



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD
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**WRITTEN REPLIES BY THE GOVERNMENT OF THE KYRGYZ REPUBLIC
CONCERNING THE LIST OF ISSUES (CRC/C/OPAC/KGZ/Q/1) RECEIVED
BY THE COMMITTEE ON THE RIGHTS OF THE CHILD RELATING TO
THE CONSIDERATION OF THE INITIAL REPORT OF THE KYRGYZ
REPUBLIC UNDER ARTICLE 8 (1) OF THE OPTIONAL PROTOCOL
TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE
INVOLVEMENT OF CHILDREN IN ARMED CONFLICT
(CRC/C/OPAC/KGZ/1)***

[Replies received on 8 January 2007]

* 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.

Reply by the Government of the Kyrgyz Republic to the list of questions relating to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

The Government of the Kyrgyz Republic has considered the list of questions relating to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/KGZ/1) and wishes to submit the following information.

1. Whether there is any legal provision, which prohibits the involvement in hostilities of a person under the age of 18

Pursuant to article 10 of the Compulsory Military Service for Citizens of the Kyrgyz Republic Act, male citizens under the age of 18 are not called up for active military service.

Under the rules set out in article 3 of the above-mentioned act, female citizens of the Kyrgyz Republic with medical and other specialized training may be admitted to military service but only on a voluntary basis and upon attaining the age of 19.

Article 124 of the Criminal Code of the Kyrgyz Republic lays down criminal penalties for the use of minors in armed conflicts (as elaborated in the interpretation provided in the note to that article).

2. Disaggregated data by age and sex on the number of children under 18 pursuing their studies at a military academy; details of the school curricula and the age at which practice with weapons begins; percentage of graduates who join the armed forces

Number of pupils at the Dair Asanov Kyrgyz State Military High School

	2003/2004	2004/2005	2005/2006
Total number of pupils (<i>at beginning of school year</i>)	550	550	550
Of which, aged			
13	2	2	-
14	104	97	153
15	241	212	233
16	121	200	59
17	76	37	101
18	6	2	4

Number of pupils at the Kalyinur Usenbekov Higher Military College of the Kyrgyz Armed Forces in Bishkek

	2005/2006
Total number of pupils (<i>at beginning of school year</i>)	104
Of which, aged	
17	26
18	78

As set out in the instructions on the procedure for enrolment of military servicemen in military schools, ratified by order No. 149 of 11 May 2006 of the Minister of Defence of the Kyrgyz Republic, applicants signing contracts on the performance by them of military service must produce a written certificate from one of their parents or a guardian, tutor or adoptive parent.

All graduates from military colleges continue their military service at officer rank in the armed forces of the Kyrgyz Republic, except for those discharged from military service for reasons of health or family circumstances.

Schoolchildren attend classes in military preparation and patriotism as part of their pre-prescription preparatory course, for which two hours a week are assigned in the curriculums of general-education schools for pupils in grades 10 and 11 (ages 15 and 16). Using the time set aside for their pre-prescription preparatory classes, training and field exercises are held over a period of three days (18 hours) in April and May, conducted together with the Ministry of Defence of Kyrgyzstan, during which pupils in the 11th grade learn to handle weapons and are taught how to shoot. Girls undergo practical training in medical facilities in medical and nursing duties (18 hours). In higher educational establishments, male students attend classes in military faculties while female students receive training in nursing.

3. Complaints and investigation mechanisms that are available to children attending military academies, and how frequently such mechanisms are used

In accordance with the provisions of chapter 5 of the disciplinary code of the armed forces of the Kyrgyz Republic, as adopted by Act No. 116 of 7 August 1998, all military servicemen have the right to submit complaints about unlawful actions against them by commanding officers (supervisors) or other military servicemen, about breaches of rights and privileges accorded under law and about failure to provide the prescribed allowances. Complaints are submitted to the immediate superior of the person whose acts are the subject of the complaints and, if the complainant submitting the complaint is not aware of the identity of the person responsible for breaching his or her rights, the complaint is submitted to his or her own immediate superior. Military servicemen are also entitled to submit complaints to the courts. In addition, the same chapter of the disciplinary code sets out the procedure for the consideration of complaints from military servicemen.

4. Information on programmes, including on budget and staff, for children arriving in Kyrgyzstan (with or without parents or relatives) from countries with (current or recent) armed conflicts and on the number of child victims of armed conflicts outside Kyrgyzstan who have benefited from such programmes

As at 1 December 2006, there were 324 refugee children in the territory of Kyrgyzstan.

Given that refugee children constitute one of the population's most vulnerable groups, protection of their rights and interests and the provision to them of educational services and medical assistance constitute an integral part of the State policy of Kyrgyzstan.

These matters are dealt with under the “New Generation” State programme for the period up to 2010 to give effect to the rights of children and by the State legislation on refugees.

Under the provisions of paragraphs 33, 34, 35 and 36 of the regulations on measures for refugees, children from refugee families are entitled to education under the Kyrgyz Education Act. Children of school-going age from refugee families resident in a given school’s catchment area are admitted to the school in question, regardless of whether or not they are in possession of school records. Special facilities are set in place in general-education schools to ensure the social adaptation of children from refugee families. Orphans, abandoned children and children with special needs from the refugee community are assigned in the prescribed manner to children’s homes and to appropriate boarding establishments.

Thus, during the military conflict in Tajikistan, 470 refugee children received education in seven schools in Batken province. Fifteen classes were set up offering Tajik-medium tuition and one Tajik-medium school was organized. In addition, refugees with teaching qualifications and experience of work as teachers are employed in schools: 32 such teachers have been employed from among the refugees from Tajikistan.

There are still instances, however, where refugee children do not attend school because of the straitened material circumstances of their parents and the lack of funds to purchase schools supplies, clothing and footwear. This applies mainly to pupils in higher classes, who are constrained to seek paid employment to help with their families’ financial problems.

The Office of the United Nations High Commissioner for Refugees (UNHCR) and other international organizations are actively involved in the conduct of educational and other programmes for refugee children.

In order to ensure that refugees have access to free medical services, under an agreement between the Ministry of Health of Kyrgyzstan and UNHCR, a process of registering refugees is under way and the refugees are being issued World Health Organization (WHO) health insurance. As at 7 December 2006, 1,347 refugee children had been registered (73 aged 0-4 and 1,274 aged 5-17). Among these 35 and 571, respectively, were boys and 38 and 703, respectively, girls. Of the total number of refugee children, 461 are from Tajikistan, 76 from Afghanistan, 42 from Chechnya and 27 from other countries. Medical services are provided for children from WHO funds. No special budget has been allocated to pay staff for the provision of medical services to refugee children.

UNHCR has undertaken to fund the provision of medical insurance for refugee families and their children. An agreement to that end has been concluded between UNHCR and the Ministry of Health.

The regulations on the issuance of birth certificates are set out in article 13 of the country’s Refugees Act, pursuant to which order No. 350 was issued by the Ministry of Justice of Kyrgyzstan on 31 March 2003, obliging the civil registration authorities to register the birth of refugee children born in the territory of Kyrgyzstan.

In 2004, work commenced on the implementation of an agreement with Tajikistan on a simplified procedure for the granting of Kyrgyz citizenship to Tajik refugees. Over the period 2004-2006, under this agreement, some 4,000 persons received Kyrgyz citizenship, including more than 1,500 children.

Previously, under the standard arrangements, 1,669 Tajik refugees, some of them children, had already obtained Kyrgyz citizenship and more than 2,000 persons had exchanged 1974-model USSR passports for new Kyrgyz passports.

Currently one of the remaining problems relating to the integration of refugees is the need to ensure their social and legal protection. Under the Convention on the Rights of the Child, States are obliged to uphold the right of every child to the benefits of social welfare.

5. Information on the competent governmental departments or bodies responsible for the implementation of the Optional Protocol and their coordination with regional and local authorities and with civil society, and also on the availability of mechanisms for monitoring and periodically evaluating its implementation

The following are the main bodies and institutions responsible for giving effect to the Optional Protocol. The President of Kyrgyzstan determines the general policy. The Government of Kyrgyzstan carries out the tasks assigned to it by the President. The ministries most closely involved in this work include the Ministry of Education, Science and Youth Policy, which ensures access to education and is concerned with issues of care and guardianship; the Ministry of Labour and Social Welfare, which provides social protection for the population; the Ministry of Health, which ensures protection of people's health; the Ministry of Internal Affairs, which is concerned with preventing breaches of the law; the Ministry of Defence, which is responsible for the pre-prescription preparation of minors; the State Committee for Migration and Employment, which deals with matters relating to refugee children and the problems of child trafficking.

At the local level these functions are performed by local State administrative bodies and other local authorities and also by the local branches of the above-listed ministries. State bodies at all levels work in close liaison with international and non-governmental organizations.
