Identity documents of one or both of the child's parents
- Documents (medical certificate of birth, extracts from the register, birth certificate, etc.) issued by the competent authorities of foreign countries attesting to the birth of children born in a foreign country to parents who are nationals of Kyrgyzstan

97. Under article 16 of the Act, one or both of the parents must report the birth of the child in writing to the civil registry office.

98. If the parents themselves are unable to report the birth of the child, the documentation must be submitted by a close relative of one of the parents or by another person authorized by one or both parents, or by an official of a medical institution or other establishment where the delivery took place or where the child is located.

99. A document confirming the child's birth must be submitted at the same time as the report of the birth, as must documents certifying the identity of one or both parents or the identity of the applicant and his or her authority to submit an application and the documents to be used for adding information about the father to the birth entry.

100. Under article 7 of the Convention, every child must be registered immediately after birth and has the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

101. Article 24 of the International Covenant on Civil and Political Rights of 16 December 1966 (Decision No. 1406-XII of 12 January 1994 of the Zhogorku Kenesh) includes a similar provision, namely, the requirement that every child be registered immediately after birth and have a name.

102. Kyrgyzstan has been a full member of the Economic and Social Commission for Asia and the Pacific (ESCAP) since 28 July 1992. At the ESCAP Ministerial Conference held in November 2014, a high-level political commitment was made to improving civil registration and vital statistics systems and to achieving a birth registration rate of 100 per cent by 2024.

103. On 1 November 2014, civil registry offices launched an automated information system for civil status records, as a key component of the single State register of population.

104. On 11 February 2014, in cooperation with the Republican Medical Information Centre of the Ministry of Health and the National Statistical Committee, a "medical certificate" automated information system was launched as part of the implementation of an interdepartmental action plan (road map) developed with the support of the World Health Organization office in Kyrgyzstan.

105. In order to ensure the completeness and accuracy of the information, an automated system for registering medical certificates of births and deaths is being introduced in parallel. This will create a centralized database and automate the issuance of medical birth and death certificates in order to ensure the appropriate processing of records.

106. On the automated information systems for medical certificates and civil status records, it has been made possible to register women's personal data (name and surname, date of birth, education, home address, family status) on the basis of their statements, without the need for identity documents.

107. In accordance with the Human Rights Action Plan for the period 2019–2021, which was approved by Government Order No. 55-r of 15 March 2019, and in implementation of the recommendations of United Nations treaty bodies, including the Committee on the Rights of the Child, steps are to be taken to amend the Civil Registration Act such that a child's birth can be officially registered even if his or her parents have no documents.

108. The new version of the bill sets out a simplified procedure for child registration at civil registry offices.

109. There are plans to further optimize registration and documentation procedures by:

- Fully digitizing the archives
- Rolling out mobile documentation and registration units for those living in hard-to-reach areas
- Ensuring integration with government agencies for the provision of up-to-date data

110. To implement Government Order No. 43-r of 5 February 2018 and test a simplified mechanism for lump-sum payments upon the birth of a child, an inter-agency cooperation procedure was approved for the electronic exchange of data as part of a pilot project for such payments, pursuant to a joint order, No. 40/16 of 8 February 2019, of the State Registration Service and the Ministry of Labour and Social Development. In this context, between February 2018 and June 2019, local civil registry offices registered 178,998 applications for the lump-sum payments, which were initially supported with birth certificates.

111. On 1 April 2018, a new version of the State Benefits Act came into force. It provides for a lump-sum payment of 4,000 soms upon the birth of each child. This also creates an incentive to register births in a timely manner and obtain birth certificates.

### **Follow-up information relating to paragraph 27 of the concluding observations**

112. The Kyrgyz Citizenship Act regulates the procedure and conditions for acquiring Kyrgyz citizenship under the general and simplified procedures.

113. The Act provides for the acquisition of citizenship by birth:

- If the parents were Kyrgyz citizens at the time of the child's birth, the child is a Kyrgyz citizen irrespective of his or her place of birth.
- If the parents have different nationalities but one of them is a Kyrgyz citizen, the citizenship of the child is determined with the written consent of the parents, irrespective of his or her place of birth.
- If one of the parents was a Kyrgyz citizen at the time of the child's birth while the other was stateless or was unknown, the child is a Kyrgyz citizen irrespective of his or her place of birth.
- A child born in the territory of Kyrgyzstan whose parents are stateless persons permanently residing in Kyrgyzstan is a Kyrgyz citizen.
- A child whose parents are both unknown and who is present in Kyrgyzstan is a Kyrgyz citizen.

114. The Act sets out a simplified procedure for the acquisition of citizenship by:

(a) Children who have one parent who is a Kyrgyz citizen, upon application by that parent with the consent of the other parent for the acquisition by the child of Kyrgyz citizenship; such consent is not necessary if the child resides in Kyrgyzstan;

(b) Children whose only parent is a Kyrgyz citizen, upon application by that parent;

(c) Children or persons lacking legal competence who are under tutorship or guardianship, upon application by a tutor or guardian who has Kyrgyz citizenship.

115. Foreign nationals and stateless persons who have attained the age of 18 years have the right to apply for Kyrgyz citizenship under the standard procedure, if they:

- (a) Have permanently and continuously resided in Kyrgyzstan for the five years prior to application; a period of residence is considered uninterrupted if the person left Kyrgyzstan for no longer than three months within a single year;
- (b) Have sufficient knowledge of the State or official language to communicate; the procedure for determining the level of knowledge required is set out in the regulations on the procedure for the consideration of citizenship matters;
- (c) Undertake to comply with the laws of Kyrgyzstan;
- (d) Have a livelihood.

116. Efforts to reduce statelessness are focused on simplifying registration and documentation procedures. In 2014, work began on the creation of a single State population register, which was designed for the purposes of collecting, storing, updating and analysing information about Kyrgyz citizens. The creation of the register involved work to automate all processes. One of the components of the single State register of population is the Citizenship automated information system, which has made it possible to:

- Reduce the time taken to reach decisions, thereby reducing the risks of corruption
- Eliminate paperwork
- Simplify data retrieval and entry
- Integrate the information into other information systems within the single State population register, including the Passport and Civil Status Records automated information systems
- Digitize data relating to persons who renounced their citizenship over the period 2005–2017

117. The second stage of the roll-out of the Citizenship automated information system is planned for late 2019. This is a system for electronic communication among the State bodies involved in considering citizenship matters.

## **E. Violence against children**

### **Follow-up information relating to paragraph 29 of the concluding observations**

#### **(a)**

118. The Practical Guidelines for Medical Specialists in Kyrgyzstan on the Effective Documentation of Violence, Torture and Ill-Treatment were approved pursuant to Order No. 680 of the Ministry of Health of 7 December 2015. The principles of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) are being widely introduced into teaching and practical work in the health-care and penalties enforcement sectors.

119. However, the experience of implementing the Practical Guidelines has shown that it is not enough to introduce medical documentation within the health-care system alone; the Practical Guidelines need to be implemented in the medical institutions of all public and private organizations. There remains a significant shortage of medical workers trained to fill in the forms, with instances of refusals and poor-quality completion of medical documentation and difficulties in assessing the quality of medical findings and forensic examinations.

120. In 2018, a draft government decision on harmonization and standardization of the medical documentation of violence, torture and other cruel, inhuman or degrading treatment or punishment was prepared in order to ensure compliance with its provisions by all State bodies and the implementation of the Practical Guidelines and the principles of the Istanbul



Protocol. The implementation of the Practical Guidelines at medical services across the various departments is included in the 2019 workplan of the Coordination Council for Human Rights attached to the Government.

121. In 2012, in recognition of the importance of torture prevention mechanisms for eradicating torture and ill-treatment, Kyrgyzstan established a national preventive mechanism pursuant to the Act on the National Centre for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

122. In order to prevent torture, officials of the National Centre carry out regular unannounced preventive visits to all places of deprivation and restriction of liberty where minors are held, namely orphanages, social residential facilities, the children's units of psychiatric hospitals, cells for minors at temporary holding facilities and remand centres, and young offenders' institutions. Following its visits, the National Centre prepares an annual report for submission to the parliament. The report describes the current state of affairs with regard to the observance of the right to freedom from torture and ill-treatment and sets out relevant recommendations for State bodies.

123. Between 2012 and 2018, the procuratorial authorities instituted criminal proceedings in relation to 28 communications regarding torture and ill-treatment, which accounted for 3 per cent of the total number of communications addressed to the Centre.

124. In accordance with Order No. 131-r of the Ministry of Internal Affairs of 20 March 2014 on measures to organize the work of internal affairs temporary holding facilities, representatives of the Office of the Ombudsman and the National Centre were granted unimpeded access to internal affairs temporary holding facilities.

125. However, over a four-year period, 46 cases of obstruction of the Centre's work were identified, 3 of which led to the initiation of criminal proceedings (in 2014, 2015 and 2017). While obstruction of and interference in the work of the Centre's staff are prohibited by law, such violations do take place in practice.

126. Article 146-2, criminalizing obstruction of the Centre's activities, was removed from the new Criminal Code, which entered into force in 2019. The provision was incorporated into the Code of Infractions.

127. Between 2012 and 2018, 18 officials were found guilty of torture. Of these officials, 14 worked for the internal affairs agencies and 4 worked for the State Penal Correction Service. The courts sentenced 12 persons to between 7 and 11 years' deprivation of liberty. That figure includes 2 internal affairs officers convicted of having used torture against minors.

128. For example, A.N. and S.E., two district inspectors of the internal affairs office of Bazar-Korgon District in Jalal-Abad Province, exceeded their authority by unlawfully detaining M.U. and O.S., two minors, in order to obtain confessions in connection with a fight that had taken place that day. They beat the minors and used unauthorized methods of inquiry, resulting in lesser grievous bodily harm.

129. On 14 September 2013, the parents of the minors – M.P., E.D. and U.A. – applied to the Bazar-Korgon District procurator's office for action to be taken against the aforementioned district internal affairs officers.

130. On 23 September 2013, the procurator's office of Jalal-Abad Province opened a criminal case (No. 172-13-104) in connection with this incident, under articles 105 (Infliction of lesser grievous bodily harm), 125 (Unlawful deprivation of liberty), 305 (Excess of authority), 305-1 (Torture) and 313-1 (Accepting bribes) of the Criminal Code.

131. Following the investigation of the criminal case, A.N. and S.E. were charged under the aforementioned articles of the Criminal Code. On 31 March 2014, they were sentenced by the district court to 11 and 10 years' of imprisonment, respectively, under article 305-1 (3), subparagraph (1), of the Criminal Code, to be served in a medium-security correctional colony. The sentence was upheld by the Jalal-Abad Provincial Court on 30 May 2014.

**(b) and (c)**

132. In order to prevent torture and ill-treatment, a reception room equipped with a video surveillance and sound recording system has been opened at the premises of the Service for Combating Extremism and Irregular Migration attached to the Ministry of Internal Affairs.

133. On 16 March 2017, the Ministry of Internal Affairs adopted Order No. 226 to approve the Regulations on the Video Surveillance System at Internal Affairs Temporary Holding Facilities. All cells at these facilities are equipped with video surveillance cameras, to which the chief procurator has online access, including via recordings.

134. At penal institutions:

- Notice boards displaying the address of an anti-corruption website and the numbers of telephone helplines have been put up, and complaint boxes have been installed to collect complaints and statements from citizens, persons remanded in custody and convicted prisoners regarding violations of their rights.
- Practical guidelines on the effective documentation of violence, torture and ill-treatment, approved by Ministry of Health Order No. 680 of 7 December 2015, are being introduced.
- Officers receive training and practical and methodological assistance on upholding the rule of law at penal institutions.
- Activities are carried out to provide convicted prisoners with social support and quality medical services.
- At remand centres, there are rooms with video surveillance cameras, which precludes the possibility of torture on the part of investigators.

135. In 2017, an NGO set up Alter Ego, a rehabilitation centre for victims of torture and abuse, where 69 minors who are victims of torture have received medical, social and psychological assistance.

**(d)**

136. Steps are being taken to establish effective mechanisms for considering complaints and systems for collecting data on complaints regarding the use of torture and other forms of ill-treatment against children deprived of their liberty.

137. As an example, the following measures have been taken at institution No. 14 for minors:

- Educational and preventive work and training sessions are held with the prisoners on the topics “Learning to be tolerant of others”, “Becoming more flexible in life” and “Developing interpersonal skills, communication and team-building”; as a result, it may be observed that they no longer seek to establish dominance and instead treat one another equally.
- Surveillance cameras have been installed in accordance with the approved layout plan and operational security requirements.
- To improve conditions of detention, cosmetic repairs such as whitewashing and painting are carried out every year. All minors remanded in custody have their own bed and bedding.
- There are opportunities for physical exercise: the exercise yards have fitness frames (pull-up bars), basketball hoops and a table tennis table. Yard time lasts for at least two hours.
- Five cells have been completely renovated and newly equipped in line with national and international standards.
- The number of locks and bars and the living space are determined and established in accordance with the Act on Procedures and Conditions for the Custody of Suspects and Accused Persons, No. 150 of 31 October 2002, and the internal regulations for

remand centres within the penal system, which were approved by Government Decision No. 631 of 30 August 2006.

- Notice boards displaying the address of an anti-corruption website were put up, and a telephone was installed for making calls to the 115 children's helpline and the central office of the State Penal Correction Service.
- The institution has a computer with Internet access for educational purposes and for use by the inmates to communicate with their parents over Skype.
- Steps are being taken to provide psychosocial assistance to help minors adapt to life inside the institution.
- Complaint boxes have been installed to collect complaints and statements from citizens, persons remanded in custody and convicted prisoners regarding violations of rights. On 30 June 2017, a memorandum of cooperation was concluded between the State Penal Correction Service, the National Centre for the Prevention of Torture and the Legal Prosperity Foundation on the protection of minors' right to freedom from torture and ill-treatment. Under the memorandum of cooperation, the Legal Prosperity Foundation installed complaint boxes at the institution. The boxes are opened only by officers of the National Centre.

138. Institution No. 14 is regularly visited by representatives of the National Centre for the Prevention of Torture, the Office of the Ombudsman and the special procurator's office to identify any violations of the rights of minors; no cases of the obstruction or restriction of their access to the 115 helpline and the complaint boxes have been recorded.

139. Between 2014 and 2018, the National Centre conducted 2,580 preventive visits to State Penal Correction Service facilities, including over 100 to young offenders' institutions.

140. For example, in 2015, 132 minors held at places of deprivation of liberty were interviewed during preventive visits. Of these, 70 per cent stated that they had been subjected to torture or ill-treatment. Of those who reported having been subjected to torture, 70 per cent said that the aim had been to extract a confession. In addition, 15 per cent of the children were tortured as a form of punishment, and 7 per cent as a method of coercion. Information on the use of torture against minors is detailed in the National Centre's 2015 annual report (npm.kg).

141. Articles 87 and 107 of the Penalties Enforcement Code of Kyrgyzstan<sup>1</sup> provide for the possibility of confinement in a punishment cell for up to 7 days.

142. In accordance with international standards, the use of solitary confinement against minors is considered a form of ill-treatment. The National Centre has recommended that the use of punishment cells should be discontinued at young offenders' institutions and that the solitary confinement of minors should be banned as a violation of their rights.

### **Follow-up information relating to paragraph 31 of the concluding observations**

#### **(a)**

143. In 2018, 136 cases of ill-treatment against minors were registered. In response, 74 criminal cases were opened, 49 criminal cases were referred to court, and 99 protection orders were issued.

144. On 8 August 2018, in recognition of the need to create a safe educational environment, seven ministries and departments signed an order on inter-agency cooperation to protect students from violence at general educational institutions in Kyrgyzstan.

145. With the support of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Office in Almaty, a module on reducing violence against schoolchildren in Kyrgyzstan was developed. At Kyrgyz schools, 1,859 prevention boards

<sup>1</sup> The Code was in force prior to 1 January 2019.

have been established with the participation of teachers, juvenile affairs inspectors, parents and senior pupils. There are 1,650 prevention units in operation.

146. Talks, special classes in health, safety, civics and other topics called “class hours”, lectures, conversations and meetings on the topic of preventing juvenile delinquency and child neglect are regularly organized at all general education institutions with students, their parents, young people and the public, with the participation of internal affairs officers and officials of the health authorities and child and family welfare offices.

147. An instructional guidance document on protecting students from violence at general education institutions in Kyrgyzstan has been developed for the staff of such institutions in order to enhance the educational work of the institutions and make school leaders more accountable for the lives and health of students.

Table 3

**Activities carried out by the internal affairs bodies of Kyrgyzstan**

| <i>Activities</i>                      | <i>2014</i> | <i>2015</i> | <i>2016</i> | <i>2017</i> | <i>2018</i> |
|----------------------------------------|-------------|-------------|-------------|-------------|-------------|
| Lectures at educational institutions   | 22 311      | 32 721      | 196 058     | 247 224     | 195 303     |
| Media appearances                      | 495         | 657         | 1 415       | 925         | 1 053       |
| Seminars and other preventive measures | 4 174       | 6 248       | 23 268      | 19 604      | 26 272      |

148. The website of the Ministry of Internal Affairs has a gender policy section, where the main provisions of the Protection from Domestic Violence Act and information about assistance services can be found and a compendium of laws and regulations governing the prevention of gender-based and domestic violence has been published. The section also has videos about the prevention of gender-based and domestic violence and a video on liability for violation of the law on the legal age for marriage. More than 15 videos have been published on the website. Video clips entitled “Don’t crush their dreams”, “Parents, watch over your children!” and “Obey the traffic rules and save your life!” have been produced and broadcast on national television.

149. A section of the website entitled “Future, Care, Safety” was also created for the juvenile affairs inspectorate, including the laws and regulations governing the inspectorate’s activities, 23 social media videos on the prevention of suicide, protection against domestic violence and underage marriage, and Internet safety materials. The video clips are shown on all the country’s websites and television channels.

**(b) and (c)**

150. Foster care services are being developed in Kyrgyzstan in accordance with the Children’s Code and Government Decision No. 670 of 1 October 2012 on foster families.

151. More than 200 prospective foster parents have been trained and certified since 2014. In 2018, with technical support from UNICEF, units were set up in the cities of Bishkek and Osh to train prospective foster parents.

152. Between 2014 and 2019, 150 children received foster care services. During the period in which the Decision in question was implemented, there were no recorded cases of violence against children in foster families. In 2019, to give effect to children’s right to a family environment and develop alternative forms of placement for children without parental care, a new version of the Regulations on Foster Families was drawn up. It sets out a revised system of payments to foster parents and for the maintenance of children in foster families in accordance with the subsistence minimum established by the National Statistics Committee of Kyrgyzstan.

153. With technical support from UNICEF, centres have been established in the cities of Bishkek and Karakol and the village of Tyup, in Issyk-Kul Province, the cities of Talas and Osh, and – with the support of the Children’s Rights Protection League – Sokuluk and Alamudun Districts, in Chüy Province, to provide psychological and legal assistance to children who have suffered abuse or violence. More than 1,000 children have received services at these centres. Similar services are provided at the municipal children’s centre in

the city of Bishkek and centres for delivering services to children in difficult circumstances, including children who have been subjected to violence, through social-sector procurement.

### **Follow-up information relating to paragraph 33 of the concluding observations**

154. In 2019, the Code of Infractions entered into force. The Code establishes the offence of battery or other violent acts causing physical pain, which carries a category I fine or category II community service (art. 65), and the offence of domestic violence (art. 75).

155. Domestic violence, which is defined as any act that is committed intentionally by one family member against another family member or person of equivalent status that violates the victim's constitutional or other rights and freedoms or causes physical or mental suffering or harm to the victim's physical or mental development, is punishable by a category II fine, category II punitive labour or category II community service.

156. Category II fines are set at 150–250 notional units for minors and 300–600 notional units for other physical persons. Category II community service is set at 30–40 hours for minors and 40–60 hours for other natural persons.

157. The penalty was previously set at a fine of 10–20 notional units or community service for 15–30 hours.

158. Failure to comply with the conditions of a temporary protection order is an offence punishable by a fine or category II community service. The penalties for such offences have been increased.

159. Provisions outlawing the diminution of children's dignity and the corporal punishment of children are also contained in other laws and regulations, including the Education Act, the Act on the Status of Teachers, the model regulations on general education schools, the model regulations on the children's affairs commission and the qualification requirements for teachers and managers of general education and preschool establishments.

160. In accordance with the Education Act, teachers of educational institutions are required "not to use physical or psychological violence against students".

161. Both teachers and students who have reached the age of criminal responsibility (16 years or, in some cases, 14 years) or administrative responsibility (16 years) may be held responsible for violence at school. Where an offending minor has not reached the age of criminal or administrative responsibility, he or she is registered with the juvenile affairs inspectorate and social development agencies, which carry out preventive work with him or her. Article 65 of the Criminal Code establishes penalties for failure by a teacher or other worker of an educational institution responsible for supervising minors to perform, or to perform properly, his or her duties regarding the upbringing or education of a minor or adolescent.

### **Follow-up information relating to paragraph 34 of the concluding observations**

162. According to the 2018 cluster survey, only 23 per cent of children had experienced only non-violent discipline. Indeed, 47.5 per cent of children had experienced physical punishment and 5.4 per cent severe physical punishment. In addition, 70 per cent of children had experienced psychological aggression. Almost three quarters of children (74.3 per cent) had experienced a violent discipline method of some kind. The percentage of children who had experienced violent discipline increased with age. In all, 8.9 per cent of mothers believed that a child needs to be physically punished, and 52.9 per cent of children had actually experienced physical punishment.

163. The Government implemented the Action Plan for the Prevention of Child Abuse and Violence against Children, 2015–2017, which was approved by Government Order No. 125-r of 25 March 2015.

164. In addition, an inter-agency action plan on the prevention of suicide, delinquency and crime among children and young people in Kyrgyzstan, which was approved by Government Order No. 120-r of 22 March 2016, was implemented over the period 2016–2018.

165. Regulations on identifying and providing social support to children in difficult circumstances, which were approved pursuant to Government Decision No. 391 of 22 June 2015, have been introduced.

166. To support, strengthen and develop the institution of the family, improve family well-being and protect the rights and interests of children, the Government Family Support and Child Protection Programme for the period 2018–2028 was adopted pursuant to Government Decision No. 479 of 14 August 2017.

167. The Emergency Plan for the Prevention of Child Abuse and Violence against Children, 2019–2020, which was approved by Government Order No. 82 of 29 March 2019, is currently being implemented.

168. With the support of President Zheenbekov, a national campaign, known as “Tumar”, was launched in 2019 on the occasion of International Children’s Day (1 June) with a view to protecting children from violence, including changing perceptions about violence against children, banning corporal punishment and informing parents about positive parenting. The campaign was launched jointly with UNICEF in Kyrgyzstan.

169. To organize inter-agency cooperation among State bodies and local government bodies on the protection of children in difficult circumstances, the Ministry of Internal Affairs and other relevant ministries and agencies issued an inter-agency order, No. 124 of 14 December 2018, on strengthening inter-agency cooperation to prevent suicide, delinquency and crime among minors and young people in Kyrgyzstan for 2019–2020.

170. The Human Rights Action Plan for the period 2019–2021 also provides for:

- The development of an action plan to protect children from violence and abuse
- The launch of an active public campaign to raise awareness about the prohibition of the corporal punishment of children
- The establishment of administrative liability for mild forms of corporal punishment
- The development of a programme on positive parenting and non-violent forms of parenting in Kyrgyzstan

171. In implementation of the Protection from Domestic Violence Act, protection order templates were approved by Government Decision No. 642 of 3 October 2017, and instructions on the work of the internal affairs agencies for protection against domestic violence were approved by a departmental act of the Ministry of Internal Affairs.

172. Since 2016, the Ministry of Emergency Situations has operated the unified State emergency response service for crisis management, which receives calls regarding incidents of domestic and gender-based violence against women and children.

Table 4

**Information on measures taken to implement the Protection from Domestic Violence Act over the period 2014–2018**

| <i>Measures</i>                                                                      | <i>2014</i> | <i>2015</i> | <i>2016</i> | <i>2017</i> | <i>2018</i> |
|--------------------------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|
| Cases of domestic violence registered                                                | 3 126       | 3 524       | 7 053       | 7 333       | 7 178       |
| (Temporary) protection orders issued by the internal affairs agencies                | 2 619       | 3 358       | 6 966       | 7 323       | 7 114       |
| Number of files referred to court for the issuance of judicial protection orders     | –           | 61          | 40          | –           | –           |
| Criminal cases opened for domestic violence                                          | 243         | 238         | 199         | 218         | 369         |
| Number of persons against whom administrative action was taken for domestic violence | 1 624       | 2 381       | 4 901       | 4 946       | 5 444       |

| <i>Measures</i>                                                                     | <i>2014</i> | <i>2015</i> | <i>2016</i> | <i>2017</i> | <i>2018</i> |
|-------------------------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|
| Number of persons registered with the internal affairs agencies as domestic abusers | 1 776       | 2 003       | 4 111       | 3 712       | 3 991       |

### **Follow-up information relating to paragraph 36 of the concluding observations**

#### **(a) and (d)**

173. To ensure the effective prosecution and punishment of perpetrators of child sexual exploitation and abuse, the Criminal Code contains articles 162 and 163, which establish liability for violent sexual acts and coercion to perform sexual acts.

174. To ensure that all steps of pretrial proceedings are registered, pursuant to article 150 of the Code of Criminal Procedure, which entered into force in 2019, the date of information entry is automatically recorded in the single register of offences and a case number for the criminal offence or infraction is assigned.

175. The authorities conducting pretrial proceedings are required to receive, register and consider reports or statements about any criminal offence or infraction being prepared or already committed. The person making the report is issued with a document on the registration of the report or statement received, which indicates the person who registered the report or statement, the time of registration and the registration number assigned in the single register of offences.

176. It is prohibited and punishable by law to refuse to receive and register reports of criminal offences.

177. The date and time of submission of the report or statement about a criminal offence or of the identification through another source of circumstances that could indicate that a criminal offence or infraction had been committed or was being prepared must be entered in the single register of offences.

Table 5

#### **Information on the number of criminal offences against minors**

| <i>Year</i>                                  | <i>2014</i> | <i>2015</i> | <i>2016</i> | <i>2017</i> | <i>2018</i> |
|----------------------------------------------|-------------|-------------|-------------|-------------|-------------|
| Number of criminal offences against children | 905         | 1 010       | 842         | 1 075       | 1 473       |
| Offences of a sexual nature                  | 139         | 182         | 110         | 151         | 138         |

178. The number of relevant criminal offences committed in the first five months of 2019 was 1,103, which is 70.4 per cent more than over the equivalent period for 2018 (647) and the number of sexual offences against minors was 57, which is 147.3 per cent more than for the equivalent period in 2018.

179. From 2014 to 2018, the judicial authorities considered 1,331 criminal cases of offences against minors involving 1,438 persons, of which 737 cases involving 791 persons resulted in convictions, 544 cases involving 599 persons resulted in proceedings being terminated on the basis of article 28 of the Code of Criminal Procedure and 17 cases involving 17 persons resulted in the application of involuntary medical treatment.

180. Of the criminal cases resulting in convictions, a fine was imposed in 35 cases involving 35 persons, a sentence of deprivation of liberty was imposed in 253 cases involving 360 persons, a suspended sentence was imposed in 343 cases involving 390 persons and a sentence of life imprisonment was imposed in six cases involving six persons.

181. In the terminated criminal cases, 580 persons were exempted from criminal sanctions under article 66 of the Code of Criminal Procedure (reconciliation of the parties), 14 persons were exempted under article 67 (expiry of the statute of limitations), 17 were exempted under

article 91 (application of involuntary medical treatment) and 5 were exempted under article 74 (application of amnesty).

**(b)**

182. The Ministry of Education and Science has developed and approved model instructions on cooperation among participants in the educational process, employees and students of the country's general education establishments, parents and persons in loco parentis in ensuring protection against violence in those establishments.

183. Curricula on healthy lifestyles have been developed for students in grades 6 to 11 and basic national curricula for general education establishments have been approved, covering the basics of reproductive health.

184. Teaching materials and a work programme on healthy lifestyles were developed and approved by the Academic Council of I. Arbaev Kyrgyz State University and were introduced in the 2018/19 academic year to the core part of the Life Safety subject for teacher training students and teachers taking professional development courses on how to teach classes on adopting a healthy lifestyle and HIV prevention.

**(c) and (e)**

185. Since 2015, in order to ensure effective detection, identification and child protection mechanisms, the Ministry of Labour and Social Development has operated the 111 Children's Helpline Centre. The helpline operates 24 hours a day; calls from all regions of the country are free.

186. The 111 children's helpline was designed for children but accepts calls from both children and adults; all the conversations are recorded. Over a period of three years and nine months, it received 763,269 telephone calls, or 315 per day. Of the calls received, 83 per cent were from adults and 17 per cent from children. Advice, recommendations and psychological counselling are offered through the helpline. Depending on the nature of the complaints, they are transferred to the appropriate local office of the competent government agencies.

187. In addition, the 115 hotline has been operating in the Office of the Ombudsman since 1 June 2015. The number has been added to the list of emergency services and works 24 hours a day. Calls to this short number are free from landlines and from mobile telephones if the operator is based in the country.

188. In 2018, the hotline processed 7,344 communications, of which 3,466 were voice messages, 1,911 were telephone calls and 2,067 were outgoing follow-up calls. Approximately 2,465 callers were provided with legal advice. Thirty-six reports on various issues were referred to the staff in the relevant departments of the Office of the Ombudsman for consideration, of which nine related to informal school fees, two to custody of children, one to child support payments, two to participation in court proceedings and six to other social issues. Sixteen reports originated from closed institutions of the State Penal Correction Service. If necessary, staff conduct visits on the ground along with representatives of the relevant agencies.

189. Between 2014 and 2018, the Ministry of Health produced:

- Guidelines on medical care for victims of sexual violence (2014)
- Manual for medical professionals on the effective documentation of violence, torture and ill-treatment, covering all types of violence, including domestic and sexual violence (Order No. 680 of 9 December 2015)
- Guidelines on psychological care for victims of gender-based violence, which includes sections on the rules for interviewing victims while conducting a medical examination (Order No. 42 of 18 January 2017)
- Guidelines on psychological care for child victims of violence (Order No. 197 of 16 March 2018)



## Follow-up information relating to paragraph 38 of the concluding observations

190. Under the Family Code, marriage is an equal and voluntary union between a man and a woman, concluded with the free and mutual consent of the parties, in accordance with the procedure prescribed by law, for the purpose of founding a family, and giving rise to property and personal non-property relations between the spouses.

191. According to data from the 2018 cluster survey, 1 in 11 girls between the ages of 15 and 19 is currently married. In 2.7 per cent of marriages involving girls between the ages of 15 and 19, the partner is at least 10 years older. Approximately 13 per cent of women between the ages of 20 and 24 were married or in a union by the age of 18. The percentage of girls who were married by the age of 18 was 8 per cent in urban areas and 16 per cent in rural areas.

192. Kyrgyzstan has introduced harsher penalties for crimes against family relations and the interests of minors.

193. Whereas abduction for the purpose of marriage against a person's will was previously punishable by 5 to 7 years' deprivation of liberty, since 2019 the penalty has been 2.5 to 4 years' deprivation of liberty for juvenile offenders and 5 to 7.5 years' deprivation of liberty for other persons.

194. Whereas abduction of a person under the age of 18 for the purpose of entering into a de facto marital relationship or for the purpose of marriage against the person's will was previously punishable by 5 to 10 years' deprivation of liberty, since 2019 the penalty has been 4 to 6 years' deprivation of liberty for juvenile offenders and 7.5 to 10 years' deprivation of liberty and a fine of 80,000 to 220,000 soms for other persons.

195. These criminal acts are classified as serious offences. Accordingly, criminal proceedings can be initiated in the absence of a complaint by the victim, accused persons cannot go unpunished in cases where the victim refuses to press charges, and criminal cases in respect of such offences cannot be dropped.

Table 6

### Information on measures taken to conduct prosecutions under articles 154 and 155 of the Criminal Code

| Year         | <i>Article 154 of the Criminal Code (Coercion of a person under the age of 18 to enter into de facto marital relations)</i> |                          | <i>Article 155 of the Criminal Code (Coercion of a woman to marry, kidnapping of a woman for the purpose of marriage or obstruction of marriage)</i> |                          |
|--------------|-----------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
|              | <i>Criminal cases opened</i>                                                                                                | <i>Referred to court</i> | <i>Criminal cases opened</i>                                                                                                                         | <i>Referred to court</i> |
| 2014         | 9                                                                                                                           | 6                        | 33                                                                                                                                                   | 20                       |
| 2015         | 3                                                                                                                           | 3                        | 23                                                                                                                                                   | 23                       |
| 2016         | 7                                                                                                                           | 6                        | 25                                                                                                                                                   | 23                       |
| 2017         | 7                                                                                                                           | 7                        | 31                                                                                                                                                   | 20                       |
| 2018         | 3                                                                                                                           | 3                        | 30                                                                                                                                                   | 31                       |
| <b>Total</b> | <b>29</b>                                                                                                                   | <b>25</b>                | <b>142</b>                                                                                                                                           | <b>117</b>               |

196. Article 178 of the Criminal Code provides that the parents or persons in loco parentis of a person who has been married in a religious ceremony in contravention of legislation on the legal age for marriage, the person who conducted the ceremony and an adult married to a minor in such a ceremony all face a penalty of deprivation of liberty for 3 to 5 years. Under this article, 28 criminal cases have been initiated.

197. The responsible ministries and departments have developed and approved instructions for comprehensive preventive work:

- Early marriage prevention plan, approved by Order No. 1084 of 21 December 2017, jointly issued by eight government agencies

- Ministry of Internal Affairs Order No. 1105 of 26 December 2017 on a guidance manual for early marriage prevention among minors
- Ministry of Health Order No. 226 of 30 March 2018 on measures to prevent early marriage in the Kyrgyz Republic
- Ministry of Education and Science policy letter No. 03-6/6440 of 26 December 2017 on work with students of general education establishments regarding the prohibition on taking part in a nikah religious marriage ceremony while under the legal age of marriage

198. As part of the implementation of public policy on religion, the State Commission on Religious Affairs has conducted awareness-raising activities, including talks and workshops on the issue of performing the nikah religious marriage rite for persons under the age of 18. In turn, the Spiritual Directorate of Muslims of Kyrgyzstan issued Order No. 410 of 21 December 2016, prohibiting imams from performing the nikah religious marriage rite among persons under the age of 18.

199. In 2017, given the pressing nature of the issue of early marriages among minors, officials of the Ministry of Internal Affairs gave talks in general education establishments on the consequences of such marriages, showing a video and distributing handouts.

200. The country's local internal affairs agencies have been provided with a guidance manual entitled "Sexual violence is unacceptable and constitutes a criminal offence" and "Recommendations for STOP violence specialists". These documents were prepared as part of a project on the integrated provision of services for victims of sexual and gender-based violence.

201. In 2017 and 2018, as part of a joint project between the United Nations Development Programme and the Centre for Research into Democratic Processes, training seminars were conducted in all regions of the country and attended by 527 internal affairs officials, with a view to improving the prevention of gender-based violence and bride kidnapping.

202. Accessible and engaging videos have been produced on topics including the characteristics of adolescence, promotion of gender awareness among young people, prevention of psychoactive substance abuse, prevention of violence among young people, reproductive health and sexual relations, prevention of HIV infection, interpersonal relations and conflict resolution, and prevention of computer addiction and online violence among young people.

203. In 2018, to raise public awareness of the issue of bride kidnapping of minors and gender-based violence, many information campaigns and events on the subject of domestic violence and forced and early marriage were organized throughout the country through the joint efforts of government agencies, local authorities and non-governmental and international organizations.

204. The campaign received special attention following the death on the premises of the district internal affairs agency of 20-year-old Burulai Turdaaly Kyzy, a medical student who had been the victim of bride kidnapping. Following judicial proceedings, the kidnapper was sentenced to 20 years' deprivation of liberty and confiscation of his property.

205. The Ministry of Education and Science and the Ministry of Internal Affairs, in partnership with non-governmental and international organizations, held lectures at vocational colleges and educational institutions and, in conjunction with the Public Television and Radio Corporation, the Pyramida television channel and some regional channels, broadcast special programmes, including a screening of the film *Ala-kachuu* (Bride Theft) and a music video on the same topic, entitled *Kyz Kadyry*.

206. A special smartphone application called Lifeline and modern methods of public engagement such as the street art dedicated to the memory of Burulai and produced by the Women's Aid Centre voluntary organization, which kicked off the "16 Days Without Violence" campaign in 2018, are used in awareness-raising work.

207. A national plan of action for the period 2018–2020 on the implementation of Security Council resolution 1325 (2000) on women and peace and security was adopted by Government Order No. 334-r of 21 September 2018.

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

### **Follow-up information relating to paragraph 40 of the concluding observations**

208. In accordance with Act No. 217 of 5 August 2015, the State Benefits Act has been amended to provide for the payment of a set level of monthly low-income benefit.

209. The Act was amended on 1 April 2018 to exclude pensions from family incomes when determining whether a family is in need.

210. The monthly benefit for needy persons and families with children under the age of 16, or *ui bulogo komok*, is granted in accordance with the Act, provided that the average per capita household income does not exceed the guaranteed minimum income level for each family member.

211. The guaranteed minimum income is an indicator based on a calculation of fiscal space and the state of the economy, which is set on an annual basis by the Government, taking into account the minimum subsistence level, and used to determine whether households are in need of the monthly benefit for persons and families with children under the age of 16. The guaranteed minimum income is currently 900 soms. A monthly benefit payment of 810 soms is granted to children under the age of 16.

212. As at 1 January 2019, 304,300 children were beneficiaries of the benefit. Over the past four years, the number of beneficiaries has decreased by 9.1 per cent compared with the period up to 1 January 2016 (276,900).

213. Monthly social benefits are received by persons with no entitlement to pension provision. The categories of persons entitled to monthly social benefits include children with disabilities, adults with disabilities from childhood or from systemic diseases, orphan children, children who have lost the family breadwinner and older persons.

214. Monthly social benefits are non-means-tested; their level, which varies according to the category of beneficiary, is established by the Government. In 2018, the social benefits paid to children and adults with disabilities increased by 33 per cent.

215. As at 1 January 2019, there were 48,200 recipients of monthly social benefits, which is 8 per cent higher than the figure for 1 January 2016 (44,300 persons).

216. The highest rate of growth since 2017 has been observed in the following categories of monthly social benefit beneficiaries:

- Children who have lost a breadwinner or breadwinners, whose number has increased by 2,236, or 13.9 per cent
- Children with disabilities, whose number has increased by 1,568, or 6.7 per cent

217. The reason for the increase in monthly social benefit recipients is the absolute growth in disability in the country, although children with disabilities continue to account for 1.3 per cent of children among the resident population.

218. According to the National Statistics Committee, an average of 10,974 persons per year, including 4,341 children, are categorized as having a disability.

219. The reason for the increased number of persons receiving the monthly social benefit owing to the loss of a breadwinner or breadwinners is the increased mortality among persons working in the informal sector or not at all, who do not make contributions to the Social Fund and thus are not entitled to pension provision.

220. Data from the 2018 cluster survey shows that migration between provinces stands at approximately 20 per cent in all regions except for Bishkek, while the figure for Bishkek is

over 70 per cent. The peak age for migration is 35 to 39. The proportion of children living with both parents is 77 per cent and the proportion left without parental care is 8 per cent. Both parents of 4 per cent of children are abroad. At least one parent of 12 per cent of children is living abroad. The highest percentage of children whose parents are living abroad are in Batken Province, Jalal-Abad Province, Osh Province and the city of Osh. The proportion of children who are the grandchildren of the head of the household is 87 per cent.

221. In 2018, upon the instruction of Prime Minister Abylgaziev, the 528 district headquarters located throughout the country resumed their operations to identify and prevent abuse and violence against children in families, including families of migrant workers, and children in difficult circumstances. At the start of 2019, 102,406 children of migrant parents were identified. Awareness-raising work is conducted to prevent violence against children and find a guardian if the parents leave the country.

### **Follow-up information relating to paragraph 42 of the concluding observations**

#### **(a) and (b)**

222. In accordance with the Children's Code, the placement of children in residential institutions is considered a measure of last resort, to be applied after exhausting all possibilities for placing the child in a family.

223. The country has 143 residential institutions for children, of which 61 are State-run, 25 are municipal, 45 are private or established by an NGO and 12 are run by a religious organization. More than 12,000 children are staying in these institutions; only 5.4 per cent of them are orphans and the remaining children still have one or both parents. The total number of children in residential institutions includes 1,362 children staying in institutions for orphans and children deprived of parental care.

224. Under the Plan for the Optimization of the Management and Funding of Residential Institutions for Children for the period 2013–2018, approved by Government Decision No. 813 of 7 December 2012, 10 of the 17 residential institutions covered have been transformed and the remaining institutions are in the process of transformation.

225. Since 2012, the number of residential institutions has increased from 117, housing 10,908 children, to 143 housing 12,002 children, while the placement of children in families through adoption or guardianship has remained at the same level.

226. The Plan of Action for the Reform of Residential Institutions for Children for the period 2019–2021, which is aimed at the development of social services for children, including the development of alternative forms of care for children, and also provides for measures to regulate the establishment of residential institutions, was approved in 2019 to further the deinstitutionalization process.

227. A procedure for use of an automated information and analysis system for residential institutions was approved by Government Decision No. 129 of 18 March 2019. In accordance with this Decision, the administrations of all residential institutions must enter the data of the children who are currently staying, newly arrived or have left the institutions. The system allows for real-time monitoring of children's movements, the reasons for their placement, their status, any payments and the number of children who leave.

#### **(c), (d), (e), (f), (g), (h)**

228. In accordance with the Children's Code, regulations on the accreditation of entities providing services for children living in difficult circumstances were approved by Government Decision No. 140 of 23 March 2015. The regulations are no longer in force since the adoption of Government Decision No. 516 of 1 November 2018.

229. With a view to providing high-quality social services in the area of childcare, residential institutions, regardless of their form of ownership, are subject to accreditation according to minimum standards for the care, education and socialization of children in

institutions providing services for children living in difficult circumstances, which were approved by Government Decision No. 691 of 9 October 2012.

230. Residential institutions providing support services and 24-hour care for children living in difficult circumstances are subject to accreditation, regardless of their form of ownership.

231. The scheduled monitoring of residential institutions is conducted by a separate division of the Ministry of Labour and its local offices.

**(i)**

232. The Housing Code provides that children who are orphaned or deprived of parental care are given priority in the allocation of housing once their stay in educational and other institutions comes to an end.

233. According to the basic register of municipal services provided by local government authorities, approved by Government Decision No. 6 of 14 January 2015, local executive authorities keep a register of citizens requiring improved housing conditions, allocate municipally owned housing and allocate plots of land for private housing construction.

234. In 2018, 355 children were recorded in local government registers throughout the country and 25 were provided with plots of land.

235. Also in 2018, the national procuratorial authorities performed 14 relevant inspections, which resulted in the issuance of 21 reports, 12 orders and 2 legal claims and in disciplinary measures against 25 officials. Eight plots of land were allocated to children by local government authorities, in response to orders to desist from unlawful activity issued by procurators.

236. For example, following the issuance of such an order by the Office of the Procurator for the Aksy district, three orphans were allocated plots of land for private housing construction at the Kansalyk development site of the Uch-Korgon rural administration (*aiyl okmotu*).

237. In 2018, 23,363 young persons between the ages of 16 and 28 applied to employment centres for job placement and work was found for 8,335 of them. Work to keep a separate register of care leavers from residential institutions who apply for and receive job placements is ongoing.

### **Follow-up information relating to paragraph 44 of the concluding observations**

238. Adoptions in Kyrgyzstan by citizens of the country, foreign nationals and nationals of States members of the Commonwealth of Independent States take place in accordance with the following:

- Convention on the Rights of the Child
- Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, adopted in Minsk in 1995
- Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, adopted in the Hague in 1993
- Children's Code
- Regulations on procedures for the adoption of children by citizens of the Kyrgyz Republic and foreign nationals, approved by Government Decision No. 733 of 27 October 2015
- Regulations on procedures for the creation and operation of State databases of children left without parental care, approved by Government Decision No. 125 of 2 March 2010

- Regulations on procedures for the accreditation in the Kyrgyz Republic of offices of foreign adoption agencies, approved by Government Decision No. 69 of 31 January 2018

Table 7

**Information on adoptions for the period 2014 to 2018**

| <i>Adoption</i>        | <i>2014</i> | <i>2015</i>  | <i>2016</i>  | <i>2017</i> | <i>2018</i> | <i>Total</i> |
|------------------------|-------------|--------------|--------------|-------------|-------------|--------------|
| Citizens of Kyrgyzstan | 626         | 985          | 978          | 718         | 756         | 4 063        |
| Foreign nationals      | 17          | 27           | 22           | 12          | 20          | 98           |
| <b>Total</b>           | <b>643</b>  | <b>1 012</b> | <b>1 000</b> | <b>730</b>  | <b>776</b>  | <b>4 161</b> |

239. The Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, adopted at the Hague on 29 May 1993, was ratified by Act No. 166 of 10 August 2012.

240. Pursuant to article 44 (3) of the Children's Code, foreign nationals may only adopt children if it is not possible to place the children to be cared for by a family of citizens or permanent residents of Kyrgyzstan or to be adopted by the children's relatives, regardless of the relatives' nationality or place of residence.

241. Children may only be placed with foreign nationals through accredited foreign adoption agencies, in accordance with the requirements of the Hague Convention.

242. At the start of 2019, seven accredited offices of foreign adoption agencies were operating in Kyrgyzstan (six from the United States of America and one from the Netherlands).

243. The Ministry of Foreign Affairs, together with the diplomatic missions and consular posts of Kyrgyzstan, regularly holds meetings and talks with representatives of foreign adoption agencies, at which special attention is paid to the need for the consular registration of adopted children, notifications of any change of address by the adoptive family and the regular notification of the diplomatic mission on the submission of the appropriate reports on the children's care and living conditions to the competent child protection authority in Kyrgyzstan.

244. The Embassy of the Kyrgyz Republic in the United States of America and Canada, together with Kyrgyz Children's Future, an American voluntary organization, and the Kyrgyz diaspora in the United States annually hold Kyrgyzstan Heritage Weekends for children from Kyrgyzstan adopted by American families, to help the children maintain ties with their birth country and knowledge of its culture.

245. Three videoconferences have been held between Kyrgyzstan and the United States of America regarding adoption by American families of children from Kyrgyzstan and their lives and living conditions.

246. Kyrgyzstan takes all measures established by law to investigate corruption in the adoption process and prosecutes the perpetrators.

247. For example, on 5 April 2014, the Pervomai District Court in Bishkek found D.G., who had been deputy Minister of Social Development while also chairing the accreditation commission for foreign agencies organizing adoptions of children with Kyrgyz nationality in Kyrgyzstan, guilty of using her official position to seek the accreditation of a foreign agency for her own personal gain and that of other persons.

248. The Court sentenced her under article 310 (2) of the Criminal Code to 5 years' deprivation of liberty, 2 years' debarment from holding managerial positions in the social development system and confiscation of assets and, under article 340 (2) of the Code, to a fine of 400 notional units, to be paid to the State.

## Follow-up information relating to paragraph 46 of the concluding observations

### (a), (b) and (c)

249. Act No. 34 on ratification of the Convention on the Rights of Persons with Disabilities, adopted by the General Assembly on 13 December 2006 and signed on 21 September 2011, was adopted by the Zhogorku Kenesh on 7 February 2019 and signed by the President on 13 March 2019.

250. As at 1 January 2019, there were 186,700 persons with disabilities living in the country, of whom 29,800 were children.

Table 8

### Information on the number of children with disabilities

| 2014   | 2015   | 2016   | 2017   | 2018   |
|--------|--------|--------|--------|--------|
| 27 450 | 28 200 | 29 317 | 29 948 | 29 834 |

251. The rights and freedoms of persons with disabilities are guaranteed by the Constitution and regulated by legislation, including the Act on Rights and Guarantees for Persons with Disabilities.

252. The Government has adopted and implemented a number of State programmes to support persons with disabilities, incorporating the standards of the Convention on the Rights of Persons with Disabilities: the Social Protection Development Strategy 2012–2014, a package of measures to uphold the rights and improve the quality of life for persons with disabilities for the period 2014–2017 (approved by Government Decision No. 650 of 2 December 2013), the Social Protection Development Programme 2015–2017 (approved by Government Decision No. 85 of 27 February 2015) and Government Decision No. 560 of 24 October 2016 approving the basic State programme for the rehabilitation of persons with disabilities.

253. Regulations on the terms of payment of personal assistant services for children with disabilities requiring constant care and supervision were approved by Government Decision No. 556, adopted on 23 November 2018, pursuant to which the personal assistant payment for the care of children with disabilities was set at 5,000 soms from 1 January 2019, based on the minimum consumer basket, which stood at 4,962 soms in 2018. It is planned to allocate a care payment for 6,000 children with disabilities.

254. As at 1 June 2019, 5,681 personal assistants were providing services to 5,766 children.

### (d)

255. Ratification of the Convention on the Rights of Persons with Disabilities in 2019 led to the start of new reforms, particularly to the education system. The Framework and Programme for the Development of Inclusive Education for the period 2019–2023, which is the basis for introducing a systematic approach to upholding the right to education of children with disabilities, was elaborated and then approved by Government Decision No. 360 of 19 July 2019. The Framework and Programme consist of a vision and the necessary measures for organization of the education of children with disabilities in the country's educational establishments.

256. In parallel with the establishment of a legal and regulatory framework, the State is intensifying its work to provide special educational resources in the education system. For example, Braille textbooks and audio educational materials are published every year for blind children. A special smart class that makes use of information and communication technology has been introduced at a higher education institution for persons in this category.

257. Under the adopted government programmes, reconstruction, reinforcement and major repair work on existing schools is carried out each year to ensure barrier-free access to schools for children with disabilities. In addition, new educational facilities are commissioned with due regard for the requirements of children with disabilities.

258. The Plan of Action to Identify and Provide Children with Autistic Spectrum Disorders with Access to Education Services was approved by a joint order of the Ministry of Education and Science, the Ministry of Labour and Social Development and the Ministry of Health on 25 April 2016. A manual for teachers and parents on working with children with disabilities in mainstream educational establishments called “Learning together in school” has been developed and approved by Ministry of Education and Science Order No. 1153/1 of 5 August 2016.

(e)

259. Between 2014 and 2019, the number of deaths in inpatient neuropsychiatric social care institutions of the social development system was 257, including 28 children, all of whom died of illnesses (2 in 2014, 4 in 2015, 6 in 2015, 8 in 2017 and 8 in 2018).

(f)

260. Pursuant to the Education Act, the State is responsible for the teaching of orphans and children with physical and mental disabilities. The country has various groups and classes where children receive teaching, care and treatment.

Table 9  
Information on specialized educational establishments

| <i>No.</i>   | <i>Name of establishment</i>                                                                          | <i>Number of students</i> | <i>Number of orphans and children deprived of parental care</i> |
|--------------|-------------------------------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------------|
| 1            | Krasnaya Rechka auxiliary residential school                                                          | 138                       | 44                                                              |
| 2            | Tömönkü Chüy residential school                                                                       | 110                       | 3                                                               |
| 3            | Dmitrievka residential school                                                                         | 111                       | –                                                               |
| 4            | Uch-Korgon auxiliary residential school                                                               | 131                       | 2                                                               |
| 5            | Sülüktü auxiliary residential school                                                                  | 108                       | 1                                                               |
| 6            | Nooken Z. Niyazov auxiliary residential school                                                        | 142                       | 2                                                               |
| 7            | Kara-Suu special residential school for deaf children                                                 | 154                       | –                                                               |
| 8            | Osh specialized general educational residential school for blind and visually impaired children       | 103                       | –                                                               |
| 9            | Talas auxiliary residential school                                                                    | 107                       | 2                                                               |
| 10           | Belovodskoe special auxiliary general educational residential school                                  | 154                       | 32                                                              |
| 11           | Bishkek national special residential school for blind and visually impaired children                  | 196                       | 2                                                               |
| 12           | Specialized residential school for hard-of-hearing children and children with late-onset hearing loss | 238                       | 3                                                               |
| 13           | National special residential school for deaf children                                                 | 248                       | 3                                                               |
| 14           | Sokoluk specialized residential school for children with speech impairments                           | 149                       | –                                                               |
| <b>Total</b> |                                                                                                       | <b>2 077</b>              | <b>94</b>                                                       |

261. Children with mild intellectual disabilities follow an eight or nine-year specialized or auxiliary programme covering the primary classes of general education.

262. A report from a child psychiatrist stating that the child has a mild intellectual disability is required in order to enrol a child in an auxiliary or residential school. The referral is made with the consent of the parents. The report and reports of other doctors (ear, nose and throat specialist, ophthalmologist, neurologist, speech therapist) are transferred to the psychological and medical educational commission. There is a national commission and city-level commissions for Bishkek and Osh. The commission consists of a psychiatrist, a psychologist, a speech therapist, an ophthalmologist and an ear, nose and throat specialist, who examine



children, make a decision on their education and provide referrals to particular specialized establishments.

### Follow-up information relating to paragraph 48 of the concluding observations

263. The development strategy of Kyrgyzstan is focused on achieving the Millennium Development Goals. Survey results show a steady trend towards the reduction of infant mortality and under-5 mortality, beginning in the mid-2000s.

264. Under the Den Sooluk National Health-Care Reform Programme for the period 2012–2018, approved by Government Decision No. 309 of 24 May 2012, the World Health Organization “Beyond the Figures” methodology for reviewing maternal deaths and complications has been introduced and is now used in the country. In 2017, the second report under the confidential enquiry into maternal deaths, which contains an analysis of maternal deaths for the period 2014 to 2015, was published. Its recommendations are currently being implemented. In 2018, work began on the implementation of a perinatal mortality audit in pilot health-care facilities.

265. In 2017 and 2018, eight clinical protocols were developed and approved to implement the recommendations of the initial and second reports under the confidential enquiry into maternal deaths.

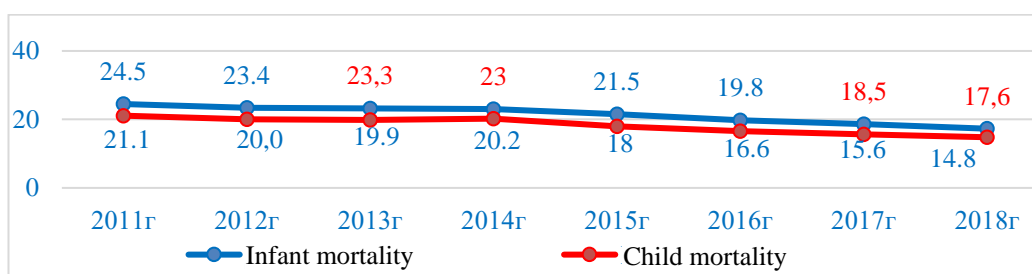
266. Under the perinatal care regionalization strategy, adopted and approved in 2008, newborns weighing less than 2,500 g have been concentrated in secondary inpatient facilities (8.3 per cent in 2017 compared to 8.8 per cent in 2012) and tertiary inpatient facilities (9 per cent in 2017 compared to 14.1 per cent in 2012) and the proportion of low birthweight babies born in primary inpatient facilities has decreased (2.9 per cent in 2017 compared to 4.4 per cent in 2012).

267. Provision of prenatal and postnatal care to women includes 1,045 nursing and midwifery units, 701 family medicine group practices, 17 legally independent family medicine group practices and 49 family medicine centres. Inpatient care for mothers and children is provided by 99 health-care facilities nationwide, including national centres.

268. According to data from the 2018 cluster survey, only 0.2 per cent of women in Kyrgyzstan are not covered by antenatal care, while 94.3 per cent of mothers visited a health-care worker at least four times during their pregnancy. In general, 70.2 per cent of women who gave birth in a medical establishment spent at least 3 days there after the birth. The proportion of women who gave birth by caesarean section was 8.3 per cent. The newborn medical examination is performed between three and six days after birth in 30.6 per cent of cases and one week after birth in 40.9 per cent of cases.

Diagram 1

#### Infant and child mortality for the period 2011–2018 (per 1,000 live births)



269. There has been a steady downward trend in the child mortality rate (0–5 years). The results for 2018 show a nationwide child mortality rate of 17.6 per 1,000 live births (in 2017, the figure was 18.5 per 1,000 live births). The most common causes of under-5 mortality are certain conditions originating in the perinatal period, which account for 58.8 per cent of deaths (52.4 per cent in 2017), followed by diseases of the respiratory system, at 11.0 per

cent (14.0 per cent in 2017), congenital anomalies, at 15.9 per cent (17.7 per cent in 2017), and injuries and poisoning, at 5.1 per cent (5.9 per cent in 2017).

270. In the five years preceding the survey, neonatal, infant and under-5 mortality stood at 14.8 per 1,000 live births. The mortality rate was somewhat higher among boys than girls. The rates of infant mortality and under-5 mortality per 1,000 live births are approximately 1.3 times higher in rural than in urban areas. A comparison of the cluster survey results with other sources shows that the level of under-5 mortality has been decreasing for a number of years.

Table 10  
**Child mortality**

| <i>Year</i>                                                                       | <i>2014</i> | <i>2015</i> | <i>2016</i> | <i>2017</i> | <i>2018</i> |
|-----------------------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|
| Total resident population of Kyrgyzstan, year-end estimate, thousands of persons  | 5 895.1     | 6 019.5     | 6 140.2     | 6 256.7     | 6 389.5     |
| Resident population under the age of 18, persons                                  |             |             |             |             |             |
| Both sexes                                                                        | 2 154 847   | 2 212,679   | 2 263 215   | 2 312 355   | 2 381 411   |
| Boys                                                                              | 1 100 560   | 1 131 274   | 1 157 594   | 1 182 999   | 1 218 778   |
| Girls                                                                             | 1 054 287   | 1 081 405   | 1 105 621   | 1 129 356   | 1 162 633   |
| Both sexes                                                                        | 36.6        | 36.8        | 36.9        | 37.0        | 37.3        |
| Number of children dying before the age of 1, persons                             | 3 268       | 2 945       | 2 621       | 2 401       | 2 341       |
| Natural population increase, persons                                              | 126 249     | 128 644     | 124 685     | 120 454     | 138 160     |
| Number of children dying before the age of 5, persons                             | 3 720       | 3 487       | 3 138       | 2 860       | 2 967       |
| <b>Per 1,000 population</b>                                                       |             |             |             |             |             |
| Number of births                                                                  | 27.7        | 27.4        | 26.0        | 24.8        | 27.1        |
| Number of deaths                                                                  | 6.1         | 5.8         | 5.5         | 5.4         | 5.2         |
| Number of children dying before the age of 1 (per 1,000 births)                   | 20.2        | 18.0        | 16.6        | 15.6        | 14.8        |
| Natural population increase                                                       | 21.6        | 21.6        | 20.5        | 19.4        | 21.9        |
| Number of children dying before the age of 5 (per 1,000 births)                   | 23.1        | 21.5        | 19.8        | 18.5        | 17.6        |
| Urban population                                                                  | 39.5        | 37.6        | 33.1        | 31.9        | 30.1        |
| Rural population                                                                  | 14.6        | 13.9        | 13.4        | 11.4        | 10.4        |
| Number of children dying before the age of 1, per 10,000 births                   | 202.0       | 180.2       | 165.7       | 156.3       | 148.1       |
| Causes of death:                                                                  |             |             |             |             |             |
| Certain conditions originating in the perinatal period                            | 135.7       | 120.5       | 107.5       | 97.6        | 102.0       |
| Diseases of the respiratory system                                                | 21.6        | 16.0        | 16.2        | 17.4        | 12.3        |
| Congenital anomalies (birth defects), malformations and chromosomal abnormalities | 29.8        | 29.0        | 30.6        | 30.1        | 24.6        |
| Certain infectious and parasitic diseases                                         | 7.5         | 6.0         | 4.6         | 3.9         | 3.2         |
| Injury, poisoning and certain other consequences of external causes               | 3.6         | 3.4         | 2.7         | 2.4         | 2.3         |
| Number of children dying before the age of 5, persons                             | 3 720       | 3 487       | 3 138       | 2 860       | 2 967       |
| Causes of death:                                                                  |             |             |             |             |             |
| Certain conditions originating in the perinatal period                            | 2 195       | 1 969       | 1 700       | 1 499       | 1 745       |

| <i>Year</i>                                                                          | <i>2014</i> | <i>2015</i> | <i>2016</i> | <i>2017</i> | <i>2018</i> |
|--------------------------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|
| Diseases of the respiratory system                                                   | 466         | 387         | 414         | 399         | 325         |
| Congenital anomalies (birth defects), malformations and chromosomal abnormalities    | 544         | 550         | 552         | 506         | 471         |
| Certain infectious and parasitic diseases                                            | 154         | 167         | 120         | 111         | 92          |
| Injury, poisoning and certain other consequences of external causes                  | 184         | 204         | 158         | 169         | 151         |
| Number of children dying before the age of 5 (per 1,000 births)                      | 23.1        | 21.5        | 19.8        | 18.5        | 17.6        |
| Causes of death:                                                                     |             |             |             |             |             |
| Certain conditions originating in the perinatal period                               | 13.7        | 12.1        | 10.7        | 9.8         | 10.2        |
| Diseases of the respiratory system                                                   | 2.9         | 2.4         | 2.6         | 2.6         | 1.9         |
| Congenital malformations (birth defects), deformations and chromosomal abnormalities | 3.4         | 3.4         | 3.5         | 3.3         | 2.8         |
| Certain infectious and parasitic diseases                                            | 1.0         | 1.0         | 0.8         | 0.7         | 0.5         |
| Injury, poisoning and certain other consequences of external causes                  | 1.1         | 1.3         | 1.0         | 1.1         | 0.9         |

### **Follow-up information relating to paragraph 50 of the concluding observations**

271. As at 1 January 2019, 652 children in Kyrgyzstan were registered as having HIV. The route of transmission was parenteral in 383 cases, vertical in 238 cases, intravenous (drugs) in 2 cases, sexual in 2 cases and unknown in 27 cases. Of these children, 81 children have died, including 34 from AIDS.

272. Following the outbreak of hospital-acquired infections in Osh Province (Nookat District) in 2007–2008, the following measures were taken:

- 64 families each received 10,000 soms from the Presidential Fund of Kyrgyzstan.
- 200 first aid kits and essential medicines (vitamins, flu medicines, antibiotics, thermometers and so forth) were distributed; 163 kits were distributed to the families of children infected via the parenteral route and 37 to children born to HIV-positive women.

273. In accordance with Zhogorku Kenesh Decision No. 1533-V of 21 January 2012 on measures taken by the Government to assist children living with HIV, families of children with hospital-acquired HIV in need were provided with housing built under a programme to restore and develop the cities of Osh and Jalal-Abad for citizens affected by the events of June 2010 in the city of Osh and in Osh and Jalal-Abad Provinces. Eight apartments were allocated in Osh and three plots of land for residential construction in Nookat District of Osh Province.

274. Children with HIV receive a State benefit as soon as they are registered. In accordance with existing legislation, children with HIV/AIDS have been provided with a monthly social benefit of 4,000 soms since 2018. In 2018, 507 persons aged under 18 years received the benefit.

275. The State provides a benefit to children born to mothers with HIV until they reach the age of 18 months, in accordance with the procedure established by national law. There are 104 children in receipt of the benefits.

276. On 3 July 2007, following an inspection of the treatment provided by Osh Interprovincial Paediatric Hospital and Nookat Local Hospital, a Ministry of Health board was appointed to travel to Osh Province in connection with the cases of HIV infection

identified among children in Nookat District of Osh Province. In accordance with the board's decision, the chief physician of the epidemiological monitoring centre of Osh Province, P.A.K., the director of Osh Interprovincial Paediatric Hospital, S.T.S., the chief physician of Nookat Local Hospital, E.M.E., and the chief physician of the provincial blood transfusion centre, K.S.K., were dismissed. The board's files were handed over to the investigative bodies of the procurator's office for an investigation of the incident.

277. To prevent further outbreaks at hospitals, infection control has been strengthened at health-care facilities, and medical workers receive ongoing training in HIV prevention, diagnosis and treatment. To reduce stigma and discrimination in the media, on social networks and across information platforms, there is extensive public outreach on HIV prevention, particularly on the occasion of commemorative days or months such as World Remembrance Day of AIDS Victims and World AIDS Day. In districts with recorded outbreaks, children admitted as inpatients are screened for HIV.

278. Between 2013 and 2017, with the support of UNICEF and the participation of the Osh Provincial HIV/AIDS Prevention and Control Centre, summer camp retreats were organized for children with HIV. The number of children who participated was 117 in 2013, 60 in 2014, 60 in 2015, 60 in 2016 and 54 in 2017.

279. In July 2018, with the support of UNICEF and the United Nations Development Programme, a retreat was organized on Issyk-Kul Lake for children with HIV. There were 220 participants, including children, parents, pediatricians, infectious disease specialists and social workers from Tajikistan, Kazakhstan, Belarus, Uzbekistan, the Russian Federation and Kyrgyzstan. A camp for children with HIV was also organized in August 2018 and was attended by 60 children and 60 parents from Kyrgyzstan.

280. According to the 2018 Kyrgyzstan cluster survey, 96.7 per cent of women aged 15–49 years had heard of HIV/AIDS. Nevertheless, only 67.1 per cent knew about the two main ways of preventing HIV transmission. The percentage of women who knew about the three means of mother-to-child HIV transmission was 64.2, while 4.8 per cent of women did not know about any of them. The percentage of women who knew about all three means was higher among those who were married or in a union (66.1 per cent) than among those who had never been married (56.2 per cent). In Kyrgyzstan, 67.0 per cent of women reported discriminatory attitudes towards people living with HIV. In addition, 80.9 per cent of women knew a place to get tested for HIV. The percentage was almost the same in urban and rural areas. More than two thirds of women (74.0 per cent) had ever been tested for HIV, and 68.8 per cent knew their most recent test result. Only 43.0 per cent of women aged 15–24 years had ever been tested and knew the result of their most recent test. Of these, 21.4 per cent had been tested for HIV in the previous 12 months and knew the result.

### **Follow-up information relating to paragraph 52 of the concluding observations**

281. The protection of the life and health of young people in education is mandated by the laws and regulations of Kyrgyzstan. The main priorities in that regard are to strengthen and preserve health, cultivate a healthy lifestyle, create a safe educational environment, prevent bad habits, instill a sense of morality based on universal human values, optimize the educational process and introduce technologies to allow students to learn while preserving their health.

282. Of the time allocated for extracurricular activities of an educational nature, 10 hours are set aside for special classes on health promotion and preservation for students in grades 6–9 and 5 hours for students in grades 10 and 11. Safety courses on the prevention of HIV and non-communicable diseases have been developed and introduced for parents. Health and safety issues have been incorporated into the pre-prescription preparatory course in grades 10 and 11.

283. Matters of health and hygiene and legal awareness are covered as part of the curricula for subjects including ethics, homeland studies, biology, and man and society. Contests and

campaigns lasting a month or 10 days are held to commemorate the international days on combating AIDS, drug abuse, tuberculosis and so forth.

284. Within the framework of a regional cooperation programme to strengthen the HIV/AIDS prevention, control and surveillance capacities of countries in Eastern Europe and Central Asia, a project has been implemented since 2017 to build the capacity of education professionals to cultivate healthy lifestyles and prevent HIV among students at general educational institutions. The project has been implemented by I. Arabayev Kyrgyz State University.

285. To implement the project and create a sustainable system for regular special classes on healthy lifestyles, the Ministry of Education and Science issued the following orders:

- Order of 17 September 2018 on special classes on healthy lifestyles at general education schools in Kyrgyzstan
- Order of 29 March 2019 on seminars to train education professionals to lead classes on healthy lifestyles and HIV prevention, including reproductive health issues

286. To fulfil the objectives of the project to introduce higher and postgraduate training and retraining for teachers of general education institutions on leading classes on healthy lifestyles and HIV prevention, the Academic Council of I. Arabayev Kyrgyz State University developed and approved educational techniques and a curriculum on healthy lifestyles. In 2017–2018, these were incorporated into the core content of the safety course for students training to become teachers and the professional development courses for current teachers. Through the healthy lifestyles course, students acquire not only theoretical knowledge but also the skills and abilities needed to work in a school.

### **Follow-up information relating to paragraph 54 of the concluding observations**

287. Kyrgyzstan regards infant, child and maternal health as priority issues. The high level of political commitment shown in this regard is demonstrated by the inclusion of children aged under 5 years and pregnant and breastfeeding women in the programme of State guarantees and by the provision of contraceptives. The establishment of the National Centre for Maternal and Child Health and the Maternal and Child Health Unit served to facilitate this process.

288. According to the 2018 cluster survey, 99.7 per cent of babies had been weighed at birth, and 4.5 per cent had been estimated to have weighed below 2,500 g at birth. The prevalence of low birth weight varied by region, area (urban or rural) and maternal age. The prevalence of moderate or severe malnutrition among children aged under 5 years was relatively low, with 1.8 per cent of children underweight and 2.0 per cent wasted. In addition, 11.8 per cent of children were stunted. Nevertheless, 6.9 per cent of children were overweight. Although 81.0 per cent of children had first been breastfed within one hour of birth and 99.0 per cent of children had ever been breastfed, only 45.6 per cent of children aged 0–5 months had been exclusively breastfed and 68.6 per cent of children in this age group had been predominantly breastfed. The median duration of exclusive breastfeeding among children aged 0–35 months in Kyrgyzstan was 2.2 months, compared with 17 months for any breastfeeding.

### **Follow-up information relating to paragraph 56 of the concluding observations**

(a)

289. Achieving universal primary education by ensuring that children everywhere complete a full course of primary schooling is one of the most important of the Millennium Development Goals.

290. The Education Act provides that general education consists of three stages: the first stage, primary education, includes grades 1–4, and the second, lower secondary education,

includes grades 5–9. Taken together, these two stages constitute basic education under Kyrgyz law. The third stage, upper secondary education, includes grades 10 and 11. Taken together, these three stages (primary, lower secondary and upper secondary) constitute general education under Kyrgyz law. Basic education is compulsory for all Kyrgyz nationals and is provided free of charge at State and municipal educational institutions.

291. According to the 2018 cluster survey, the rate of participation in organized learning one year before the primary school entry age was high, at 91 per cent. High rates of attendance for early childhood education programmes were recorded in Issyk-Kul Province (55 per cent), Naryn Province (54 per cent) and Talas Province (51 per cent). Children's attendance is high at the primary and lower secondary levels, at 99 per cent and 97 per cent, respectively. Attendance decreases slightly, to 87 per cent, in the higher grades (10 and 11). All regions have high attendance rates at the primary and lower secondary levels, with the exception of Batken Province (where the rates in question are 92 per cent and 93 per cent, respectively). The lowest attendance rates in the higher grades were recorded in the city of Osh (78 per cent) and in Chüy and Osh Provinces (79 per cent).

292. Analysis of school non-attendance among children shows that the main factors at play are personal, family and social in nature. They include such factors as the need to earn money, parents being away in search of a job, which obliges adolescents to look after younger children left in their care, various illnesses among children, disabilities and offences of various kinds.

293. To reduce child neglect and formulate a unified approach to compiling statistical data on children who are not attending general education institutions, the Government adopted Decision No. 388 of 19 June 2017 approving Instructions on the procedure for registering children of school or preschool age, which provides for the use of an updated system for registering school-age children and adolescents.

294. Rural administrations, cities and other communities and administrative districts register children aged 5–16 years by compiling lists based on data from the household registers of the local executive bodies, lists of temporary residents, tenant registers and housing authority lists. During the school year, the heads of general educational institutions and initial vocational education institutions of all types and forms of ownership provide the relevant district or city education department – which, in turn, provides the relevant local State administration – with lists of children who are regularly absent from school (for more than 10 school days in a row) without good reason and request them to take the necessary measures to return them to class. Once it has been established that a child has not attended class for 10 consecutive days, a report is sent within five days.

295. Children's attendance at class is monitored as follows:

- Non-attendance for up to 10 school days is monitored by the general education institution or initial vocational education institution.
- Beyond the tenth consecutive day, non-attendance is monitored by the social commission of the local authority with the involvement of social workers and juvenile affairs inspectors.

296. As soon as a non-attendance report is submitted to the local authority, the student is officially considered a non-attende. The situation is then monitored by the local State administration, which takes the necessary steps to return the student to an educational organization. The children's affairs commission then has 10 calendar days to review the report and the individual family intervention plan or individual child protection plan and adopt the appropriate decision, which must be in the form of a decision by the local State administration or mayor's office.

297. In addition to general education day schools, the functioning network of schools with evening and correspondence courses, in which minors and adults who do not have a basic general education for various reasons continue their studies, facilitates the return of young people to the school system. The system operates on a fee-paying basis. The schools in the network have 6,403 students.

**(b)**

298. Pursuant to Government Decision No. 590 of 15 November 2016, amendments were introduced to the State standards for general secondary education with regard to learning, assessment, the maximum number of contact hours for students, the percentage of time to be allocated to State-mandated content, school-specific content and elective content (optional subjects) and the compilation of a list of areas of study.

299. Beginning in the 2015/16 school year, multilingual curricula have been piloted in 306 classes at 56 schools, reaching a total of 8,598 students. The pilot schools have adopted a communicative approach to the teaching of second languages and introduced content and language integrated learning, and teachers undergo the necessary training and receive support for their professional development.

300. In 2016, the preliminary results of the language proficiency tests administered to 3,490 students in grades 2–6 at the pilot schools showed that the use of new, multilingual education approaches and methods improves the quality of language learning: over 60 per cent of children achieved the target level of language proficiency in the pilot classes versus 30 per cent in other classes.

301. The system for measuring student achievement at Kyrgyz schools is being modernized. The results of the State final examinations show that achievement increased by 2.4 per cent between the 2014/15 and 2015/16 school years. A system of regular, standardized student assessments is being introduced in grades 4, 9 and 11.

302. In the 2016/17 school year, instruction was provided by 75,830 teachers. The allocation of posts for the 2016/17 school year resulted in the appointment of 3,030 young teaching professionals.

**(c)**

303. Under the Guardianship Council Act, a guardianship council may be established in institutions that provide social services in the field of education, whose members are elected by parents of students of the educational institution in question from among parents, public figures and sponsors.

304. The main purpose of their work is to assist in strengthening and improving school facilities and educational resources, make capital improvements to buildings and grounds, provide the right environment for the educational process, safeguard the life and health of students and ensure that sponsor support and scholarships are used in a targeted and proper manner.

305. Parents' sponsorship of students in general education institutions is provided on a voluntary basis, and school staff may not demand financial or other material assistance from students or their parents.

306. The Ministry of Education and Science issued Order No. 252/1 of 11 March 2018 on measures to stop the practice of informal charges and gifts for teachers during ceremonies and State examinations in schools in the country.

**(d)**

307. In cooperation with the Konrad Adenauer Foundation and the BIOM environmental movement and with the support of the European Union, the Ministry of Education and Science formulated a policy – as well as tools for its implementation – aimed at making the school environment safer in various ways: physically (buildings and structures), environmentally (requirements relating to landscaping, lighting, air composition, etc.) and psychologically (ensuring that children and staff feel at ease at educational institutions).

308. Pursuant to Government Decision No. 262 of 19 June 2019 amending certain government decisions with a view to creating a safer educational environment at general education organizations, amendments were introduced to several laws and regulations to allow for a deeper understanding of what makes a school environment safe. The set of updated documents and the various previously adopted regulatory and guidance materials constitute a comprehensive safety standard for Kyrgyz schools.

309. The fundamental standards and mechanisms for creating a safe educational environment were tested at 11 pilot schools throughout Kyrgyzstan. Steps were taken to create a modern and safe educational environment with active participation from school administrations, parents and local authorities. In particular, mechanisms for ensuring safety in procurement, energy efficiency and school landscaping were tested.

310. The requirements that have been adopted will make it possible to objectively assess the state of the country's schools (through the accreditation process for educational institutions) and help create a safer and more welcoming educational environment at all Kyrgyz schools.

**(e)**

311. The Ministry of Internal Affairs is working to prevent and eradicate the practice of extortion of younger students by older ones in schools, or "school racketeering".

312. Every year, spot checks are regularly carried out to bring cases of extortion to light. These spot checks have names such as "Teenager", "Homeless child", "Concern", "Back to school", "Anti-racketeering" and "Leader". There were 1,462 such spot checks in 2015, 1,462 in 2016, 1,535 in 2017 and 1,511 in 2018.

Table 11

**Cases of extortion (racketeering) among schoolchildren identified in educational institutions**

| <i>Year</i> | <i>Number of cases identified</i> | <i>Number of criminal cases opened</i> | <i>Number of cases in which the decision was taken not to launch criminal proceedings</i> |
|-------------|-----------------------------------|----------------------------------------|-------------------------------------------------------------------------------------------|
| 2014        | 242                               | 24                                     | 218                                                                                       |
| 2015        | 154                               | 16                                     | 138                                                                                       |
| 2016        | 87                                | 4                                      | 83                                                                                        |
| 2017        | 116                               | 23                                     | 93                                                                                        |
| 2018        | 106                               | 7                                      | 99                                                                                        |

313. In the first five months of 2019, 51 cases of extortion were identified among students of general educational institutions (compared with 23 over the same period in 2018), 18 criminal cases were opened, and the decision was taken not to launch criminal proceedings in 33 cases either because the perpetrator had not reached the age of criminal responsibility or the victim did not press charges.

314. To optimize the work of the internal affairs agencies, the juvenile affairs inspectorate had its staff increased by 22.4 per cent in 2015, 23.9 per cent in 2016, 26.8 per cent in 2017 and 29.6 per cent in 2018. This was one reason for the improved detection of cases of extortion among students.

315. The introduction of new legal codes since the beginning of the current year and the work of the single register of offences have also led to an increase in the number of cases of extortion (racketeering) identified.

316. At all schools in Kyrgyzstan, training sessions have been held for staff and students, mechanisms for reporting cases of violence and response procedures have been developed and introduced, reconciliation services involving teachers and children have been set up to resolve conflict situations, notice boards displaying information on violence prevention have been put up, and there are telephone helplines and a complaint box. As part of the programme, teaching aids were developed for extracurricular activities under the "Violence-free Schools" programme, as was a practical guide entitled "Violence-free Schools Service".

**(f)**

317. See paragraph 60.



## Follow-up information relating to paragraph 58 of the concluding observations

318. With a view to getting children back into the classroom, education authorities are pursuing the following initiatives:

- Providing clothing, shoes and stationery to children experiencing economic hardship
- Conducting outreach work and individual interviews with parents reluctant to send their children to school
- Registering children from disadvantaged backgrounds as requiring special attention with either a school or the local social development unit prior to assigning them to an educational institution
- Organizing (part-time) evening classes for working children, subject to agreement with commissions on children's affairs
- Setting up remedial classes and preliminary language courses for children not speaking the State or official languages (refugees)

## Follow-up information relating to paragraph 60 of the concluding observations

319. Under the Constitution, all the ethnic groups that make up the people of Kyrgyzstan are guaranteed the right to preserve their mother tongue and are ensured conditions conducive to its study and development.

220. Since Kyrgyzstan gained independence, no restrictions have been placed on children receiving education in their native language, and the number of schools with Uzbek as the language of instruction actually increased in the early years. At the time of the 2010 conflict, there were equal numbers of Kyrgyz and Uzbek schools in the city of Osh. In total, there were 236 schools with Uzbek as the language of instruction and 99 schools with Kyrgyz and Uzbek as the languages of instruction. Previously, the State language – Kyrgyz – had not been taught at schools with Russian, Uzbek or Tajik as the language of instruction. The aim of further developing multilingual education is actively supported by teachers and parents, primarily those who are members of ethnic minorities.

Table 12  
Information about schools in Kyrgyzstan

| <i>Number of general education schools</i>              | <i>2014/15</i> | <i>2015/16</i> | <i>2016/17</i> | <i>2017/18</i> | <i>2018/19</i> |
|---------------------------------------------------------|----------------|----------------|----------------|----------------|----------------|
| <b>Total</b>                                            | <b>2 205</b>   | <b>2 218</b>   | <b>2 236</b>   | <b>2 262</b>   | <b>2 265</b>   |
| <b>With one language of instruction, total</b>          | <b>1 698</b>   | <b>1 692</b>   | <b>1 685</b>   | <b>1 689</b>   | <b>1 663</b>   |
| Of which:                                               |                |                |                |                |                |
| Kyrgyz                                                  | 1 434          | 1 439          | 1 423          | 1 427          | 1 395          |
| Russian                                                 | 203            | 198            | 216            | 226            | 234            |
| Uzbek                                                   | 58             | 52             | 43             | 33             | 31             |
| Tajik                                                   | 3              | 3              | 3              | 3              | 3              |
| <b>With two or more languages of instruction, total</b> | <b>507</b>     | <b>525</b>     | <b>551</b>     | <b>573</b>     | <b>602</b>     |
| Of which:                                               |                |                |                |                |                |
| Kyrgyz-Russian                                          | 360            | 369            | 397            | 409            | 445            |
| Kyrgyz-Uzbek                                            | 54             | 54             | 49             | 52             | 49             |
| Kyrgyz-Tajik                                            | 2              | 3              | 2              | 2              | 2              |
| Uzbek-Russian                                           | 49             | 52             | 48             | 54             | 52             |
| Uzbek-Tajik                                             | –              | 1              | 1              | 1              | –              |

| <i>Number of general education schools</i> | <i>2014/15</i> | <i>2015/16</i> | <i>2016/17</i> | <i>2017/18</i> | <i>2018/19</i> |
|--------------------------------------------|----------------|----------------|----------------|----------------|----------------|
| Kyrgyz-Uzbek-Russian                       | 38             | 43             | 50             | 51             | 50             |
| Russian-Uzbek-Tajik                        | 4              | 3              | 3              | 3              | 3              |
| Kyrgyz-Russian-Uzbek-Tajik                 | –              | –              | 1              | 1              | 1              |

### **Follow-up information relating to paragraph 62 of the concluding observations**

321. Child and forced labour is prohibited under Kyrgyz law.
322. Kyrgyzstan has ratified two International Labor Organization (ILO) conventions on child labour:
- (a) Minimum Age Convention, 1973 (No. 138) (ratified by the Act of 31 March 1992); when it became a member of ILO, Kyrgyzstan declared that the ILO conventions ratified by the former Soviet Union remained in force in its territory;
- (b) Worst Forms of Child Labour Convention, 1999 (No. 182) (ratified by Act No. 244 of 30 December 2003).
323. In accordance with the Children's Code, it is prohibited in Kyrgyzstan to take on or recruit a child to perform any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
324. On 6 April 2016, the relevant ministries and departments adopted the Interdepartmental Plan on Prevention of the Engagement of Children in the Worst Forms of Child Labour for the period 2016–2018, to prevent the involvement of children in the worst forms of child labour.
325. The State Inspectorate for Environmental and Technical Safety, which reports to the Government, is responsible for State oversight of the use of child labour.
326. In accordance with the Business Inspections Act, State labour inspectors may not conduct unannounced inspections of employers who are intentionally violating the rights of working children, as the business entity must be notified of the inspection, in writing, at least 10 days in advance.
327. Article 194 of the Labour Code prohibits the use of the labour of persons aged under 18 years in harmful or dangerous conditions or underground, and also in forms of employment that could be harmful to their health or moral development (the gambling industry, work in nightclubs and cabarets, and the production, transport of or trade in alcoholic beverages, tobacco products, drugs and toxic substances). It is prohibited for workers aged under 18 years to carry or move loads exceeding the limits laid down for them.
328. To monitor the use of child labour, spot checks are carried out, as is outreach work to promote labour that is safe for children. In the first half of 2019, for example, 36 inspections and spot checks were organized and carried out, resulting in the identification of 26 adolescents working in unacceptable conditions.
329. In 2019, the Ministry of Labour drew up a draft government decision to amend Government Decision No. 314 of 2 July 2001 on the list of industries, occupations and jobs with difficult and dangerous working conditions, in which it is prohibited to use the labour of persons under the age of 18 years. The aim was to improve the list of jobs in which the use of child labour is restricted or prohibited, in line with current Kyrgyz law, and the ILO Conventions No. 182 and No. 138.
330. The National Statistics Committee carries out an annual integrated sample survey on household budgets and the labour force. The survey carried out in 2018 showed there were approximately 27,300 children aged 15–17 years in employment.

Table 13  
**Employed population aged 15–17 years in 2018**

|                             |      |
|-----------------------------|------|
| Persons employed, thousands | 27.3 |
| By sex:                     |      |
| Male                        | 19.3 |
| Female                      | 8.0  |
| By place of residence:      |      |
| Urban                       | 3.7  |
| Rural                       | 23.6 |

331. According to the 2018 cluster survey, 26.7 per cent of children in the country were involved in child labour. Child labour was more prevalent among boys than girls (33.6 per cent versus 19 per cent). More children living in rural areas were involved in economic activities than children in urban areas. Children from families in the poorest wealth quintile were almost five times as likely to be involved in child labour as children from the richest quintile (32.1 per cent versus 6.1 per cent). The percentage of children aged 15–17 years who worked under hazardous conditions was higher than in other age groups. The percentage of children working under hazardous conditions was higher in the poorest wealth quintile (12 per cent) and in rural areas (15.2 per cent). More boys were involved in harmful work (16.1 per cent). Child labour was most prevalent in Naryn Province (40.5 per cent) and least prevalent in Bishkek and Osh (7.3 per cent and 6.1 per cent, respectively).

### **Follow-up information relating to paragraph 64 of the concluding observations**

332. In recent years, the Central Asian countries have been taking active measures to combat trafficking in persons by developing strategies and national plans on the subject, improving the legal framework, strengthening international and regional cooperation and coordinating the work of law enforcement agencies.

333. The Ministry of Internal Affairs analysed and monitored the Act on Preventing and Combating Trafficking in Persons, No. 55 of 17 March 2005, on the basis of the experience of Central Asian countries in identifying victims of trafficking and with a view to bringing national legislation into line with international instruments on trafficking in persons.

334. The Act on Preventing and Combating Trafficking in Persons, No. 2 of 11 January 2018, was subsequently adopted.

335. The criteria for identifying victims of trafficking in persons that have been established are fully in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

336. The identification of victims of trafficking in persons involves interviews to determine whether a person's situation meets the relevant criteria. A standardized questionnaire is to be completed, and a points system is used to carry out an assessment against each of the criteria, ensuring that the identification procedure and its outcome are more strictly regulated.

337. In implementation of the Act in question and the Government Programme to Combat Trafficking in Persons for the period 2017–2020, which was approved by Government Decision No. 742 of 15 November 2017, and with a view developing a referral mechanism and criteria for identifying victims of trafficking in persons, a draft government decision was drawn up to approve a national referral mechanism for victims of trafficking in persons.

338. The statistics on trafficking-related crimes maintained by the Ministry of Internal Affairs show that, over the period 2014–2018, 45 criminal cases were opened, including 37 in which a crime was found to have occurred and 8 that were unsolved.

339. Of the 37 cases in which a crime was found to have occurred, 31 were referred to the courts and 6 were suspended at the investigation stage.

340. Of the cases in which a crime was found to have occurred, 22 concerned trafficking in newborns (12 boys and 10 girls).

341. A training module on trafficking in persons has been developed for law enforcement officials. It includes teaching materials, case studies, instructions and practical recommendations for law enforcement personnel. The training modules have a theoretical basis and include exercises to improve understanding of international and national law on trafficking in persons.

342. A lecture has been prepared on the legal, organizational and tactical foundations of action to prevent and combat trafficking in persons. Over the period 2016–2018, it was attended by 407 internal affairs officers.

343. With a view to eliminating trafficking in Kyrgyz children without parental care outside Kyrgyzstan, and in accordance with the regulations on the return to the Kyrgyz Republic of child citizens deprived of parental care and located outside the country, which were approved by Government Decision No. 571 of 21 October 2013, 104 children without parental care in the Russian Federation were returned in total over the period 2011–2019.

344. Steps are being taken to place returned children with their biological families, with other relatives or in guardianship or adoptive care.

345. In 2004, as part of efforts to eradicate trafficking in persons, Kyrgyzstan became one of the first countries in the Commonwealth of Independent States to introduce live birth criteria (registration of stillborn babies from 22 weeks' gestation with a minimum body weight of 500 g and body length of 25 cm). Before 2004, a newborn weighing under 1,000 g or born before 28 weeks was considered a "fetus" and was registered as a live birth only if it lived at least seven days, which left open the possibility of manipulating child mortality data to conceal information about deaths and births. Accurate statistics made it possible to analyse the situation and identify problems, following which the main avenues for improvement of the situation and registration of births and neonatal deaths were elaborated.

346. A newborn register, which is a personalized database with information about newborns weighing at least 500 g and their mothers, was introduced in all regions of the country.

### **Follow-up information relating to paragraph 65 of the concluding observations**

347. According to the State National Security Committee, 125 Kyrgyz nationals are being held in prison in the Republic of Iraq. In addition, 47 Kyrgyz women have been convicted of involvement in terrorist activities, and their 78 children are being held in special camps. The Government is working to return these children to Kyrgyzstan. Efforts are also being made to determine the number of children in the Syrian Arab Republic.

### **Follow-up information relating to paragraph 67 of the concluding observations**

348. To uphold the rights and legal interests of minors arrested or detained on suspicion of committing crimes, infractions and violations, and those held at temporary holding facilities of the Ministry of Internal Affairs, several laws and regulations have been adopted to ensure respect for due process of law in the course of proceedings.

349. For example, Ministry of Internal Affairs Order No. 850 of 17 September 2018 on measures to improve the activities of the internal affairs bodies of Kyrgyzstan in preventing juvenile delinquency establishes the grounds and procedure for holding minors at internal affairs offices and the duration for which they may be held, the procedure for ensuring protection, procedures for carrying out measures and completing the necessary paperwork,

the procedure for returning minors to their parents or legal representatives and the grounds and procedure for referral to specialized institutions or other State and public institutions.

350. In accordance with the Act on Procedures and Conditions for the Custody of Suspects and Accused Persons, the Government adopted Decision No. 57 of 2 February 2006, which approved the internal regulations for temporary holding facilities of the internal affairs agencies. These internal regulations provide that men and women are to be held separately from one another, as are adults from minors.

351. The Criminal Code establishes a list and categories of socially dangerous acts and the age of criminal responsibility.

352. The Code of Criminal Procedure regulates the grounds and procedure for detention and criminal prosecution. In accordance with articles 40 and 94, minors who have been arrested or remanded in custody have the right to be assisted by a lawyer or legal representative from the time of the first interview and, in the event of detention, from the time they are handed over to the body conducting the initial inquiry. Within 48 hours, minors must be charged with a specific offence, and the court may impose a preventive measure, either remand in custody or release on the recognizance of their legal representatives.

Table 14

**Information on the detention of minors at temporary holding facilities**

| <i>Year</i> | <i>2014</i> | <i>2015</i> | <i>2016</i> | <i>2017</i> | <i>2018</i> |
|-------------|-------------|-------------|-------------|-------------|-------------|
| Minors      | 283         | 298         | 215         | 209         | 186         |

353. On 1 January 2019, the Probation Act entered into force. The Probation Service works to assist offenders. Probation officers are involved from the moment of arrest and they guide the person at all stages, providing protection to persons who are being investigated or have been convicted.

354. Where necessary, childcare units are set up at correctional institutions for women. The childcare units have a recreation room, a play area and toilet facilities. There are toys for the children. The children are examined by a paediatrician three times a week. Women prisoners can place their children aged under 3 years in the units and spend unlimited time with them when they are not working.

355. As at 2018, nine children were living with their mothers at a detention facility, namely State Penal Correction Service facility No. 2. There is a separate room for each mother and child.

356. The facility ensures the provision of medicines. The daily food ration for children is determined in accordance with Order No. 121/1-117 of the Ministry of Health and the Ministry of Education of 20–21 April 1993.

357. The National Centre notes that the facility does not provide hygiene products for children (diapers); these items are provided by international humanitarian organizations.

358. In accordance with article 23 (4) of the Penalties Enforcement Code, the Ombudsman may visit penal institutions without special permission in order to monitor observance of prisoners' constitutional rights and freedoms.

359. At correctional colony No. 14, notice boards with the address of an anti-corruption website were put up, and a telephone set supplied by Sapatcom Telecommunications was installed for calls to the 115 helpline of the central office of the State Penal Correction Service. Measures were taken to raise awareness about the relevant issues among young offenders.

360. Complaint boxes have been installed so that citizens, prisoners and detainees may lodge complaints and applications regarding violations of their rights.

361. On 3 June 2017, the State Penal Correction Service, the National Centre and the Legal Prosperity Foundation signed a memorandum of cooperation on the protection of children's right to freedom from torture and ill-treatment. In accordance with the memorandum, the

Legal Prosperity Foundation has installed complaint boxes at facilities. The boxes may be opened only by officers of the National Centre.

362. Young offenders' institution No. 14 has a facility, known as the "halfway house", which has been renovated and newly equipped with financial assistance from international and voluntary organizations, including UNICEF and Egl, to provide temporary housing for prisoners who have been released, where necessary. Over the period 2014–2018, no prisoners were in need of temporary housing upon release. This facility is currently being used to provide overnight accommodation for relatives who have travelled from distant regions for visits. The administration will make the halfway house facility available to released prisoners who need temporary housing.

### **Follow-up information relating to paragraph 69 of the concluding observations**

363. Ministry of Internal Affairs Order No. 850 of 17 September 2018 on measures to improve the activities of internal affairs bodies in preventing juvenile delinquency establishes a procedure to organize the work of the juvenile affairs inspectorate. The Order includes provisions on work with minors who are victims of socially dangerous acts. A procedure for cooperation with other units of the internal affairs offices and State bodies in protecting the rights, interests and freedoms of minors who are victims of violations of the law and crimes was also approved. In accordance with the Order, the juvenile affairs inspectorate of the internal affairs office works closely with the local units of the designated child protection authority in the course of its daily activities.

364. To protect minor children in families and at educational institutions and public places and to provide assistance to children and adolescents, the Ministry of Internal Affairs issued Order No. 1138 of 27 December 2018 on strengthening measures to prevent violence and ill-treatment against minors.

365. In their activities, internal affairs offices are guided by the Constitution and the Protection from Domestic Violence Act, which sets out a list of State bodies for the protection of children and adolescents and their respective powers.

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