

ALTERNATIVE REPORT ON THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC) IN THE KYRGYZ REPUBLIC 2022

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I. The Right to a Family Environment. Return of Children from Residential Institutions to a Family Environment (Article 20, 21 CRC)

1. In Kyrgyzstan, over 11,000 children have been placed in residential care institutions (RCI), 96% of them have at least one or sometimes both parents living. Kyrgyzstan has a high level of both internal and external labor migration. As a result, children are often left behind without parental attention and care.
2. Monitoring of children's residential institutions revealed that there is a widespread practice of placing children in orphanages and boarding schools in Kyrgyzstan. Placement of children in residential institutions has become the most accessible service among available family support and child protection measures.
3. Insufficient preventive measures, such as early identification of vulnerable families due to the shortage of qualified social workers; a lack of social assistance and support services for families and children in difficult life situations; a lack of social services for the development of family-based forms of upbringing (selection of foster parent candidates, training, monitoring and tracking of foster families) leads to family breakdowns and an alienation of a child from the family environment with the subsequent placement of her or him in children's residential institutions. The abundance of such institutions at the local level, both public and private and the absence of other alternative care services leaves parents with distorted impressions about accepted standards of care and upbringing of their biological child. Parents become accustomed to the idea that children can be left in residential institutions for prolonged periods of time, thereby neglecting the needs of children in receiving individual attention, psycho-emotional development and care; parents evade their childcare responsibilities.
4. In Kyrgyzstan approach amongst government departments responsible for childcare is not unified.
5. An absence of appropriate policies for the prevention of separation of children from families; resistance to reforms within the system of residential care institutions; corruption and adverse interest in increasing budgets and the number of children in residential care institutions - leads to rising numbers of children of labor migrants and from families in difficult life situations in residential care institutions.
6. Poorly developed inclusive education within the system of mainstream educational institutions leads to children with disabilities being unreasonably placed in special boarding schools.
7. Sending children to orphanages and boarding schools is more expensive than supporting their upbringing within their biological families or transferring them to foster families. Meanwhile the direct costs of funding children living in residential institutions makes up only 15% of funding allocated from the budget, the remaining 85% is used to fund utility bills and staff salaries.
8. The implementation of a foster family system as an alternative to a RCI is not being carried out effectively enough despite the fact that the placement of children in foster families is three times cheaper than the cost of placing children in a RCI. For a child, the foster family

replicates closest the model of the family environment, and it favorably affects the health and development of a child.

9. There is a great need for wider training of specialized foster families for child victims of violence, as well as for children with disabilities, in order to prevent placement of these children in orphanages, specialized boarding schools, shelters for children with disabilities, or crisis centers.
10. According to the monitoring of residential institutions in 2020, many agencies responsible for the protection of children's rights at the district level and administration departments of boarding schools do not carry out the work necessary to ensure the of returning of children to their biological families to ensure a family environment².
11. The analysis shows that children tend to stay in residential institutions between 5 to 10 years. These institutions have not developed and adopted individual child protection plans (ICPP) and individual family work plans (IFWP) that should facilitate reintegration and family reunification of children.
12. A lack of timely information exchange about children in orphanages and boarding schools with the state databank of children deprived of parental care negatively impacts a child's opportunity to be adopted into a family.

Recommendations:

- Develop and implement state policy and legislation to ensure children's rights to access a biological family environment. Create social services for families and children in difficult life situations. Develop services for the promotion of family-based forms of placement such as guardianships and foster parent candidates, from existing social workers, who are specialized in child protection and are qualified. Provide training, monitoring and tracking of foster families and adoptive placements.
- Develop and implement an effective monitoring system for the placement of a child into residential institutions and his or her plans for reintegration and reunification with the biological family or other alternative forms of family setting.
- Implement the Guidelines for the Alternative Care of Separated or Threatened Children endorsed by the UN General Assembly in 2009.
- Improve the updating of the state databank of children without parental care in order to reduce the time required for the successful placement of children into the family setting (adoptive parents, foster families).
- Adopt the Law on Social Services in Kyrgyzstan.

² Joint monitoring of the Akyikatchy (Ombudsman) and the Child Rights Defenders' League.

II. Children's Residential Institutions (Torture, Cruel and Degrading Treatment and Punishment, Article 37 CRC)

13. Monitoring of residential care institutions³ revealed the absence of an effective registration system for cases of violence incurred therein. Moreover, a system for the rapid and effective response to cases of violence, torture and ill-treatment, including cases of interpersonal conflicts between children has not been created. In one institution in Voенно-Antonovka village, the inefficient working of this system has resulted in the death of one 12-year-old pupil. In another institution (psycho-neurological), a mute child was injured but was unable to explain the circumstances leading to his injury due to a speech impediment as a result, the perpetrator was not prosecuted. In the 3rd case (in an assisted institution), a child was also injured by a caregiver, however proceedings did not lead in bringing the perpetrator to justice.
14. The living conditions in children residential institutions show violations of Kyrgyzstan's obligations for the prevention torture, ill-treatment or punishment, for effective investigation of violations, and obligations to cease such practices.
15. We also noted that cases of violence against children in residential institutions are not properly documented in accordance with the requirements of the Istanbul Protocol.

III. Physical Abuse of Children in Children's Residential Institutions (Articles 18, 19, 22 CRC)

16. Monitoring of children's residential institutions in 2019-2020⁴ revealed ineffectiveness of the system in preventing violence, ill-treatment and torture. In particular, the filing of complaints and appeals by a child is based on the concept of legal capacity, that foster children don't have until the age of majority, and that requires participation of a legal representative (in existing legislation a child is not granted the right to make an official complaint). Children in orphanages and boarding schools do not have mobile phones, access to landline phones is allowed only through the administration of the institutions, therefore they are unable to contact Child Hotlines 111 and 115. The mechanism of filing complaints by pupils against the actions of the staff working in the institutions is also absent.

Recommendations:

- Introduce a complaints system that can be used by children to document the actions of staff using digital technologies.
- Introduce a mechanism for the registration of cases of violence in children's institutions based on digital technologies.
- Establish a mechanism of providing assistance to children who have suffered from violence and abuse.

³ <http://crdl.kg/ru/about/reports/full/163.html>.

⁴ Joint monitoring of the Akyikatchy (Ombudsman) and the Child Rights Defenders' League.

- Ensure the introduction of effective documenting of cases of violence against children in residential institutions in accordance with the principles of the Istanbul Protocol and with the use of digital technologies.
- Establish a system of training and advanced education for the staff of children's residential institutions, as well as other involved bodies and stakeholders. Due to the particularly stressful working environment, a system of rehabilitation from professional burnout of the institutions' staff is also required.

IV. Children of Migrants (CRC, CRMW⁵)

17. For many households in Kyrgyzstan external migration has become an increasingly sustainable and long-term strategy. In 2020, according to statistics, 1.12 million, out of a population of 6.6 million worked in foreign countries, and the number of labor migrants is growing year on year⁶. In addition, due to poor economic prospects, the need to search for employment away from home, access to education and medical services internal migration is also increasing. Children of internal migrants often live in life-threatening conditions on the outskirts of Bishkek with limited water, gas, electricity, sanitation and communications, and also face difficulties in accessing basic social services⁷. The illegal status of new settlements on the outskirts of Bishkek hinders obtaining registration and residence permits and subsequent access to public services⁸. Despite the stability of the migration phenomena, national legislation does not provide definitions and direct reference to the children of labor migrants abandoned by their parents.
18. During the COVID-19 pandemic, more than 26,000 labor migrants returned to Kyrgyzstan with their children. More than 80% of families affected by migration have experienced a decrease in the value of remittances they receive.
19. Many internal migrants lack basic documents (for example, house ownership rights, or temporary residence permits) that result in being unable to obtaining further documents such as certificates of residence, birth certificates, passport, etc. A consequence of this is an inability to access many services for children, including social benefits, or certificate of education, health services, access to schooling.
20. Registration at the place of residence: in 70% of cases, the main problem that prevents internal migrants from registration at the place of residence is the lack of house ownership, or refusal to register at the place of residence by the owner of housing where migrants live.

⁵ International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, https://www.un.org/ru/documents/decl_conv/conventions/migrant.shtml.

⁶ Data provided by the Center for Employment of Citizens Abroad under the Ministry of Labor, Social Services, and Migration as of Feb 9, 2022.

⁷ UNICEF. Situational Analysis of Children in the Kyrgyz Republic, Bishkek, 2015.

⁸ Schröder, Philipp, 'Avoidance and Appropriation in Bishkek: Dealing with Time, Space and Urbanity in Kyrgyzstan's Capital', Central Asian Survey, vol. 35, no. 2, 2016, стр. 218-236.

21. The main obstacle in obtaining a birth certificate on time is the lack of parents' passports. Other obstacles include; lack of medical certificates from maternity hospitals; unregistered marriages between parents; the birth of a child at home; and parents who fail to meet the deadline established by law, for the registration of births.
22. There are cases of children aged between 12 and 15 without documents. Some have been able to study because they have been enrolled on the pledge by parents that they will provide necessary documents at a later stage. In some instances it is only when the child obtains a certificate of education that the parents start applying to different authorities to obtain the documents that were originally required for enrollment.
23. The risk of being exposed to violence is already high for children of labor migrants and is reaching critical levels. Migrant children are at great risk of being abused, neglected, exploited, or trafficked by the relatives or caregivers who have them in their charge. Often, children of people affected by migration perform considerably less well at school and even stop attending completely due to lack of care from parents and guardians.
24. In 2021, the Ministry of Labor, Social Services, and Migration of the Kyrgyz Republic identified 93,501 children of labor migrants working abroad. In the first half of 2022, this number had already reached 87,426 children⁹.

Recommendations:

- Increase the responsibility of migrant parents by the simplification of child guardianship (custody) arrangements for close relatives of migrant workers and persons substituting them through the introduction of a notarized power of attorney.
- According to international practice, children of migrants can be defined as separated children, whose parents are away from the family and do not provide care and custody, this should be reflected in national legislation. The term “separated and unaccompanied children” should be introduced into national legislation to define children of labor migrants¹⁰.
- Introduce a family support and child protection service at the local level that can monitor and accompany children of migrant parents left in the care of relatives.

⁹ Alternative Report of the Akyikatchy (Ombudsman) of the Kyrgyz Republic to the list of issues under the 3rd periodic report on “Violence Against Women and Children” (Articles 2-3, 6-7, 26) and “Corporal Punishment” (Articles 7 and 24) , September 2022.

¹⁰ Inter-agency guidelines. Practical Guide to Implementing the UNHCR Recommendations on Determining the Best Interests of the Child, 2011. A/HRC/11/7, para. 45 context of migration..

V. Trafficking of Children, Child Prostitution, Pornography, Cybercrimes Against Children (Article 34 CRC, CRC-OP-TC¹¹). Worst Forms of Child Labor (Article 32 CRC)

25. In 2013, the Special Rapporteur of the UN Committee on the Sale of Children, Child Prostitution and Child Pornography in his report on Kyrgyzstan, expressed deep concern about “the lack of sustainable family support and parenting programs, as well as the lack of social services for children and families from at-risk groups, including children left behind by migrant workers”.
26. Girls (10-16 years old) from poor families in Kyrgyzstan drop out of school to work in Russia as nannies and housekeepers helping relatives in Kyrgyzstan. Parents take their children’s documents (pupils from schools in Kyrgyzstan), but do not enroll them into schools in Russia. As a result, these girls become invisible to the child protection system¹².
27. The COVID-19 pandemic has led to increased Internet usage by children. This has attracted the attention of the criminal community and has led to an increase in criminal activity towards children on the Internet. Low digital literacy of children and adults, inadequately supervised institutional settings, weak state policy and legal practice, a deficient educational community and insufficient international cooperation between countries, has led to a sharp increase in the distribution of pornography among children and their involvement in its production. The level of violence and exploitation of children online; cyberbullying (trolling, revenge porn), sexual exploitation, fraud (financial, unauthorized purchases), online extremism (religious, political), drug trafficking etc. has increased.
28. The Ministry of Internal Affairs of the Kyrgyz Republic has established a department to combat cybercrime. Unfortunately, the Program of the Cabinet of Ministers of the Kyrgyz Republic to Combat Human Trafficking for 2022-2025 and the Action Plan for implementation of this program do not include special measures to prevent child trafficking in the forms of protection and assistance to child victims of human trafficking who have suffered from labor exploitation, pornography, sexual exploitation, and cybercrime. In Kyrgyzstan, the number of children involved in the worst forms of child labor has increased.
29. More rigorous monitoring of the worst forms of child labor on the premises of private enterprises, and farms in rural settings is required. One of the obstacles for detecting such occurrences is connected to the moratorium on unannounced inspections of business entities under the policy of protection of entrepreneurial activity. This limits opportunities for identifying children suffering from exploitation and abuse.
30. A case examined by the Child Rights Defenders’ League: in the Sokuluk district, a 2-year-old child was systematically subjected to torture by the owner of a farm, where the child’s parents worked. According to local residents, underage children were exploited on the farm. State services were not able to detect exploitation and violence against a child in a timely manner, since the law prohibits conducting unannounced inspections.

¹¹ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, https://www.un.org/ru/documents/decl_conv/conventions/rightschild_protocol2.shtml.

¹² CM. <http://ru.vzglyadriv.kg/reportazh/25123-bakchy-kyz-byt-nesovershennoletney-nyaney.html>.

31. The lack of information for children and the lack of well-established practices affects the formation of a legal culture among children and among public officials associated with the system of prevention and response to violence, as well as subsequent work with child victims of violence. These issues affect the principle of participation of children, declared by the Convention on the Rights of the Child.
32. For example, the Convention for the Protection of Children from Sexual Exploitation and Sexual Abuse (Lanzarote Convention), which is open to signatures for non-member states of the Council of Europe, requires the criminalization of all types of sexual offenses against children. It declares that states in Europe and beyond must enact specific legislation and take action to prevent sexual violence, protect child victims, and prosecute perpetrators.

Recommendations:

- Develop digital counseling, education and information services for Helpline 111 to prevent and protect children from violence, exploitation, cybercrime, and child trafficking.
- Develop and implement a system for tracking and blocking online transactions related to cybercrimes involving child sexual abuse.
- Educate about the possibilities of establishing parental control over Internet resources and reducing the availability of dangerous sources.
- Strengthen cross-sectoral cooperation (government, business, civil society) to coordinate work on prevention of online exploitation of children, improve international cooperation to identify victims of cybercrime.
- Due to the increase in the number of cases of harassment against children, consider preventive measures against sexual violence and harassment in policies of all public and private educational, sports, music and development institutions.
- Systematical dialogue platforms between state, civil society, and mass media for discussion of existing issues of the worst forms of child exploitation and possible joint activities are necessary.
- Consider joining the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) of the Council of Europe.

VI. The Effectiveness of Existing Mechanisms for Protection of Children from Violence, Including Sexual Violence (Article 19, as well as ICCPR And CEDAW)

33. The UN Committee on the Rights of the Child, in its General Comment No. 8, defines “corporal” or “physical” punishment as any punishment that uses physical force and is intended to cause some degree of pain or discomfort, however mild. In the opinion of the Committee, corporal punishment is in any case humiliating and unacceptable for the

upbringing of children. However, in Kyrgyz society a certain degree of violence is considered socially acceptable for the sake of disciplining a child. Legislation should clearly define that all forms of corporal punishment, without exception, are prohibited.

34. In 2020, the Prosecutor General's Office reported 788 crimes and misdemeanors committed against minors; in 2021 – there were 2287 crimes and misdemeanors. In 2020, the following types of abuse and violence against children were registered: physical abuse - 171, sexual abuse - 71, psychological abuse – 39 cases. In 2021, the distribution was following: physical violence - 222, sexual violence - 118, psychological violence – 77 cases. According to the Ministry of Internal Affairs, in 2022, in Kyrgyzstan over 400 acts of violence against children have been registered, including 55 cases of sexual violence. The cases of sexual violence included: rape - 19, attempted sexual abuse - 5, attempted of sexual abuse of minors - 23¹³.
35. Official data on violence against girls and boys is very limited and does not reflect the real extent of the problem. Both parents, children and adolescents themselves prefer to avoid law enforcement agencies or child protection services (under the Ministry of Labor, Social Services, and Migration) because of distrust or fear, gender insensitivity or an unfriendly justice system, violation of confidentiality and possible social exclusion.
36. During the investigation of a criminal case, it is common practice not to consider the testimony of a child victim of violence. This leads to multiple testimonies about events at a later stage. The courts oblige children to visit hearings at different stages of the trial, to testify even at the stage of appeal, thereby again exposing children to traumatization. During interrogations, the testimony of children may be called into question by officers (“blaming victims for inappropriate behavior”).
37. Law enforcement officers often try to avoid registering the statements of victims in order not to worsen statistics. Many cases are automatically dismissed. The legal provision of the Children's Code is violated in terms of the commissioning of expert evidence; the police do not appoint a forensic medical examination in a timely manner. This subsequently affects the collection of evidence, and violence cannot be proven during the trial. Investigators also have a widespread practice of interrogating children in the absence of psychologists or legal representatives in violation of procedural norms, and without recording interrogations as required by law. The present practice of dismissing most cases of violence against women and children during pre-trial proceedings contributes to rising latency level of such offenses and crimes¹⁴.
38. Victims often suspect that corruption in both law enforcement and courts is widespread. Unfortunately, cases involving minors often suffer from delays in legal investigation, amendment of charges or termination of proceedings, for instance due to an incorrect assessment of actions. For example, actions can be classified not as a rape, but as acts of sexual nature or indecent acts, since such offences have lower legal liability.
39. Anecdotal evidence shows that some representatives of law enforcement agencies and child protection services at the district level (under the Ministry of Labor, Social Care and

¹³ Alternative Report of the Akyikatchy (Ombudsman) of the Kyrgyz Republic to the list of issues under the 3rd periodic report on “Violence Against Women and Children” (Articles 2-3, 6-7, 26) and “Corporal Punishment” (Articles 7 and 24) , September 2022.

¹⁴ Same source.

Migration of the Kyrgyz Republic) may ignore public complaints about violence against a child by parents or persons substituting them or may take the side of the parents.

40. The absence of a DNA laboratory in Kyrgyzstan reduces the chances of a victim obtaining irrefutable evidence of a rape committed against the victim. The victims are forced to carry out such examination in private laboratories in foreign countries at a high cost (900 euro). Children with disabilities are especially vulnerable. In the case of a 15-year-old girl with a disability who became pregnant as a result of rape, a DNA examination of the fetus was carried out in a private laboratory at the expense of public organizations and local authorities (in this case from the Child Rights Defenders' League).
41. Not all health workers are trained to properly record the consequences of violence in accordance with the Istanbul Protocol that leads to a loss of evidence base.
42. Children from vulnerable groups have limited access to justice. There was an incident of delayed consideration, of up to 7 years of the case of the rape of a girl with a disability by both district and oblast courts (a case examined by the Child Rights Defenders' League). Only after public intervention the court delivered a guilty verdict¹⁵.
43. A case in state is that of a 13-year-old girl with a disability was raped over a period of 2 years by six villagers. In May 2015, a criminal case was opened against her two neighbors. The other alleged rapists were under the age of criminal responsibility. The criminal case was submitted to the court on September 28, 2015. The court session dragged on; the prosecutor did not ensure the appearance of witnesses in court. As a result, the case was returned for additional investigation. Finally, in 2022 two offenders were found guilty in the Bishkek city court¹⁶. Hearings of the case in district and oblast courts took seven years (a case examined by the Child Rights Defenders' League).
44. In some cases, courts reconsidered their types of restraint to a Restriction of Travel Order and released an offender from a pending trial in relation to an offence of an aggravated rape of a girl in a perverted form. Only after the intervention of the public, perpetrators were taken back into custody (a case examined by the Child Rights Defenders' League).
45. Children are being interrogated without video recording on multiple occasions, especially in courts, including at the appeal stage. Interrogations of children in a police department take place in regular rooms without the use of specially equipped premises for such cases.
46. In cases of sexual crimes, investigators request personal references on victims from educational institutions that leads to the disclosure of confidential information, particularly, about the nature of the crime committed against a child. Cameras are often turned off in courts which makes it impossible to record hearings and probable misconduct of trial participants and judges.

¹⁵

https://kaktus.media/doc/463409_gryppovoe_iznasilovanie_13_letney_s_invalidnostu:_delo_rassmatrivaut_bolee_semi_let.html

¹⁶

https://kaktus.media/doc/463515_13_letnuu_devochky_c_invalidnostu_nasilovali_shest_odnoselchan._syd_vynes_prigovor.html

47. In Kyrgyzstan, courts often apply probation orders to sexual offenders of minors. An analysis of court convictions in 2021-2022, published on the Supreme Court website showed that the introduction of probation orders correlated with an increase of offenders' release (under probation supervision) for serious crimes, instead of serving sentences. The use of probationary treatment led to the wider legal practice where the offender actually avoided imprisonment for crimes of rape and indecent acts. This violates the principle of unavoidability of punishment. The nature of committed offences poses a particular danger to people and society; thus, the offender must be isolated.
48. In courts, the prosecution and representatives of child protection services (under the Ministry of Labor, Social Service, and Migration) do not properly represent the rights of a child victim of violence; some officers lack commitment and motivation (a case examined by the Child Rights Defenders' League that of a 2-year-old child who suffered from cruel treatment and torture).
49. In cases of domestic violence, children are not recognized as victims. For example, according to reports of women who experienced physical violence in front of a child, only the mother can be recognized as a victim in a criminal case, since she has bodily injuries, but the child is not recognized as a victim as there was no direct physical abuse of the child. Such children do not undergo any psychological examination and cannot obtain the status of the victim.
50. The Child Rights Defenders' League jointly with UNICEF in Kyrgyzstan, the Ministry of Labor and Social Development, and local authorities and other partners have established 7 Family and Child Support Centers (daytime care), which provide free legal, psychological and social assistance to child victims of violence and abuse. These centers are highly effective, but unfortunately, such centers are available only in 7 districts and cities out of 54, which is insufficient for the prevention of all forms of violence against children.

Recommendations:

- Adopt a Resolution of the Plenum of the Supreme Court on the practice of investigation of criminal cases of violence against children, family and gender-based violence, with specific clarifications for the courts.
- Remove from the Code of Criminal Procedure of the Kyrgyz Republic the application of probation supervision for serious crimes.
- The Prosecutor General's Office, as part of its supervisory authority during investigation, should pay closer attention to cases when minors are being interrogated without video recording and without participation of a psychologist.
- The Prosecutor General's Office has to increase supervision of cases of child victims of violence within law enforcement agencies, child protection services (under the Ministry of Labor, Social Services, and Migration of the Kyrgyz Republic).
- Develop a system of motivational measures to increase responsibility of law enforcement officers during deposition of children's testimonies.

- Adopt a plan of training health professionals on documenting the cases of violence against children in accordance with the Istanbul Protocol.
- The Prosecutor General's Office has to strengthen supervision over the appointment of forensic examinations and its timing as well as over mandatory participation of psychologists and legal representatives of children during interrogations, and ensure privacy of audio-video recording.
- The Cabinet of Ministers of the Kyrgyz Republic has to develop a set of measures for the implementation of international standards of protection of children from violence during forensic medical and psychological-psychiatric examinations.
- Systematically improve sensitivity and skills of law enforcement officers, child protection services, courts, prosecutors, and experts, in the effective identification of violence with the focus on ensuring the best interests of the child.
- Provide opportunity for conducting DNA testing in Kyrgyzstan at the expense of the state budget.
- Strengthen monitoring and supervision over activities of courts and individual judges in order to eliminate judicial red tape and ensure the best interests of children.
- Consider wider use of Family and Child Support Centers for the prevention of violence and assistance to child victims of violence and abuse in every district and city of Kyrgyzstan. Implement educational services for children, parents, specialists on digital hygiene and protection from all forms of sexual violence, exploitation and trafficking in the digital space.

VII. The Rights of Children with Disabilities to Access Education and Development (Article 23 CRC, CRPD).

51. In recent years, the Government of the Kyrgyz Republic has taken steps to realize the rights of children with disabilities. In May 2019, Kyrgyzstan ratified the UN Convention on the Rights of Persons with Disabilities (CRPD)¹⁷, however, the mechanisms for its active implementation have yet to be fully launched.
52. Owing to the fact that the Convention covers a large number of areas, considerable time and significant resources are necessary to achieve its objectives. Current policy on the implementation of the rights of children with disabilities to education and development is hampered by the fact that the present legislation in the field of education is based on approaches that do not provide well-developed inclusive education and appropriate psychosocial support.
53. Currently there are approximately 3,000 children with disabilities living in residential institutions of Kyrgyzstan.

¹⁷ https://www.un.org/ru/documents/decl_conv/conventions/disability.shtml.

54. Unfortunately, special auxiliary boarding schools and correctional classes are the primary forms of state education and development for children with disabilities. Most mainstream schools are not prepared to teach children with disabilities. The inclusive environment in this field is undeveloped. As a result, and on the basis of the recommendation and ultimately the decision of the Psychological, Medical, and Pedagogical Commission (PMPC), children are separated from their families and placed in specialized boarding schools.
55. The prevalent conditions in special boarding schools leads to children becoming isolated and unable to develop fully. Graduates of special boarding schools have low levels of literacy, numeracy, and life skills and are poorly developed. With little experience of mixing outside of the institution in which they live, they become afraid of socializing into society when they graduate.
56. Funding for special boarding schools is high, but only 15% of the total funding goes directly to children, the remainder is used on funding utility bills and salaries.
57. It is the Psychological, Medical, and Pedagogical Commission (PMPC) who recommends and ultimately decides when a child should be sent to a special boarding school and correctional classes. These decisions, made by the PMPC, for the most part, restrict children with disabilities from accessing inclusive education.
58. Children with a range of developmental disabilities are not always able to access community-based services and support. In particular, Day Care Services are insufficiently funded in order to achieve the full scope of the objectives of the Convention on the Rights of Persons with Disabilities.
59. On local levels, there is an acute shortage of daycare centers for the development and rehabilitation of children with disabilities; the existing centers are mostly created at the expense of private organizations and have unstable funding. The creation and development of day care rehabilitation centers for children with disabilities is lacking a systemic approach throughout the country. Schools and special residential institutions lack textbooks for children with disabilities in the Kyrgyz language (native language) that leads to huge obstacles in their education and development.

Recommendations:

- To ensure inclusive education and commitments related to the CRPD:
 - adopt legislation and policies that promote inclusive education and psychosocial support for children with disabilities and their families;
 - implement a policy of deinstitutionalization by closing special auxiliary boarding schools for children with disabilities or transforming them into day care development and rehabilitation centers without separation from biological families;
 - abolish the PMPC system as discriminatory and contrary to the best interests of children with disabilities.
- Develop a new funding formula within the state budget for education to finance inclusive education in order to make progress in implementing the inclusion of children with disabilities in mainstream schools.

- Given the lack of funds available for specialized services at the local level, reconsider linking access to basic services for children with disabilities to registration at the place of residence.
- Adopt a Law on Social Services, develop and adopt a typical regulation of a day center for the rehabilitation and development of children with disabilities; consider allocation of state budget funding for such centers at local levels.

VIII. Administration of Justice Towards Minors - Juvenile Justice (Article 34 CRC) and the UN Standard Minimum Rules for the Administration of Juvenile Justice (“Beijing Rules” 18)

60. In accordance with Article 89 of the Children Code of the Kyrgyz Republic, the Government of the Kyrgyz Republic should have an Interagency Coordination Council for Juvenile Justice. However, that body has been inactive since 2018. The State Program and plan for the Development of Juvenile Justice in the Kyrgyz Republic for 2020-2025 are still not accepted. The strategic policy document on juvenile justice in the republic is absent.
61. Child (victims), including victims of violent crimes, can be subjected to the procedure of face-to-face questioning with the offender. Moreover, the mechanism of participation of psychologist or teacher in criminal proceedings in the interests of the child is absent, although their participation is provided for by the present Code of Criminal Procedure.
62. The new version of the Code of Criminal Procedure (Articles 5, 27, 35, 37, 54, 467, 468) enshrines norms for the removal of a child from the formal criminal justice system, but these norms are not applied in practice due to contradictions and shortcomings in interpretation of the Code. Currently the removal of juveniles is applied only to minor offences and misdemeanors, and further expansion of that practice to serious or particularly serious offences in some cases is required.
63. Despite the fact that the legislation of Kyrgyzstan provides legal framework for mediation, the mediation is not developing in relation to mediation mechanisms for cases concerning children, for example, children in conflict with the law.
64. The new version of the Code of Criminal Procedure of the Kyrgyz Republic (Articles 5) introduced norms on child-friendly procedures, specialization of all experts involved in protection of children in conflict with the law, victims and witnesses. However, there is no officially approved procedure for specialization of professionals involved in cases related to children - judges, prosecutors, lawyers, social workers.
65. The new version of the Code of Criminal Procedure of the Kyrgyz Republic (Articles 78) introduced requirements of hearing cases involving children in special child-friendly rooms. However, these procedures have yet to be implemented as special child-friendly rooms are

¹⁸ https://www.un.org/ru/documents/decl_conv/conventions/beijing_rules.shtml.

available only in a few locations in Suzak district, in two districts of Bishkek, and in Karakol, all created with the support of a UNICEF pilot project.

66. Juvenile offenders are being sent to temporary detention facilities and pre-trial detention facilities (during the investigation stage and until a court verdict), where in some cases children can be held together with adult females. Placement of minors, who cannot stay under the custody of parents, in special temporary detention centers during investigation and until a court verdict is not practiced.

Recommendations:

- Approve the State Program and Plan for the Development of Juvenile Justice in the Kyrgyz Republic.
- Resume regular work of the Interagency Coordination Council for Juvenile Justice.
- Improve criminal legislation and criminal procedures in terms of protecting the rights of child victim and witness of violence, with particular focus on preventing: face-to-face questioning with the accused, collection of personal references on a child victim of crime.
- Provide state guarantees for the participation of a psychologist and a teacher in criminal proceedings in cases involving children.
- Improve criminal procedure legislation concerning the regulatory framework for procedures of removing children in conflict with the law from the formal criminal justice system.
- Develop a legal framework for the wider application of mediation in cases related to children in conflict with the law.
- Provide legislative mechanisms for the introduction of specialization for professionals working with children: judges, prosecutors, social workers, investigators, probation officers, lawyers.
- Develop court and police infrastructure in order to provide child-friendly procedures and specialized child-friendly rooms.
- Ensure that children in conflict with the law are held separately in specialized centers during investigation to exclude their joint detention with adults.