



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

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Consideration of reports of States parties

## Replies of Kyrgyzstan to the list of issues in relation to its combined fifth and sixth periodic reports\*

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



## Replies to the list of issues ([CRC/C/KGZ/Q/5-6](#))

### On the preparation of the update

#### Reply to paragraph 1 of the list of issues

1. The preparation of information for the list of issues arising from the combined fifth and sixth reports of Kyrgyzstan on the implementation of the Convention on the Rights of the Child for the period from 2014 to 2019 ([CRC/C/KGZ/Q/5-6](#)) was based on statistical data and other information from ministries and departments under the guidance of the Chair of the Coordinating Council on Human Rights under the Cabinet of Ministers.
2. The information includes an analysis of the legal framework, statistical data and other information relating to the fulfilment of obligations to implement the provisions of the Convention on the Rights of the Child.

### Part I

#### Reply to paragraph 2 (a) of the list of issues

3. The President raised an objection to the Children's Code, initiated by the deputies at the sixth convocation of the Zhogorku Kenesh, the parliament of Kyrgyzstan, and adopted by the Zhogorku Kenesh on 29 July 2021. In this regard, a conciliation group was established by a resolution of the Zhogorku Kenesh on 10 October 2020 to develop an agreed version of the Code and other laws. Three meetings of the conciliation group were held, but no consensus was attained.
4. The President's objection to the Children's Code notes that there are a number of unresolved issues and inconsistencies between its provisions and existing statutory instruments. In its official finding, the Ministry of Finance also notes that, by preliminary calculations, the annual funding requirement from the national budget for implementation of the adopted Code amounts to 1,242.8 million soms, and that, owing to the persistent and significant level of the national budget deficit, it will not be feasible to find additional sources of financing.
5. In addition, according to Presidential Decree UP 541 of 2 December 2021, on measures to optimize national budget expenditure and to enhance the efficiency of the use of budgetary funds by State bodies and local governments, the Zhogorku Kenesh is advised not to adopt laws the implementation of which will entail an increase in expenditures covered by the national budget, or a reduction in its revenue, without making appropriate amendments and additions to the law on the national budget for the current fiscal year.
6. By its decision No. 373-VII of 29 June 2022, on the objection of the President of the Kyrgyz Republic to the Children's Code of the Kyrgyz Republic, the Zhogorku Kenesh rejected the Children's Code that it had adopted on 29 July 2021.
7. The child protection legislation inventory programme of the Ministry of Labour, Social Security and Migration includes the following statutory instruments:
  - Family Code
  - Children's Code
  - Philanthropy Act
  - Government decision No. 125 of 2 March 2010, on the procedure for the formation and use of the State databank on children without parental care
  - Government decision No. 535 of 2 August 2012, ratifying the regulations on the procedure for assessing public needs for social services at the local level
  - Government decision No. 522 of 24 September 2013, on issues of guardianship and tutorship

- Regulations on the procedure for the handover of children for adoption to citizens of Kyrgyzstan and foreign citizens, ratified by government decision No. 733 of 27 October 2015
- Government decision No. 391 of 22 June 2015, ratifying the regulations on the procedure for the identification of children and families in difficulties
- Government decision No. 449 of 24 July 2017, ratifying the model statute of the Commission for Children's Affairs

### **Reply to paragraph 2 (b) of the list of issues**

8. Under article 70 of the Constitution, the President shall appoint a Commissioner for Children's Rights to strengthen the coordination of State policy on the implementation of the Convention on the Rights of the Child at the national and local levels.

9. In addition, in order to ensure coordination of the activities of State bodies for the implementation of international human rights obligations, the Human Rights Coordination Council was established under the Cabinet of Ministers (government decision No. 155 of 17 March 2014). The purpose of the Coordination Council is to improve the arrangements for ensuring the protection of human and civil rights and freedoms and the fulfilment of international human rights obligations.

10. The tasks of the Coordination Council are:

- To coordinate the activities of State bodies in preparing national periodic reports to the United Nations treaty bodies and for the universal periodic review of the Human Rights Council on the implementation of international human rights treaties.
- To assist State bodies in implementing United Nations recommendations in the field of human rights and the universal periodic review.

### **Reply to paragraph 2 (c) of the list of issues**

11. The Commissioner for Children's Rights is an official appointed and discharged from office by the President in accordance with the Constitution, who is called upon to assist State bodies, local self-government bodies, international organizations and commercial and non-commercial organizations, regardless of their form of ownership, and officials, and to coordinate their activities to implement and improve State policy to uphold the rights and interests of children resident in Kyrgyzstan, and also the children of citizens of Kyrgyzstan resident outside the country, in the performance of such activities as ensuring the protection of children, promoting the comprehensive development of the system of raising and schooling children and safeguarding their health. The Commissioner is vested with powers within his or her competence to take measures to reconstitute infringed rights.

12. Organizational and technical support for the activities of the Commissioner for Children's Rights is provided by the secretariat of the Commissioner for Children's Rights in the Office of the President. The structure and staff complement, and also the official salary of the experts of the secretariat, are approved by a decision of the President.

13. In its activities, the Commissioner for Children's Rights is guided by the Statute of the Commissioner for Children's Rights, ratified by Decree No. 267 of 21 June 2021 of the President of Kyrgyzstan.

### **Reply to paragraph 2 (d) of the list of issues**

14. Since 2016, Kyrgyzstan has been making targeted efforts to promote e-governance and digitalization of the country. Based on the provision of the Constitution that the development of society and the State shall be underpinned by scientific research, modern technologies and innovations, the President and the Zhogorku Kenesh are making sustained efforts to implement a policy of innovative development in the digital economy. In 2017, laws were adopted on

e-governance and on electronic signature and amendments were made to the laws on personal information, on State and municipal services and on access to information under the authority of State bodies and local governments. The Tündük system was launched in 2018, constituting one of the key elements of e-governance. In this regard, a number of by-laws were adopted to implement the Tündük system and, as of the current time, it is operated by the Ministry of Digitalization. The tasks of digitalizing the country and its accelerated development based on digital technologies are set out in a number of strategic documents:

- National Development Strategy for 2018–2040
- National Development Programme for the Period to 2026
- Action Plan for the Digitalization of Governance and Development of Digital Infrastructure for 2022–2023

### **Reply to paragraph 2 (e) of the list of issues**

15. According to article 18 of the Statutory Instruments Act, the Cabinet of Ministers annually develops and ratifies a draft legislative workplan. When developing draft legislative workplans, due account is taken of the President's addresses and statements, proposals by deputies of the Zhogorku Kenesh and by interested bodies, scientific institutions and representatives of civil society, and the results of monitoring and evaluation of the current laws in the order determined by the Government.

16. In accordance with article 22 of the aforementioned Act, draft statutory instruments directly affecting the interests of citizens and legal entities, and draft statutory instruments regulating entrepreneurial activity, except for those arising from a decision of the Constitutional Chamber of the Supreme Court, shall be submitted for public discussion by being posted on the official website [www.gov.kg](http://www.gov.kg).

17. The participation of citizens in the rulemaking process enables citizens to have their voices heard in the adoption of important decisions that affect their lives. Citizen engagement helps to ensure better laws that reflect the views, wishes and interests of those affected by those laws. Participation leads to greater citizen awareness of the activities of the authorities and the conditions underlying certain decisions, which in turn increases the likelihood of enforcement of adopted laws, broadens public support for these decisions and reduces the possibility of future conflicts. For that reason, citizen participation is important at all stages of the rulemaking process, including the discussion of possible options for solving an existing problem and the initial mapping out of draft laws.

### **Reply to paragraph 3 of the list of issues**

18. According to the State Youth Policy (Fundamental Principles) Act, young people are defined as those aged 14–28. Under article 3 of the Act, one of the principles is the involvement of young citizens and youth organizations in the development of State and other programmes on issues affecting the rights and interests of young citizens.

19. Pursuant to order No. 45-r of the Cabinet of Ministers of 10 February 2023, it was decided that the consolidated portal for the public discussion of draft statutory instruments should serve as the official website of the Cabinet of Ministers for the public discussion of such instruments, of laws submitted to the Zhogorku Kenesh pursuant to a legislative initiative of the Chair of the Cabinet of Ministers and of draft statutory instruments of the Cabinet of Ministers.

20. In addition, State bodies are directed to ensure that draft statutory instruments under development are subject to public discussion on the consolidated portal and to provide responses to citizens and organizations that have posted comments on such instruments under discussion.

### **Reply to paragraph 4 (a) of the list of issues**

21. In order to improve the activities and boost the quality of State registration services, and to reduce the time taken to provide service to citizens, the “Citizenship” automated information system was implemented in 2018.
22. Article 12 of the Kyrgyz Citizenship Act, on the acquisition of citizenship of Kyrgyzstan by birth, provides that:
- A child whose parents or sole parent are citizens of Kyrgyzstan at the time of birth shall be a citizen of Kyrgyzstan regardless of the place of birth.
23. A child, one of whose parents was a citizen of Kyrgyzstan and the other a foreign citizen, shall be a citizen of Kyrgyzstan, unless the parents of the child submit a joint written statement of renunciation of Kyrgyz citizenship in respect of a child who acquires foreign citizenship by birth.
24. A child, one of whose parents was a citizen of Kyrgyzstan and the other a stateless person or unknown at the time of birth, shall be a citizen of Kyrgyzstan regardless of the place of birth.
25. A child born on the territory of Kyrgyzstan whose parents or sole parent are stateless persons shall be a citizen of Kyrgyzstan.
26. A child born on the territory of Kyrgyzstan whose parents or sole parent are foreign citizens shall be a citizen of Kyrgyzstan if the State of citizenship of the parents or the sole parent does not grant its citizenship to the child.
27. A child resident on the territory of Kyrgyzstan, both of whose parents are unknown, shall be a citizen of Kyrgyzstan.

### **Reply to paragraph 4 (b) of the list of issues**

28. On 1 November 2014, the “Registry Office” automated information system, which is one of the essential components of the consolidated State population register, was set in operation in the country’s civil registry offices.
29. Under article 13, paragraphs 5 and 7, of the Civil Registration Act, the State registration of the birth of a child born in Kyrgyzstan whose parents are foreign citizens or stateless persons residing in Kyrgyzstan shall be carried out in accordance with the standard procedure.
30. If the parents or sole parent do not have identity documents, the State registration of the birth of the child shall be carried out by drawing up a birth record and issuing an extract from the register of births. This extract shall have the force of a document giving entitlement to social and medical services until such time as identification documents are provided by the parents or sole parent. The child’s birth certificate shall be issued when the parents or sole parent provide their identification documents. The State registration of birth is carried out for children under one year of age.
31. The Ministry of Digitalization provides advocacy, advice and services on a permanent basis to reduce statelessness, with a special focus on families with minor children and families and groups affected by that problem.

### **Reply to paragraph 4 (c) of the list of issues**

32. In accordance with the Children’s Code, local State bodies and local authorities are working to identify children in difficult circumstances, including stateless children. In accordance with article 12 of the Kyrgyz Citizenship Act, the Ministry of Digitalization is working on a system for the acquisition of Kyrgyz citizenship by birth.

### **Reply to paragraph 5 of the list of issues**

33. Under article 11 of the Children’s Code, a child has the right to express his or her opinion freely in all matters affecting his or her interests.

34. The child shall be given the opportunity to be heard in any judicial, administrative or other proceedings, directly or through a legal representative, in accordance with the procedure provided for by law.
35. Exercise of the child's right to freedom of expression may be restricted only when provided by law to ensure respect for the rights or reputations of others, or for the protection of national security, public order, or public health or morals.
36. Under article 3 of the Guarantees and Freedom of Access to Information Act, everyone is guaranteed the right of access to information.
37. The State shall protect the rights of everyone to seek, receive, research, produce, transmit and disseminate information.
38. Restrictions on access to and dissemination of information may be established only by law.
39. Everyone shall have the right, directly or through their legal representatives, to make a request for information pursuant to article 5 of the aforementioned Act.
40. All mainstream schools have a school parliament constituted by the schoolchildren. The activities of the school parliament are aimed at developing aspects of civil society in the school, raising the legal awareness of schoolchildren, shaping their civic activity and enabling them to express their own opinions. The principal legal underpinnings of the school parliament are furnished by the Constitution, the Children's Code, the Education Act, the Convention on the Rights of the Child and the school's own charter.

### **Reply to paragraph 6 (a) of the list of issues**

41. Under article 16 of the Children's Code, every child shall have the right to protection of honour and dignity and inviolability of the person. The State shall ensure the personal inviolability of the child and protect him or her from physical, mental and sexual violence, cruel, harsh or degrading treatment, involvement in criminal activity and antisocial acts and other acts that infringe the human and civil rights and freedoms enshrined in the Constitution.
42. Persons guilty of such acts shall incur the liability stipulated by law.
43. According to article 61 of the Family Code, a child shall have the right to protection from abuse by parents or persons acting in loco parentis.
44. In the event of a breach of the rights and legitimate interests of a child, including the failure or improper performance by the parents (or persons in loco parentis) of their obligations to ensure the child's upbringing or education or the abuse of parental rights, the child shall have the right independently to seek protection of those rights and interests from the local branch of the authorized State child protection agency and, upon reaching the age of 14, from the courts.
45. Officials of organizations and other citizens who become aware of a threat to a child's life or health or of a violation of the child's rights and legitimate interests must report this to the local branch of the authorized State child protection agency for the area where the child is actually resident. Upon receipt of such information, the local branch of the authorized State child protection agency shall be obliged to take the necessary measures to protect the rights and legitimate interests of the child.
46. According to article 29 of the Education Act, education workers are obliged to prevent the use of emotional, mental and physical violence against children.
47. Under article 187 of the Criminal Code, the non-performance or improper performance of child-rearing obligations by a parent or other person entrusted with such obligations, and also by a teacher or other employee of an educational, childcare, treatment or other institution obliged to supervise the child, if this act is combined with cruel treatment of the child, shall be punishable by a fine in the amount of 200–500 nominal monthly units, or punitive unpaid labour for a term of between two months and one year, or by deprivation of liberty for a period of between six months and one year with or without forfeiture of the right to hold certain posts or engage in certain activities for a period of up to three years.

48. Under article 74 of the Code of Offences, infringement of the legal requirements regarding measures to prevent harm to children's health and to their physical, intellectual, mental, spiritual and moral development, including cases where children are permitted (by parents, persons in loco parentis or owners of relevant facilities) to be present in places where their presence is prohibited or restricted, shall be punishable by a fine of 10 nominal units for individuals and 50 nominal units for legal entities.

49. State and regional television and radio organizations periodically broadcast public service clips on non-violent forms of child-rearing in support of awareness-raising campaigns. Live programmes and special reports featuring child protection experts, child protection specialists, law enforcement officials and civil society representatives are also aired.

50. Pursuant to Cabinet of Ministers Order No. 683-r of 22 December 2022, informative television programmes are aired on State and regional television channels to raise parents' awareness of the importance of early development and schooling. Content aimed at the development of children of early, preschool and school age, demonstrating positive examples of family values and positive parenting, is systematically broadcast.

### **Reply to paragraph 6 (b) of the list of issues**

51. In order to prevent the stigmatization and secondary victimization of children who are victims of or witnesses to violence, in 2017 the Code of Criminal Procedure introduced the concept of the deposition of evidence by witnesses and victims, namely, the examination of a witness or victim by an investigating judge during pretrial proceedings at the request of one of the parties in order ahead of time to secure or preserve judicial evidence.

52. In order to prevent the stigmatization and secondary victimization of children, the investigator shall, in accordance with article 32 of the Code of Criminal Procedure, deposit the testimony of a witness or victim once during the investigation at the request of one of the parties. According to data from the Ministry of Internal Affairs, such practices are commonly employed in the investigation of child sexual abuse offences. This is aimed at preventing the further traumatization of children victims of serious or especially serious offences, so that they do not have to relive emotions and psychological pain every time that the events are reconstructed. Investigators, who must question children in the presence of parents and a psychologist, videotape their testimony. The aim here is to ensure that victims are not summoned unnecessarily for questioning by the police and not questioned about the incident. As a rule, children will not be questioned in court either. Judges review video recordings of investigative interviews. It is extremely rare for a child to be called in for questioning a second time.

### **Reply to paragraph 6 (c) of the list of issues**

53. Kidnapping for the purpose of marriage is considered a serious offence. Under article 172 of the Criminal Code, the abduction of a person for marriage is punishable by deprivation of liberty for terms of between five and seven years. The kidnapping of a child to force the child into effective marital relations or for the conclusion of marriage is punishable by deprivation of liberty for terms of between seven and ten years.

54. Persons participating in the offence as accomplices shall be held liable under the same article and shall receive the same sentences.

55. To ensure the effective implementation of the State policy on gender equality, the National Strategy for Gender Equality for the Period to 2030 and the National Action Plan on the Attainment of Gender Equality for 2022–2024 were ratified by government decision No. 513 of 16 September 2022. As part of the National Action Plan, work is being carried out to introduce a systematic analysis of law enforcement practices in the investigation of gender discrimination and gender offences (early and forced marriage, sexual violence, sexual exploitation and others) and to introduce measures (legal, practical and infrastructural) that accommodate inclusive approaches, diverse needs and specific aspects of interaction with victims of gender-related offences.

56. In order to prevent the abduction of women and girls, a large-scale awareness campaign, with video clips and short films, is being rolled out with the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).

### **Reply to paragraph 6 (d) of the list of issues**

57. In order to prevent child marriages, criminal penalties have been laid down, stipulating that, pursuant to article 175 of the Criminal Code, the parents (persons in loco parentis) of a child in respect of whom a religious marriage ceremony has been performed, the person who performed the religious marriage ceremony, and any adult person in respect of whom a religious marriage ceremony has been performed with a child in breach of the legislation on the marriageable age, shall be punished by deprivation of liberty for terms of between three and five years.

58. In application of the action plan of the Cabinet of Ministers for the implementation of the National Development Programme for the Period to 2026, ratified by Cabinet decision No. 352 of 25 December 2021, the action plan of the Cabinet of Ministers for the prevention of child and forced marriages for 2023–2024, the budget for the implementation of the plan and the matrix of indicators for monitoring and evaluating implementation of the plan were ratified by Cabinet Order No. 25-r of 25 January 2023.

59. In addition, as part of the implementation of the National Strategy for Gender Equality for the Period to 2030 and the National Action Plan on the Attainment of Gender Equality for 2022–2024, preventive and proactive measures are being taken to prevent early marriages and child marriages.

### **Reply to paragraph 7 (a) of the list of issues**

60. To uphold exercise of the children's right to a family environment, a plan for optimizing the management and financing of residential childcare institutions for 2013–2018 was ratified by government decision No. 813 of 7 December 2012. Within the framework of this plan, 10 residential institutions for children have been optimized and transformed.

61. For the purpose of furthering work on the optimization and transformation of children's residential institutions, an action plan to revamp the system of children's residential institutions for 2019–2021 was ratified by government decision No. 501 of 27 September 2019. Through the implementation of this plan, five residential institutions for children have been optimized and transformed.

62. In order to promote inclusive education, the following instruments were ratified by government decision No. 360 of 19 July 2019:

- Road map for the development of inclusive education for 2019–2023
- Programme for the development of inclusive education for 2019–2023
- Action plan for the implementation of the inclusive education development programme for 2019–2023
- Matrix of indicators for the monitoring and evaluation of the implementation of the inclusive education development programme for 2019–2023

63. Within the framework of the adopted road map, work is being performed to improve statutory instruments, create the necessary conditions in mainstream schools, upgrade the qualifications of teachers, and to carry out other measures to involve children with disabilities and marginalized groups in educational programmes.

64. There are, however, some lacunae in the Education Act regarding the creation of favourable conditions to enhance the quality of life and ensure equality of opportunities for all groups of the country's population, in particular persons with disabilities. In this connection, the deputies of the Zhogorku Kenesh have launched work on a new draft Education Act, which will establish rules obliging educational organizations to create conditions for the development of inclusive education, including by providing access, free of charge, to teaching aids in electronic format, on audio media



or in textbooks issued in Braille. The bill also proposes the introduction of a voucher system to expand access to good quality education for persons with different income levels.

### Reply to paragraph 7 (b) of the list of issues

65. In order to support low-income families caring for children up to 16 years of age, social support is provided under the State Benefits Act through the provision of the “üy-bulögö kömök” (“family support”) – a special monthly allowance based on a needs assessment. The criterion for granting the allowance is that the income per family member should be below the guaranteed minimum income (1,000 soms). The determination of the poverty level and the calculation of the population’s monetary income are carried out by the National Statistical Committee on the basis of the methodology for determining the poverty line, approved by government decision No. 115 of 25 March 2011.

66. According to Presidential Decree No. 153 of 14 May 2022, on strengthening State support to certain vulnerable population categories, the amount of the “üy-bulögö kömök” allowance was increased from 810 to 1,200 soms. As of the current time, 102,934 families with 339,133 children are receiving the “üy-bulögö kömök” monthly benefit for indigent citizens and families with children under 16 years of age.

67. By its decision on foster families, the government has approved the levels of payments for the maintenance of a foster child and the remuneration of foster parents:

#### Calculation of payments for the maintenance of one foster child

<i>Age of foster child</i>	<i>Calculation formula (* minimum subsistence level, taking into account the age of the child x 2)</i>	<i>Amount per month (soms)</i>
0–7 years	3 751.85 soms x 2	7 503.70
7–14 years	4 376.00 soms x 2	8 752.00
14–17 years	4 756.10 soms x 2	9 512.20

#### Calculation of labour remuneration of foster parents (foster family)

<i>Amount of maintenance payments to a foster parent</i>	<i>Calculation formula (** minimum subsistence level for persons of working age x 1.5 + bonus)</i>	<i>Amount per month (soms)</i>
One foster child (basic payment)	5 553.52 soms x 1.5	8 330.28
Two foster children	Bonus + 10% added to the basic payment	9 163.28
Three foster children	Bonus + 20% added to the basic payment	9 996.33
Three foster children, one of whom has disabilities	Bonus + 30% added to the basic payment	10 829.36
Three foster children, two of whom have disabilities	Bonus + 40% added to the basic payment	11 662.39
Three foster children with disabilities	Bonus + 50% added to the basic payment	12 495.42

68. For persons living in highland and remote areas where regional coefficients are applied for additional payments to wages and other social benefits are granted, the amounts of child maintenance and foster parent payments are calculated without taking these coefficients into account.

### Reply to paragraph 7 (c) of the list of issues

69. In order to protect the children of migrant workers, the President issued Decree No. 4 of 29 January 2021 on the adoption of measures to improve the migration situation, which recommended that the Cabinet of Ministers take measures to ensure the registration, supervision and protection of the rights and interests of children whose parents are migrant workers, and to introduce in the

country's law the concept of "children of migrant workers" with guarantees of State protection for such children.

70. In pursuance of the presidential decree, work is under way to upgrade family law to cover the legal basis for leaving children with relatives.

71. Work is also being carried out to ensure access to education and health services, and also to social assistance in the form of needs-based clothing, food and social rehabilitation services to be allocated on a needs basis.

72. Under article 76 of the Children's Code, parents may submit a joint application to the local unit of the authorized child protection authority for the appointment of a guardian or tutor for their child for the period when, for valid reasons, they will be unable to perform their parental duties, specifying a specific person for that purpose. The document issued by the court appointing a guardian or tutor upon application of the parents shall specify the period of the guardian's or tutor's authority.

73. Under the Children's Code, the function of appointing a guardian or tutor has been transferred to the court, which makes it more difficult to follow the prescribed procedure for such appointment. In this connection, work is being done to improve family law relating to the appointment of a temporary guardian for children whose parents have travelled abroad as migrant workers.

### **Reply to paragraph 7 (d) of the list of issues**

74. According to the latest data, there are 100,174 children of migrant workers. Parents are in constant online contact with their children and return to Kyrgyzstan during periods of leave to spend time with their children.

### **Reply to paragraph 8 of the list of issues**

75. To prevent violence and abuse against children in alternative care, the following statutory instruments have been adopted:

- Regulations on the procedure for the handover of children for adoption to citizens of Kyrgyzstan and foreign citizens, ratified by government decision No. 733 of 27 October 2015
- Regulations on guardianship and tutorship, ratified by government decision No. 522 of 24 September 2013
- Regulations on the foster family, ratified by decision No. 622 of 21 December 2020
- Instructions of the Ministry of Labour, Social Security and Migration on the procedure for the monitoring of residential childcare institutions regardless of their type of ownership (2016)

76. In accordance with the above-mentioned regulations, local offices of the Ministry of Labour, Social Security and Migration shall monitor the living conditions and development of children in adoptive, guardian and foster families.

77. In accordance with article 27, paragraph 2, of the Children's Code, the local office of the Ministry of Labour, Social Security and Migration is responsible for constant monitoring of children's residential institutions. In their work of monitoring such institutions, specialists from the Ministry's local offices are guided by the instructions on monitoring ratified by a 2016 order of the Ministry.

78. In addition, in order to ensure the safety of children and quality care for children living in residential child-care institutions, regardless of their type of ownership, the Ministry shall organize their accreditation in accordance with the regulations on the accreditation of residential child care institutions, regardless of their type of ownership, engaged in child care activities, as ratified by government decision No. 516 of 1 November 2018.

### **Reply to paragraph 9 (a) of the list of issues**

79. Under article 4 of the Children's Code, one of the principles underpinning protection of the rights and interests of children is the inadmissibility of any discrimination against children on the grounds of race, colour, sex, language, religion, ethnic or social origin, property, health status or any other attributes.

80. In accordance with article 2 of the Rights and Guarantees of Persons with Disabilities Act, State policy relating to persons with disabilities is based on the principle that no discrimination on the grounds of disability shall be tolerated.

81. The United Nations Convention on the Rights of Persons with Disabilities was ratified in 2019. With a view to giving effect to the Convention, the State programme for persons with disabilities and other groups with limited mobility, for the period 2023–2030, called "Accessible country", was ratified by Cabinet of Ministers decision No. 69 of 10 February 2023. Implementation of the programme is aimed at eliminating discrimination against persons (children) with disabilities in various spheres of public life and creating accessible infrastructure in the country's cities, districts and villages.

### **Reply to paragraph 9 (b) of the list of issues**

82. To ensure compliance with the provisions of the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child and the National Development Programme for the Period to 2026, and also in response to the existing problems raised and considered by members of the Council for Persons with Disabilities under the Cabinet of Ministers, a bill on the rights and guarantees of persons with disabilities has been drafted and, on 16 January 2023, was posted on the website of the Presidential Administration for public discussion.

83. Experts from international and non-profit organizations specializing in the protection of persons with disabilities participated in the drafting of the bill.

### **Reply to paragraph 9 (c) of the list of issues**

84. With a view to upholding the right of children with disabilities to grow up in a family environment, the Cabinet of Ministers is taking measures to support families with children with disabilities. As of the beginning of 2023, there are 36,441 children with disabilities in the country.

85. Under the State Benefits Act, children with disabilities receive a monthly social allowance regardless of the aggregate per capita family income. In order to support parents of children with disabilities, the President issued decree No. 373 of 1 September 2021, on increasing monthly social benefits for certain categories of citizens, and decree No. 153 of 14 May 2022, on strengthening State support for certain categories of citizens. Pursuant to those presidential decrees, the Cabinet of Ministers adopted decisions No. 211 of 11 October 2021 and No. 284 of 31 May 2022, providing for a series of gradual increases in State benefits. From June 2022, the State allowance for a child with a disability is 8,000 soms.

86. To support parents, legal representatives and close relatives caring for a child with a disability in need of constant care and supervision, in accordance with article 23 of the Convention on the Rights of the Child, articles 6 and 7 of the Children's Code, and articles 6, 11 and 39 of the Rights and Guarantees of Persons with Disabilities Act, the Government has introduced the so-called "personal assistant" service.

87. By its decision No. 556 of 23 November 2018, the Government ratified the regulations setting out the payment conditions for the services of a personal assistant for a child or person with special needs requiring permanent outside care and supervision. Pursuant to the regulations, the personal assistant service for children with disabilities comes into effect from 2019. From 1 June 2022, the payment for the services of a personal assistant is set at 6,300 soms (instead of 4,900 soms).

88. To date, 8,804 children have received such personal assistant services.

89. Within the framework of the State Social Services Procurement Act, the Ministry of Labour, Social Security and Migration holds an annual contest of public benefit projects aimed at providing services for parents of children with disabilities. In the current year, 66 projects have been entered in the competition by non-profit organizations, and the grant commission has approved 53 projects to a total value of some 37.0 million soms. Of the approved projects, 20 projects worth 13 million soms were aimed at providing social services to persons, including children with disabilities.

90. In order to develop rehabilitation services for children with disabilities on an individualized basis, the “Keleçek” (“The Future”) rehabilitation centre for children with disabilities was established by Cabinet of Ministers Order No. 694-r of 26 December 2022. The centre was established to provide cost-free comprehensive rehabilitation services for children with disabilities aged between 4 and 18, diagnosed with cerebral palsy and disorders of the musculoskeletal system.

91. The rehabilitation centre comprises the following:

- Counselling and diagnostic department
- Medical and social rehabilitation department (physiotherapeutic treatment, paraffin-ozokerite therapy, therapeutic massage, dental treatment, physiotherapy)
- Department of psychological and pedagogical rehabilitation (speech therapy and special needs corrective treatment, psychotherapy, tactile stimulating hand and finger massage, fine motor skills development, object-handling games, computer games, occupational therapy, agrotherapy, art therapy, music therapy, use of sensory rooms, and others)
- Relaxation facility for parents (legal representatives) provided at the centre

### **Reply to paragraph 9 (d) of the list of issues**

92. Investigations into the sexual exploitation and abuse of girls with disabilities are carried out under the Criminal Code and the Code of Criminal Procedure. In order to stiffen the criminal penalties for offences against children, a law amending certain legal instruments (the Criminal Code, the Amnesty Act and the procedure for the application of amnesty) has been adopted, pursuant to which, under articles 154 (Rape) and 155 (Violent acts of a sexual nature) of the Criminal Code, offences against children under 14 years of age are punishable by deprivation of liberty for 15 years or life imprisonment.

93. According to figures from the Office of the Procurator General, in 2022, 438 prosecutions were initiated in criminal cases of sexual violence, including the following 155 criminal cases: 47 cases of rape; 22 violent acts of a sexual nature; 53 violent acts of a sexual nature with a child under the age of 16; 32 indecent assaults; and 10 other offences.

### **Reply to paragraph 10 (a) of the list of issues**

94. The Refugees Act establishes the conditions and grounds for the granting, loss and withdrawal of refugee status, and the rights, duties and responsibilities of refugees, and defines the legal, economic and social guarantees for the protection of refugees' rights.

95. Kyrgyzstan grants equal legal status to all refugees without any distinction on the basis of sex, race, language, disability, ethnic background, religion, age, political or other opinion, education, country of origin, property and other status or other circumstances.

96. Under article 8 of the aforementioned Act, minor children, spouses and other dependants of refugees are entitled to reunification with the refugee and to refugee status. As at the beginning of 2021, there were 68 children with refugee status.

97. In accordance with article 13 of the aforementioned Act, persons, including children, recognized as refugees and their family members have the right to receive medical care on an equal footing with Kyrgyz citizens.

98. All children under 6 years of age are provided with free medical care within the framework of the State-guaranteed medical and health benefits programme, ratified by government decision

No. 790 of 20 November 2015, which defines the types, scope and conditions of free and subsidized medical care.

99. Over the course of 2022, according to data from the Compulsory Health Insurance Fund, 410,603 services were provided in the subsidized category “Children”, to a total amount of 2,034,704,184 soms. In 2022, 121,900 e-prescriptions were issued by family physicians for the subsidized provision of pharmaceuticals for children and students receiving outpatient care, entitling them to a total reimbursement of 29,628,100 soms. In addition, high-tech medical care (specialized cardiac surgery) was provided free of charge to 195 children under 2 years of age.

### **Reply to paragraph 10 (b) of the list of issues**

100. To tackle the problem of excessive hospitalization of children, the competence of primary health care specialists has been strengthened, a special guide for monitoring early development of children from birth to 3 years of age has been developed with technical support from the United Nations Children’s Fund (UNICEF), the functional duties of nurses have been revised to take due account of the specific issues of early development, the existing statutory instruments relating to house calls by health care providers have been reviewed, and an action plan has been developed for the introduction and expansion of the early development programme.

101. The Daniyarov Kyrgyz State Medical Institute for Retraining and Professional Development has trained 854 health-care workers in the early childhood development programme, 60 per cent of whom are family nurses and 40 per cent family physicians. A total of 5,000 copies of informational and educational materials on the importance of early intervention have been distributed to health-care providers.

### **Reply to paragraph 10 (c) of the list of issues**

102. The Mental Health Care and Patients’ Rights Act regulates the protection of the health of children and teenagers in the area of mental health care. This act sets out the legal, social, economic and organizational principles for the provision of psychiatric assistance to the public, and also guarantees of the rights of citizens receiving such assistance. According to this act, psychiatric assistance includes the mental health examination of citizens, the prevention and diagnosis of mental disorders, and the treatment, care and medical and social rehabilitation of persons suffering from such disorders. Psychiatric care for persons suffering from mental disorders is guaranteed by the State and is administered on the basis of the principles of legality, benevolence, compassion and observance of human and civil rights and freedoms.

103. To protect the mental health of the population, the Government Public Mental Health Protection Programme for 2018–2030 and an action plan for the implementation of that programme were ratified by government decision No. 199 of 1 March 2018. As part of the implementation of the programme and the action plan, measures are being taken to improve the mental health care of children and teenagers.

104. At the National Mental Health Centre, more than 7,900 children aged 0–14 with mental disorders were registered in psychiatric institutions in 2020.

### **Reply to paragraph 10 (d) of the list of issues**

105. In accordance with the Citizens’ Reproductive Rights and Guarantees Act, measures are being taken to strengthen preventive measures on reproductive health. Youth-friendly clinics have been opened in health-care organizations, in which professionals provide reproductive and sexual health education. Preventive check-ups are carried out for teenage children once a year. Courses are also organized for teachers to strengthen their understanding of sexual and reproductive health.

106. Healthy lifestyle classes have been introduced in schools, with specific periods devoted to sex education for both girls and boys.

107. To ensure the availability of contraceptives in the supplementary package provided under compulsory health insurance for all insured citizens, including young people, these may be purchased at discounted prices for six items or obtained free of charge.

108. Under the Citizens' Reproductive Rights and Guarantees Act, the question of whether to terminate a pregnancy may be decided by persons independently from the age of 16. In other cases, gynaecologists may only provide information about termination in the presence of a girl's parents or legal representative.

### **Reply to paragraph 10 (e) of the list of issues**

109. In order to coordinate the activities of State executive authorities, local self-government bodies and other stakeholders, and to develop a coordinated State policy in the field of climate change and green economy, on 30 January 2020 the Government established the Coordination Council on Climate Change, Environment and Green Economy Development. The Coordination Council is supported by a secretariat, the Climate Finance Centre, which is responsible for coordinating the activities of all stakeholders in the field of climate change.

110. In order to fulfil its emissions reduction commitments under the Paris Agreement, Kyrgyzstan is currently implementing a number of climate projects:

- Building the capacities of vulnerable food-insecure communities through climate services and diversification of climate-sensitive livelihoods
- Carbon sequestration through climate finance for forests and grasslands
- Enhancing the resilience of water resources to climate change and natural disasters
- Upgrading hydrometeorology in Central Asia

111. All the above-mentioned projects include specific measures for both greenhouse gas emission reductions and population adaptation, with special attention to vulnerable individuals and groups, including rural women, persons with disabilities and children living in areas highly vulnerable to climate change.

112. In November 2022, UNICEF issued its report "Health and social impacts of air pollution on women and children in Bishkek, Kyrgyzstan", which provides recommendations to the Cabinet of Ministers on measures to reduce air pollution.

113. In addition, an information campaign to raise children's awareness of climate change and natural disasters is being conducted among children on a continuous basis.

### **Reply to paragraph 11 of the list of issues**

114. The Constitution proclaims that the State is concerned with the welfare of the people and their social protection. It ensures the provision of support for socially vulnerable categories of citizens, and labour and health protection. It develops the system of social services, medical care, provides guarantees of State pensions, benefits and other social protection guarantees.

115. To uphold the right of all children to an adequate standard of living, including through access to the national social protection system, Kyrgyz law provides for two main types of public benefits:

- Monthly social benefits for children with disabilities and children who have lost one or both parents. The amount of the allowance is 8,000 soms.
- The "üy-bulögö kömök" monthly allowance for low-income families with children, which is received by families with incomes below the guaranteed minimum. The amount of the allowance is 1,200 soms. The number of recipients for 2022 was 364,200 children, with 112,700 families receiving the benefit. The actual financing of this allowance from the national budget for 2022 amounted to 4,851.0 million soms, and allocations in the amount of 5,016.0 million soms have been made in the 2023 budget, representing a 103.4 per cent increase from 2022.

116. Since 2018, a lump-sum payment at the birth of a child, known as the “balaga süyüncü” has been introduced, the amount of which is 4,000 soms. The actual financing of this type of allowance from the national budget for 2022 amounted to 523.0 million soms, and the amount of 741.0 million soms is envisaged for 2023. This allowance is granted for all newborn children, without taking into account the family income, in other words, irrespective of the family’s need for State support.

117. In addition, in order to reduce poverty and provide social support to the poor, a project on social contract-based assistance for low-income families has been implemented since 2022. The “social contract” is an agreement between low-income families and the State, under which vulnerable families receive a cash grant of 100,000 soms to start income-generating activities. The social contract also includes financial literacy training, assistance in developing a business plan, vocational or agricultural training, social services and mentoring for successful long-term livelihood businesses.

118. The project is designed to assist households living below the national poverty line with business ideas, start-up assets and basic knowledge for the proposed activities, such as livestock farming, dairy sales, garment services, greenhouses and other initiatives.

119. For 2022, 280 million soms were allocated from the national budget for the implementation of the social contract project (without banking costs), and the amount of 1,036.0 million soms is envisaged for 2023.

120. Thus, a range of instruments for the social protection of children are being applied, to uphold the right of all children to an adequate standard of living.

### **Reply to paragraph 12 (a) of the list of issues**

121. According to the National Statistical Committee, as of September 2022, 1,492,593 children were enrolled in school (grades 1–11). The proportion of children with disabilities studying under individual education plans and adaptive programmes in grades 1–11 is 8.3 per cent. There are 5,912 school-age children and 2,316 preschool-age children with various health problems in 475 educational organizations. In 2022, 20 schools in the country introduced the position of teaching assistant and implemented an individualized education plan for children with special educational needs. Currently, 56 schools are participating in the pilot project. A team of specialists and experts in inclusive education is training the teachers at pilot schools with the aim of improving their competence.

122. In order to boost the school enrolment of children with disabilities, a minimum standard for the accessibility of school education for children with disabilities has been developed and approved.

### **Reply to paragraph 12 (b) of the list of issues**

123. There are 2,262 mainstream schools in the country. In 16,889 State schools, teaching is conducted in five languages (Dungan, Kyrgyz, Russian, Tajik and Uzbek), four of which are minority languages: Russian in 226 schools, Uzbek in 33 schools, Dungan in 11 schools and Tajik in 3 schools. There were 1,390 preschool institutions, with a total of 187,078 children, of whom 99,678 were being taught in Kyrgyz, 86,511 in Russian, 878 in Uzbek and 11 in other languages.

124. To develop the education system within the framework of the implementation of the National Development Strategy for 2018–2040, government decision No. 200 of 4 May 2021 was adopted, ratifying the Education Development Programme for 2021–2040, one of whose key priorities is the inclusiveness of education and its multilingualism.

### **Reply to paragraph 12 (c) of the list of issues**

125. Issues of children’s rights were introduced into the subject “People and society” from grade 5 (previously these issues were studied from grade 9).

126. In setting the performance standard for this subject, the International Bill of Human Rights and the 2010 Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education form the conceptual basis for the course on people and society, designed to develop an understanding of the interaction between the individual and society in relation to a specific, historically conditioned culture and State. The performance standard for the subject “People and society” sets out a strategy for the shaping, through education and upbringing, of a socially developed personality capable of constructive sociopolitical and economic activity in modern society.

### **Reply to paragraph 12 (d) of the list of issues**

127. In the 2022/23 academic year, the subject “History of the development of religions” now forms part of the basic curriculum for pupils in grade 9 of mainstream schools, regardless of their form and type of ownership.

128. At the current time, the Kyrgyz Academy of Education has developed and approved a new performance standard and curriculum for the course on the history of the development of religions taught in grades 7–9.

### **Reply to paragraph 13 (a) of the list of issues**

129. In order to eliminate the requirement for a ten-day advance notice of the visit of labour inspectors and to organize regular unannounced inspections of private and State-owned enterprises, and also to introduce a system of remote inspection without the physical contact of inspectors with businesses, a bill has been drafted to amend the Kyrgyz law on the procedure for conducting inspections of business entities. Having been considered and approved by the Zhogorku Kenesh in three readings, this bill has now been submitted to the President for signature.

### **Reply to paragraph 13 (b) of the list of issues**

130. To address the worst forms of child labour, including in uranium mining, Act No. 139 of 14 December 2019, on the prohibition of activities related to the geological study of the subsoil for the purpose of the prospecting, exploration and development of uranium and thorium deposits, was adopted.

131. In addition, to protect the health of persons under the age of 18, in accordance with article 15 of the Children’s Code and article 294 of the Labour Code, the Government adopted decision No. 565 of 13 November 2020, ratifying the list of jobs in which the employment of persons under the age of 18 is prohibited.

### **Reply to paragraph 14 (a) of the list of issues**

132. For the purposes of creating a specialized system of justice for children, a new version of the Code of Criminal Procedure was adopted on 28 October 2021, introducing new concepts:

- Official of an authorized State agency for the protection of children – this is a person authorized to represent the legitimate interests of children in the bodies conducting the initial inquiry and the investigation, the procurator’s office, the courts and the penal institutions.
- Specialized investigator, procurator, children’s judge – this is an official who has received additional specialized training in justice for children and is authorized to carry out criminal proceedings concerning children in conflict with the law, victims and witnesses.
- Specialized children’s attorney – this is a lawyer who has undergone additional specialized training in justice for children and is authorized to defend children in conflict with the law, victims and witnesses in criminal proceedings.

133. Work is currently under way to introduce such specialized investigators, prosecutors, children’s judges, and specialized children’s attorneys into the system.



### **Reply to paragraph 14 (b) of the list of issues**

134. In order to develop a juvenile justice system, by its Order No. 103 of 19 July 2022, the Ministry of Labour, Social Security and Migration established an interagency working group to develop a draft programme for the development of juvenile justice, and the group is currently working on the draft programme.

135. The statute of the Interagency Coordinating Council for Juvenile Justice under the Government was ratified by government decision No. 232 of 3 May 2013, on the Interagency Coordinating Council for Juvenile Justice, which reports to the Government.

### **Reply to paragraph 14 (c) of the list of issues**

136. In accordance with article 54 of the Code of Criminal Procedure, in order to prevent the detention of juvenile suspects in pretrial custody, an official of the authorized State child protection agency shall participate in the case from the moment of the actual detention of the child suspect or from the moment of the child's first questioning.

137. Officials of the authorized State child protection agency shall have the right:

- To familiarize themselves with the materials of the criminal case.
- To lodge complaints against decisions, actions or inaction of the investigating judge, the judge, the court, the procurator, the investigator and employees of penal institutions and to participate in the consideration of such complaints.

138. From the moment that they become involved in the case, officials of the authorized State child protection agency shall:

- Undertake an assessment and analysis of the child's living circumstances and make a determination.
- Prepare a social and psychological profile of the child.
- Develop measures for social, psychological and educational rehabilitation of the child, based on their determination.
- Ensure that the child is informed in a manner comprehensible to the child about the proceedings to which the child is or will be a party.

139. Officials of the authorized State child protection agency also represent the rights and interests of child victims both in pretrial proceedings and in court.

140. Accordingly, an official of the authorized child protection agency may submit an application to the investigator for remand in custody only as a last resort.

### **Reply to paragraph 14 (d) of the list of issues**

141. According to the Presidential Decree of 8 August 2012 on measures to improve justice, the main aims of the reform process included:

- Introduction of a mediation service at any stage of proceedings
- Introduction of a probation service

142. Act No. 161 of 28 July 2017, the Mediation Act, was adopted to create a legal basis for the application of mediation to settle disputes, to facilitate the protection of the rights, freedoms and legitimate interests of citizens, to develop partnership relations between businesses and foster business ethics, and to harmonize social relations. Mediation in the domain of criminal law is regulated by the Criminal Code, the Code of Criminal Procedure and the aforementioned Act. The parties to mediation in matters of criminal law are the victim and the person suspected of committing a misdemeanour or a crime.

143. The Probation Act was passed on 24 February 2017 and entered into force on 1 January 2019. The goals of probation are to ensure the safety of society and the State, to create conditions

for the correction and re-socialization of persons placed on probation, and to prevent them from committing new offences.

144. In accordance with the Criminal Code and the Code of Criminal Procedure, the court may decide to release a convicted person from serving a sentence of deprivation of liberty with the application of probationary supervision, but only if, taking due account of the gravity of the offence committed, the personality of the perpetrator and other circumstances of the case, it has concluded that the convicted person may be reformed without serving the sentence. Probationary supervision is only imposed on persons who are sentenced to terms of deprivation of liberty of five years or less. In reaching this conclusion, the court shall take into account the consent of the convicted person and the opinion of the victim, if there is a victim in the case.

145. Probationary supervision may categorically not be applied to persons who have been convicted of particularly serious offences, foreign citizens and stateless persons, and those who have committed an offence against the sexual inviolability of a minor. Court-ordered probation shall be imposed for periods of between one and three years.

146. As of the beginning of 2023, 145 convicted juveniles have been placed on probation supervision.

### **Reply to paragraph 15 (a) of the list of issues**

147. As stipulated in article 28, paragraph 1, of the Constitution, slavery and human trafficking shall not be tolerated. To this end, a revised text of the Criminal Code was adopted on 28 October 2021, criminalizing all offences under the Optional Protocol on the sale of children, child prostitution and child pornography:

- Article 159, “Enticement into prostitution”. Involvement in prostitution or coercion into prostitution, committed through the use of violence without endangering life or health, or the threat of such violence, or the destruction of or damage to property, blackmail or deceit, in the absence of indicia of the offences provided for in articles 154 and 155 of the Criminal Code, committed against a child, shall be punishable by deprivation of liberty for terms of between 10 and 15 years, with confiscation of property.
- Article 162, “Involving a child in the pornography business”. Involvement of a child as a performer participating in events or products of a pornographic nature shall be punishable by deprivation of liberty for terms of between five and fifteen years, with forfeiture of the right to hold certain posts or to engage in certain activities for terms of between one and three years, with confiscation of property.
- Article 167, “Trafficking in children”. Trafficking in children for the purposes of gain or without such purpose shall be punishable by deprivation of liberty for terms of between five and eleven years. The same act, committed in respect of a child who has not reached the age of 14 shall be punishable by deprivation of liberty for terms of between 11 and 15 years, with confiscation of property.
- Article 170, “Forced labour/slave labour”. The forcible use of the labour of a person in respect of whom powers deriving from the right of ownership are being exercised, if, for reasons beyond that person’s control, he or she cannot refuse to perform the work or services, and if he or she is a child aged between 14 and 18, shall be punishable by deprivation of liberty for terms of between six and eight years, with or without confiscation of property, and if committed in respect of a child under the age of 14, shall be punishable by deprivation of liberty for terms of between eight and twelve years, with confiscation of property.

### **Reply to paragraph 15 (b) of the list of issues**

148. As stipulated in article 28 of the Constitution, slavery and human trafficking shall not be tolerated, nor the exploitation of child labour.

149. The Cabinet of Ministers regularly takes measures to combat human trafficking.

150. In order to prevent all forms of child trafficking prohibited by the Optional Protocol, the Cabinet of Ministers, by its decision No. 227 of 15 April 2022, adopted its Programme to Combat Human Trafficking for 2022–2025 and a plan for the implementation of that Programme. Implementation of the Programme will ensure the increased effectiveness of anti-trafficking measures aimed at promoting the rights and providing assistance to trafficked persons, through the coordination of the activities of State bodies and cooperation with international and public agencies.

151. With a view to implementing article 7 of the Human Trafficking Prevention and Suppression Act, through the development of a referral mechanism and identification criteria for victims of such trafficking, including children, the Government adopted decision No. 493 of 19 September 2019 on the creation of a national referral mechanism for victims of trafficking and ratified five instructions that provide a legal basis for the referral mechanism:

- Criteria for the identification of victims of trafficking in persons
- Standard instructions on the detection, identification and referral of victims of trafficking in persons
- Standard instructions on the confidential nature of personal details of victims of trafficking
- Instructions on the provision of social rehabilitation assistance to victims of trafficking
- Instructions on the use of a victim-centred approach by law enforcement agencies in human trafficking cases

152. A new version of the Criminal Code was adopted in 2021, with the introduction of a new article 167, “Trafficking in children”. To date, no criminal proceedings have been initiated under this article.

### **Reply to paragraph 15 (c) of the list of issues**

153. The offences covered by the Optional Protocol are regulated by the Criminal Code.

154. In accordance with article 17 of the Criminal Code, the consequences under criminal law of the commission by a person of an offence on the territory of another State shall not affect the determination of the criminal liability of that person for an act committed on the territory of Kyrgyzstan:

- Except as otherwise provided for by an international treaty that has entered into force in accordance with Kyrgyz law.
- If the offence committed on the territory of the other State does not infringe the interests of Kyrgyzstan.

155. In accordance with article 2 of the Code of Criminal Procedure, criminal proceedings on the territory of Kyrgyzstan, regardless of the place where the offence was committed, shall be conducted in accordance with the Code, except as otherwise established by international treaties of Kyrgyzstan.

### **Reply to paragraph 16 (a) of the list of issues**

156. Article 182 of the Criminal Code criminalizes the transfer abroad of children to an area of armed conflict or hostilities on the territory of a foreign State:

- The transfer abroad of a child to an area of armed conflict or military operations on the territory of a foreign State shall be punished by imprisonment for a term of between three and six years.
- The same act committed by a parent or other person in whom the law has entrusted the child’s upbringing, or by a teacher or other employee of an educational, training, treatment or other institution in whom the law has entrusted the child’s supervision, shall be punished by imprisonment for a term of between six and eight years.

- The acts provided for in paragraphs 1 and 2 of the article, committed by an organized group or as part of a criminal association, shall be punished by imprisonment for terms of between eight and eleven years with confiscation of property.

### **Reply to paragraph 16 (b) of the list of issues**

157. The early identification of children who may have been involved in armed conflict abroad is covered by the regulations on the identification of children and families in difficult circumstances, ratified by government decision No. 391 of 15 June 2015. An individual child protection plan is developed for any children thus identified, based on an assessment of the child's needs. Public and social services are provided, and social assistance is also made available.

158. Pursuant to government decision No. 449 of 24 July 2017, in the districts, the Commission for Children conducts outreach to parents and legal representatives of children to prevent the transfer abroad of children to areas of armed conflict or hostilities in foreign countries.

### **Reply to paragraph 16 (c) of the list of issues**

159. In accordance with article 17 of the Criminal Code, the consequences under criminal law of the commission of an offence by a person on the territory of another State shall not affect the determination of the criminal liability of that person for an act committed on the territory of Kyrgyzstan:

- Except as otherwise provided for by an international treaty that has entered into force in accordance with Kyrgyz law.
- If the offence committed on the territory of the other State does not infringe the interests of Kyrgyzstan.

160. In accordance with article 2 of the Code of Criminal Procedure, criminal proceedings on the territory of Kyrgyzstan, regardless of the place where the offence was committed, shall be conducted in accordance with the Code, except as otherwise established by international treaties of Kyrgyzstan.

### **Reply to paragraph 16 (d) of the list of issues**

161. The circulation of civilian, service and combat handguns and edged weapons and of their ammunition is regulated by the Weapons Act (1999). The Act aims to promote international cooperation in combating crime and the illicit proliferation of weapons. Control over the circulation of civilian and service weapons is exercised by the Ministry of Internal Affairs and the authorities responsible for State supervision of compliance with State standards.

162. In accordance with the Licensing and Permit System Act, the following activities are subject to licensing:

- Production, repair and trade in arms and ammunition
- Development, production and sale of goods for military use (armaments, military equipment, military hardware, documentation, results of intellectual activity and information in the military technical field, categorized under Kyrgyz law as goods for military use) and military services (work on the repair, upgrading and disposal of armaments and military equipment, and also their transport, delivery and storage)
- Import and export of armaments and military equipment, and also of other goods for military use, the list of which shall be ratified by the Cabinet of Ministers

163. In accordance with the aforementioned Act, a permit shall be required for the performance of the following activities:

- Acquisition, storage, transport, bearing, collecting and exhibiting of civilian and service weapons and ammunition
- Transit of arms and military equipment through the territory of Kyrgyzstan

164. In this connection, arms transfers may only be carried out with the permission of State authorized bodies, granted through the issuance of the relevant export and import licences, and subject to the presentation of such licences and permits for the activity in question.

165. The procedure for registration and issuance of licenses for export and import operations with military goods has been ratified by Cabinet of Ministers resolution No. 313 of 17 December 2022, on the ratification of the regulations on the procedure for licensing the import and export of armaments and military equipment, and also of other goods for military use.

166. In accordance with government decision of No. 156 of 20 April 2021, ratifying the list of organizations and experts providing expert opinions and bodies authorized to issue permits for the export and import of goods included in the consolidated list of goods subject to non-tariff regulatory measures in trade with third countries and the amendments to certain government decisions in the domain of non-tariff regulation, licences for the import and export of service and civilian weapons are issued by the Ministry of Economy and Commerce.

## **Part II**

### **Reply to paragraph 17 (a) of the list of issues**

167. Measures are being taken to upgrade the statutory instruments aimed at protecting children's rights and interests:

- In 2019, the Probation Act entered into force, aimed at creating conditions for the correction and resocialization of juveniles placed on probation and preventing them from committing new offences.
- The Criminal Code, enacted in 2021, stiffens the criminal liability for the commission of offences covered by the Optional Protocol on the sale of children, child prostitution and child pornography.
- The Code of Criminal Procedure, enacted in 2021, introduces the concepts of “specialized investigator, procurator and children’s judge” and “children’s attorney” and, in its article 54, defines the powers of the officials of an authorized State child protection agency in cases from the moment that a child suspect is actually taken into custody or from the moment of the first questioning of a child.
- The Code of Offences was adopted in 2021.
- The Principles of the Prevention of Offences Act was adopted in 2021.
- The State Social Services Procurement Act was adopted in 2022 and is aimed at reducing the number of offences committed by minors and at identifying and eliminating the causes and conditions contributing to the commission of offences.
- A new version of the education bill (under consideration by Parliament) is aimed at improving the quality of children’s education and development, inclusive education and the coverage of all children with preschool education.

### **Reply to paragraph 17 (b) of the list of issues**

168. The Constitution establishes the post of Commissioner for Children’s Rights in the Office of the President. The Statute of the Commissioner for Children’s Rights was ratified by Presidential Decree No. 267 of 21 June 2021.

169. The 2019 Probation Act introduced the institution of probation under the authority of the Ministry of Justice. One of the tasks of probation is the application of criminal penalties not involving isolation from society and other coercive measures under criminal law in accordance with the procedure prescribed by the law on the enforcement of penalties.

## Reply to paragraph 17 (c) of the list of issues

170. Recently adopted policies, programmes and action plans:

- Presidential Decree of 2021 on measures to improve the migration situation, one of the tasks of which is the adoption of measures to ensure the registration, supervision and protection of the right of children whose parents are migrant workers, and the introduction of the concept of “children of migrant workers” at the legislative level, with guarantees of their State protection.
- Presidential Decree of 29 January 2021 on the spiritual and moral development and physical education of the individual, aimed at supporting the upbringing of citizens through the inculcation in them of high moral standards, traditions, traditional family and social values, healthy lifestyles, and familiarization with the system of common human values reflecting the richness, distinctive nature and unity of the cultures of peoples.
- Presidential Decree No. 136 of 26 May 2023 on measures to ensure State guarantees of children’s right to free schooling.
- Presidential Decree No. 23 of 8 February 2021, on urgent measures to develop the health-care sector and enhance the quality of life and health of the population.
- Cabinet of Ministers decision No. 57 of 10 February 2023, amending certain government decisions in the domain of the protection of children’s rights, providing for the introduction of an automated information system with details of children in difficult circumstances.
- Government decision No. 200 of 4 May 2021, ratifying the education development programme for 2021–2040.
- Cabinet of Ministers decision No. 513 of 16 September 2022, ratifying the National Strategy for the Attainment of Gender Equality by 2030 and the National Action Plan on the Attainment of Gender Equality for 2022–2024.
- Government decision of 3 May 2019, ratifying the Information Security Road Map for 2019–2023. This road map was adopted to improve the modalities and means of ensuring the country’s information security, assessing and predicting threats to information security, and setting in place an effective system of countermeasures in the domain of information.
- Government decision No. 369 of 24 July 2019, ratifying the Cybersecurity Strategy for 2019–2023, aimed at introducing the disciplines of “cybersecurity”, “computer hygiene” and “digital literacy” in the relevant subject areas and specialities of the curricula of schools and secondary and higher vocational establishments.
- Government decision No. 360 of 19 July 2019, ratifying the road map for the development of inclusive education for 2019–2023.
- Government decision No. 493 of 19 September 2019, ratifying the national referral mechanism for victims of trafficking in persons.
- Government decision No. 119 of 1 March 2018, ratifying the Government’s public mental health-care programme for 2018–2030 and the plan for the implementation of the programme.
- Government decision of 26 April 2022, ratifying the Cabinet of Ministers’ Programme to Combat Human Trafficking for 2022–2025 and the action plan for the implementation of that programme. The programme is aimed at ensuring a system-wide approach to, and enhancing the effectiveness of, anti-trafficking measures designed to uphold the rights of persons who are the victims of human trafficking, through the coordination of the activities of State bodies and cooperation with public and international agencies.
- Government decision of 1 September 2022, ratifying the road map for the State policy for the period 2022–2028 for the prevention of criminal offences.

### **Reply to paragraph 17 (d) of the list of issues**

171. Ratification of human rights treaties:

- The Convention on the Rights of Persons with Disabilities was ratified by Act No. 34 of 13 March 2019.
- The bill for the ratification of the Convention on the International Procedure for the Recovery of Child Support was approved by the Cabinet of Ministers by Order No. 27-r of 25 January 2023 and is being forwarded for further ratification.

## **Part III**

### **Reply to paragraph 18 of the list of issues**

172. The budget of Kyrgyzstan is socially oriented, and almost half of the budget revenues are allocated for the funding of activities in the social sphere, such as expenditures on education, science, culture, sports, health care, social security and social protection.

173. In 2021, funds totalling 102,798.4 million soms were allocated to the social sector, representing 53.8 per cent of total expenditure and 14.2 per cent of gross domestic product (GDP). In 2022, the allocation was 142,165.1 million soms, or 50.2 per cent of total expenditure and 15.5 per cent of GDP.

174. For 2023, budget allocations totalling 164,494.0 million soms are envisaged for the social sphere, representing 47.5 per cent of total expenditure and 17.7 per cent of GDP.

### **Reply to paragraph 19 (a) of the list of issues**

175. In accordance with the Civil Registration Act, measures are taken to register the birth of children. The birth registration rate for children under 5 years of age is 98.9 per cent (99.5 per cent for boys and 98.4 per cent for girls). The registration rates for Batken and Issyk-Kul Provinces were 100 per cent, while Jalal-Abad, Naryn, Osh and Talas Provinces and the city of Bishkek registered rates of 99 per cent. The lowest rates were recorded in Chüy Province (96.8 per cent) and the city of Osh (97.5 per cent). These high rates are conducive to social inclusion and facilitate children's access to other rights.

### **Reply to paragraph 19 (b) of the list of issues**

176. The procedure for the acquisition and termination of citizenship is regulated by the Kyrgyz Citizenship Act. Since 2014, in the course of its global campaign to combat statelessness, the Office of the United Nations High Commissioner for Refugees (UNHCR), in a joint effort with the Government, has identified 2,000 stateless children. As a result of this work, all the children thus identified have received their first identity documents: identity documents and birth certificates.

177. Since 2020, work has been carried out to prevent statelessness through the roll-out of the "Citizenship" automated information system, which facilitates electronic interaction between the State bodies dealing with citizenship issues.

178. In addition, the President issued Decree No. 291 of 8 July 2021, setting out temporary regulations for a fast-track Kyrgyz citizenship procedure for ethnic Kyrgyz and stateless persons of Kyrgyz ethnic origin.

### **Reply to paragraph 19 (c) of the list of issues**

179. Number of children affected by family violence (with issuance of a temporary protection order):

<i>Number of children affected by family violence</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
Girls	90	169	124
Boys	114	154	140

### Reply to paragraph 19 (d) of the list of issues

180. Number of persons guilty of kidnapping for the purpose of marriage:

<i>Kidnapping for the purpose of marriage (article 172 of the Criminal Code)</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
Women		1	5
Men	28	24	29

### Reply to paragraph 19 (e) of the list of issues

181. Poverty rate among children aged 0–17, as percentage:

<i>2019</i>	<i>2020</i>	<i>2021</i>
25.7	31.8	40.5

182. Extreme poverty rate among children aged 0–17, as percentage:

<i>2019</i>	<i>2020</i>	<i>2021</i>
0.8	1.3	8.0

183. Number of children living in poor households (0–17 years):

<i>2019</i>		<i>2020</i>		<i>2021</i>	
<i>Poor</i>	<i>Extremely poor</i>	<i>Poor</i>	<i>Extremely poor</i>	<i>Poor</i>	<i>Extremely poor</i>
660 789	21 262	833 941	35 161	1 072 402	212 029

### Reply to paragraph 19 (f) of the list of issues

184. Number of children with disabilities attending mainstream schools:

<i>2019</i>	<i>2020</i>	<i>2021</i>
5 013	4 678	5 915

185. Number of children with special needs who have not started classes in mainstream schools:

<i>2019</i>	<i>2020</i>	<i>2021</i>
1 701	1 734	1 720

### Reply to paragraph 19 (g) of the list of issues

186. Street children

<i>2019</i>	<i>2020</i>	<i>2021</i>
43	44	40



## Reply to paragraph 19 (h) of the list of issues

187. Refugee children under the age of 15:

	2019		2020		2021	
	Total	Including	Total	Including	Total	Including
Number at the end of the reporting period	206	86	199	80	178	68
0–5 years	18	9	18	9	17	7
6–15 years	47	18	45	15	38	13

188. Migrant children

	Number of arrivals			Number of departures		
	Total	Boys	Girls	Total	Boys	Girls
2020						
0–17 years	80	44	36	877	536	341
0–4 years	23	11	12	320	207	113
5–9 years	33	18	15	317	176	141
10–14 years	16	9	7	207	137	70
15–17 years	8	6	2	33	16	17
2021						
0–17 years	1 171	671	500	2 051	1 334	717
0–4 years	612	356	256	595	402	193
5–9 years	216	111	105	667	412	255
10–14 years	135	86	49	595	408	187
15–17 years	208	118	90	194	112	82
2022						
0–17 years	2 136	1 112	1 024	1 522	714	808
0–4 years	1 125	576	549	414	195	219
5–9 years	405	26	199	456	222	234
10–14 years	289	163	126	423	186	237
15–17 years	317	167	150	229	111	118

## Reply to paragraph 20 of the list of issues

189. The Government Family Support and Child Protection Programme for 2018–2028 was ratified by government decision No. 479 of 14 August 2017, to promote attainment of the Sustainable Development Goals. The draft family support and child protection plan for 2023–2026 is currently under review. The draft plan includes measures in the areas of education, health, social protection and legal employment of young people, and also the provision of information to children on climate change and environmental protection.

190. In addition, in order to steer the country's development along a course oriented towards human rights, including children's rights, and to ensure their integration into the planning, implementation and monitoring of measures to achieve the Sustainable Development Goals, the National Development Programme for the Period to 2026 was ratified by Presidential Decree No. 435 of 12 October 2021, and the Cabinet of Ministers action plan for the implementation of the National Development Programme was ratified by a decision of the Cabinet of Ministers.

191. Furthermore, a draft action plan for the implementation of the General Assembly resolution of 16 December 2021 on the promotion and protection of children's rights has been drawn up and submitted to the Human Rights Coordination Council under the Cabinet of Ministers for

consideration and approval. This plan, oriented towards children's rights, includes measures to achieve the Sustainable Development Goals. Data on children in difficult circumstances will be collected through an automated information system of data on such children. The automated information system will monitor, collect and consolidate data related to procedures for the implementation of the rights to social security and child protection. The operation of the automated information system is regulated by Cabinet of Ministers decision No. 57 of 10 February 2023. The database contains information on the assessment of children's needs and the needs of schools, and also on the extent to which those needs are being met. With the use of this database, assessments are made of the needs of children and the State authorities and local governments.

## Reply to paragraph 21 of the list of issues

192. Updated children's statistics:

### Trends in recipients of State benefits

No.	Indicators	(Unit of measurement)	2020	2021	2022
1.	Number of recipients of the "üy-bulögö kömök" monthly allowance for indigent citizens (families) with children under 16 years of age	Thousands of persons	340.5	359.5	348.7
2.	Average amount of the "üy-bulögö kömök" allowance	Soms	868.6	864.6	1 340.7
3.	Number of recipients of the lump-sum childbirth allowance "balaga süyüncü" in the amount of 4,000 soms	Thousands of persons	147.9	149.5	78.5
4.	Number of recipients of the "social benefit" – a monthly allowance paid to persons not entitled to pension benefits	Thousands of persons	95.3	99.1	104.3
5.	Average amount of social benefit	Soms	3 043.9	4 554.0	6 312.1
6.	Number of recipients of additional monthly social benefits in the amount of 3,700 soms	Persons	493	469	456

### Trends in placement of children in families

	2020	2021	2022
Number of children handed over for adoption	567	751	714
Number of children placed under guardianship (tutorship)	761	1 076	1 847

### Trends in placement of children in families

	2020	2021	2022
Number of children placed in foster families on the basis of an agreement	56	74	174
Funding for foster family services	21 million soms	21 million soms	47 million soms

### Trends in children returned to families from residential institutions

2020	2021	2022
372	345	349