



## Convention on the Rights of the Child

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**WRITTEN REPLIES BY THE GOVERNMENT OF THE KYRGYZ REPUBLIC TO THE LIST OF ISSUES (CRC/C/OPSC/KGZ/Q/1) TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF THE KYRGYZ REPUBLIC SUBMITTED UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (CRC/C/OPSC/KGZ/1)\***

[Replies received on 8 January 2007]

**Response by the Government of the Kyrgyz Republic to the request for additional and updated information on the status of implementation of the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

1. Available, statistical data (including by sex, age, urban or rural areas) for the years 2003, 2004, and 2005 on:

(a) Number of reported cases of sale of children, child prostitution and child pornography, with additional information on the type of follow-up provided on the outcome of the cases, including prosecution, withdrawals and sanctions for perpetrators

**The number of reported offences (by cases) by adults against children:**

|   | 2003     | 2004 | 2005 |
|---|----------|------|------|
| Murder (article 95 of the Criminal Code of Kyrgyzstan)  | <b>8</b> | 7    | 7    |
| Murder by a mother of her newborn child (art. 100)  | 4        | 3    | -    |
| <b>Wilful infliction of serious harm to health (art. 107)</b>                                   | 4        | 9    | 4    |
| Wilful infliction of minor harm to health (art. 112)  | 20       | 26   | 19   |
| <b>Rape (art. 129)</b>  | 39       | 34   | 41   |
| Sexual relations and other acts of a sexual nature with a person under the age of 16 (art. 132) | 17       | 14   | 13   |
| Depraved acts (art. 133)  | 3        | 4    | 5    |
| Involvement of a minor in the commission of an offence (art. 156)                               | 83       | 43   | 37   |
| Involvement of a minor in the performance of socially disruptive acts (art. 157)                | 23       | 20   | 15   |
| Trafficking in persons (art. 159)   | 3        | -    | -    |
| Disclosure of confidential adoption information (art. 160)                                      | 2        | -    | 2    |
| Failure to comply with the obligation to raise a minor child (art. 161)                         | 2        | 3    | 5    |
| Evasion by parents of their child maintenance obligations (art. 162)                            | 334      | 188  | 224  |
| Number of serious and particularly serious offences included in above totals                    | 192      | 183  | 302  |

No instances have come to light of the production of child pornography.

(b) Number of children trafficked to and from Kyrgyzstan as well as trafficked within the country

Over the last three years, 45 children have been taken from children's homes to other countries, 23 of them boys and 22 girls. Of these, 22 were aged under one, 16 under two and 8 two and over. In all, 17 children were taken to the United States of America, 11

to Israel, 3 to France, 1 to Switzerland, 5 to South Africa and 8 to Sweden.

No instances have come to light of children being trafficked within the country.

(c) Number of child victims provided with recovery assistance and compensation as defined in article 9, paragraphs 3 and 4, of the Protocol

In the course of 2006, 18 children aged under 18 were referred to the State Forensic Office in connection with rape, of whom five were aged under 17, two under 16, seven under 15 and two under 14. Six\* reports were filed of attempted rape, the ages of the children ranging from 0 to 6; four of these were boys and five girls.

## **2. Please inform the Committee if the State party has a mechanism of data collection on the issues covered by the Optional Protocol**

**Sectoral reports are filed on work conducted in this area.**

## **3. Information on specific budget allocations (national, regional and local) for the implementation of the provisions of the Optional Protocol**

Funds are allocated to the ministries involved in implementation of the Optional Protocol for the performance of tasks within their particular competence.

4. Information on funds allocated for implementation of presidential decree No. 94 of 21 April 2002 on measures to combat the smuggling and trafficking of persons in the Kyrgyz Republic

Pursuant to the programme of measures for the period 2002-2005 to combat the smuggling and trafficking of persons in the Kyrgyz Republic, ratified by presidential decree No. 94 of 21 April 2001, a special unit has been set up within the Kyrgyz Ministry of Internal Affairs to that end. The body has no established legal status and operates within available resources.

5. Please indicate which body is responsible for the coordination and implementation of the Optional Protocol

On 7 August 2006 the Kyrgyz Children's Code was adopted and entered into force. Article 13 of the Code lists the bodies constituting the system of services to uphold the rights and lawful interests of children, one of which is a government agency with special responsibility for protection of the rights and interests of children.

Currently one of the primary tasks of this agency, under article 14 of the Code, is the implementation of State policy relating to protection of the rights, freedoms and lawful interests of children.

In addition, article 16 of the Code, which sets out the legal status and tasks of the Commission on Children's Affairs, assigns to this commission, among other things, responsibility for considering reports and complaints by children relating to violations of their rights.

6. Adoption of a national plan of action relating to the issues covered by the Optional Protocol, or of plans to incorporate the issues covered by the Optional Protocol in the "New Generation" programme

The "New Generation" programme, a State programme for the period up to 2010 to give effect to the rights of the children of Kyrgyzstan, as ratified by government decision No. 431 of 14 August 2001, makes provision in paragraph 43 of its table of measures for the implementation of the programme for the conduct of effective monitoring to ensure the prevention of any trafficking in and commercial and sexual exploitation of children.

7. Introduction of or intention to introduce into the Penal Code the prohibition of sale of children, child prostitution and child pornography in accordance with article 3, paragraphs 1 and 2, of the Optional Protocol

The Kyrgyz Criminal Code provides criminal penalties for trafficking in persons (article 124 of the Code), prescribing stiffer penalties in cases where the offence is committed against minors.

In addition, article 157 of the Code sets out penalties for involving a minor in prostitution or for the performance of sexual acts with minors by persons aged 18 and over.

8. Information on programmes or services (including on budget and staff) meant to provide child victims of sale, prostitution or pornography with counselling and other support for recovery and social reintegration and information of the number of children that have benefited from these programmes

No funds are specifically allocated for the support of child victims of trafficking, prostitution or pornography, but essential medical assistance is provided to such children under the State Safeguards Programme.

9. Legal provisions which would allow for the prosecution of a child involved in the sale of children, prostitution or pornography and, if there are such, the conditions for such prosecution

See paragraph 7 above.

10. Information relating to extraterritorial jurisdiction and indicating whether there is a requirement of double criminality in the Penal Code of the State party

The Kyrgyz Criminal Code has no provision on double criminality.

11. Special training, particularly legal and psychological, provided to persons working with the social reintegration and physical and psychological recovery of child victims of violence

On 24 September 2004, a second special agreement was signed in Bishkek between the Government of the Kyrgyz Republic and the Government of the Kingdom of Sweden on support for the period 2004-2007 for training in and the development of social work with children in high-risk groups in the Kyrgyz Republic.

In addition, pursuant to article 46 of the State "New Generation" programme, provision is made for the inclusion in certification (qualification) requirements for specialists working with children of obligatory knowledge of the fundamental provisions of the Convention on the Rights of the Child and of Kyrgyz legislation on children's rights.

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