

**KYRGYZSTAN:**  
**UNIVERSAL PERIODICAL REVIEW ON CHILD RIGHTS,**  
**PREPARED BY**  
**CIVIL SOCIETY ORGANIZATIONS**

**Bishkek-2014**

## RIGHTS OF THE CHILD<sup>1</sup>

- A. Policies and strategies in the field of child rights. The right to protection from all forms of violence.
- B. The right to protection from exploitation.
- C. Discrimination against children.
- D. Children in conflict with the law.
- E. Children with disabilities. Failure to guarantee protecting the rights of children in inter-ethnic conflict in southern Kyrgyzstan in 2010.
- F. Rights of the child in the fight against terrorism.

### A. Policies and strategies in the field of child rights

The Kyrgyz Republic has not implemented the UPR recommendation:

*76.31. Strengthen its policy for the full guarantee of the rights of the child, with attention to implementing the Guidelines for the Alternative Care of Children, according to resolution 11/7 of the Human Rights Council and 64/142 of the General Assembly (Brazil).*

1. To date, in Kyrgyzstan, there is no unified statistics on number of facilities for children and number of children in these institutions, as they are under the different government bodies (Ministry of Education, Ministry of Social Development, Ministry of Health, Ministry of Interior, and State Penalty Enforcement Service). In addition, services on child support, education and childcare are mostly provided by public organizations, exact amount of which is not currently known. The current system of data collection does not provide monitoring of movement of children from one institution to another. All these problems were highlighted by the UN Special Rapporteur on the sale of children, who visited Kyrgyzstan in 2013. There are 50 nongovernmental orphanages, whose activities are not controlled by law enforcement agency and social services. Social service agencies do not monitor the legality of placing children in these institutions and their further destiny. There is a danger that children may be victims of trafficking and exploitation.

2. Interaction of all public bodies engaged in protection of children in Kyrgyzstan is very weak; there is no overall coordination of action of governmental bodies in deciding the future of children in difficult situations. Often there are attempts to redirect responsibility from one public authority to other<sup>i</sup>. After adoption of the new Code "On Children" in 2012, the Ministry of Social Development (MSD) is defined as an authorized body for protection of children, which defines national policy in the field of protection of children. However, the mandate of the MSD (authorized body for the protection of children) is not sufficient to ensure intersectional coordination of activities of all governmental agencies engaged in the protection of children.

3. In Kyrgyzstan, most of public boarding schools are financed from the state budget; most part of finance is directed to administrative expenses, utilities, amortization and repair of buildings but to children support<sup>ii</sup>. Despite of the decision of the Government number 670 on the approval of the "Regulation on the adoptive (a foster) family, adapting minimum standards for the care and

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<sup>1</sup>Information for the preparation of the coalition report on child rights to the UPR was provided by ALE "Association of NGOs to protect the rights and promote the interests of children", PA "Youth Human Rights Group", PF "League of Child Rights Defenders", PA "Center for Protection of Children" PF "Legal Clinic "Adilet" (report unification). In the process of preparing this report, the results of the implementation of the UPR recommendations received by Kyrgyzstan in 2010 were taken into account.

upbringing of children in foster care, assistance and support to foster parents”, state or local budget does not provide funding for foster families.

4. Low allowances (492 som (9,50\$) per month) for children from low-income families and other categories of children-beneficiaries do not cover the basic needs of children, even for food, and are 12% of the subsistence minimum sum and 36% of the extreme poverty line sum<sup>iii</sup>. Development of local social services for children and families in difficult situations alternative to residential institutions weakly supported by the MSD, both at the level of legislation and funding. In accordance with the Code “On Children”, local self-governing authorities should realize identification of families and children in difficult situations, preventive and individual work with the family through creating departments dealing with the families and children, but many local authorities do not have and develop services for children alternative to the residential care.

Another significant problem is resource providing of Territorial Divisions on Child Protection, which usually do not have sufficient resources to perform its functions. Thus, in the case of a child who is in immediate and serious threat, Territorial Division is not able to react promptly in removing a child from a dangerous situation and placing the child temporarily to safe environment because transport costs are not provided and there is a lack of places for temporary placement and, in some areas, this actions are completely not possible. According to the information received from Territorial Divisions on Child Protection, they face following problems<sup>iv</sup>: limited amount of staff and a large variety of tasks, staff turnover and lack of training courses; low level of motivation of employees because of low wages, usually most of the employees consider the work in the Territorial Divisions on Child Protection for protection of children as a stepping stone for a career in the public service; incomprehensive recruitment policy in the child protection system, which leads to "random" people, who are not specialists and has no experience in working with children. The problem of poor motivation of employees of the child protection system is also present at the Help Center for Children Affected by Violence; the vast responsibility of employees and psycho-emotional stress because of working with children affected by violence and inadequate wages lead to turnover<sup>v</sup>.

### **Recommendations:**

1. Implement appropriate mechanisms for the identification of children and families in difficult situations at the local government level and development and implementation of plans of individual work with the family, child protection, and (or) rehabilitation.
2. Conduct annual monitoring of the number of children in institutions of residential care, orphanages and institutions for permanent placement of children, the number of children referred for permanent and temporary stay in institutions, including temporary orphanages, regardless of their form of ownership, the move (redirects) of children from one institution to another, and develop the state centralized system for collecting, processing, analysis, dissemination, storage, protection and use of statistical information (government statistics) and develop official statistical methodology.
3. Increase the amount of allowance for children from low income families for 2015-2018 by 10% annually in excess of the inflation. Exclude policies to reduce the allowances for children from low income families provided for 2011 in Development Strategy of Social Protection.
4. Revise resource support, salary and motivation of staff of regional offices of the authorized body for protection of children and the Help Center for Children Affected by Violence.
5. Adopt the legal acts that provide identification functions of children in difficult Situations by Local Self Government authorities are its proper functions

### **B. The right to protection from all forms of violence**

The Kyrgyz Republic has not implemented the UPR recommendation:

*76.56. Ensure the full legal protection of the freedom of children from physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including corporal*

*punishment in any setting, and take further practical measures to stem the occurrence of violence against children (Sweden)*

1. Result of studies conducted by NGOs in Kyrgyzstan determined two main social area of violence against minors: domestic violence and violence in institutions for children. In most cases, children do not get any protection from the state due to the inefficiency of the system to identify violence against children, a high level of social acceptance of this phenomenon, lack of sufficient resources of the authorized state bodies for protection of children, as well as significant gaps in criminal law and criminal procedural law. Mechanisms for the protection of children from violence are not effective at legislative level and in practice. To date, there are no prohibition and criminalization of corporal punishment of children and charging punishment in accordance with the severity of injures. Legislation provides punishment for sexual abuse, sexual intercourse with persons under 16, forced sexual intercourse and torment. However, in cases of a less serious offenses, the law allows escaping responsibility for the above crimes because of reconciliation of parties (when parents or other child representatives receive compensation from the accused party).

In such cases, parents as a legal representatives of the child are on behalf of the child victim and opinions and interests of the child are not considered<sup>vi</sup>.

Children face various forms of violence perpetrated by different people in different circumstances; it is not infrequent that there are cases of murders and injury by parents against their children. According to UNICEF, the prevalence of violence against children is extremely high. Thus, 72.7% of children had to deal with family violence and/or neglect by parents. 51% of the 2132 surveyed children faced verbal abuse, 38.7% faced psychological abuse, 36.6% experienced physical abuse, and 1.6% - sexual abuse. In all cases, violence was committed by family members<sup>vii</sup>. The research shows that, in Kyrgyzstan, many parents recognize moderate and severe physical violence as a normal, traditional and effective way of bringing to discipline. According to the MSD 2351 cases of domestic violence were identified in 11 months of 2013 and 2580 cases for 2012. In 2013, 162 cases were prosecuted and sent to the court 183 cases were sent to the court in 2012<sup>viii</sup>. According to the Ministry of Health, number of children exposed to domestic violence, who was assisted medical help in the organizations of health care for 2012 is as follows: 727 children addressed organizations providing inpatient care, 772 children addressed FMC and GFP<sup>2</sup>, and total number of children is 1499<sup>ix</sup>. Number of suicides among children is growing: in 9 months of 2013, 96 children suicide cases were registered which is more than in previous years<sup>x</sup>. Number of crimes, including sexual abuse, committed against children is growing. In 2013, 338 cases of rape were registered.

According to the summarized data of NGOs (PA "CPC" and PF "League" and the Help Centre for Children for Victims of Violence in Bishkek, during the period from 2012 to 2014, 559 children addressed these organizations and at least 67 children among them are victims of sexual violence, as well as 50 women victims of violence. An important aspect is an isolation of girl victims of sexual violence from the family if violence is committed by the family members and victim should be provided temporary shelter with a special program of rehabilitation only for girls separately from boys. Social workers face problem of providing a temporary place (shelter) for women and children, who are victims of domestic violence<sup>xi</sup>. Due to the absence of 24-hour helpline, children cannot get legal and psychological assistance for victims of violence on time. Children cannot get urgent protection because of the lack of special centers<sup>xii</sup>.

Often, social workers of the authorized bodies are not provided with the necessary training for support of child victim of violence. For example, in case of Elnara Karybaeva born in 2010, she got multiple stab wounds to the face and neck by her extremely drunk father and he also tried to rape her. Elnara in bad health condition was hospitalized in Clinical Hospital for Children number 3 in Bishkek. The family was not timely identified by social services as dysfunctional. After the incident,

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<sup>2</sup>FMC, GFP -- Family Medicine Center, Group of Family Physicians.

staff of the MSD and the Territorial Divisions on child protection provided investigators with "positive portrait" of rapist and defended interests of the parents but the child victim<sup>xiii</sup>.

Investigators working in law enforcement agencies do not have the special skills on working with child victims of violence. Absence of legislative guarantees of compliance sex of child victim of sexual abuse and the investigator requires special attention. Forensic medical examination does not meet international standards in working with child victims of abuse; there are no specially equipped rooms for examination of children and psychologists do not participate during the examination and do not prepare the child for examination. There is delay of scheduling of examinations until disappearance of physical evidence of the violence. There are cases of refusal of the psychological examination because of the absence of physical evidence. In 2013, new law regulating the forensic activity in Kyrgyzstan was introduced. The law significantly limits the development and efficient operation of possible alternative entities - NGOs and experts as well as inviting international independent experts that make it difficult to receive alternative conclusions for child victims of violence and torture and it create risk of encourage of corruption in state forensics system<sup>xiv</sup>.

2. Various forms of abuse and neglect are widespread in closed and residential institutions for children. In 2012, 24 cases of torture of juveniles were identified and 12 of them were committed in the institution of residential care<sup>xv</sup>. According to a UNICEF study in 2012<sup>xvi</sup>, forms of torture applied to children in closed institutions include physical beatings, dry suffocation with the help of plastic bag or hands, sensorial torture in the form of burying in the snow or long stay under the sun as well as numerous types of psychological torture. So, in May 2013, prosecutor's office of Talas oblast conducted monitoring of cases of ill-treatment of inmates of Pokrovsky rehabilitation boarding school for children with special needs. Cases of use of corporal punishment by staff and use of psychotropic drugs as a punishment for escape of children were confirmed<sup>xvii</sup>. But even in the case of identification of torture and ill-treatment of children by NGOs or the Ombudsman, government agencies, usually, limit their involvement by administrative admonition or dismissal of the head of the institution that actually does not solve the problem of impunity of perpetrators of abuse in residential care institutions.

Territorial Divisions of the authorized body on child protection (Territorial Divisions on Child Protection) do not use fully its mandate of control the activities of all institutions for children. This occurs because of the lack of clear instructions on steps should be taken in order to protect children in situations of violence and lack of places for temporary placement of children, the budget line for transport costs.

There is no procedure of placing a child in temporary family or crisis centers in case of violence in the family and if the interests of the child requires such measures. Concealment of the violence in educational institutions, medical institutions and in authorities for protection of children is one of the causes of impunity of violence against children. Decision making process on protection of child in a dangerous situation may last up to a week that may be a threat to child's health and life. There are no regulations requiring the staff of health care organizations, educational system and social protection service to conduct a systematic registration or reporting of cases of abuse and neglect against children; an algorithm of informing the authorized bodies for protection of children about each case of violence is not developed<sup>xviii</sup>.

3. In 2013, penalty for bride kidnapping for forced marriage was enhanced. In practice, the government does not conduct preventive measures and does not identify and bring to liability for forced marriage of underage girls. In Kyrgyzstan, approximately 12.2% of women are married before they reach 18. In rural areas, about 14.2% of marriages involve underage girls. Early marriages are usually not legally registered<sup>xix</sup>. Marriage, made in the form of religious ceremony, without official registration misses to the attention of state authorities. Moreover, , practice of bride kidnapping,

including girls under 18, is continuing. From 30% to 80% of marriages in the rural areas is result of bride kidnapping<sup>xx</sup> and there are cases when underage girls were bride kidnapped immediately after graduating from secondary school. Early marriages lead to teenage pregnancy so, in 2011, 1.2% of registered births were result of teenage pregnancy.

Annually there are 1200 officially registered abortions among adolescent girls aged 12-17<sup>xxi</sup>.

4. In order to identify cases of violence, the Code “On Children” provide the mechanisms of compulsory notification and mechanisms for monitoring of institutions. In practice, mechanism of compulsory notification of professionals working with children about cases of violence does not work; experts are not aware of their obligations, do not know where to address or do not believe in the effectiveness of the subsequent investigation.

Inspections of institutions are mainly conducted after receiving notification on abuse from NGOs. In the majority of cases, departmental monitoring does not reveal violations of child rights even if they are obvious. In general, state methodology of monitoring is not aimed at assessing child rights in institution, often conducted formally and lead to no positive changes.

5. There are no special and available complaint procedures for children. In closed penitentiary institutions (colony, pre-trial detention facility) and institutions of the Ministry of Internal Affairs, legislation provides children with the same complaint procedures the as well as adults. In closed institutions for children, information about the child's right to file a complaint and authorized state bodies that can consider complaint is not available. Children, placed in institutions of residential care or in situations of domestic violence, have no complaint procedures. The Code “On Children” has no rules on the right of the child to file complaints against acts of violence and mechanisms to investigate complaints of children on violence with notification of the complaint on the decision.

### **Recommendations:**

1. Ratification of Optional Protocol to the CRC related to mass procedures.
2. Implement the rules of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (resolution 2005/20 of the Economic and Social Council) into national legislation and programs.
3. Ensure coordination of responsible state agencies - the subdivisions of the authorized body for protection of children., the Inspection for Juvenile Affairs, Children's Rights Office of the Ombudsman, the district and regional Prosecutor's Offices, National Center for the Prevention of Torture (NPM) in order to identify children, who are subjected to various forms of violence and their further legal, medical, psychological and social support.
4. Take measures to incorporate into national legislation the legal definition of "corporal punishment" and its criteria; explicit prohibition of corporal punishment of children; responsibility for the use of corporal punishment in the family, in schools and other educational institutions, and places of temporary stay of the child.
5. Ensure that the Code “On Children” includes the right of the child to complain. Implement this provision in secondary regulations. Revise the Criminal Procedural Code and Penal Code on complaints procedure with specificity of children - ensuring the confidentiality and availability. Ensure the implementation of the right to appeal to the practice in all institutions for children.
6. Ensure, at the legislative level, the right of the child to choose a public defender, if the child is a victim of torture or ill-treatment, to participate in the interests of the child at all stages of criminal proceedings if the legal representatives of the child are the offender, are not interested in protecting child rights or do not have ability to ensure protection of child rights or interests. Develop procedures for establishing the legal status of the public defender.
7. Take steps to open state crisis centers for temporary (joint) stay of abused parent and children for rehabilitation and psychological help as well as various forms of host centers for girls in conflict with the law or with special needs for upbringing.

8. Conduct activities on improvement of skills and training of staff of the special institutions as well as employees of Territory Divisions on child protection and IJA<sup>3</sup> on the specifics of working with children in conflict with the law and child victims of violence.

9. Establish a three-digit national helpline for children, where children could receive help, legal and psychological counseling, which will significantly affect the number of identification of abused and mistreated children.

10. Conduct compulsory medical and psychological examination in accordance with the standards of the Istanbul Protocol before admission of a minor to any closed institution or residential care. Establish procedures for submitting of medical and psychological findings to the prosecuting authorities for investigation in case of identifying signs of abuse. Inform professionals about such duties.

11. Eliminate conflicts of interest and risks of dual loyalty among employees of medical, psychological and social services under the closed institutions; change the institutions subordination to administration of the institutions. Transfer these institutions to the Ministry of Health, Ministry of Education and MSD.

12. Develop mechanisms to identify early forced marriages, to include programs and policies relating to social protection of teenage mothers as one of the most vulnerable groups requiring special support and assistance of the authorized body for protection of children. Prohibit religious ceremonies of marriage with children and ensure state registration of marriage.

### **C. The right to protection from exploitation**

1. In many boarding schools violations of the right to the protection of children from exploitation were revealed. Examples include cases identified in Belovodsky special boarding school for children with special needs for upbringing in 2012 and in Chaldovarsky boarding school in Talas region in 2009, 2011 and 2012. In these institutions, compulsory recruitment of children for agricultural work in the fields is practiced. Remuneration of children is not paid or the paid amount is not equal to the sum established in the region. Working conditions did not meet sanitary requirements for children<sup>xxii</sup>. Employment contracts were not concluded with children and there is no written permission of parents. During the period from 2009 to 2012, cases, when the institutions withheld certain amount of money from remunerations of inmates for the purchase of school supplies (notebooks, pens), hygiene products or repair of furniture were recorded despite the fact that the provision of basic needs of children is the responsibility of the state<sup>xxiii</sup>.

#### **Recommendations:**

1. Provide responsibility for the use of child labor. Provide explicitly prohibition for educational institutions on the use of child labor to ensure the needs of the institution.

### **D. Discrimination against children**

*1. Kyrgyzstan has not implemented the UPR recommendation:*

*77.36. In regard to freedom of movement, make more flexible the requirements for those people who change their place of residence within the country so that they have equitable access to social security, health care, education and pensions (Mexico)*In Kyrgyzstan, discrimination because of absence of place of residence and/or registration of residence is one of the forms of discrimination faced by children. The national law governing issues of migration, population registration set a number of requirements and administrative barriers and the registration system is permissive and has not notifying character. ILack of registration deprives citizens of access to social, medical and legal services, which has acute impact on children of internal migrants. For example, in accordance with

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<sup>3</sup> IJA – Inspection on juvenile affairs.

the legislation, one of the documents required for the admission to the group of family physicians and obtaining basic health care is a residence registration or proof of residence.

2. Discrimination based on religion and violations of the rights of children in religious schools are observed<sup>xxiv</sup>. Girls, who are under the influence of religious parents or religious communities, wear headscarves are not allowed to wear headscarves in schools. There is a confrontation of community that enforces children wearing clothes which are not typical for citizens with the administration/school teachers who are trying to ensure the neutrality of children and absence of religious symbolism in school. Prevention work on explanation of the need for education of children in schools is held in aggressive and judgmental way for religious parents, which leads to the opposite effect - children are dropping out of the educational process. As a result, some children do not have access to education. There is widespread practice when parents send their children to religious schools attached to mosques (madrassa), which has no standards of education, nutrition and sanitation established by the government. In a society, there are more common cases of restriction of access to education based on religious beliefs of parents, who often associates the future of their daughters with marriage and housekeeping.

### **Recommendations:**

1. Take measures to simplify the procedure of registration of place of residence/stay, including children of internal migrants.
2. Establish standards on religious education at the legislative level as well as nutrition and sanitation standards in religious educational institutions.
3. Exclude discrimination against children on the basis of religion in secular schools.
4. Strengthen control over school attendance of children at local level.

### **E. Children in conflict with law**

1. Development of alternative forms of punishment to imprisonment and educational forms of influence remains a pressing problem. This practice because of the fact that mechanisms for the implementation of the Code of the Kyrgyz Republic on Children are still not accepted. An urgent need to develop appropriate human and material technical equipment of the following mechanisms and measures:
  - ✓ pretrial educational measures;
  - ✓ establishment of specialized juvenile court;
  - ✓ special and capacity building training for government officials of juvenile justice system;
  - ✓ prevention of crime and offences among children;
  - ✓ implementation of alternative measures for children who have committed crimes and are under 18;
  - ✓ program on withdrawing children from justice system;
  - ✓ rehabilitation and social reintegration for juveniles who have served sentences in juvenile correctional facility;
  - ✓ ensure adequate mandate for representatives of the juvenile justice system and their training<sup>4</sup>.
2. Number of children committing crimes is increasing. In 2009, the number of children who have committed crimes was 1190, in 2010 - 1176, 2011 - 1353, 2012 - 1206<sup>5</sup> and in 2013 - 1314<sup>6</sup>. In Kyrgyzstan, there are a growing number of group crimes among children. There are no effective governmental measures of crime prevention among children. Result of the survey

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<sup>4</sup> Report "Monitoring of the implementation of the Code of the Kyrgyz Republic on Children". ALE " Association of NGOs to protect the rights and promote the interests of children", 2014.

<sup>5</sup>The list of people committing crimes. The National Statistical Committee of the Kyrgyz Republic. Available at: <http://stat.kg/images/stories/docs/Yearbook/Crime/sostav%20lic%20sovershiv.prestup.pdf>.

<sup>6</sup> Report of the General Prosecutor's Office for 2013 to the Parliament of the Kyrgyz Republic, on April 17, 2014.



of judges in Bishkek showed that social services often do not fulfill its obligations under the Code of the Kyrgyz Republic on Children and the Criminal Procedure Code.

3. Cases of unlawful arrest and imprisonment of children were identified. According to the official government reports relating to matters of reforming juvenile justice system, placement of children in special boarding schools for children with special needs for upbringing is estimated by authorized state bodies as a punishment alternative to imprisonment. At the same time, this position is unfounded as, in practice, the institution meets all criteria of prison: children are not able to leave the institution and return to the family as they wish, their everyday life and movement is strictly regulated and controlled by the administration of the institution, building of the institutions surrounded by a high wall with barbed wire on top.

Placement of children in closed institutions should be based on court decision. Free legal aid for a child is not available during the consideration of the direction of the child to this school. In violation of the law, from 2003 until 2013, children were sent to the special boarding school on the basis of permits of the Ministry of Education and regulations of district state administration without any judicial decision. The prosecutor's office of the Moscovsky district, on February 18, 2013, recognized gross violation of the law by the representatives of the Commission for Juvenile Affairs and the Ministry but refused to open a criminal proceedings on violation of rights of 44 juveniles because of the "lack of criminal offense", the appeal on prosecutor's decision at first instance had not changed the situation<sup>xxv</sup>. Rights of children, who were illegally placed in the institution has not yet been restored.

Sometimes, courts consider case on placing the child in a special boarding school after the child was placed in the institution although, judicial control over placing and reasons for such decision should be considered prior to placement. In accordance with the Regulations of the Ministry of Education, in these institutions children aged at least 11 and not older than 14 should be placed. In practice, there are court decisions on placement of children aged 8 and 10 in the special school,( cases of Andrey Starostenko and MoldomusaTashbulatov).<sup>xxvi</sup>.

4. According to a monitoring conducted by NGOs, in cooperation with the Ombudsman, in two temporary detention centers in Chui region, juveniles placed with adults were identified in the following facilities: TDC<sup>7</sup> of the Issyk-Ata district and TDC of Tokmok city. According to the existing regulatory legal acts, in Kyrgyzstan, it is allowed to place child suspect with adults in TDC if restraint is placement in pre-trial detention. Law "On the procedure and conditions of detention of persons detained for suspected and accused of committing crimes", adopted in 2002, prescribes separation of juvenile and adult suspects but at the same time, the article 31 of the same law stipulates that "in exceptional cases, positively characterized adult suspect, who is criminally responsible for the first time for crimes not related to serious or very serious can be placed in wards for juveniles if written consent of the prosecutor overseeing wards for juveniles is received".

5. Kyrgyzstan has no special educational programs in detention facilities and it violates the rights of children to access to education. In special boarding school in Belovodsky for children with special needs for upbringing, rehabilitation or special training programs for children are not available. Educational program in the institution is a general program for ordinary schools; tutors and school teachers receive no training on working with children in conflict with the law or with children in difficult situations<sup>xxvii</sup>. In **Pre-trial detention centers**<sup>8</sup>, where children may be placed for a long period of time (up to two years), there are no conditions for continuation of compulsory secondary education of children.

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<sup>7</sup>TDC – Temporary Detention Center is a division of internal affairs for detention of arrested persons on suspicion of committing a crime.

<sup>8</sup> PTDC – Pre-trial detention center is a territorial body of penal system

**Recommendations:**

1. Develop and adopt mechanisms for the implementation of the Code “On Children” relating juvenile justice.
2. Implement a comprehensive reform of special boarding school in Belovodsky for children with special needs for upbringing, including: the revision of placing procedures of children into the institution at the level of legislation, provide guarantees of free legal assistance in the process of placing children in special boarding school for children with special needs for upbringing, provide special programs on education and upbringing, and retrain staff of the institution.
3. Restore the violated rights of children, placed in the boarding school in violation of the procedure established by law.
4. Include the special boarding school in Belovodsky to deinstitutionalization program, followed by closing the institution and establishing special education centers with special conditions of upbringing for boys and girls in conflict with the law at the regional level, provide these centers with the appropriate resources and personnel with the necessary qualifications.
5. Exclude legislative norms allowing placement of juveniles together with adults in temporary detention centers and pre-trial detention facilities. Strengthen control over implementation of this provision.
6. Provide conditions for the continuation of compulsory education of children during their stay in detention centers.

**1. Children with disabilities**

1. Procedure of placing children by court decision does not apply to institutions for children with disabilities. In such institutions, children are placed into institutions of residential care based on the conclusion of Psychological-medical-educational commission (PMEC), which is an advisory body under the Ministry of Education and Science. Monitoring of PA "Youth Human Rights Group" indicated that this practice contributes towards institutionalization of healthy children. In September 2011, at least seven children with safe intelligence were identified in Sulyukta boarding school for mentally retarded children, in 2009, and 2013 - 2014 at least three children with safe intelligence were identified in Talas boarding school for mentally retarded children. Analysis of personal files showed that this situation is due to both the lack of professionalism of PMEC members (some conclusion of PMEC included diagnoses which are not supplied by ICD-10<sup>9</sup> and had signature of only one member of the commission instead of 5 signatures) and desire of administration to fill the boarding facility to increase funding (all boarding schools are funded based on the number of children).

**Recommendations:**

1. Enter judicial review of placement of children with disabilities in residential care.
2. Reorganize psychological-medical-educational commissions (PMEC) by transferring them to the Ministry of Health. Conduct educational activities for employees PMEC on medical standards adopted in Kyrgyzstan.
3. Develop and adopt standards for the provision of social services alternative to residential institutions for children with disabilities, standards and funding mechanism.
4. Recognize as employment and provide support people (parents) caring for children with disabilities requiring constant care, providing consistent support for biological and adoptive parents.

**2. Rights of the child in the fight against terrorism**

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<sup>9</sup>ICD -10 – the 10<sup>th</sup> revision of International Classification of Diseases

*The Government of Kyrgyzstan reopen proceedings related to the events in Nookat and ensure that allegations of torture are investigated and that all evidence obtained through coercion is disregarded (Recommendation 76.55, Netherlands). This recommendation was not implemented.*

1. On October 1, 2008, during the celebration of a religious holiday Orozo Ayt in Nookat city, militia clashed with the local population. In order to identify the persons involved in extremist activities, local self government of Nookat district of Osh oblast established a list of families (including children of age 3-5 years), identifying them as members of the banned party "Hizb ut-Tahrir"<sup>10</sup>. During the investigation of the riot, accused children and two child witnesses were subjected to torture in order to obtain necessary evidence bringing charges against one of the suspects.. Interrogations of children were held without presence of legal representative and lawyer. Child accused, Ahmaddilo Ergashev, was convicted despite of a statement on torture in court. According to non-governmental organizations, representatives of which met with Ergashev in jail, Ahmaddilo was in bad condition; he complained of headache, pain in the kidneys, and etc. In 2010, A. Ergashev along with other prisoners relating to the events in Nookat was pardoned. At the time of the amnesty, he became an adult. To date, investigation of the torture against children is not conducted; perpetrators of torture are not prosecuted.

### **Recommendations:**

1. Conduct comprehensive investigation of the torture of children (of convicted and witnesses) during the events in Nookat subject to a maximum confidentiality and security of child victims.
2. Provide comprehensive forensic medical and psychological examination of the affected children and take into account the time that passed since the events. Provide psychological rehabilitation of child victims and pay adequate compensation.

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<sup>i</sup>Alternative report of NGOs on child rights, 2013.

<sup>ii</sup> Development strategy of social protection of the population for 2012-14.

<sup>iii</sup>Extreme poverty line – the minimum income per person required to meet the minimum requirements of human nutrition at the level of 2100 kcal per day. The Government Resolution from March 25, 2011, No. 115.

<sup>iv</sup>Data received from focus groups among employees of Territorial Divisions on Child Protection and inspections for juvenile affairs , November 26-27, 2013.

<sup>v</sup>Information of PF “League of Child Rights Defenders”, 2014.

<sup>vi</sup> Alternative Report on the implementation of the CRC by the Kyrgyz Republic, 2013. League of Child Rights Defenders. D. Kabak, E. Halitova, B. Makenbaeva, N. Tashpaeva, Ch. Kudayberdieva, N. Efimenko, E.Gavrilova.

<sup>vii</sup> Child abuse and neglect in the family in the Kyrgyz Republic. UNICEF. – Bishkek, 2012. – p.9.

<sup>viii</sup> <http://www.24.kg/community/170528-minsocrazvitiya-kr-iz-23-tysyachi-faktov.html>.

<sup>ix</sup> Response of the Ministry of Health of the Kyrgyz Republic from October 28, 2013, No. 04-1/3-8665 on request ALE "Association of NGOs to protect the rights and promote the interests of children".

<sup>x</sup> Children in conflict with the law. Analytical review, 2013. "The human rights movement: BirDuyno - Kyrgyzstan".

<sup>xi</sup>PA “Centre for Protection of Children”, 2014.

<sup>xii</sup>PF “League of Child Rights Defenders”, 2014.

<sup>xiii</sup> Alternative Report on the implementation of the CRC by the Kyrgyz Republic, 2013. League of Child Rights Defenders. D. Kabak, E. Halitova, B. Makenbaeva, N. Tashpaeva, Ch. Kudayberdieva, N. Efimenko, E.Gavrilova.

<sup>xiv</sup> Alternative Report on the implementation of the ICCPR by the Kyrgyz Republic, 2014. League of Child Rights Defenders. D. Kabak, N.Turdubekova.

<sup>xv</sup> Protecting children from torture and ill-treatment in the context of juvenile justice. - UNICEF. – Bishkek, 2013. – p.6.

<sup>xvi</sup> Protecting children from torture and ill-treatment in the context of juvenile justice. - UNICEF. – Bishkek, 2013. – p. 26-30.

<sup>xvii</sup>Information provided by PA “Youth Human Rights Group”.

<sup>xviii</sup>Protecting children from torture and ill-treatment in the context of juvenile justice. - UNICEF. – Bishkek, 2013.

<sup>xix</sup> Available at: <http://www.unicef.org/kyrgyzstan/ru/UNICEF.pdf>.

<sup>xx</sup> Data of Human Rights Watch.

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<sup>10</sup>Alternative Report on the implementation of the CRC by the Kyrgyz Republic, 2013. League of Child Rights Defenders. D. Kabak, E. Halitova, B. Makenbaeva, N. Tashpaeva, Ch. Kudayberdieva, N. Efimenko, E.Gavrilova.

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- <sup>xxi</sup> Research of the Human Rights Movement Bir Duino – Kyrgyzstan: "Analysis of the problem of early marriage and early motherhood in Kyrgyzstan", 2013.
- <sup>xxii</sup> Protecting children from torture and ill-treatment in the context of juvenile justice. - UNICEF. – B.: 2013.
- <sup>xxiii</sup> Results of monitoring of boarding schools for children for 2009-2012, PA “Youth Human Rights Group”.
- <sup>xxiv</sup> Alternative Report on the implementation of the CRC by the Kyrgyz Republic, 2013. League of Child Rights Defenders. D. Kabak, E. Halitova, B. Makenbaeva, N. Tashpaeva, Ch. Kudayberdieva, N. Efimenko, E.Gavrilova.
- <sup>xxv</sup> NGO Alternative Report on observance of the obligations under the CRC by the Kyrgyz Republic, 2013. Utesheva N., Votslava Yu., Medetov M.
- <sup>xxvi</sup> Information provided by PF “League of Child Rights Defenders”.
- <sup>xxvii</sup> Data of joint monitoring of PA “Youth Human Rights Group” and Ombudsman for 2012.