



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 12 (1) OF THE OPTIONAL PROTOCOL TO THE
CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF
CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

Initial reports of States parties due in 2004

KYRGYZSTAN*

[16 May 2006]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

**REPORT ON THE IMPLEMENTATION OF THE OPTIONAL PROTOCOL
TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE
OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

(Approved by Government Decision No. 92 of 13 February 2006)

**II. PROHIBITION OF THE SALE OF CHILDREN, CHILD
PORNOGRAPHY AND CHILD PROSTITUTION**

(a) The age limit used for defining a child in the definition of each of these offences

Under article 1 of the Minors' Rights (Protection and Defence) Act, in Kyrgyzstan children are recognized as minors until they have attained the age of 18.

Article 124 of the Criminal Code, paragraph 2 (2), provides for criminal responsibility for trafficking in minors (recruitment, transport, concealment, procurement, transfer or sale of a person or other unlawful transactions without his or her consent, effected by means of coercion, fraud, deception or abduction, with a view to exploitation or obtaining advantages).

The footnote to article 124 of the Criminal Code indicates that exploitation is understood to mean enticement into criminal activity, coercion of a person into prostitution or other forms of sexual activity, forced labour or services, slavery, adoption for commercial purposes or use in armed conflicts.

(b) The penalties which apply to each of these offences and what the aggravating or attenuating circumstances applicable to them are

Penalties under article 124, paragraph 1, of the Criminal Code: deprivation of liberty for a period of between 3 and 8 years, with or without confiscation of property.

Penalties under article 124, paragraph 2, of the Criminal Code: deprivation of liberty for a period of between 5 and 15 years, with confiscation of property.

Penalties under article 124, paragraph 3, of the Criminal Code: deprivation of liberty for a period of between 15 and 20 years, with confiscation of property.

Article 54 of the Criminal Code cites the following mitigating circumstances (irrespective of the type of offence):

- (1) Admission of guilt, sincere repentance, actively facilitating investigation of the offence;
- (2) Voluntarily compensating for damages incurred or remedying the harm done;
- (3) Commission of the offence following a series of difficult personal, family or other circumstances;

- (4) Commission of the offence under threat, coercion or owing to material, professional or other dependence, or as a result of compliance with an unlawful order or instruction;
- (5) Commission of the offence in the heat of passion provoked by violence, a serious insult or other unlawful acts against the victim;
- (6) Commission of the offence in situations where legitimate self-defence was not justified, out of extreme necessity, or during detention of the perpetrator;
- (7) Commission of the offence by a minor;
- (8) Commission of the offence by a pregnant woman.

Article 55 of the Criminal Code cites the following aggravating circumstances:

- (1) Repeated commission of offences, recidivism or commission of offences in the context of a business;
- (2) Commission of the offence as part of a group of persons, a group of persons by prior agreement, an organized group or a criminal association (criminal organization);
- (3) Commission of the offence out of mercenary or other base motives;
- (4) Commission of the offence against a person or his or her close relatives in connection with the performance of his or her official duties or public obligations;
- (5) When the offence has serious consequences;
- (6) Commission of the offence against a minor, an elderly person or a person in a state of helplessness;
- (7) Commission of the offence against a woman known by the perpetrator to be pregnant;
- (8) Commission of the offence against a person materially, professionally or otherwise dependent on the perpetrator;
- (9) Commission of the offence using a minor or a person known by the perpetrator to be suffering from a mental illness or mental deficiency;
- (10) Commission of the offence in a particularly cruel or humiliating manner;
- (11) Commission of the offence against a background of public calamity, mass riots or a state of emergency;
- (12) Commission of the offence in a manner that poses a danger to public safety;

- (13) Commission of the offence with the use of weapons, ammunition, explosives, explosive or similar devices, specially prepared technical means, poisonous or radioactive substances, medicinal and other chemical or pharmacological preparations, or with the use of physical or psychological duress;
- (14) Commission of the offence for the purpose of concealing another offence or facilitating its perpetration;
- (15) Commission of the offence for the purpose of exploitation, which endangers a person's health or life.

(c) The Statute of Limitation for each of these offences

The time limit for instituting criminal proceedings against a person for the offences listed in article 124, paragraph 1, of the Criminal Code is 10 years.

The time limit for instituting criminal proceedings against a person for the offences listed in article 124, paragraphs 2 and 3, of the Criminal Code is 15 years.

(d) Any other acts or activities which are criminalized under the penal or criminal laws of the State party and which are not covered by article 3, paragraph 1, of the Optional Protocol

Article 114 of the Criminal Code establishes criminal responsibility for coercion with a view to removing human organs or tissues for the purpose of transplantation.

Articles 156 and 157 of the Criminal Code establish criminal responsibility for the enticement of minors into the commission of an offence, prostitution, the commission of sexual acts or activities related to the production of materials or articles of a pornographic nature.

(e) The liability of legal persons for the acts and activities enumerated in article 3, paragraph 1, of the Optional Protocol, indicating the definition of a legal person in the State party

In accordance with the provisions of Kyrgyz criminal legislation, only physical persons can be held criminally liable (Criminal Code, art. 17).

(f) The status, under the criminal or penal law of the State party, of attempts to commit and complicity or participation in any of the offences referred to previously

Criminal responsibility for inchoate offences (planning or attempted commission of an offence) arises from the article of the Criminal Code that establishes responsibility for completed offences, with reference to article 27 (Planning an offence) or 28 (Attempted commission of an offence) of the Criminal Code.

The premeditated joint participation of two or more persons in the commission of a premeditated offence is deemed to be complicity in an offence (Criminal Code, art. 30, para. 1).

Organizers, aiders and abettors are deemed to be complicit with the perpetrators in the offence (Criminal Code, art. 30, para. 2).

The responsibility of organizers, aiders and abettors arises from the same article in the special part of the Criminal Code as that of the perpetrator, with reference to article 30 of the Criminal Code.

III. PENAL/CRIMINAL PROCEDURE

Please indicate the measures to establish the State party's jurisdiction over the offences when:

(a) These offences are committed in its territory or on board a ship or aircraft registered in the State party

Under article 5, paragraph 1, of the Criminal Code, all persons who have committed an offence in the territory of Kyrgyzstan are subject to prosecution under the Criminal Code of the Kyrgyz Republic.

In accordance with generally accepted standards and traditions of international law, the term "territory of the Kyrgyz Republic" is understood to mean also ships and aircraft bearing the markings of the Kyrgyz Republic, situated in the territorial waters or airspace of a foreign State.

(b) The alleged offender is a national of the State party or a person who has his/her habitual residence in its territory

Under article 7 of the Criminal Code, citizens of Kyrgyzstan and stateless persons who have their habitual residence in Kyrgyzstan and who have committed an offence outside the territory of Kyrgyzstan may be prosecuted under the Criminal Code of the Kyrgyz Republic if they have not been sentenced to punishment by a court of a foreign State.

Citizens of Kyrgyzstan who have committed an offence in the territory of another State are not subject to extradition to that State.

Foreign citizens and stateless persons who have committed an offence outside the territory of Kyrgyzstan and are in Kyrgyz territory may be extradited to a foreign State for prosecution or to serve a sentence in accordance with an international treaty.

(c) The victim is a national of the State party

Under article 427 of the Code of Criminal Procedure of the Kyrgyz Republic, if the victim is a citizen of a foreign State, he or she may be summoned, with his or her accord, for investigative or judicial proceedings in the territory of Kyrgyzstan by the official handling the criminal case.

A request for the victim to be present while investigative proceedings are being carried out is submitted through the Procurator-General of the Kyrgyz Republic; for judicial proceedings, the request is submitted through the Judicial Department of the Ministry of Justice of Kyrgyzstan (Code of Criminal Procedure, art. 425, para. 2, and art. 427, para. 2).

(d) The alleged offender is present in its territory and it does not extradite her/him to another State party on the ground that the offence has been committed by one of its nationals

Under article 6, paragraph 2, of the Code of Criminal Procedure, citizens of Kyrgyzstan who have committed an offence in the territory of another State are not subject to extradition to that State.

In the event that a citizen of a foreign Government in respect of whom an extradition request has been received is serving a sentence for another offence in the territory of Kyrgyzstan, the extradition may be deferred until the person in question has served the sentence or has been released from punishment on any legal grounds whatsoever. In the event that a citizen is involved in criminal proceedings, extradition may be deferred until the verdict is rendered, the sentence is served or the person in question has been released from punishment or absolved from criminal liability on any grounds whatsoever. If the deferral of extradition might entail expiration of the statute of limitations for criminal prosecution or jeopardize the investigation of the offence, the person whose extradition has been requested may be temporarily extradited (Code of Criminal Procedure, art. 433, para. 3).

Please provide information on the measures adopted, including of a legislative, judicial and administrative nature, related to:

(a) The seizure and confiscation of goods and proceeds referred to in article 7 (a) of the Optional Protocol

Articles are deemed to be material evidence if there are grounds for assuming that they have served as instruments of the offence, if they bear traces of the offence, or if they have been the object of criminal activity; this also pertains to money, articles, documents and other valuables that might serve as a means of uncovering the offence, establishing the facts of the case, identifying the guilty parties, rebutting the accusation or mitigating responsibility (Code of Criminal Procedure, art. 85).

Material evidence must be described in detail in the report on the scene of the crime and, where necessary, videotaped or photographed. Material evidence is attached to the case by a ruling of the investigator or the judge or by a court decision and must be retained with the case (Code of Criminal Procedure, art. 86, para. 1).

The judgement, ruling or decision to close the case must contain a decision on the material evidence as follows:

- (1) The instruments of the offence belonging to the accused or the defendant shall be confiscated;
- (2) Items banned from circulation shall not be released and shall be handed over to the appropriate organization or destroyed;
- (3) Items of no value or use shall be destroyed or, at the request of interested persons or organizations, handed over to them;

- (4) Money and other valuables acquired by criminal means are, in accordance with the court judgement or ruling or the decision of a judge, or upon closure of the case in connection with the death of the accused person or the pronouncement of said person, by a decision of the investigator, as being mentally incompetent, shall accrue to the State. The remaining items shall be returned to their legal owners; where the latter are not identified, such items shall become State property. Disputes concerning the ownership of such items shall be settled in civil proceedings;
- (5) Money and other valuables that have served as bribes or contraband shall, by court judgement, accrue to the State in accordance with criminal legislation;
- (6) Documents serving as material evidence shall be kept with the case for the entire time period during which it is archived or shall be handed over to the appropriate organizations or citizens (Code of Criminal Procedure, art. 88).

IV. PROTECTION OF THE RIGHTS OF CHILD VICTIMS

(a) Article 193 of the Code of Criminal Procedure sets out the procedure for questioning juvenile witnesses and victims

A teacher is called in to be present during the questioning of witnesses and victims under the age of 14 and - at the discretion of the investigator - during the questioning of witnesses or victims between 14 and 16 years of age. The legal representatives of juvenile witnesses and victims are entitled to be present during questioning.

Witnesses and victims under 16 years of age are not warned of their responsibility for refusing to testify or for knowingly giving false testimony. When such witnesses and victims are informed of their procedural rights and obligations, they are instructed to tell only the truth. Juvenile witnesses and victims are informed of their right to refuse to testify if it incriminates them or their close relatives. Witnesses and victims are asked to sign the record certifying that they have been informed of their rights and obligations.

The persons referred to in the first part of article 193 who are present during the questioning are informed of their right to make comments, which are entered into the record, concerning the violation of the rights and legitimate interests of the persons being interrogated and, with the investigator's permission, may question those persons. The investigator may disallow a question, but must make a note of it in the record and explain why it was disallowed.

(b) Criminal proceedings may be initiated on the basis of:

- (1) Reports by citizens;
- (2) A confession;
- (3) A communication from an official of an organization;
- (4) A media report;

- (5) A direct finding, by the body conducting the initial inquiry, the investigator or the procurator, of evidence of an offence (Code of Criminal Procedure, art. 150, para. 1).

The failure to establish the age of the victim is not an obstacle to the initiation of criminal proceedings.

Where the age of the victim has not been ascertained and is of relevance to the case, and there are no documents specifying age, or such documents are of a dubious nature, experts must be appointed for an opinion (Code of Criminal Procedure, art. 200).

(d), (e) and (f) Juvenile victims, like adults, have the right to:

- (1) Be informed of the nature of the charge against the accused;
- (2) Testify;
- (3) Submit evidence;
- (4) Make petitions and challenges;
- (5) Testify in their mother tongue or in a language in which they are fluent;
- (6) Avail themselves of the services of an interpreter;
- (7) Be represented;
- (8) Take part in the investigative activities conducted at their request or at the request of their representative;
- (9) Acquaint themselves with the records of the investigative activities carried out with their participation and make comments on them;
- (10) Familiarize themselves, after the investigation, with all the case material and copy out the necessary information;
- (11) Receive copies of the decisions regarding the institution of criminal proceedings, the recognition of the persons concerned as victims or refusal to recognize them as victims, the termination of criminal proceedings, the indictment, and copies of the court decisions;
- (12) Participate in court proceedings;
- (13) Take part in judicial pleadings and press charges;
- (14) Familiarize themselves with the record of the court proceedings and make comments on them;

- (15) Submit complaints concerning actions by the official conducting the initial inquiry and the actions and decisions of the investigator, the procurator or the court;
- (16) Contest court decisions;
- (17) Be informed of the complaints made and petitions filed in the case and make objections to them;
- (18) Take part in the court's consideration of complaints and petitions;
- (19) Reach an agreement with the defendant when authorized by the Code of Criminal Procedure;
- (20) Receive compensation from the State for damages incurred as a result of the crime;
- (21) Obtain the return of property that the body conducting the criminal proceedings confiscated from them as material evidence or for other reasons, or property belonging to them that was confiscated from the person who committed the offence, and the originals of official documents that belong to them;
- (22) Demand from the convicted person compensation for the emotional distress caused by the offence (Code of Criminal Procedure, art. 50, para. 1).

(g) and (h) A closed trial is permitted where the court issues a substantiated ruling or a judge so rules in cases of sexual or other offences, in order to avoid publicizing information about the private lives of the persons involved and also in cases where it is necessary to ensure the safety of the victim, the witness or other persons involved, or members of their families or close relatives (Code of Criminal Procedure, art. 22, para. 2).

V. PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

The government programme to create conditions for sustainable, balanced socio-economic development and poverty reduction in Kyrgyzstan was approved by Government Decision No. 96 of 21 February 2005, which provides for the drafting of a children's code, legislation on foster children and the prevention of child neglect, and the definition of child poverty on the basis of factors such as income, material hardship and discrimination as well as the non-material dimensions of poverty.

The Presidential Decree of 21 April 2002 on measures to combat the smuggling and trafficking of persons in the Kyrgyz Republic approved the Programme of Measures to Combat Smuggling and Trafficking of Persons in the Kyrgyz Republic. Under the Programme, activities were carried out to provide information about measures to combat trafficking in persons.

The Kyrgyz State Committee on Migration and Employment regularly provides information, counselling and legal assistance to citizens wishing to work abroad, since a significant number of victims of trafficking in persons are persons who leave Kyrgyzstan in

search of work. Public awareness campaigns are carried out in the media, for example in television and radio broadcasts and in newspapers, on the proper employment of Kyrgyz citizens abroad and the prevention of trafficking in persons. Officials of the regional branches of the State Committee conduct information campaigns in rural areas, where the population has very little knowledge of legal matters. The State Committee has a hotline to provide advice and information on questions concerning labour migration.

In order to inform migrants about the procedure and conditions for obtaining employment in a number of countries that are important destinations for job-seekers (the Russian Federation, Kazakhstan and Uzbekistan), special instruction booklets - "security passports" - were issued in Kyrgyzstan with the assistance of the mission of the International Organization for Migration.

It is well known that, in Kyrgyzstan, victims of trafficking in persons are not only women and children who were exploited in the sex industry in Turkey, China and the United Arab Emirates, but also citizens of Kyrgyzstan who have been sold in Kazakhstan to work on tobacco plantations. With a view to putting an end to trafficking in persons and solving problems of migrant workers whose rights are violated by their Kazakh employers, on 9 July 2002 the Governments of Kyrgyzstan and Kazakhstan signed the Agreement on Labour Activity and Social Protection of Migrants Employed in Agriculture in Border Areas. The purpose of the Agreement is to protect migrant workers and members of their families from any unlawful acts.

One effective method for identifying antisocial children has been to conduct special preventive measures, which have had such titles as "Homeless Child", "Teenager", "Concern", "Butterfly", "Doping", and so forth. All told, 606 initiatives were conducted over a period of 10 months, during which 4,843 minors were detained for various infractions. More than 1,049 minors were turned over to and detained at the Bishkek and Osh adaptation and rehabilitation centres for juveniles. Of that number, six female minors were arrested for prostitution and were subsequently registered at the national dermatological and venereal health centre and a community inspection centre for minors.

Monthly national campaigns are gradually being conducted with a view to preventing neglect, infractions and offences among minors, achieving the universal enrolment of school-age children and juveniles in general-education and vocational schools and finding them jobs.

Legal education classes have been introduced and preventive medicine units have been set up in general-education schools; lectures and talks on prevention and round tables and forums on such legal topics as "Youth against drugs", "No to drug addiction" and "The criminal responsibility of minors" are regularly held there. In the first 10 months of 2005, officials of the supervisory agency for cases involving minors held 5,192 talks and lectures on prevention.

With a view to protecting minors' rights, the Ministry of Internal Affairs, together with the voluntary foundation "Assistance for the Development of Legal Infrastructure and Legal Education", the international organization EveryChild and the supporting fund "Generation", held seminars on "The law and me" for the personnel of agencies dealing with minors.

The Ministry of Health is conducting an educational initiative on the prevention of HIV/AIDS and sexually transmitted diseases and measures to combat child and juvenile prostitution. Preventive medical examinations for juveniles are planned.

For the first 10 months of 2005, 1,464 children were examined for HIV/AIDS, none of whom were found to have the illness. As at 1 November 2005, 22 children had been born to parents infected with HIV; 6 had been discharged as healthy, 1 had died and 15 were under observation. As part of a project of the Global Fund to Fight AIDS, Tuberculosis and Malaria, these children receive support in the form of baby food for bottle feeding and pampers.

With financial support from the Global Fund, the national association "AIDS" conducted educational seminars for teachers at general schools in Issyk-Kul, Naryn, Talas and Chu provinces and in Bishkek on the topics of "A healthy lifestyle - the basis of HIV/AIDS prevention" and "Infections transmitted by sex or injection".

The nationwide availability of anonymous examinations for HIV/AIDS and pre- and post-test consultations for children and young people, as well as the operation of a confidential hotline have been a significant achievement.

From 2 to 5 July 2005, the leader and staff of the national association "AIDS", urban and regional representatives of the national administration and non-governmental organizations (NGOs) of the Issyk-Kul province, together with the staff and pupils of Bishkek Music School No. 4, took part in a trip to resort districts in Issyk-Kul province. The initiative was called "A happy childhood is a childhood without AIDS".

Prevention of drug problems among juveniles and their treatment merit special attention. In order to prevent drug addiction among young people in all educational establishments, concerted action is being taken to identify minors who make non-medical use of psychoactive substances. The self-help rehabilitation groups "Drug Addicts Anonymous" and "Alcoholics Anonymous" operate with assistance from the national drug-abuse centre.

In the first 11 months of 2005, 5,705 persons consulted doctors, 1,065 for problems associated with the abuse of psychoactive substances; 10 minors were registered with an established diagnosis and 14 minors appeared before a medical committee and were referred for treatment.

A total of 694 children in remand houses were examined; 7 were found to have syphilis, 2 had gonorrhoea, 38 had pyoderma and 46 had scabies.

The Bishkek juvenile population census, which yielded more specific data on minors from high-risk groups and low-income and dysfunctional families, found that 5,820 children were from low-income or socially dysfunctional families; 107 refugee children were registered with the Family Medical Centre.

In the first nine months of 2005, 62 homeless children were treated free of charge in the first-aid unit of the Bishkek paediatric clinic.

Recommendations have been drawn up for reuniting families and providing alternative arrangements for children with special needs. With financial support from Save the Children (Denmark), family resource centres have been established in orphanages, which care for children whose parents wanted to abandon them either because the children were disabled or because of the disorderly situation at home. Children are placed in the family resource centres for a

specified period or on a day-care basis until the parents are able to support them. Thanks to preliminary measures taken to prevent parents from abandoning their children, the number of abandoned children in orphanages is declining.

VI. INTERNATIONAL ASSISTANCE AND COOPERATION

Kyrgyzstan has cooperated primarily with the international agencies of the United Nations system working in Kyrgyzstan. These include the United Nations Development Programme, the United Nations Children's Fund (UNICEF) and the International Organization for Migration.

It should be noted that three international organizations participating in the interdepartmental commission on implementation of Kyrgyzstan's "New generation" programme for children's rights in Kyrgyzstan - UNICEF, Save the Children (United Kingdom) and EveryChild - coordinate their approach and activities with the measures to implement the "New generation" programme, for which they provide substantial financial support and assistance with information and methodology at the tactical and strategic levels. Save the Children (Denmark) also participates in the "New generation" programme.

UNICEF takes the lead in the implementation of the programme and is developing a unified system for protecting children. Its role is defined and supported by the conclusion on 4 February 2005 of the Agreement on Cooperation between the Government of the Kyrgyz Republic and the UNICEF representative in Kyrgyzstan for the period 2005-2010.

National and local government offices in all provinces and the towns of Bishkek and Osh make full use of the opportunities provided by international organizations to attract extrabudgetary resources. Further work needs to be done to strengthening the legal framework for the development of such activities and to ensure transparency in attracting and allocating extrabudgetary resources. Unfortunately, owing to Kyrgyzstan's economic difficulties, it has not been possible for all the measures of the "New generation" programme to be implemented in full.

Substantial assistance in the implementation of measures to prevent trafficking in persons is given by the International Organization for Migration, which provides ongoing support both for the implementation of specific measures and for advisory services.

In accordance with article 10, paragraph 3, of the Optional Protocol on the sale of children, child prostitution and child pornography, Kyrgyzstan has cooperated with international organizations with a view to establishing some of the causes of children's vulnerability to trafficking and prostitution - the root causes are poverty and economic backwardness. The Government is cooperating with all offices of the United Nations system based in Kyrgyzstan in measures to overcome poverty.

UNICEF provides a great deal of assistance in implementing article 10, paragraph 2, of the Optional Protocol, concerning international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.

The UNICEF Office in Kyrgyzstan is currently participating in a study on the harsh treatment of children without parental care in State-run boarding institutions, of disabled children with special needs living in special institutions, and of minors in correctional facilities.

The practice of art therapy is being developed with a view to overcoming the psychological consequences of violence in shelters for street children.

Measures are being taken to raise awareness among the general public, international donors and government bodies about the problem of trafficking in children. To that end, a national conference on child poverty was held in December 2004.

There are plans to carry out a project to prevent trafficking in children and child exploitation in 2006.

In order to assist children who are forced to work and subjected to exploitation, UNICEF conducts projects with working children in the Kelechek residential district of Bishkek to restore their rights, to help them to form social skills by promoting joint activities and informal contacts with children of the same age and adults, to provide support and constructive solutions to conflict situations, and to increase children's participation in the life of society and enable them to identify and solve problems. Seminars on leadership and participation are being held. A Russian-language club is in operation. Legal assistance is offered to children who need it, and psychological consultations and career guidance are provided. Research is being conducted into the problems experienced by working children and their families in urban districts with a high proportion of poor people.

VII. OTHER LEGAL PROVISIONS

In accordance with Government Decision No. 431 of 14 August 2001 on the "New generation" State programme for the rights of the children of Kyrgyzstan for the period up to 2010, ministries, departments and local government administrations have developed and are implementing practical measures, and have also established the personal responsibility of managers and officials for the implementation of such measures. The programme sets out the following strategies: ensuring higher priority for children's rights by improving the legal framework; training or further training of childcare professionals; provision of information and interaction with society; and improved material and technical resources.

Since 2002, Kyrgyzstan has been working with UNICEF to draft a children's code in the context of the "New generation" programme. The draft children's code was prepared by a working group comprising representatives of State bodies and voluntary and international organizations. On 28 December 2005, the Government adopted Decision No. 627 on the draft children's code of the Kyrgyz Republic, which has been submitted for consideration by the Zhogorku Kenesh (Parliament). The draft code covers issues relating to children's welfare from the legal point of view, including the questions of child labour, trafficking in children, child prostitution and child pornography and measures for their elimination. If the draft code is adopted by the Zhogorku Kenesh, the Government will establish a working group whose main task will be to bring the Kyrgyz laws and regulations into line with the Children's Code.

The Ombudsman (Akyikatchy) of Kyrgyzstan is taking steps to establish a juvenile justice institute; a number of the Ombudsman's proposals were included in the draft children's code. The Ombudsman intends to make further proposals on humanizing criminal policy relating to minors, on the use of measures in the administration of justice for minors other than deprivation of liberty, on the reduction of minimum sentences or periods in custody for minors and on the procedure for extending sentences or custody periods for minors.

At the invitation of UNICEF and EveryChild, Kyrgyzstan has been visited several times by the international project-assessment expert, George Lane, who has been studying the operations of OPSC projects in local government and provincial social protection offices with a view to making recommendations on their further improvement.

A great deal of effort is being made to involve schoolchildren in the education process and to improve their knowledge of their rights through teacher-pupil dialogues. Children's issues have been debated in the Zhogorku Kenesh, with the participation of the leaders of the Manas Jashtary association of children's organizations, and seminars and children's forums on the theme of "What can I do for my country?" have been held. There have been opinion polls and surveys on the Convention on the Rights of the Child, debates have been held in debating societies, school parliaments have been convened and there have been writing and drawing competitions. Activities have been organized on the theme "I have the right!" and posters and informational material have been published.

A programme has been developed to teach medical and social workers about the part of the Convention on the Rights of the Child that deals with children's health, and questions relating specifically to the Convention have been included in certification examinations for physicians and paediatricians. Questions about the Convention are also included in the qualifications and the list of questions for certifying teachers and school principals. Instructional materials requiring teachers to observe the Convention have been issued and, in order to achieve that purpose, teachers receive instruction in interactive teaching methods, including critical thinking. The Academy of the Ministry of Internal Affairs has introduced a special course on juvenile justice and the Convention on the Rights of the Child.

Under paragraph 7 of the Regulations on work with refugees in Kyrgyzstan, which was approved by Government Decree No. 188 of 4 April 2003 on approval of the Regulations on work with refugees in the Kyrgyz Republic, all applicants without identity documents, including children, must be registered and are entitled to education and health services. An order has been issued and transmitted to educational bodies and institutions on the enrolment in schools of children without a residence permit, as long as they have a reference from the housing or district administration, or personnel files, provided that they submit such documents within two months. The child must be enrolled in the local district school, whatever the status of that school.

Outreach activities are being carried out to make the population aware of the need to register newborn children. Measures are also taken to identify children without identity papers. Such children are registered on a temporary basis, in accordance with existing legislation.

In the interests of protecting the rights of minors who are under investigation, the application of the Code of Criminal Procedure of the Kyrgyz Republic is being closely monitored. While investigations are continuing, minors in detention centres are held separately from adults at all stages, from the moment of their arrest.

Registry offices are currently in the process of registering the civil status of refugees and their children and issuing certificates to them, provided that they have a document certifying their refugee status and a birth certificate signed by a doctor, in accordance with article 13 of the Refugee Act. However, subsequent checks have shown that, in 2004, 15.4 per cent of children were not registered. Most of those children were found in Bishkek (22.4 per cent) and in Chu province (27.4 per cent). More work will therefore have to be done to raise awareness and educate the public.

In order to protect the rights of minors subjected to cruel treatment, telephone hotlines have been set up and the numbers circulated to residents' committees and local community councils.

One of the main instruments for preventing trafficking in children, ratified under Kyrgyz law, is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Pursuant to the Act of the Kyrgyz Republic "to amend and supplement certain legislative acts of the Kyrgyz Republic", article 124 of the Criminal Code, entitled "Trafficking in persons", which applies also to minors, has been amended, and article 204-1, entitled "Organization of illegal migration", has increased the penalties for such offences.

According to information provided by the Border Service of the National Security Service of Kyrgyzstan, an illegal attempt to transport 31 female Kyrgyz nationals, aged 16 and over, across the border for employment in the sex trade in the United Arab Emirates was thwarted in 2004. In order to prevent trafficking in persons, flights to the United Arab Emirates, Turkey and a number of other countries are closely monitored. According to information provided by the Office of the Procurator-General, in 2004 the Uzgen district procurator's office instituted criminal proceedings against Ms. A. for having sold her child. She was found guilty and sentenced to imprisonment.

The Sezim Psychological Crisis Centre for families and women in Bishkek provides rehabilitation and reintegration services, including safe living conditions, individual consultations, psychotherapy and legal assistance for victims of trafficking in persons. With help from the office of International Organization for Migration in Kyrgyzstan, in April 2004 the security forces returned two under-age Kyrgyz girls from Azerbaijan, where they had been subjected to sexual exploitation. Upon their return, the girls underwent a rehabilitation course in the Sezim Psychological Crisis Centre. Similar assistance has been provided to over 30 minors who have suffered directly or indirectly from trafficking in persons.

In the town of Osh, the NGO Reproductive Health Alliance has opened a temporary shelter for victims of trafficking in persons, including children.

Efforts are being made to improve legal knowledge among minors. Lectures are delivered on legal questions, in accordance with the approved schedule of lectures to disseminate legal information and to raise legal knowledge among minors in general education and vocational schools.

In order to raise legal awareness among students, guidelines on the upbringing of schoolchildren and on the ethical, spiritual and moral education of young people have been prepared and a new subject, “Adep sabagy” (Moral Education) has been introduced. Schools have been equipped with special rooms and study corners devoted to legal information, a course on the individual and society is being taught and law enforcement officers and procuratorial and judicial officials are giving lectures and talks.

Within the framework of the Convention, seminars and lectures on children’s rights have been held for pupils and staff of special institutions for minors. The staff of special institutions for children are given courses in children’s rights.

On 15 and 16 December 2005, a national forum was held with a view to developing urgent measures to improve the situation of children in Kyrgyzstan, consolidate collective efforts and enhance the efficiency of cooperation between various organizations in solving problems relating to children.
