



Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/SR.1221
20 February 2007

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-fourth session

SUMMARY RECORD OF THE 1221st MEETING

Held at the Palais Wilson, Geneva,
on Monday, 29 January 2007, at 3 p.m.

Chairperson: Mr. DOEK

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Kyrgyzstan under the Optional Protocol on the involvement of children in armed conflict (continued)

Initial report of Kyrgyzstan under the Optional Protocol on the sale of children, child prostitution and child pornography (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.07-40281 (E) 080207 200207

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Kyrgyzstan under the Optional Protocol on the involvement of children in armed conflict (continued) (CRC/C/OPAC/KGZ/1; CRC/C/OPAC/KGZ/Q/1 and Add.1)

Initial report of Kyrgyzstan under the Optional Protocol on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSC/KGZ/1; CRC/C/OPSC/KGZ/Q/1 and Add.1)

1. At the invitation of the Chairperson, the members of the delegation of Kyrgyzstan took places at the Committee table.
2. Ms. ABDULLAEVA (Kyrgyzstan) said that in 2006 about 10 per cent of the national budget had been allocated to education, health and social welfare. As one of the ministries in charge of implementing the “New generation” programme, the Ministry of Labour and Social Protection had invited organizations to apply for funds to work with children with disabilities and other vulnerable groups of children. There was no budget provision for NGOs, since those organizations received funds through the tender system. Many NGOs provided better services than the State.
3. Ms. BOROMBAEVA (Kyrgyzstan) said that most of the provisions of the Convention on the Rights of the Child and its two optional protocols were reflected in Kyrgyzstan’s domestic legislation. In particular, articles 156 and 157 of the Criminal Code prohibited the enticement of minors into the commission of an offence, prostitution or the commission of sexual acts or activities related to the production of materials or articles of a pornographic nature. Those offences were punishable by up to three years’ imprisonment. Anyone found guilty of organizing a prostitution ring could be imprisoned for up to five years, and the production, sale, dissemination and advertising of pornography was punishable by up to two years’ imprisonment. Article 224 of the Criminal Code specified that the recruitment, transport or sale of an individual was punishable by up to eight years’ imprisonment. A national office had been established to prevent trafficking in persons, and a national council coordinated the efforts of law enforcement bodies to prevent trafficking, prostitution and pornography. The national council sought to raise public awareness about trafficking, proposed preventive measures to the Government and provided support to the victims of trafficking. No data was currently available on the involvement of children in trafficking, prostitution or pornography.
4. Kyrgyzstan had been one of the first former Soviet republics to establish a family code. Article 129 of the Family Code provided that children could be adopted only when it was in their best interests. Adoptive parents had to be able to provide for the child’s physical, spiritual, mental and moral education, and siblings had to be adopted into the same family. Foreigners could adopt non-Kyrgyz children or stateless children living in Kyrgyzstan only if it was not possible to reunite the children with their biological families or to have them adopted by a Kyrgyz family.
5. Mr. KOTRANE asked whether the possession of child pornography was prohibited under the Criminal Code.

6. Ms. VUCKOVIC-SAHOVIC asked whether all the provisions of the Optional Protocol had been incorporated into Kyrgyz legislation. She wished to know whether the Optional Protocol had ever been invoked in a domestic court. She wished to know the number of cases of trafficking in persons that had been reported in 2004 and 2005, how many of those cases had been prosecuted and what the penalties had been.
7. Mr. ZERMATTEN asked whether the Government planned to ratify the Hague Convention on the Protection of Children and Cooperation with respect to Inter-Country Adoption.
8. Ms. KHATTAB asked what procedures a foreigner had to follow to adopt a child from Kyrgyzstan, which body regulated such adoptions, and what costs were incurred.
9. The CHAIRPERSON asked whether it was illegal to procure a child for the purpose of adoption.
10. Ms. BOROMBAEVA (Kyrgyzstan) said that the Ministry of Education had implemented several measures to improve the quality of education in schools, particularly in rural areas. A voucher system had been introduced to encourage teachers to participate in training courses. Steps had been taken to improve access to education, including the provision of education grants amounting to US\$ 15 million.
11. A total of 36 Kyrgyz children who had been living in boarding schools in the Russian Federation had recently returned to Kyrgyzstan. Most of those children's parents had left Kyrgyzstan to work abroad. The Government had received requests from the authorities in the Russian Federation to trace the relatives of 23 Kyrgyz children currently living in Russian boarding schools. Efforts were being made to ensure that those children returned to Kyrgyzstan before the end of 2007.
12. For the first time in 15 years, the Government had carried out major repairs at a number of boarding schools and orphanages. The boarding schools offered correspondence and evening courses. Particularly gifted children were sent to special classes elsewhere. Children taking classes at boarding schools and who also had jobs received tutoring to help them keep up with the other pupils. There were special boarding schools for children with disabilities. Many children with motor impairments were enrolled in regular schools. The Government also promoted external courses. Educational programmes were being introduced for children with special needs.
13. The CHAIRPERSON asked whether Kyrgyzstan had taken any measures to prevent children, especially girls, from dropping out of school and to encourage dropouts to return.
14. Mr. USENALIEV (Kyrgyzstan) said that, in the academic year 2005/06, free meals had been provided under the State budget to children in the first four grades in all schools throughout the country, and many children had remained at school for that reason. While general secondary schooling was free in Kyrgyzstan, additional fees sometimes had to be paid for classes that prepared students for university studies. There were also private schools. Progress had been made in ensuring that girls in rural areas received an education. Currently, roughly the same number of boys and girls attended school.

15. Children awaiting international adoption usually had developmental problems or disabilities and required some form of assistance. Once such children were adopted, a Kyrgyz consular officer visited them every six months to see how they were being treated. His delegation would appreciate any suggestions on how best to conduct such monitoring. Kyrgyzstan had also been drawing on the experience and recommendations of international adoption services.

16. Ms. BOROMBAEVA (Kyrgyzstan) said that the national guardianship agency was the sole body authorized to carry out adoptions. The heads of educational, medical and social welfare institutions must inform the guardianship agency within seven days after they received a child for placement in a family. The guardianship agency had 30 days to arrange for the child's placement with citizens residing in Kyrgyzstan. Where that was not possible, the details of the case were referred to the higher authorities. The procedure for providing data on such children was decided by the Government. The guardianship agency must not take part in adoptions for commercial purposes. Foreign organizations could submit applications for adoptions if they had branches in Kyrgyzstan, but they could not conduct their activities for commercial purposes. The Ministry of Foreign Affairs and the Ministry of Education and Culture were responsible for devising and monitoring the procedures for foreign adoptions. The personal participation of applicants for the adoption of a child was mandatory, and applicants had to meet the criteria set out in the Civil Code. An article in the Children's Code specified the adoption services to be provided. Adoption by foreign citizens could take place solely on the basis of a court decision.

17. The CHAIRPERSON said that, according to the written replies (CRC/C/OPSC/KGZ/Q/1/Add.1), 45 children had been removed from children's homes for adoption by foreigners who had circumvented the required judicial channels, and many of those children were under 1 year old. The delegation should clarify that information.

18. Ms. ISABAEVA (Kyrgyzstan) said that 47, and not 45, children had been taken from children's homes. The statistics in the written replies, which were broken down by country, concerned cases of international adoptions that had been approved by the courts. Adoptive parents must report regularly on how the child was faring. Kyrgyzstan's consular officers carefully monitored the situation of children who had been adopted by foreign parents.

19. The CHAIRPERSON asked how many persons who went abroad in search of work took their children with them.

20. Ms. VUCKOVIC-SAHOVIC asked whether children could apply to the authorities for assistance in finding work abroad.

21. Ms. ISABAEVA (Kyrgyzstan) said that, since it was illegal to hire minors to work abroad, there had been no reported cases of children in that category.

22. Mr. USENALIEV (Kyrgyzstan) said that parents who went abroad often took their children with them. If they found no work, they sometimes placed their children in homes in those countries. In December 2006, the Ministry of Education had established a department to protect the rights and interests of such children. The department had set up a hotline to inform children living abroad about their rights; a website would soon be created for that purpose.

23. Ms. BOROMBAEVA (Kyrgyzstan) said that, under the Labour Code, children aged 14 years and older could carry out remunerated activities with the written approval of a parent or guardian. Kyrgyzstan had been conducting major awareness-raising activities in order to combat the worst forms of child labour. It had signed an agreement with the International Labour Organization (ILO) on cooperation in that area, and a major programme involving all ministries and departments, NGOs, trade unions and employers would soon be launched to combat child labour abuses. In 2006, meetings and seminars on aspects of child labour had been held in a number of regions and cities throughout the country with a view to informing the population about the activities of the relevant international organizations. The heads of local and regional administrations must report on progress made in preventing child labour abuses. A study on the situation of children involved in the worst forms of child labour would be published and made available to the population by September 2007.

24. With support from the International Organization for Migration, hotlines had been set up in seven regions and two cities to provide assistance to victims of trafficking in persons. The Criminal Code had been amended to incorporate provisions against trafficking in persons, and criminal responsibility for that offence applied also to legal entities. At the end of 2006, three “tourist” bureaux implicated in trafficking had been closed down.

25. Ms. ABDULLAEVA (Kyrgyzstan) said that the Ministry of Labour and Social Protection had taken measures to combat the worst forms of child labour. In 2006, 100 enterprises had been inspected; when cases of child labour had been uncovered, administrative proceedings had been instituted. Information on the worst forms of child labour was broadly disseminated in the form of booklets published with the help of international organizations.

26. According to statistical data from 2000, the number of poor families was much greater in rural areas. As a result, the Government had undertaken development programmes and implemented a national poverty reduction strategy, which had contributed to reducing the poverty rate to 43 per cent in 2005. An NGO project conducted in 1999 to increase the income of poor families and encourage their children to attend school was currently being implemented throughout the country.

27. Low-income families in Kyrgyzstan received a monthly allowance. That allowance should be increased, since it did not enable such families to have a normal standard of living. Other measures to assist families included the identification of the needs of rural families, microcredit and low-interest loan schemes, the distribution of benefits on an annual basis in order to enable families to invest that capital, and projects to encourage savings through reduced expenditure.

28. Mr. SUBANOV (Kyrgyzstan) said that the Criminal Code did not contain a double criminality requirement.

29. Kyrgyzstan had two adaptation and rehabilitation centres for juveniles, one in the south of the country and another in Bishkek. Within the Ministry of Internal Affairs, a juvenile affairs department was working on measures to ensure compliance with the law; the department

received support from the relevant State bodies, NGOs and international organizations. Lectures were held in schools to increase young people's awareness of Kyrgyz legislation and to dissuade them from committing offences.

30. Mr. ZERMATTEN asked whether the Kyrgyz legislation still considered child victims of exploitation as criminals.

31. Mr. KOTRANE asked whether forced child labour was prohibited by law and whether it was punishable in the same way as the sale of children.

32. Ms. BOROMBAEVA (Kyrgyzstan) said that child victims were not considered criminals and received all the necessary assistance. Kyrgyzstan had introduced amendments to the Criminal Code that provided for the protection of victims who were willing to cooperate with the judicial system, which enabled such persons not to incur criminal responsibility.

33. Ms. ABDULLAEVA (Kyrgyzstan) said that the phenomenon of street children and children deprived of parental care had begun to appear during Kyrgyzstan's transition to a market economy, which accounted for the lack of legislation on the subject. With the help of the United Nations Children's Fund (UNICEF), Kyrgyzstan had adopted legislation on shelters for children. The Swedish International Development Cooperation Agency had helped set up a two-year programme, involving the police, schools and local authorities, to protect children at risk and children with disabilities. One of the Agency's centres had worked with 161 of Kyrgyzstan's most vulnerable families in order to enable their children to attend evening classes or enrol in vocational schools. A hotline provided psychological assistance and counselling. Thirteen programmes had provided children, including orphans, with vocational training.

34. Ms. BOROMBAEVA (Kyrgyzstan) said that, in 2006, with support from international organizations, all judges in the various regions of Kyrgyzstan had received training in such issues as trafficking in children.

35. The Government was currently considering the establishment of a children's ombudsman, which would improve coordination and data collection and ensure enforcement of the Children's Code. Kyrgyzstan was counting on further technical assistance and support from international organizations and donor countries for the protection of children.

36. Kyrgyzstan cooperated with neighbouring countries in the promotion of children's rights, and representatives of Kyrgyzstan had visited Moldova and Lithuania to learn from their experience in children's issues. In December 2006, the first Child Protection Forum of Central Asian Countries had been held in Kazakhstan, and Kyrgyzstan would host the second forum in 2007.

37. Mr. USENALIEV (Kyrgyzstan) said that, together with the international organization Helvetas, the Government had developed a pilot programme to provide vocational training to young people living in the mountainous region of the country. Kyrgyzstan was committed to improving the quality of education in its schools and had signed an agreement to participate in the Programme for International Student Assessment survey. The results of the survey would be available in two years.

38. Ms. BOROMBAEVA (Kyrgyzstan) said that, contrary to popular belief, bride kidnapping was not a tradition in Kyrgyzstan, and the Government was making efforts to stop that practice. In cooperation with NGOs, it had set up 12 crisis centres throughout the country to provide assistance to victims of bride kidnapping and domestic violence. In 2005, there had been 18 cases of bride kidnapping, and all the perpetrators had been prosecuted. A large-scale public awareness campaign had been organized to publicize the fact that bride kidnapping was a crime, and a television programme on the subject had been shown in schools to sensitize young people to the problem. Kyrgyzstan was in favour of establishing a special agency to deal with issues relating not only to children but also to young people. To that end, it was currently in the process of reviewing its State Youth Policy.
39. Mr. SUBANOV (Kyrgyz Republic) said that the Criminal Code prescribed a sentence of from two to three years' imprisonment for bride kidnapping.
40. Ms. KHATTAB asked whether steps were being taken to change customs in southern Kyrgyzstan that prevented girls from attending school. She enquired whether there were any special programmes for girls and whether any efforts were being made to change society's attitudes towards girls.
41. Mr. FILALI asked what sort of protection was provided to the children who were forced into marriage.
42. Mr. SUBANOV (Kyrgyzstan) said that, when a girl complained to the police that she had been the victim of a forced marriage, the perpetrator who had committed that crime bore full criminal responsibility for his actions.
43. Ms. BOROMBAEVA (Kyrgyzstan) said that there were no obstacles to prevent girls from attending school.
44. Ms. SMITH asked whether Kyrgyzstan maintained extraterritorial jurisdiction over the offences enumerated in the optional protocols.
45. Mr. KOTRANE asked whether the Criminal Code of Kyrgyzstan contained the requirement of double criminality.
46. Mr. SUBANOV said that there was no provision on double criminality in the Criminal Code. That meant that a Kyrgyz national who committed an act abroad that was defined as a crime in Kyrgyzstan could be tried for that crime in Kyrgyzstan, regardless of whether that act was criminalized in the legislation of the country in which it had been committed.
47. Ms. LEE (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) commended the State party for its efforts to comply with the Optional Protocol on the involvement of children in armed conflict. In its recommendations to the State party, the Committee would emphasize that Kyrgyzstan's "New generation" programme for children's rights should receive adequate financial and human resources, and that an impact assessment should be conducted to expedite the process of establishing a children's ombudsman. She hoped

that the record of the delegation's dialogue with the Committee and the Committee's concluding observations and recommendations would be made available to the general public, in particular to children.

48. Ms. VUCKOVIC-SAHOVIC (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) took note of the many improvements that Kyrgyzstan had made in the areas of training, education and prevention with respect to the Optional Protocol on the sale of children, child prostitution and child pornography. The Committee would recommend that Kyrgyzstan should amend its legislation to incorporate the acts and activities enumerated in article 3 of the Optional Protocol. Other recommendations would refer to the need for both an independent and State system to monitor respect for children's rights under the Optional Protocol. If necessary, Committee members could visit Kyrgyzstan to provide assistance in implementing the Optional Protocol.

49. Ms. BOROMBAEVA (Kyrgyzstan) said that, on her return to Kyrgyzstan, she would hold a press conference in order to inform the Kyrgyz population of the Committee's comments and concerns.

50. The CHAIRPERSON said that Kyrgyzstan was one of the few countries to have ratified all seven of the United Nations human rights treaties. That was evidence of its strong commitment to building a comprehensive culture of human rights.

The meeting rose at 5.20 p.m.