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THE REPORT OF THE 1ST CHILD PROTECTION FORUM OF CENTRAL ASIAN COUNTRIES

«THE SOCIAL AND LEGAL SUPPORT SYSTEM FOR FAMILIES AND CHILDREN IN CENTRAL ASIA»



Astana, December 6-7, 2006

unite for
children





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Acronyms

ADB	Asian Development Bank
AIDS	Acquired Immune Deficiency Syndrome
CA	Central Asia
CAR	Central Asian Region
CEE	Central and East Europe
CEDAW	Convention to Eliminate All Forms of Discrimination Against Women
CIS	Commonwealth of Independent States
CRC	Convention on the Rights of the Child
EU	European Union
GDP	Gross Domestic Product
HIV	Human Immunodeficiency Virus
ILO	International Labour Organization
IOM	International Organization for Migration
IPEC	International Programme on the Elimination of Child Labour
IT	Information Technology
KR	Kyrgyz Republic
NGO	Non-Governmental Organization
OECD	Organization for Economic Cooperation and Development
ORA	International – Christian relief and development organization
PC	Per Capita
RK	Republic of Kazakhstan
RU	Republic of Uzbekistan
STI	Sexually Transmitted Infection
TOR	Terms of Reference
UN	United Nations
UNDR	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	UN Children's Fund
USA	United States of America
USD	United States Dollar
USAID	United States Agency for International Development
WB	World Bank
WHO	World Health Organization

Introduction

The First Child Protection Forum for Central Asian countries was held in Astana on December 6-7, 2006. The outcomes of the Forum are given in this report. This report includes documents from the forum and analysis of the current situation with regard to child protection in Central Asian countries. It also describes the prospects for child protection in this region. The report consists of an introductory section, three chapters, a summary and appendixes. Chapter 1 is devoted to general legislative characteristics of child protection in Central Asian countries, infrastructure and coordinating mechanisms for implementation of the UN Convention on the Rights of the Child. The outcomes of the first Child Protection Forum, its goals and targets are considered in Chapter 2. This chapter includes the text of the Forum Resolution, working mechanisms and indicators for measuring the effectiveness of the Forum's performance. The prospects for child protection in the Central Asian region are considered in Chapter 3, taking into account regional economic growth and demographic trends. The appendixes to the report include the Forum program, list of participants, information about speakers, fact sheets on child protection in Central Asian countries, presentations of reports and a summary table of the concluding outcomes of the UN Committee on the Rights of the Child in supplement to periodic reports.

Chapter 1

The current status of child protection in central Asian countries

1.1. Country profile

The Central Asian countries signed and ratified the UN Convention on the Rights of the Child between 1992 and 1994¹. In doing so they acknowledged that child protection is a national priority. A growing interest has been discernible in recent years in CAR in relation to child protection issues as the basis for transition to a social support system focused on children.

National inter-departmental bodies have been identified in Kazakhstan and Tajikistan as responsible for child protection issues to ensure a substantial contribution to the policies and decision making process for the most significant issues. The CAR governments have undertaken a number of initiatives to implement special recommendations of the UN Committee on the Rights of the Child. For example, Uzbekistan and Kazakhstan have been considering the possibility of establishing independent bodies on monitoring child rights, such as an Ombudsperson on the rights of the child.

However, efforts undertaken in the social reforms system are concentrated primarily on mitigation of impact of social factors on children and much less on strengthening the family and social services to prevent the disintegration of families. The CAR countries' official statistics state that more than 62,000 children under 18 years old were reared outside their biological families in 2003 or were in foster care by place of their residence or were adopted. This is an additional 10,000 children in care compared with 1990. Placement of children in children's homes for a number of CAR countries is the only way to deal with numerous family problems such as poverty, unemployment, children's diseases or physical disability. Families with many children, families living in remote rural districts where there are no schools available and families with disabled children have to rely on the system of boarding schools which takes the economic burden off the parents' shoulders. Moreover, many parents believe that institutional establishments are not harmful to the child².

Alternatives to child rearing are being developed in all Central Asian countries except Uzbekistan, including adoption and foster care. However, the number of children in state institutional facilities is growing. The current practice shows that children placed in state institutions are outside their families, and are in an unfavourable environment for development, especially younger children. The tendency, where the number of children placed in official institutional care facilities is increasing, speaks of the fact that there is no harmonious support system for families capable of reducing the number of broken families.

The problem of stigmatisation and discrimination of children with special needs and their placement in official institutional facilities is common to all CAR countries. A study conducted by UNICEF and ORA International in Tajikistan revealed a number of causes for institutionalization of disabled children³. Boarding schools, in the opinion of parents, is the only place where a child can receive specialized medical care and education based on the child needs. It is also difficult for families to cope with the physical and psychological problems of a child; for single mothers it is practically impossible to take care of a disabled child. One more important reason for the continued institutionalization of so many

¹ The Republic of Kazakhstan (11.09.1994), Kyrgyz Republic (6.11.1994), Tajik Republic (25.11.1993), Turkmenistan (19.10.1993), and Republic of Uzbekistan (29.07.1994) – the given data are provided by dates of the country joining the UN Convention on the rights of the child. See Status of ratifications of the principal international human rights treaties, Office of the United Nations High Commissioner for Human Rights, as of 14 July 2006, resource accessed on December 18, 2006 <http://www.ohchr.org/english/bodies/docs/status.pdf>

² The Problems of Child Protection and Care in Kyrgyzstan by G. Virdee and R. Zimmerman, UNICEF, 2002, p. 7. Resource accessed 5.10.2006 at http://www.ceecis.org/child_protection/word/KyrgyzCP02.doc

³ "A dove should be with other doves". An investigation into the reasons why children with disabilities in Tajikistan are placed into institutional care and what it would take for families to be able to bring up their children in a community setting. ORA International Tajikistan, August 2003, pp. 3-6

disabled children is the intolerance of the community and public to people who have a medical condition, or look or act different due to a disability. Sociological research conducted in Tashkent in 2005 established that 65.4% of disabled children in specialized boarding schools have both parents alive⁴. In spite of the fact that the Forum promotes the concept of inclusive education for such children in the CAR countries, this issue still needs to be seriously addressed by appropriate legislation.

It is known that approximately 10% of deaths among under-5s are related to external factors, including unintended and intended mutilations. In this context attention should be drawn to the use of corporal punishments as the most frequent display of domestic violence. Great concern arises about the general lack of parental skills in child rearing. Unfortunately, the existing system of child protection often fails to detect the early signs of child abuse, and is not equipped to respond to such situations in a timely way. It is necessary to make the environment for children safer and friendlier through work at all levels, starting with policy formulation and ending with community action. To ensure maximum impact of such measures it is necessary to consider the issues of sexual exploitation and violence, as well as HIV/AIDS.

A number of countries in Central Asia have taken steps to improve the situation of young people in conflict with the law and have started to revise national legislation accordingly. For instance, a juvenile justice programme was launched in pilot areas of Tajikistan. As of today there are no data about the number of children imprisoned, reasons for their detention and the amount of time spent in closed institutions⁵.

One more vital issue is child labour, in particular, its new forms and also the growing number of working children in Central Asia. Under national legislation child labour is forbidden throughout the region. Nevertheless, often the economic realities of families outweigh the legal provisions about the rights of the child and make it necessary to use child labour⁶.

Non-availability of data on child protection is one more issue that Central Asian countries face.

1.2. Legislation

Central Asian countries have ratified the Convention on the Rights of the Child alongside other international treaties related to child protection (See Table 1). By joining the UN Convention on the Rights of the Child, Central Asian countries have demonstrated their commitment to comprehensive protection of and the best maintenance of children's interests. Ratification of the Convention presupposes a wide range of commitments and obligations that have led to calls for comprehensive revision of current legislation and related mechanisms. The CAR governments have undertaken measures to bring national legislation in line with the norms of international law in relation to child protection since the beginning of the 1990s. For instance, the following laws have been adopted in the RK: «On education», «On the rights of the child», «On the state youth policy», «On marriage and family», «On public welfare payments to the families with many children», «On prevention of offences among minors and warning of children's neglect and homelessness», «On children's villages of a family type and houses of youths» and others. The Kyrgyz Republic has adopted the Code of the KR on children, the Civil Code, the Family Code, the Labour Code, laws «On social-legal protection from domestic violence», «On prevention and struggle against trade in people», the Decree of the KR President «On pressing measures for improvement of the children's situation in the Kyrgyz Republic». Legislation in the Republic of Tajikistan includes laws that take into account the needs of families and children. So, in addition to its Constitution, the Republic Tajikistan has adopted the Family Code, laws «On protection of health of the population» and «On social protection of invalids». Turkmenistan has passed the laws: «On the rights of children», «On guarantees of the rights of children» and «On warranties of the rights of the young people». The national legislation of the Republic of Uzbekistan has incorporated

⁴ The analytical report on organization of the social protection system for children with psycho-physical development dysfunctions in the Republic of Uzbekistan. The Republican Centre for Social Adaptation. UNICEF, 2006. Page 24

⁵ TransMonee database 2006 (6.E)

⁶ "Publication of report on child labor in the cotton fields." IOM-Tajikistan Newsletter, July-September 2004. "Identifying priorities: school desk or cotton field." Community situation indicators bulletin. Oxfam, 2005; Rapid assessment of informal employment of children in urban and rural areas of Uzbekistan. UNICEF/ILO, 2005, p. 25

Table 1
International treaties on child protection
ratified by the CAR states

	Kazakhstan	Kyrgyzstan	Tajikistan	Turkmenistan	Uzbekistan
Optional protocol on child participation in military conflicts ¹	10.05.2003	13.09.2003	5.09.2003	29.05.2005	
child trafficking, child prostitution and pornography ²	18.01.2002	12.03.2003	5.09.2002	29.04.2005	
Convention on banning all forms of discrimination of women	25.09.1998	12.03.1997	25.11.1993	31.05.1997	18.08.1995
ILO Convention 138 ³	18.05.2001	31.03.1992	26.11.1993		There is draft law on signatory to ILO Conventions 138 and 182 in Uzbekistan
ILO Convention 182 ⁴	26.02.2003	11.05.2004	08.06.2005		
Additional Protocol to the Geneva Conventions of 12.08.1949 (Protocol 1) ⁵	05.05.1992	18.09.1992	13.01.1993	10.04.1992	08.10.1993
Additional Protocol to the Geneva Conventions of 12.08.1949 (Protocol 2) ⁶	05.05.1992	18.09.1992	13.01.1993	10.04.1992	08.10.1993
Protocol to prevent, suppress and punish trafficking in persons ⁷		2.10.2003	08.11.2002 (a)	28.03.2005 (a)	
International Convention on the protection of all migrant workers ⁸		1.01.2004	1.07.2003		

Sources: Status of ratifications of the principal international human rights treaties, Office of the UN High Commissioner for Human Rights, as of 14 July 2006; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, resource accessed on December 19, 2006 at <http://www.unodc.org/unodc/crime_cicp_signatures_trafficking.html>; ILOLEX Database of International Labour Standards, resource accessed on December 19, 2006 at <<http://www.ilo.org/ilolex/english/newratframeE.htm>>; International Humanitarian Law - Treaties and Documents, resource accessed December 19, 2006 at <<http://www.icrc.org/ihl.nsf/Pays?ReadForm>>

¹ Optional Protocol to the UN Convention on the Rights of the Child on children's inclusion in military conflicts. New-York, May 25, 2000.

² Optional Protocol to the UN Convention on the Rights of the Child on trafficking in children, child prostitution and pornography. New-York, May 25, 2000.

³ ILO Convention №138 on the minimum age for employment (1973).

⁴ ILO Convention №182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

⁵ Additional protocol to the Geneva Conventions of August 12, 1949 on Protection of Victims of International Armed Conflicts (Protocol I). Geneva, June 8, 1977.

⁶ Additional protocol to Geneva Conventions of August 12, 1949 on Protection of Victims of International Armed Conflicts (Protocol II). Geneva, June 8, 1977.

⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Adopted by the UN GA Resolution 55/25 on 15.11.2000.

⁸ International Convention on the Protection of All Migrant Workers and Members of their Families. Adopted by the UN GA Resolution 45/158 on 18.12.1990.

the basic norms of the Convention in its laws. In 2006 the Government of Uzbekistan developed drafts of two laws: «On guarantees of the rights of the child» and «On juvenile justice». The law «On guarantees of the rights of the child» has been passed later now forms the basis for further improvement of current legislation for the realization of children's rights. The given laws are aimed at realization of the rights of children, including the right to a family environment, development, etc.

However, the UN Committee on the Rights of the Child in its observation outcomes to periodic Reports states that CAR national legislation does not always fully comply with the principles of the UN Convention on the Rights of the Child. Moreover, implementation of national legislation is often limited due to a lack of funds or poor coordination. Until recently, there has been no precise definition of what a child is (a minor/under aged) despite a wide spectrum of national laws that take into consideration the interests and rights of every child. But now the new law on «Guarantees of the Rights of the Child» has a definition of the child. There is a great difference in the legislative acts of the Kyrgyz Republic about when a child reaches the age of legal consent. The national legislation of all CAR countries reflects principles of non-discrimination of children and respect for the rights of the child. However, discrimination exists in relation to the most vulnerable children including neglected children and children living in institutional care facilities, children with special needs, children from rural regions, as well as children of migrants and refugees. Cultural stereotypes concerning gender roles persist in society. The principle «Ensuring the rights of children to the maximum» is not always reflected in national legislation. (See Appendix 7). Another pressing issue is the absence of awareness of legislation and legal regulations among officials who are directly involved in implementation of these laws, this is especially sensitive at local government level⁷.

Efforts have been made in the CAR countries to develop and implement a strategy on the rights of the child that is in compliance with international obligations, in line with the recommendations made by the UN Committee on the Rights of the Child, about the necessity to develop a national plan of action for improvement of the situation of children. The Government of Kyrgyzstan in June 2000 formed the Committee on Development of the Programme «New Generation». The state programme on the Kyrgyzstan children's rights implementation «New Generation» - 2010 was adopted by Decree of the Government on 14 August, 2001. The programme aims to create conditions for the survival and all-around development of all children of Kyrgyzstan, their inclusion in public life, and strengthening moral education of the younger generation⁸. The government of Kazakhstan has drafted the RK Decree «On the state programme 'Children of Kazakhstan' - 2006-2011» which defines the main directions, priorities, targets state policy in the field of protection of the rights and interests of children, including directions for work on prevention and warning of social orphanhood⁹. In addition to this, Uzbekistan has developed and approved a National Programme on Children's Well-being for 2007-2011. Thus Central Asian countries have accepted and are implementing the programmes on child rights protection financed both from local and state budgets.

The Republic of Kazakhstan has proposed:

- The state programme for development of education for 2005-2010 that provides for equipping physics, chemistry, biology and foreign language classes in state schools, strengthening the material and technical base of comprehensive schools, for special correctional organizations and boarding schools, the purchase of textbooks and teaching methods kits for educational organizations.
- The RK state programme on public health care reform and development – 2005 is conducting preventive medical examinations of women of fertile age and children under 18 years old, and from 2008, examination of other categories of the population; provision of free medicines to children up to five years old for treatment in out-patient facilities of common diseases.

⁷ A Study of the Organizational and Financial Structure of the State Social Child Protection in the Republic of Tajikistan, by Nader Ahmadi, UNICEF- Dushanbe, 2003, p.8

⁸ The RK Government Resolution as of August 14, 2001 N 431 «On the State programme on child rights implementation of Kyrgyzstan «New Generation» - 2010 (Edition of the RK Government Resolution as of September 30, 2004 N 728), the resource was accessed December 19, 2006 <http://www.government.gov.kg/parameters/www.government.gov.kg/pictures/136doc10.htm>

⁹ The second and third summary periodic Report on implementation of the UN Convention on the Rights of the Child by the Republic of Kazakhstan, 2006, page 12.

The Republic of Uzbekistan:

- The government has adopted the state nationwide programme on improvement of secondary education for 2004–2009. Its main provisions include:
 1. Reconstruction and major maintenance of buildings and infrastructure of secondary education schools.
 2. Providing schools with new technology, IT equipment, textbooks and educational-methodological literature.
 3. Improvement of educational standards and programmes.
 4. Provision of highly qualified pedagogical personnel for schools, pre- and in-service training of teachers and development of an effective system of re-training programme, stimulation of work of teachers.
 5. Strengthening sport in secondary schools and development of sport in general.
 6. There is also a decree of the president of RU (№ 2107; dated November 10, 1998) entitled
- “State programme on reforming the system of healthcare of RU”. According to this decree, the developed concept on reforming the healthcare system includes the following priorities:
 1. Aims and goals of reforms in the healthcare system;
 2. System of free health service
 3. System of paid health service
 4. Improvement of management system in healthcare
 5. Capacity building of healthcare system

a) Joining the international treaty

- The Programme for further intensification of social reforms for 2005–2007 and the Law of the Republic of Kazakhstan «On public welfare payments to the families having children» that provides for payments of a lump sum public welfare payment in connection with a birth of a child (in the size of 15-ty monthly indices) and introduction of two additional kinds of child allowances¹⁰.

The Kyrgyz Republic

The target programmes of the Kyrgyz Republic concerning childhood protection include:

- The draft of the State action programme of social partners on eradication of the worst forms of child labour in the KR for 2007–2011.
- The draft of the State programme on a uniform communications and media strategy on facilitation of the rights of the child in the KR for 2007–2010.

A number of state programmes have been adopted and enforced in the Republic of Uzbekistan directed at children’s social protection: the national programme on cadre training, the state national programme for development of school education, target programme of priority direction measures to increase the medical culture of the family, strengthen health of women and children, the programme on public health reform, etc.

1.3. Infrastructure

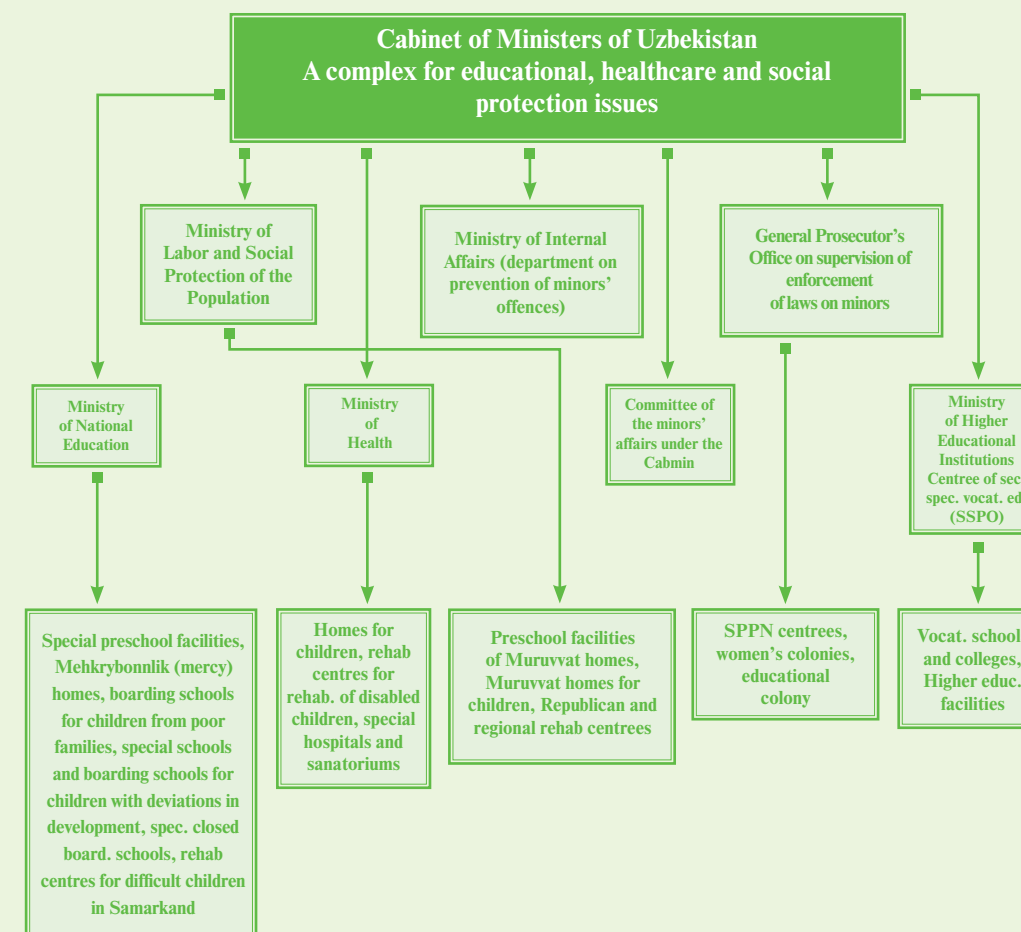
The countries that have ratified the UN Convention on the Rights of the Child commit themselves to respecting and providing for all the rights stipulated in the Convention for each child within the limits of their jurisdiction¹¹. For these goals to be achieved, it is critical to develop effective mechanisms for co-ordination of the state efforts. The diversity of children’s rights provided for by the Convention calls for coordinated action between ministries, departments and agencies involved in the social sphere, as well as legislative and judicial authorities, international institutes on human rights and civil society. Effective protection of human rights depends in particular on the level of cooperation between all involved agencies. It

¹⁰ From January 1, 2006 – allowances to children under 18 have been paid to families that have an average per capita income less than the cost of the food basket. The size of the allowance for children will make one monthly index per month per each child; from July 1, 2006 – child home care allowances till one year old to be paid per month irrespective of the family income. The child home care allowances will be differentiated depending on the children’s order of birth (for the first born child – 3 monthly indexes; second child – 3.5 monthly indexes; for the third child – 4 monthly indexes; for the fourth and next children – 4.5 monthly indexes).

¹¹ UN Convention on the Rights of the Child, Article 2

is quite natural that any ministry taken alone (for example, Ministry of Health) could not be responsible for implementation of a separate provision of the Convention. It is necessary to take an integrated approach for implementation of the rights of the child, both inter-departmental and inter-disciplinary. In addition to this, for effective implementation of the Convention it is necessary to ensure coordination of efforts directed to protect the rights of the child at national, regional and local levels¹².

Table 2
Children’s social protection system in Uzbekistan:
map of key ministries and departments



The CAR countries have inherited the Soviet system of social protection of children that includes a number of linear ministries (Ministry of Education, Public Health, Labour and Social Protection, Ministry of Internal Affairs), departments at a regional level, and a number of public, non-state organizations. Table 2 shows the schematic structure of social protection in the Republic of Uzbekistan. Basically, it is typical of all countries in Central Asia. According to this structure the Ministry of Education and Ministry of Health are responsible for child care and for bringing up children without parental care and children with special development needs. The Ministry of Justice or the Ministry of Internal Affairs is engaged in prevention of offences while the role of the Ministry of Labour and Social Protection as a rule is limited to the payment of allowances. In comparison, in the Republic of Tajikistan, the Ministry of Labour and Social Protection supervises care centres for the disabled and the detention of young people before trial.

Quite often the role of coordinating agency is given in the existing systems of the CAR countries to the Cabinet of Ministers (the Republic of Uzbekistan and Turkmenistan) or some ministry takes a leading role (for instance, the Ministry of Social Work and Social Protection of the Kyrgyz Republic). A coordination council was created under the Cabinet of Ministers of Uzbekistan that functions on public principles and is aimed at developing a strategy to solve the issues of children’s well being including the main priority directions for the named structures, and also for coordination of efforts in implementation of these or other actions. This

¹² The General Measures of the UN Convention on the Rights of the Child. The Process in Europe and Central Asia. UNICEF Innocenti Research Centre, 2006, p. 28.

committee includes the first heads of ministries, departments, public and international organizations. However, there is not a single body in Uzbekistan responsible for coordination of efforts in the field of child rights protection. Only in two countries in Central Asia have special structures been created.

- For instance, by RK Governmental Decree the Committee for Child Protection was created in Kazakhstan in January 2006 under the Ministry of Education and Science in order to coordinate activities of various ministries and departments, international and non-governmental organizations in the field of protection of the rights and legitimate interests of children. The Governmental Decree states that the primary goal of the Committee is to implement state policy on protection of the rights and interests of children. The Committee's functions include implementation of state programmes on protection of the rights of the child; interdepartmental and interstate cooperation on issues of the rights of the child; cooperation with state bodies, NGOs and mass media in child protection; development of information and analytical material on children's status in the Republic; rendering research-methodological and legal advice to state bodies and organizations within the limits of its competency. The Committee's functions also include monitoring of bodies of guardianship and foster care in relation to child protection. The Committee is headed by the Chairperson appointed to this position by presentation of the Minister of Education and Science of the Republic of Kazakhstan. The Committee includes a department on child rights protection, a department on adoption of children, an expert-analytical department and a department for organization-legal, cadre and financial provisions¹³.
- The National Committee on the Rights of the Child under the Government of the Republic of Tajikistan was established in September 2001 for coordination of the policy of various ministries in childhood affairs¹⁴. The primary task of the Committee is decision making and policies concerning the well being of children and protection of the rights of children. The decisions made by the Committee are binding for the ministries and local governments. The commission has the right to make amendments to existing legislation and to initiate the creation of new bills. The Committee is comprised of 18 members-deputies of ministers, directors of ministerial departments occupied in issues of the rights of the child, and six groups of experts working on reporting to the Committee on child protection, de-institutionalization, juvenile justice, children with special needs, etc. There are 67 subcommittees in the country of the National Committee dealing with issues of child protection at the local level. The local level subcommittees are integrated in the structures of local governments. The deputy heads of local governments responsible for social issues head these local subcommittees. The National Committee and its subcommittees are responsible for monitoring implementation of the national plan of action for children 2003-2010 and for submitting annual reports to national government.

The coordinating structures in the countries that have ratified the UN Convention on the Rights of the Child were set up at the beginning of 90s and consequently it is too early to judge their efficiency and potential. Among the limiting factors that hinder development of coordinating structures the UN Committee on the Rights of the Child names the following:

- Absence of an integrated approach to child protection
- Absence of necessary resources
- Weakness of political priorities for coordination of inter-disciplinary and inter-sectoral cooperation
- Inability of coordinating mechanisms to involve governmental departments responsible for planning and allocation of resources
- Failure to ensure transfer of national resources to support local initiatives
- Failure to ensure active participation of regional/local authorities
- Failure to involve civil society¹⁵.

1.4. Monitoring

The UN Committee on the Rights of the Child states in General Notes that "it is necessary to conduct strict monitoring of fulfillment of the Convention provisions, the mechanisms of which should be built-into state bodies at all levels."¹⁶ Further, the UN Committee on the Rights of the Child emphasizes the obligations to fulfill the UN Convention on the Rights of the Child and notes the importance of independent monitoring over execution of obligations under the Convention¹⁷. Monitoring in the given context means coordinated and

¹³ The Regulations on establishment of the Committee on the child protection under the RK MoES. The RK Governmental Decree N 36, as of January 13, 2006

¹⁴ A Study, Ibid., p.10

¹⁵ The General Measures, Ibid., p. 31

¹⁶ The UN Committee on the rights of the child , General Comment №. 5: General measures for implementation of the UN Convention on the rights of the child , 2003. para 27.

¹⁷ UN Convention on the rights of the child , article 44 (1-2)

comprehensive efforts to assess progress achieved to further improve relevant policy, legislation and services¹⁸.

It is possible to distinguish a minimum of two categories with regard to child rights monitoring:

- Monitoring infringements of child rights
- Monitoring progress in implementing the UN Convention on the Rights of the Child

Monitoring infringements means registration and developing proper responsive measures to deal with child rights infringement. The system for the child rights infringement monitoring is directed to reveal similar incidents so that the government could respond to them. In compliance with the so-called "Paris Principles" (the principles relating to the status of independent national institutes on human rights accepted by the UN General Assembly in 1993) the independent institute (the Ombudsman for child rights) is established to monitor, promote and protect the rights of the child. The given institution has the right to represent and publish opinions, recommendations, proposals and reports at its own initiative or at the request of other organizations on any issue concerning the promotion and protection of the rights of children. The Ombudsman Institute can freely consider any issues within its competency irrespective of who has raised them - the national government or the given institute itself; it can listen to any person and receive any information and documents necessary to help assess the situation within its competency; freely address the public directly and through the mass media. The General Comment №2 (2002) of the UN Committee on the Rights of the Child states that "Establishment of the office (Ombudsman on child rights) according to the obligations taken by the states-participants at ratification, guarantees implementation of the Convention and promotes general implementation of the rights of the child". The Ombudsman Office on child rights has the authority, adequate resources and most importantly, independence, ensures free of charge, timely and child-friendly consideration of cases and situations of children. The Ombudsman can promote legal reform in the field of child protection and conduct information campaigns. In a number of CAR countries there is an Ombudsman's Office on human rights that considers issues of children's rights (Kyrgyzstan). In Uzbekistan and Kazakhstan, petitions and letters from parents and non-governmental organizations are received by the Ombudsman's Office. However, the Committee has noted that the institute does not possess the mechanism to respond to individual petitions. It is planned to create an Ombudsman's Office on the rights of children in Uzbekistan. In Turkmenistan, the National Institute of Democracy and Human Rights fulfils this function.

Monitoring of implementation of UN Convention on the Rights of the Child assumes a systematic estimate of protection and exercising of the rights of all children. Monitoring of child rights is necessary for two reasons:

1. To determine which rights are inadequately protected, and to determine if vulnerable groups of children are at risk of neglectful treatment, exploitation or discrimination, children who without official intervention will be isolated¹⁹;
2. To estimate the importance and efficiency of existing measures to protect the rights of the child.

For effective monitoring it is necessary to introduce indicators - measurable parameters that characterize the system. Monitoring assumes measuring these indicators in time and determining the role of changing indicators for the system. The Committee offers indicators consolidated in eight thematic clusters according to the obligations of the Convention (See Table 3). The list of indicators is not complete but nevertheless, as the authors of the Report The General Measures for Implementation of the UN Convention on the Rights of the Child: the Process in Europe and Central Asia state, a large number of indicators is not always an advantage. It is more preferable to develop indicators corresponding to the clusters of the UN Convention on the Rights of the Child. One example of such indicators is the parameters included in the Millennium Development Goals (MDGs)²⁰.

As a result of observations conducted by the UN Committee on the Rights of the Child and based on reports submitted by the CAR countries it is noted that there are no data "on persons under 18 years old in reference to the rights included in the Convention" or they are gathered irregularly and are used inefficiently to gauge the success and development of policy for implementation of the Convention. Moreover, the information submitted by different ministries varies significantly. Data about the most vulnerable groups of children needs to be systematized. Uzbekistan has developed a database on places where children are reared subject to social and legal risks. The data are updated on a quarterly basis from information submitted by 213 functioning Commissions on Juvenile Affairs.

¹⁸ Training Manual on Human Rights Monitoring. University of Minnesota. Human Rights Library. Resource accessed December 10, 2006 at <http://www1.umn.edu/humanarts/monitoring/chapter5.html>

¹⁹ The UNICEF Report «The State of the World's Children 2006» states that isolation is a multidimensional concept that includes deprivation of economic, social, gender, cultural and political rights. Isolation can occur as a result of action by the family, community, government, civil society, mass media, private sector or other children. See UNICEF Report «The State of the World's Children 2006», New-York, 2005, page 7.

²⁰ General Measures., Ibid., p. 34

Table 3
Clusters of the Convention on the Rights of the Child

Guidelines to the instructions of the Committee

In the guidelines to the initial and periodic Reports the UN Committee on the Rights of the Child has joined the provisions of the Convention in clusters thus reflecting the integrated nature of the UN Convention on the Rights of the Child: they are inseparable, interdependent and equally important.

I. General measures for implementation

Article 4: exercise of the rights; Article 42: informing about principles and provisions of the Convention; Article 44 (6): wide access to the Reports.

II. Definition of the child

Article 1.

III. Main principles

Article 2: non-discrimination; Article 3 (1): prime attention to the best securing the child interests; Article 6: the right to life, survival and development (see also VI); Article 12: respect for the views of the child.

IV. Civic rights and freedoms

Article 7: the right to a name and citizenship, the right to know one's own parents and the right to their care; Article 8: preservation of individuality of the child; Article 13: freedom of expression of opinion; Article 14: freedom of thought, conscience and religion; Article 15: freedom of association and peaceful assembly; Article 16: protection of the right to personal privacy; Article 17: access to information and the role of the mass media; Article 37 (a): the right not to be subject to torture or other brutal, inhuman or humiliating act whether as treatment or punishment.

V. Family rearing and alternative care

Article 5: family rearing and developing capabilities of the child; Article 18 (1) and (2): the responsibility of parents and the state support; Article 9: separation from parents; Article 10: reunification of family; Article 11: illegal resettlement and failure to return; Article 27 (4): renewal of child rearing; Article 20: children deprived of their family rearing; Article 21: adoption; Article 25: periodic estimation of custody and treatment; Article 19: protection against all forms of violence; Article 39: reunion and reintegration of the child, victims of violence (see also VIII).

VI. Health and well-being

Article 6: the right to life, survival and development (see also III); Article 18 (3): support of parents which work; Article 23: the rights of children - invalids; Article 24: the right to health and public health services; Article 26: the right to social protection; Article 27 (1) - (3): the right to a reasonable standard of living.

VII. Education, leisure and cultural events

Article 28: the right to education; Article 29: the objectives of education; Article 31: right to rest and leisure, the right to participate in games and entertainments, participation in cultural life.

VIII. Special measures of protection

A. Children in emergency situations

Article 22: children - refugees; Article 38: children and military conflicts; Article 39: restorative care (see also V);

B. Children in the system of juvenile justice

Article 40: administration of the juvenile justice; Article 37 (a): prohibition of tortures and deprivations of liberty; Article 37 (6) - (d): limitation of freedom; Article 39: recovering and reintegration of the child, victims of violence (see also V).

C. Exploitation of children

Article 32: child labor; Article 33: the use of narcotics and psychotropic substances; Article 34: sexual exploitation; Article 35: trade, smuggling and kidnapping (abduction); Article 36: other forms of exploitation.

D. Children belonging to minorities and indigenous population

Article 30.

Chapter 2

THE CHILD PROTECTION FORUM OF CENTRAL ASIAN COUNTRIES

2.1. Background information about the Child Protection Forum of Central Asian countries.

The International Child Protection Forum sets as its main goal raising awareness about childhood protection issues and exchange of information in the Central Asian region (CAR).

From 1997, the Forum on Maternity and Child Health Protection has been operating in the CAR countries. It develops programmes on maternal and child mortality and morbidity rates reduction, and also supports local efforts designed to protect their health and well-being. The Forum facilitates estimation of the existing public healthcare policy, development of effective approaches, the submission of recommendations and renders support to improvement of local systems of public healthcare.

Since 2002 the Forum on Education has been operating in the CAR countries. The Forum was established after adoption of the principle "Education for All" in 2000 at the Conference on Education in Dakar, Senegal. The Forum's mandate is to solve difficulties in the sphere of education and achieve progress with the commitments taken by the CAR countries.

The work of these two regional Forums in the field of public healthcare and education of children has demonstrated that regional Forums are the mechanism for active promotion of the issues of childcare in Central Asia. Therefore, Central Asian governments have initiated establishment of the Forum on child protection in 2006 to analyze childhood protection in Central Asia, to review problems that arise and find solutions.

The Forum is aimed at:

- Increasing public awareness, increasing the level of knowledge and stimulation of actions directed at the implementation of the rights of the child in the context of the UN Convention on the Rights of the Child, the Millennium Development Goals and the concept A World Fit for Children.
- Providing for consistent and regular implementation of the obligations taken at international conferences where the governments of the CAR countries have made an important contribution, in particular, at the Stockholm and Budapest conferences on the rights of children at risk or deprived of parental care; the conferences in Sarajevo Europe and Central Asia - Suitable for Life of Children and the Conferences Act Now in Ljubljana on issues of violence against children.
- Creating a vision and policy concerning families and children at risk and also children without parental care, children from single parent families, families which have lost their breadwinner, children in residential care, children with special needs brought up in foster families, children in conflict with the law and those involved in forced labour.
- Assessing progress on reform of childcare and social protection systems in the five countries of Central Asia and identifying gaps and priorities for further action.
- Development of an effective strategy and policy concerning child labour in CAR countries.
- Strengthening of interstate exchange of information and best practice.
- Strengthening of the partnership between CAR countries and such strategic partners as the European Union, the Asian Development Bank, the World Bank and the UN, as well as with international and national NGOs.

During the Executive Committee meeting of the First Forum on Child Protection held on 17 May, 2006, in Astana, the participants accepted the concept of the Forum and set a date for the First Forum (December 6-7, 2006). The theme of the First Forum was formulated as The Social and Legal Support System for Families and Children in Central Asia, including issues of social policy, protection and social

inclusion, building child protection systems and overcoming fragmentation. In addition to this, the participants, during the preliminary meeting held in May 2006, identified topics for future Forums, namely, the issues of deinstitutionalization, juvenile justice and prevention of violence against children, and also issues requiring a complex approach, including financing for the social sector, domestic and interstate coordination of child protection issues, legislation and its enforcement, social work and development of social services, as well as the collection, analysis and monitoring of data in the CAR countries. Representatives of agencies and departments working on childhood issues from Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, along with staff from the regional and Central Asian offices of UNICEF attended the preliminary meeting.

In the course of the preparation meeting the objectives for the First Child Protection Forum were determined:

- Creation of a platform for discussion of childcare issues at a high political level in Central Asia, including working mechanisms of the Forum, indicators of efficiency and effectiveness.
- Adoption of short-term and long-term obligations on social protection and social inclusion of children, creation of a child protection system and overcoming fragmentation.

The First Forum on Child Protection in CAR countries was conducted on December 6-7, 2006, in Astana city, the Republic of Kazakhstan, supported by the RK Ministry of Education and Science. The representatives of state agencies and departments working on childhood issues from four CAR countries participated in its work - Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. It was very important for development of the policy concerning protection of children, for reporting and monitoring of the country level objectives' implementation set up by the Forum. In addition to this, participation of representatives of different ministries and departments preconditions a systematic joint discussion of issues on childcare and overcoming a fragmentary, narrow, departmental approach to protection of the rights of children.

Representatives of international organizations - the World Bank and the United Nations, and diplomatic missions rendering support in the field of child protection and also representatives of non-governmental organizations actively working in Central Asia were invited to the First Forum on Child Protection in CAR countries.

2.2. Declaration from the First Child Protection Forum

During the First Child Protection Forum two main topics for discussion were covered:

1. Social policy, protection and inclusion

While ratifying the UN Convention on the Rights of the Child, CAR countries undertake obligations to fulfill all articles of the Convention, including implementation of the economic and social rights of the child. During the session on social policy, support and inclusion, Forum participants discussed the importance of investing in children, and also putting children first on the financial agenda of countries. Participants discussed the situation of child protection in the CAR countries, commonalities and differences between the countries and addressed some of the potential future implications for social policy, investments for families and children and outlined some areas for regional intervention.

2. Building the social child protection system and overcoming fragmentation

To fulfill CRC obligations, national governments must make efforts to create intersectoral coordinating agencies that address children's rights. This session reviewed the existing mechanisms for intersectoral coordination in the region. At the end of the session, participants gained a better understanding of how to improve cooperation between national and local government, between various ministries, government and civil society, and government and international organizations in order to coordinate policies and activities on children's rights.

Main issues covered in the First Child Protection Forum of CAR countries (December 6-7, 2006):

- A unique demographic and economic possibility for investing in children
 - An increase in investment in the social sector (including social protection)

- Importance of investing in families (including the most vulnerable families)
 - Prevention of criminality and deviant behaviour
 - Prevention of institutionalization
 - Prevention of violence and other risks
- Reform of the child protection system (the rights of the child)
 - Modernisation and flexibility
 - Preventive, but not reactive system
 - An individual approach, non-category based
- Protection of the child - the intersectoral approach
 - Uniform policy
 - Coordination and determination of functions of each sector
- Strengthening of partnership
 - The state, private sector and civil society

In conclusion the participants adopted the Forum Resolution and its working mechanisms.

The major outcomes of the First Forum:

- Resolution of the First Forum
- Concept Note
- Working mechanisms
- Indicators for measuring the effectiveness of the Forum's performance between Forums

2.3. Resolution of the Child Protection Forum

RESOLUTION

The Social and Legal Protection System of Families and Children of Central Asia
Astana, December 6-7, 2006
The First Child Protection Forum of Central Asian countries
December 7, 2006.

We, participants of the First Child Protection Forum of Central Asian countries on the basis of obligations undertaken by Central Asian countries by ratifying the UN Convention on the Rights of the Child and other international legal acts.

With respect to commitments to the obligations following the resulting documents of conferences in Stockholm (1999 and 2003) and Budapest (2000) on the rights of children at risk deprived of parental care, the conference in Sarajevo (May 2004) and Valencia (June 2006) Europe and Central Asia Fit for Children and conference in Ljubljana Act Now (July 2005) on issues of violence against children, and at the UN Millennium Summit (September 2000).

Being guided by the final document of the UN General Assembly on children's situation A World Fit for Children (New York, May 2002) where countries demonstrated their adherence to the goals in A World Fit for Children and have identified the following measures for follow-up action:

Strengthening national action in favour of children with a set of specific, time bound and measurable goals and targets, taking into account the rights of children as contained in the UN Convention on the Rights of the Child;

Establishing the necessary co-ordination and ensuring resource allocation for these goals;

Regular monitoring, review and reporting on progress at a national level to address obstacles and accelerate action;

Underlining the importance of partnerships with civil society actors who have a unique role and contribution to make in advancing children's rights.

Considering the forthcoming five year report on progress in creating A World Fit for Children in Central Asian countries.

Invoking Central Asian countries to take necessary measures to end social exclusion of children and to advance our support to families and children at risk including children without parental care, children with special needs, in conflict with the law and involved in forced child labour, children subject to exploitation, violence, neglect and trafficking in human beings.

Hereby, We Declare:

1. The Child Protection Forum of Central Asian countries - an organizational structure acting on a constant basis, and a flexible mechanism for cooperation to observe the principles of the UN Convention on the Rights of the Child and other international legal acts on child protection issues.
2. To promote regional cooperation between Central Asian countries and share best practices and approaches in the field of child protection through the Forum mechanism including care of children and reform of the social security system, development of the juvenile justice system, strengthening the system for protection against violence, child trafficking and forced labour.
3. To provide information on the progress and outcomes of reform of the childcare and protection system in CAR countries.
4. To take measures for the referral of national resources to render support to the most vulnerable families and to decrease risk for children in CAR countries.
5. To initiate and support the action of governments directed at protecting the rights of the child through adoption of the relevant policies and legislation, development of systems for protection of child rights based on the UN Convention on the Rights of the Child and strengthening mechanisms of monitoring and reporting.
6. To establish the working bodies of the Forum to ensure its effective functioning according to the attached concept and working mechanisms.
7. To continue work towards achievement of the given objectives in Central Asia in cooperation with strategic partners, including the EU, the World Bank, the ADB, the UN, civil society, children, mass media and other partners in development.

We confirm our aspiration to achieve these goals because we must protect our future today.

2.4. Working mechanisms of the Forum on Child Protection

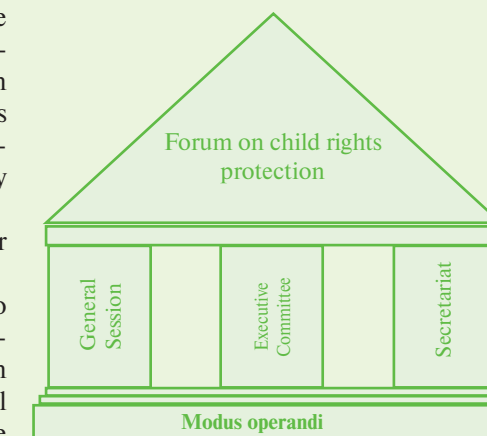
The first Forum on Child Protection of Central Asian countries has defined mechanisms through which the Forum functions. The first Forum was distinguished by a high level of representation from CA governments. To ensure the intersectoral approach and presence of each structure working on issues of children, hereinafter participation of main ministries will be needed including the Ministry of Education, Ministry of Health, Social Protection, Justice, Internal Affairs, the State Office of Public Prosecutor and other committees and commissions, and also representatives of the civil society. International organizations such as UNICEF, the World Bank, the European Commission, ADB, ILO, USAID, embassies and diplomatic missions concerned about childhood in countries of Central Asia also have become Forum participants.

The Forum holds meetings and sessions to organize its activities, forms permanent working bodies, conducts other actions necessary to solve its objectives. The Forum functions through its three structures (Table 4):

- General session

- The executive committee
- Secretariat

Table 4. Structure of the Forum on the Child Rights Protection



General session. The General Session is the Supreme body of the Forum. Its work is carried out by way of conducting meetings. The General Session is entrusted with an important role - to discuss and make decisions about issues on the agenda. The delegations from the CAR states, representatives of international organizations and the civil society are participants of the General Sessions.

Meetings of the General Session are held during regular and special sessions.

The Forum's regular meetings are conducted every two years. Special meetings are called by decision of the majority of the Forum participants. Before the General Session is held the Forum participants make a decision about a real necessity to hold such a meeting. Further, the Executive Committee of the Forum sends to participants notification of the next regular meeting's sitting with a preliminary agenda.

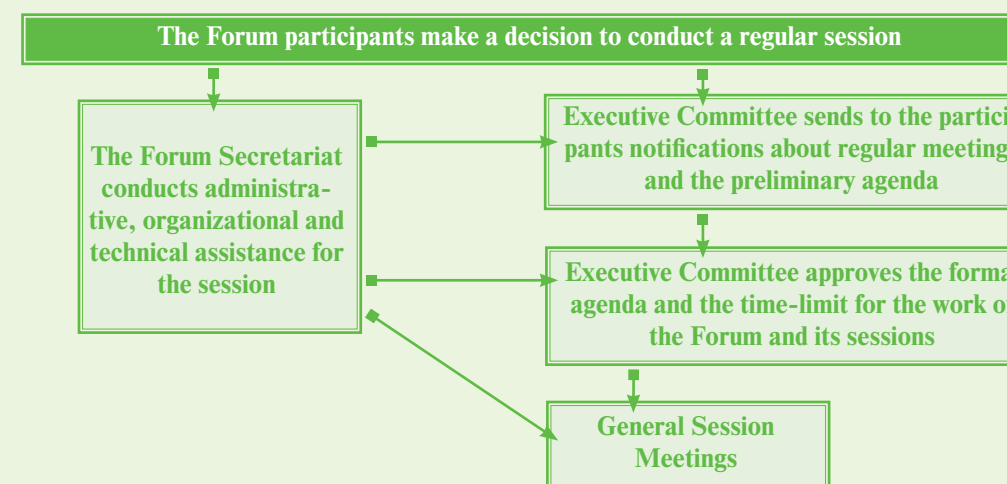
The Executive Committee asserts the official agenda and the rules for approval by Forum participants. The Secretariat conducts administrative, organizational and technical support to the meetings throughout all stages (See Table 5).

Executive Committee. The Child Protection Forum has a permanent Executive Committee which includes representatives of the CAR governments, UNICEF and other international organizations depending on the issues for discussion. Between General Session meetings, the Executive Committee exercises consultative and conciliatory functions, and also solves other problems in the context of Forum activities.

The Executive Committee meets once a year. Between meetings, the Executive Committee can hold selector meetings of the Working Group. On preparation of the final document of a selector meeting the Executive Committee members can introduce changes and additions to the document within 10 working days after conducting the selector meeting.

Chairmanship of the Executive Committee is rotated among Central Asian government representatives. The Executive Committee Chairperson's responsibilities are assigned to the Minister of Education and Science of the Republic of Kazakhstan till the next meeting of the Forum on child protection in 2008. During the next meeting, the Executive Committee will approve the final version of the Forum Report and will conduct a review of resolution decisions adopted at the first Forum, make a decision on the venue and timing of the Second Forum and define a range of issues for the agenda.

Table 5. The Forum decision making procedure



Secretariat. The Secretariat provides administrative, organizational and technical support to the Forum. It is formed by the presiding country-participant of the Forum. The secretariat prepares reports on work conducted, establishes and maintains an archive of documents; collects, processes and distributes documents and information; regularly informs about general activities of the Forum, its current work and plans for the future; will organize meetings based on the order of the Executive Committee; executes other tasks and orders of the General Session and the Executive Committee of the Forum.

Resolution and the Forum Report. The work of the General Session is finished by Adoption of the final document of the Forum – Resolution in which the basic obligations accepted by countries-participants of the Forum on the child protection are reflected, decisions and follow-up steps necessary for improvement of the regional situation with the child protection. The Executive Committee elaborates the text of the Resolution. The Forum Secretariat distributes the resolution among participants. Within a month after the General Session’s meeting the country hosting the Forum issues a preliminary version of the Forum Report to be finalized and approved by the Executive Committee representatives. The Forum summaries and recommendation are presented in the Final Report.

Forum’s Digest. The Forum on Child Protection will release a periodic review journal “Central Asian Child Protection Forum Digest” through joint efforts of the Child Protection Forum Executive Committee and UNICEF, with technical and information support from the ministries and departments of the CAR countries, research institutes and experts, on an annual basis.

Funding for the Forum. Funding for the operation of the Executive Committee, Secretariat and also meetings of the First Child Protection Forum has been provided by UNICEF. The first Forum has asked the governments of Central Asian to assure regular financial, technical and other support for future Forums.

Changes in the rules of the Forum. Forum country-participants can make proposals to introduce changes in the Forum rules. The proposed amendments are sent for initial consideration to the Forum Secretariat not later than 90 days before opening of Session meetings so that all the Forum participants will be able to look through the proposed amendments. Consideration of Amendments is included in the draft of the Session meeting’s formal agenda as a separate issue for consideration.

Working languages. The Forum working languages are Russian and English. Other languages can be used depending on organizational possibilities for the events of the Forum, and in its official publications.

Termination of participation in the Forum. A Forum participant can stop at any time (suspend) participation in the Forum work by sending to the Executive Committee relevant notification in writing.

Validity of the Forum documents. The Forum Documents are in force for four years from the time of the General Session’s first meeting. Further, Forum participants should assess its work and expediency of its continuation.

2.5. Indicators of the Child Protection Forum

For assessment of the overall performance of the Child Protection Forum, indicators are used in compliance with the Forum’s Resolution:

- Share of the national budget for the social sector
The wellbeing of a child depends on a lot of factors, including decisions accepted by governments concerning resources allocation. If we ask whether child protection is a priority in a country we can find the answer in the level of expenditure on public health, education and social support and for the main production infrastructure. As a rule, given the low level of expenditure on healthcare and education, families have to make up these payments from their own resources. This means that children from needy families are at a great disadvantage. For example, in terms of receiving basic medical services and education, especially in the case of non-mandatory school education and access to teaching materials.
- Scheduled and implemented state programmes on child protection
The targeted programme approach to solving social problems, including childcare issues, has developed over the last two decades and strengthened while the state priority objectives were solved. Funding for the state and national programmes in the CAR countries is directed to solve various problems in the field of public health, education and social protection of the population. The state programmes in the field of childcare according to the UN Convention on the Rights of the Child are a part of the national plan of action.
- The acting interdepartmental body on child protection
In the General Comment № 5 to the UN Convention on the Rights of the Child it is noted that for

effective implementation of the Convention it is necessary to ensure an intersectoral coordination for acknowledgement and enforcement of the rights of children in the government, between various governmental levels, between the government and the civil society, including children and young people. In many countries a special department or unit has been created under the President or Prime Minister or the Cabinet of Ministers for coordination of policy implementation directed to improve children’s life²¹.

- Number of children in boarding school type facilities – is the total number of children in state institutions (the young children’s homes, children’s homes, boarding-schools, social homes, and institutional facilities for children with physical and mental disabilities, other children’s institutional facilities). Central Asian countries have inherited from the Soviet Union a wide networking system for care and education of children in specialized children’s institutional facilities where the pupils are quite often completely excluded from society. Research in the field of child development and experience of work with children have shown that the growth of children in isolated and “overpopulated” environment results in retardation of their development and leads to potentially irreversible psychological disorders. The most vulnerable age group – children under four, i.e. the earliest stage of child development when a child’s psychological attachment to its parents is developing (or to alternative parents)²². Even when the children’s establishment is completely staffed with workers, a child seldom gets as much attention as his or her parents would be able to give. Placement of a child in a boarding school deprives a child of individual attachment which he or she needs so much.
- Number of children transferred to alternative forms of care - number of children in care of adoptive or foster parents, other forms of alternative care.
In the Preamble of the UN Convention on the Rights of the Child it is noted that it is the family which is the basic core of society and the natural environment for children’s growth and wellbeing. Articles 8 and 9 of the Convention emphasize the right of the child to positive family relations and not to be separated from the parents. However, the right to live in a family can be realized by means of foster care, trusteeship, a substitute family (patronage) with consideration of the child’s needs to reduce the risk of the child’s placement in boarding facilities²³.
- Number of children in conflict with the law – the number of children arrested over 12 months per 100,000 children (one of 15 indicators developed by UNICEF jointly with the UNODC and other agencies for improvement of the system for protection of children in conflict with the law).

The term “children in conflict with the law” covers children under 18 years old who come into contact with the legal system either charged with committing an offence or suspected. A large number of children in conflict with the law are detained by law enforcement agencies for minor offences including vagabondism, absenteeism and begging. Many of these are considered statutory offences of minors which do not bring to the legal responsibility in case of its commitment by an adult. A large number of children facing the criminal system of justice are from poor communities and families or representatives of discriminated minorities²⁴.

²¹ The Process in Europe and Central Asia. UNICEF Innocenti Research Centre, 2006, p. 27;

²² Children in boarding school type facilities in Russia: human rights protection and the possibility to carry out reforms. Conclusions and recommendations of the fact-finding mission that has visited the RF with the support of UNICEF in February 1, 1999, page vii-viii;

²³ The glossary of the terms on child protection (in Russian and Kazakh languages), UNICEF, ILO-IPEC, the European Commission, December 2006 (the following articles were used “Alternative placement of children”, “Alternative forms of care after orphans and children without parental custody”, “Family”)

²⁴ Behind bars, beyond justice: An untold story of children in conflict with the law - http://www.un.org/events/tenstories_2006/story.asp?storyID=2800. The resource was accessed December 15, 2006.

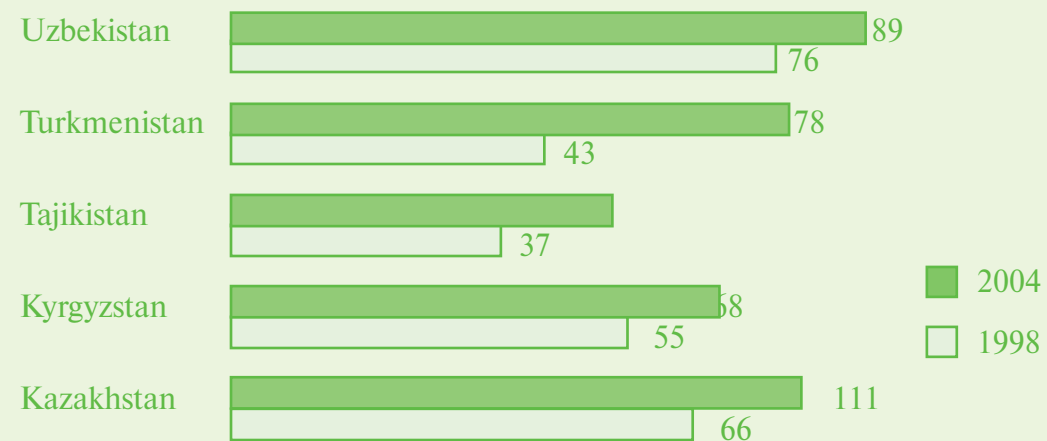
Chapter 3

The prospects for child protection in the Central Asian region

3.1. Economic growth

Since 1998, after a decade of stagnation and recession, Central Asian countries experienced economic growth. In table 6 the dynamics of real GDP per capita since 1989 is presented. Although rich in natural resources, CAR countries differ in terms of the living standards of their populations. For instance, the annual per capita income in Kazakhstan exceeds USD 7,000 by power of consumption, while in Kyrgyzstan and Tajikistan the per capita annual income varies from USD 1,000 by power of consumption to USD 2,000 by PC in 2004 (report on human development); in Uzbekistan the per capita annual income stood at USD 2,800 in 2004 (as per State Committee on Statistics of RU).

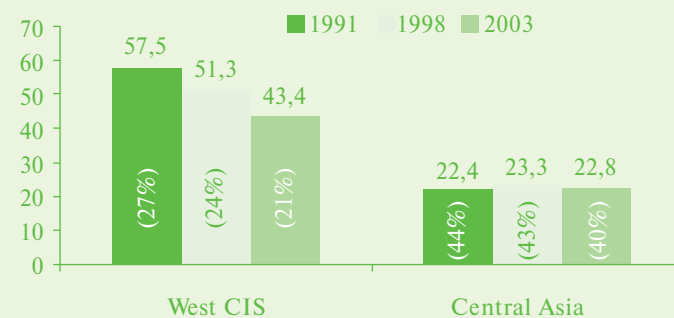
Table 6.
Real GDP per capita in 1998 and 2004 (1989=100)



Despite different rates of economic growth and starting conditions there are hopes that the share of social expenditures will grow in the state budgets of the regional countries.

The experience of many countries of the world testifies that growth based on the extraction sector and dependent on increasing prices of fuel is capital intensive. If it is not supported by development of other sectors of the economy that are labour intensive then long-term inequality can result. However, in the short term, economic growth can promote a reduction in poverty by level of incomes²⁵.

Table 7. Tendencies in the total number of population (age from 0-17) in CIS (in mln. children for the mid of the year)



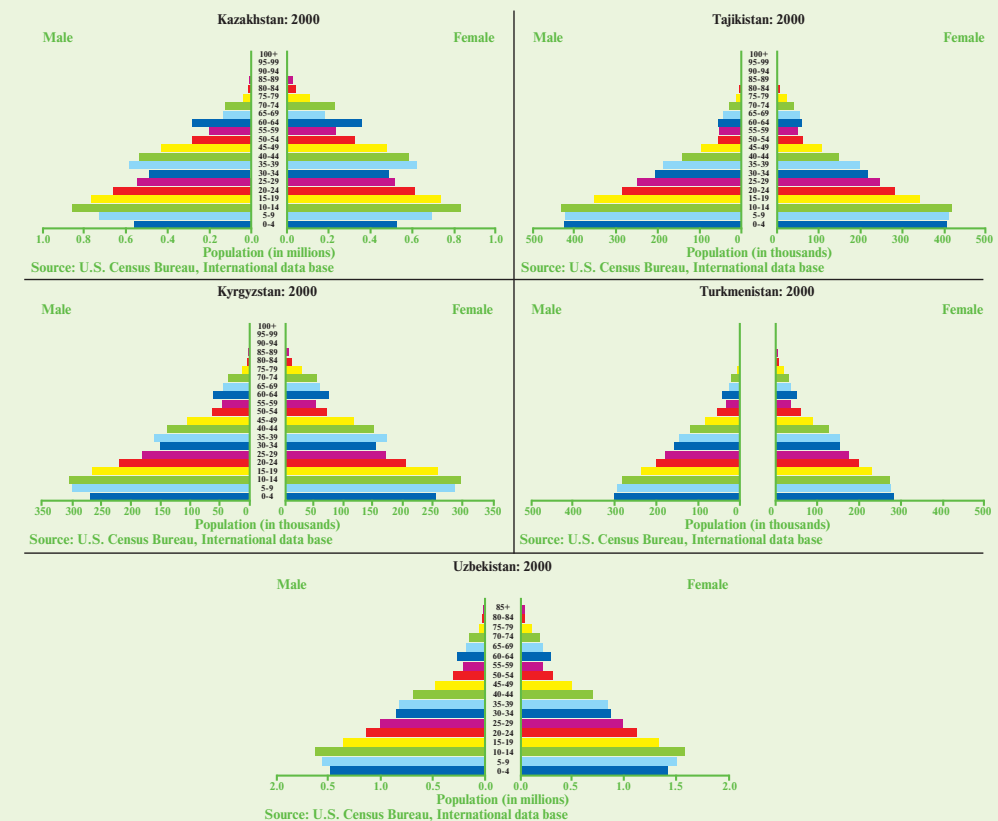
²⁵ UNICEF, Social monitoring of "Innocenti", 2006: analysis of children's poverty in South-Eastern Europe and the CIS states. Florence, "Innocenti" Research Centre of UNICEF, 2006., page 12-13, 88

3.2. Demographic trends

In Central Asian countries children make up on average 40 percent of the total population. This is almost twice as much as Russia and other countries in the western part of the CIS (Table 7).

The present situation in the CAR countries is characterized by absence of demographic crisis. An age pyramid of the population in 2000 (Table 8) shows there is a high birth rate in the region. However, the base of the pyramid in nearly all countries in the region is narrowing, showing a tendency for birth rates to fall.

Table 8.
Age pyramids of the CA countries' population (The US Census Bureau)²⁶



The regional tendency in birth rate reduction can be evaluated from two aspects: first - as a reflection of general demographic trends in industrially developed countries and the second - as a natural response to economic and social instability²⁷. This tendency is precisely traced in children under four (Table 9). Thus, in Central Asian countries children under four made up between 7.42% and 12.62% of the population in 2004 in comparison with between 11.32% and 17.65% in 1991. In Kazakhstan, the birth rate reached 2.03 in 2003 - lower than the coefficient of natural reproduction, which is 2.1. The given situation testifies about absence of signs for recovering former birth rates, even in a period of economic growth.

It is natural that a decrease in the birth rate makes governments concerned about the potential economic and social consequences of changes in the demographic structure. A decrease in the birth rate combined with an increase in life expectancy will result in a so-called "ageing" population²⁸. This means that in the future, children during their period of coming to the legal age will have to face big problems in connection with a high percent of dependents per each able-bodied citizen. The population of able-bodied age which provides for subsistence of the growing elderly population will gradually decrease and this in its turn will require increasing state expenditures for payment of pensions and allocation of additional funds from the

²⁶ US Census Bureau. International Data Base, <http://www.census.gov/ipc/www/idbnew.html>

²⁷ Data base TransMonee, 2004 - See Social Monitoring for 2006, page 100-101

²⁸ See National Human Development Report for 2005. The Process of Population Ageing in Kazakhstan: Development Prospects (provisional).

budget to meet the needs of older people in medical and sanitary support and care²⁹.

Central Asian countries have not yet experienced a demographic crisis but the contemporary demographic situation in the region (decrease of the birth rate and an increase in the number of able-bodied people in the near future) can be considered as of today as a good possibility for investing in human resources. The given situation can be stable for 40 years depending on the rate of decrease in the birth rate, then, a qualitatively new process – the process of "ageing" of the population will begin. The history of Southeast Asian countries shows that a decrease in the dependency coefficient due to growth in the proportion of able-bodied people in the total population during demographic transition promoted economic growth. Analysis of the "economic miracle" in Southeast Asian countries like Japan, Hong Kong, South Korea, and Singapore has shown that 25-40% of economic growth between 1965 and 1990 is linked to an increase in the able-bodied population. It is possible to explain this economic growth by two principal causes:

- (1) Growth of the labour supply per capita due to an increase in the share of working women in the labour market that also promotes a decrease in the birth rate and increases the potential output per capita. Employment is also an important factor.
- (2) A high level of savings and investments per capita related to building up of the share of the able-bodied population provokes economic growth³⁰.

3.3. Investing in children

When the proportion of elderly in the population is rather small the main "beneficiaries" of economic growth are children and young people. When the number of children in the population decreases and the number of taxpayers increases the state can safely increase expenditures to support families and children. As soon as the latter are the most important constituting element for investing in the future economic development. Investment in education and the public health care including extension and improvement of services for children strengthen the family's status. In the long term, this means that the contingency of young people in the structure of the labour forces can make a greater contribution in development of the economy and promote social progress under conditions of a probable growth of dependents in the population structure.

Two main areas are distinguished by the Innocenti Research Centre where state intervention is required to increase investment in the development of children. The first area is the granting of more generous and targeted children's allowances and increasing material support to families with children. The state should consider possibilities for targeted investment in children and families: this is because different age groups of children have different needs. For preschool children the components of social policy play a bigger role. It includes:

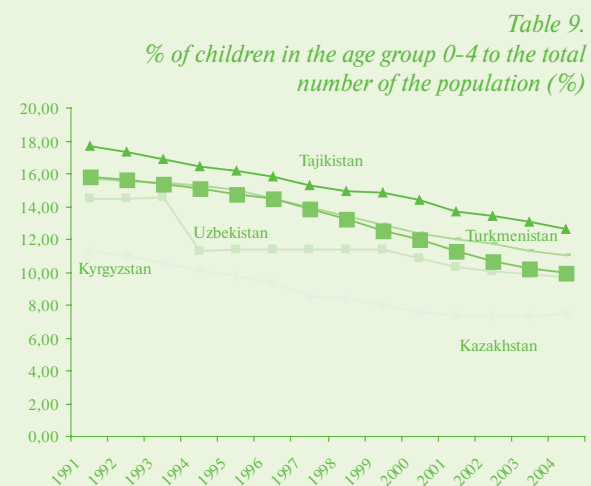
- Child delivery and maternity benefits paid to mothers having infants;
- Children's allowances;
- Ensuring preschool education.

The child delivery and maternity benefits paid to mothers with infants (from 0 to 1 years old) support families when mothers have to stop working to take care of a newborn. The allowance can be considered as compensation for wages but in addition to this, the mother's presence next to her child in the first year of his or her life renders an essential influence on the child's health and mental development. Recent research conducted in CIS countries has shown that even prolonging maternity leave can decrease children's death rate³¹.

²⁹ UNICEF, *Social Monitoring*, Ibid, page 13-14

³⁰ World Bank Report, 2007, p.34-35;

³¹ Carmen Huerta, p. 2



Children's allowances are an essential financial support to the family: monthly payments support households to cover various costs connected to child rearing. For many families, the appearance of a child in the family means a reduction in living standards and an increased risk of poverty. In case of non-availability of the children's allowance or insufficient level of payments, parents do not have enough money to pay for the child's clothes, its nutrition and visits to the doctor. In poor families, children quite often are placed in boarding facilities, but institutionalization has a negative effect on the child's development.

Granting of preschool education – enrolling a child in preschool education allows the mother to work, and increases the family income. Besides, preschool education assumes physical and mental development and socialization for the child.

The second area of the state investing in children's development is targeted distribution of resources, both financial and human. Children and young people depend on the state social services in the field of public health, education and housing programmes. The state defines the "climate" under which a child grows and develops. The state grants access to education, legislatively defines the right to make up a family and participate in the life of society. The World Bank Report of 2007 considers state policy concerning children and young people in view of answers to three issues:

- Does the state grant enough opportunities for children and young people's development and their self-realization?
- Does the state grant opportunities to children and young people to take the right decisions for realization of their capabilities?
- Is there a second chance for those who have missed an opportunity and made wrong decisions?

Without waiting for any answer, the World Bank proposes a number of recommendations based on analysis of state policy concerning children and young people:

1. Primary education assumes a high quality of received knowledge; obligatory availability of the state educational standards; transition to a continuous educational system assumes replacement of the existing educational system (division into preschool education, primary, secondary school, high school).
2. State educational standards are formed according to labour market demands, thus calling for flexibility in standards depending on market conditions. Through provision of grants and credits for education the state creates identical starting conditions for students irrespective of their financial status.
3. In conditions of economic development young people are the most vulnerable part of the labour force. They constitute the main part of migrants both in the country and beyond it. They can easily adapt to economic realities. Many of them, after joining the shadow economy and obtaining the necessary skills, legalize their own businesses. The state can grant access to receiving education through training and for practice in commercial and state structures on a competitive basis.
4. The state grants possibilities for young people to form the social policy through their participation in voting at different levels, discussions of local and national initiatives.
5. The state grants young people a possibility to get informed about investing in human resources and behaviour risks by development of school programmes (for example, on reproductive health). Through mass-media the state conducts national campaigns about the prestige of education, popularizes the status of family and family values. The state can make the Internet accessible for young people.
6. The state develops the programme of crediting for young people to get secondary and higher education, first of all, for families at risk (with many children, single parent families, etc.).
7. The state grants information to young people for them to make their free choice – advocacy of a healthy life style, limitation and prohibition of advertising of alcoholic drinks, tobacco products, isolation of gambling establishments, etc.
8. The state grants possibilities for self-realization to the most vulnerable children (orphans, children from poor families, children with special needs, children infected with HIV/AIDS).
9. The state develops rehabilitation programmes for young people which have not received secondary education; rehabilitation programmes for adolescents who have committed a crime (the programme of alternative justice); programmes of treatment and rehabilitation for the young people suffering from chronic infectious diseases (including HIV/AIDS); programmes of reintegration and psychological rehabilitation for child victims of military conflicts, etc.

Summary

Based on the theory of the American psychologist Abraham Maslow the conduct of a human being is explained by the so-called pyramid or hierarchy of needs.

The model of needs hierarchy was presented for the first time in his book *Motivation and the Personality* in 1954. Today this model is used in different areas - in psychology, in management and in marketing to explain human motivation, to train in management and development of a personality. When analyzing the lives of talented and successful people, Maslow detected a number of regularities that have allowed him to offer his Pyramid of Needs (Table 11). According to Maslow's theory, all human needs are based on five platforms:

- Physiological needs form the base of the hierarchy. That is: air, nutrition, water, shelter, warmth, and sleep.
- The next platform of hierarchy includes a need for security, safety, order, the law and stability.
- The higher platform – need for family, attachment, relations and belonging to a group.
- The next platform – need for respect, approval, achievements, status, responsibility, reputation.
- At the top of the pyramid are self-realization, personal growth and self-knowledge.

Additions were made to Maslow's pyramid later, in 1970-1990, but they affected only its "top". Several more platforms were added to the pyramid: cognitive needs (need for knowledge, importance) and aesthetic requirements (striving for something beautiful, balance, form).

Meeting human needs starts from satisfaction of the lowest needs up to the highest. The needs at the highest level cannot be addressed unless the lowest level needs are satisfied. The satisfaction of all needs brings the person to the top of the pyramid - complete self-realization. In Maslow's works it is stated that 85% of the population satisfies its physiological needs, 70% - need for safety, need for group belonging - 50%, need for respect, approval - 40%. Self-realization is achieved approximately by 1% of people.

The four needs platforms at the bottom are needs in "deficits" or D-needs which support human survival. If these needs are not satisfied there will be a deficit, whereas the top of the pyramid or T-needs assume motivation to personal growth and self-realization.

The UN Convention on the Rights of the Child speaks not only about needs but about the rights of children from the moment of birth. The Convention covers a wide range of rights consolidated in three basic categories:

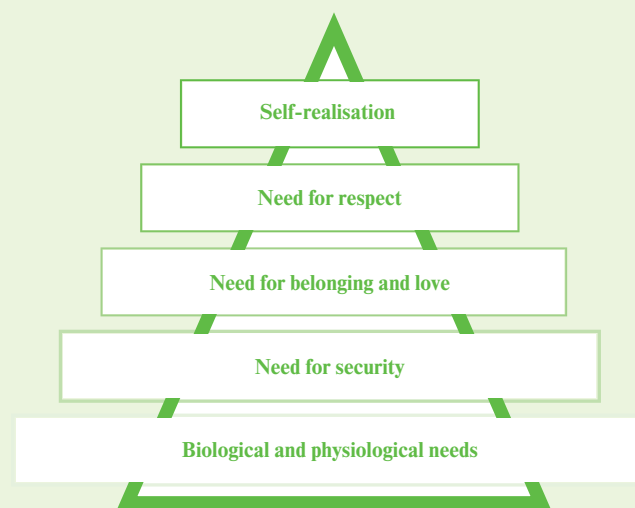
- The right to life;
- The right to survival and development;
- The right to protection and participation.

The Convention provisions assume that children should be provided with conditions for realization of their rights starting from the right to a name and citizenship and ending with medical care and education. Children have the right to protection from torture, exploitation, and deprivation of liberty and ungrounded forfeiting of family care. Children have the right to participate in decisions concerning their life, and to participation in the life of the local community, etc.

Thus, the Convention represents not just a hierarchy of rights where one is a higher priority in comparison with another. It shows that all children's rights are equally important and mutually supplementary and provide for survival and development of the child. The countries signing the Convention make a commitment to respect and ensure the whole complex of the rights stipulated by the Convention for each child

Table 11.

Pyramid of needs (A. Maslow, 1954)



within the limits of the state jurisdiction without any discrimination³². The state and family of the child bear co-responsibility to respect and realize child rights.

In total 192 countries have ratified the UN Convention on the Rights of the Child including the CAR states³³. Having joined the UN Convention on the Rights of the Child, the CAR countries have undertaken a wide range of obligations such as serious revision of the current legislation, of the corresponding mechanisms for coordination of the child protection system and monitoring of the implementation of rights. Chapter 1 of the given report provides data on work conducted by CAR governments to implement the Convention. However, the UN Committee on the Rights of the Child in the observations to the periodic Report notes that there are still a number of problems in this area:

- In countries of Central Asia the national legislation does not always fully comply with principles of the UN Convention on the Rights of the Child;
- Absence of necessary financial and human resources, absence of the comprehensive approach in the child protection hinders the work of coordinating structures involved in the child rights protection³⁴.
- Absence of statistical data on children, first of all, about the most vulnerable groups of children hinders monitoring how the Convention is being implemented.

Due to these existing problems the issue of children in need of support is not a priority for governments. These children become "invisible" which means that the rights of these children will not be satisfied even at the level of basic needs - sufficient nutrition, health care, school education and family rearing. The reasons for such situations are absence of data about children in the state agency on statistics, absence of the record keeping of these children during development of the state programme, duplication of functions of various departments and ministries, etc.

To overcome these problems the CAR countries initiated conducting the Forum on the child protection where issues of social policy, protection and inclusion of children, creation of the social protection system and overcoming of fragmentation were discussed. In chapter 2, the materials of the Forum on the child protection including the Forum resolution, its working mechanisms and indicators of efficiency are presented. The Forum has demonstrated that it is an effective instrument for interstate cooperation and exchange of experience, and hereafter, it can serve as a stimulus for integrated Forums (Forum on education, Forum on maternity and child health, Forum on the child protection).

Having signed the UN Convention on the Rights of the Child, the governments of the CAR countries have undertaken to respect the rights of children, including the right to a proper standard of living. The governments of Central Asia should be aware of the necessity to input funds in development of children because children are our future. Chapter 3 states that since 1998 regional economic growth has been observed and recession has been left behind. With this backdrop of economic growth and a reduction in the birth rate, CAR countries have opportunities to invest in education and public health for children. In the long term, these investments will allow the younger generation to make its own investment in their future.

The CAR governments have undertaken efforts to:

- Improve national legislation;
- Coordinate the work of various ministries and departments in child protection;
- Monitor infringements of provisions of the UN Convention on the Rights of the Child and to monitor the Convention's implementation;
- To increase the share of expenditures for the social sector.

These actions are of great significance for the regional observation of the rights of the child and promotion of development of a society where each child can become what he or she dreams of becoming.

³² UN Convention on the rights of the child , article 2(1)

³³ Alston, Philip and Tobin, John with the assistance of Mac Darrow, *Laying the Foundations for Children's Rights: An Independent Study of Some Key Legal and Institutional Aspects of the Impact of the UN Convention on the rights of the child* , UNICEF Innocenti Research Centre, 2005, p. 10

³⁴ The General Measures, *Ibid.*, p. 31

APPENDIX 1. The Programme of the Child Protection Forum

PROGRAMME

The First Child Protection Forum of Central Asian Countries
Social and Legal Support Systems for Families and Children in Central Asia
President - hotel Rixos, Astana, December 6-7, 2006

Day 1
December 6, 2006. Wednesday

8:30 - 9:30 Registration of participants (2 floor)

Session 1: OPENING OF THE FIRST CHILD PROTECTION FORUM OF CENTRAL ASIAN COUNTRIES (conference hall Zheruyik)

Co-Chairperson:
Ms Byrganym Aitimova
Minister of Education and Science of the Republic of Kazakhstan, and
Mr Alexandre Zouev
UNICEF Representative in the Republic of Kazakhstan

9:30 - 10:00 Welcome address of the President of the Republic of Kazakhstan will be read by Ms Byrganym Aitimova
Minister of Education and Science of the Republic of Kazakhstan

Welcome address of Ms Shahnaz Kianian-Firouzgar
UNICEF Deputy Regional Director for CEE/CIS

10:00 - 10:15 Assistance of religious confessions to the child protection
Mr Absattar Hadji Derbisali
High Mufti of Kazakhstan

10:15 - 10:35 Group photo of participants (the central foyer at the exit of hotel Rixos)

10:35 - 11:00 Coffee break (foyer)

Session 2: SOCIAL POLICY, PROTECTION AND INCLUSION

Reference materials:
• Fact sheets with estimated budgets in social sector
• Country profiles

Chairperson: Ms Dilorom Amonovna Mirsaidova
Head of the Department on youth policies,
Acting Chairperson of the Commission on the rights of the child under the Government of the Republic of Tajikistan

11:00 - 11:20 Investing in the next generation
Mr Peyvand Khaleghian
World Bank mission in the Republic of Kazakhstan

The presentation will discuss the importance of investing in children because of long-term effect on economic and social development, and also because of high expectations assigned to them. The presentation also will offer a number of recommendations for policy makers from the annual World Bank Report

World Development Report 2007 – Development and the Next Generation.

11:20 - 11:40 Social policy, protection and inclusion - indicators of success and challenges in Central Asia

Ms Shahnaz Kianian-Firouzgar
UNICEF Deputy Regional Director for CEE/CIS

The presentation will offer analysis of the situation in child protection in the Central Asian region. It will also reflect the commonalities and differences between countries and address some of the potential future implications for social policy, investments for families and children and will outline some areas where regional cooperation may be useful.

11:40 - 12:00 Child Rights in Practice - from Policy to System

Mr Daniel O'Donnel
UNICEF consultant on the rights of the child, Innocenti Research Centre

This presentation will look at the necessary steps to put child rights in practice, from informing policy with guiding child rights principles to establishing systems that are able to uphold the child rights standards, and mechanisms for monitoring the performance of the State in this regard. The presentation also will focus on recommendations of the UN Committee on the Rights of the Child to Central Asian countries.

12:00 - 12:30 Discussion

Commentator:
Ms Toktokan Zholuevna Borombayeva
Executive Secretary of the National Council on affairs of women, families and gender development of the President's Administration. Kyrgyz Republic

Panelists:
Mr Peyvand Khaleghian
World Bank mission in the Republic of Kazakhstan
Ms Shahnaz Kianian-Firouzgar
Deputy Regional Director of UNICEF for CEE/CIS
Mr Daniel O'Donnell
UNICEF consultant on the rights of the child, Innocenti Research Centre

12:30 - 15:00 Lunch (restaurant Al-Farabi)

14:00 - 15:00 Press-conference with the heads of delegations (Conference hall D-hall)

Session 3: BUILDING AN INTEGRATED SYSTEM FOR SOCIAL PROTECTION OF CHILD RIGHTS

Reference materials:
• The summary table on child protection trends in Central Asia
• Functions of Committees on the child rights, structures at the national level and dealing with children's issues

Chairperson: Mr Rustam Sheronovich Akholidinov
First deputy Minister of the Public Education of the Uzbek Republic

15:00 - 15.30 Kazakhstan: Social policy, protection and inclusion - successes and challenges
Ms Byrganym Aitimova
Minister of Education and Science of the Republic of Kazakhstan

The presentation will address the following issues:
What are the main social and demographic problems that the country faces in terms of family and the child protection indicators? Examples of policies/ programmes that indicate success in addressing these challenges?

Which are the future policy priorities/programmes/strategies in this area (i.e. de-institutionalization, investments in child-related service, development of the family policies, etc.)?

15:30 - 15:50 Uzbekistan: Social policy, protection and inclusion - indicators of successes and challenges

Ms Tanzilya Kamalovna Narbayeva
Attaché of the Cabinet of Ministers of the Uzbek Republic

The country intervention will also reflect the above issues

15:50 - 16:20 Coffee break

16:20 - 16:40 Tajikistan: Social and legal support system for families and children of Central Asia

Ms Dilorom Amonovna Mirsaidova

Head of the Department on the Youth Policies, Acting Chairperson of the Commission on the rights of the child under the Government of the Tajik Republic

The country intervention will address the following questions:

- Which child protection areas are currently addressed by the Government (children deprived of parental care, children in conflict with the law, others)?
- What are the main structures, institutes and/or services addressing these priorities?
- Are any changes planned in any of the above?

16:40 - 17:00 Kyrgyz Republic: Building of the integrated system for the child protection

Mr Sharshenbek Uulu Elzar

Head of the sector on family, children and women's affairs. The department on social and cultural development of the Prime Minister's Cabinet of the Kyrgyz Republic

The country interventions will address the above-listed issues

Closing of day 1

19:30 - 21:30 The reception party devoted to the 60-the anniversary of UNICEF for all Forum participants and official representatives of the Republic of Kazakhstan including the 30-minute cultural programme. (The conference hall Zheruyik, then restaurant Al-Farabi)

Day 2

December 7, 2006, Thursday

Chairperson: Ms Bakhyt Syzdykova

The Chairperson of the Committee on child rights protection.

Ministry of Education and Science of the Republic of Kazakhstan

09.30 - 10:00 System for the child protection - Imperatives for fulfillment of the child rights

Ms Judith Reichenberg

Regional Adviser on Child Protection, UNICEF

The given presentation will look at the main lessons learned from the CEE/CIS region on how to move from a fragmented system of child protection to system that creates a more favourable environment for the child rights protection. It will also give a few ideas on operational good practices that are needed to support the transformation from the old - to new system.

10:00 - 10:30 Discussion

Commentator:

Ms Elena Sialchonak

UNICEF Programme Coordinator, the Republic of Kazakhstan

Panelists:

Mr Azamat Abdymomunov

Vice-Minister of Education and Sciences of the Republic of Kazakhstan

Ms Tanzilya Kamalovna Narbayeva

Attaché of the Cabinet Council of the Uzbek Republic

Mr Sharshenbek Uulu Elzar

Head of the sector on family, children and women's affairs. The department on social and cultural development of the Prime Minister's Cabinet. Kyrgyz Republic

Ms Judita Reichenberg

Regional Adviser of UNICEF on Child Protection

10:30 - 10:50 Summary on priorities for country work and future Forums

Ms Anna Nordenmark-Severinsson

Regional Child Protection Officer, UNICEF Regional Office for CEE/CIS

10:50 - 12:30 Coffee break

11:20 - 11:50 Meeting of the Drafting Committee

(Conference-hall D-Hall)

12:00 - 12:30 Meeting of the Executive Committee of the Forum

Discussion of the final draft resolution

Session 4: SETTING THE FRAMEWORK FOR THE CHILD PROTECTION FORUM OF CENTRAL ASIA

Chairperson: Ms Toktokhan Zholuevna Borombaeva

Executive secretary of the National Council on affairs of women, families and gender development of the President's Administration. Kyrgyz Republic

12:30 - 12:50 Plenary presentation of the concept for the overall Child Protection Forum of Central Asian countries, including:

- Vision of the Forum
- Main aim of the Forum
- Working mechanisms of the Forum

Ms Bakhyt Syzdykova

The Chairperson of the Committee on child rights protection. Ministry of Education and Science of the Republic of Kazakhstan

12:50 - 13:10 Plenary discussion of the Final Resolution of the 1st Child Protection Forum for Central Asia

Session 5: CONCLUDING SESSION

13:10 - 13:30 Closing Remarks and Adoption of the Resolution

Ms Bakhyt Syzdykova

The Chairperson of the Committee on child rights protection. Ministry of Education and Science of the Republic of Kazakhstan

Mr Alexandre Zouev

UNICEF Representative in Kazakhstan

APPENDIX 2. Participants of the Child Protection Forum**THE LIST OF PARTICIPANTS
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APPENDIX 3. Information about speakers

KAZAKHSTAN

Byrganym Aitimova, Minister of Education and Science of the Republic of Kazakhstan. Ms Aitimova has the diplomatic rank of Ambassador-Extraordinary. She worked in various state agencies, at the regional and national levels. In 1993-1996, Ms Aitimova was appointed minister on affairs of the youth, tourism and sports of the Republic of Kazakhstan. In January 1996, Ms Aitimova became the Senator to the RK Parliament. In October 1996, she was appointed the ambassador of the Republic of Kazakhstan to Israel, and then Italy, Greece and Malta. In 2004, Ms Aitimova was appointed the Deputy Prime-minister of the RK. Since December 2004 – she holds the post of the Minister of Education and Science of Kazakhstan. Byrganym Aitimova – a graduate of the Ural Pedagogical Institute after Pushkin and the Kazakh State National University after Al-Farabi. She has been awarded with Kazakhstani and international awards including the Award of Honor, Kurmet and Italian “Big Cross”

Absattar Hadji Derbisali, an academician of the Academy of Sciences of the Higher School of Kazakhstan, Doctor of Philology, professor, scientist-orientalist, diplomat, one of the founders of the Kazakhstani school of Arabic sciences. In 1977, he introduced for the first time in Kazakhstan teaching of the Arabic language and literature as a specialty area and organized and headed the faculty of oriental languages in the Kazakh State University after Al-Farabi. In 1989, he founded the faculty of oriental studies; from 1991 to 1997 he was appointed as the pro-rector (provost) on languages and foreign relations. In 1997, by the invitation of the RK Ministry for Foreign Affairs was transferred to the diplomatic service and up to 2000 successfully worked as the adviser of the RK Embassy to the Kingdom of Saudi Arabia. In June 2000, he was elected the High Mufti - Chairperson of the Spiritual Administration of Moslems of Kazakhstan as at the third congress of Moslems of Kazakhstan and in July at the IV-th International Conference of the Eurasian Islamic Shura was elected the first vice-president of this international organization. In June 2002, Absattar Hadji was awarded with an Egyptian award Science and Arts of the I-st degree for foundation of the school of Arab sciences in Kazakhstan, fundamental works in the field of Arabian philology and Islamic sciences.

Azamat Abdymomunov, Vice-Minister of Education and Science of the Republic of Kazakhstan. In 1999-2000, Mr Abdymomunov worked in Kazakhoil, the national oil-and-gas company. In 2001, he headed the department on new technologies and target programmes of the General Staff of the Armed forces of the RK. In 2002-2005 he worked in the Centre for systemic researches of the Department for economic policy of the RK President's Administration. Since January 2005 he is Vice-Minister of Education and Science of the RK. A graduate of the Kazakh National University after Al-Farabi, University of Indiana and Higher School of State Administration of Kennedy at Harvard University.

Bakhyt Syzdykova, the Committee Chairperson on the child protection of the Ministry of Education and Science of RK. Since 1996, after graduation from the philological faculty of Akmola University after S. Seifullin (the Eurasian National University after L. N. Gumilev at present). She was the Chairperson of the Committee on the youth affairs of Akmola University and also taught at the pedagogic faculty. In April 1998, she was elected as the Chairperson of the Council of the Youth Movement called For Future of Kazakhstan in Astana. The below named public organizations of the capital city have been created by her initiative: the Youth Parliament (1998), the Eurasian Expert Institute (1999). A branch of the Scouts' Movement Organization was opened in Kazakhstan (2000), the Headquarters of building students' squads (2001), Association of Youth Organizations of the capital (2002), the youth movement Unity (2002), Children's Centre Shanyrak (2003). In 1999 and further in 2003 she was elected as a deputy to Maslikhat (Council) of Astana city where she was the chairperson of the committee on social and national-cultural development of Astana. In April 2001, by decision of the council of trustees of the Akbota public children's fund of Astana she was appointed the executive director of the fund. In April 2002 was elected the executive secretary of the Council of the Children's Fund of the Republic of Kazakhstan under the Bobek Fund.

Bakhyt Syzdykova is a member of the Assembly of Peoples of Kazakhstan, a member of the Republican Political Party Nur-Otan, a member of the Council on the Youth Affairs under Mayor's

Office in Astana, a member of the municipal committee on family and women affairs, a member of the executive committee of association of youth organizations of CIS and Baltic countries and etc. She participated in development of the Concept on the state youth policy of the RK, draft of the law «On the state youth policy in the RK», draft of the law «On social order», draft of the state programme «Kazakhstan in protection of childhood», etc.

In October 2001, she was awarded a commemorative medal «10 years of Independence of the Republic of Kazakhstan» and in December 2002 with a medal «For Labour Valor».

KYRGYZSTAN

Toktokhan Borombayeva, the Executive Secretary of the National Council on Issues of Women, Families and Gender Development under the President of the Kyrgyz Republic. From 1997 to 2000 she was the chairperson of the commission on affairs of family, women and the youth under the state administration of Osh Region and also the director of the Osh regional centre for women's initiatives Ayalzat. In 1998, the NGO headed by her was named «The best NGO of the Year». In 2001-2005 she was elected a deputy to the legislative assembly Zhogorku Kenesh (Parliament) of the Kyrgyz Republic. In 2005 - Chairperson of the Azhar Public Association of Women's Assembly of the Republic. Ms Borombayeva initiated the following laws: the Law «On the basic principles for the state guarantees of gender equality», «The Family Code of the Kyrgyz Republic», the Law «On prevention and combating illegal trafficking and trade in people», the Bill «On legal bases of lobbyist activities in the state authorities». Ms Borombayeva is a member of the National Council under the President of the Kyrgyz Republic on the fight against illegal trafficking and trade in people of the Kyrgyz Republic; one of the founders of the Association of Crisis Centres of Kyrgyzstan and the Osh regional Centre for women's initiatives Ayalzat; the Chairperson of the Azhar Republican Women's Assembly. Ms Borombayeva submitted an alternative Report to the Report of the Government to the Committee of CEDAW of the United Nations on improvement of women's status.

She graduated from the Kyrgyz State University (1972), the Almaty Higher Party School (1986) and the Kyrgyz Agricultural Institute (1994).

TAJIKISTAN

Dilorom Mirsaidova - Head of the department on the youth policy of the President's Office and the Acting Chairperson of the Commission on the Rights of the Child under the Government of the Republic of Tajikistan. She is a graduate of the Lomonosov Moscow State University, Faculty of Political Parties and Movements of the Russian Federation, candidate of historical sciences, a senior lecturer. She obtained a master's degree through her study Development of a New Political Structure in Tajikistan During the Years of Independence (from the late 80s to 1997). For fifteen years she worked in the Tajik State National University where over last years she headed the dean's office of the historical faculty. For the past years she has been an executive assistant of the President's Office in implementation of many projects, national programmes, concepts directed on development of the youth policy, sports and tourism in the Republic of Tajikistan. A number of normative-legislative documents were developed under her supervision aimed at development of the given branches. For the last two years she has closely cooperating with a group of experts from the Commission on the Rights of the Child under the Government of the Republic of Tajikistan in reforming the system of juvenile justice.

UZBEKISTAN

Tanzilya Narbaeva - Chief specialist of the Social Complex of the Cabinet of Ministers. By her educational background Ms Narbaeva is a philologist. She started her professional career as a pioneer team leader in high school of №1 in Shakhrikhana of Andizhan Region. Tanzilya Narbaeva worked as a teacher at school in Tashkent where she became the deputy-principle on educational work. For some time Ms Narbaeva headed the Palace of pioneers. Since 1995 Tanzilya Kamalovna worked in the Cabinet of Ministers. For many years she has been engaged in issues of social protection in the governmental body including social issues of maternity and childhood. In addition to this, Ms Narbaeva is engaged in political work. She is the secretary of People's Democratic Party of Uzbekistan. She also coordinates the work on implementation of the UN Convention on the rights of the child. Ms Narbaeva published a monographic publication *Healthy Generation - the Future of Uzbekistan* (2000), a methodical manual *Interaction of the State and Public Structures in Ensuring Well-being of Family, Maternity and Childhood* (2003).

UNICEF

Shahnaz Kianian - Firouzgar, Deputy Regional Director, Regional office of UNICEF for Central and East Europe and the CIS. Ms Kianian-Firouzgar started her career from UNICEF as an expert for the programme of agricultural development in Delhi, India. Then she joined the UNICEF headquarters and in 1987 was appointed as programme coordinator and the acting branch manager for the Middle East and Northern Africa. From September 1987 to June 1992 she headed the unit on recruitment and training of the staff. In 1992-2000 she was a UNICEF representative in Oman and Mali. Since June 2000 she is Deputy Regional Director. Ms Kianian-Firouzgar is a graduate of College Svartmor (1973) and Fletcher's School of Law and Diplomacy and Taffeta University (1974-1975).

Alexandre Zouev, Representative of the Children's Fund of the United Nations (UNICEF) in the Republic of Kazakhstan. He was sent by UNICEF to the Executive Director's Office of the UN Administrative Office for Projects Servicing since March 2003 as Chief Adviser on cooperation of UNICEF- UN Office for Project Services. Mr Zouev began his career in UNICEF in August 1990 as Social and Economic Researches Coordinator in the Programmes Management Department and Research and Appraisal Office in New York. In February - March 1992, he was one of the key organizers of the first UN mission (UNICEF/WHO/UNDP) to Central Asia and Kazakhstan which resulted in the establishment of UNICEF Offices and ongoing programmes of cooperation with these countries. From 1995 to 1997 Mr Zouev worked in Programmes Management Department (Department for CEE/CIS and Baltic states) as Senior Programmes Coordinator for Central Asia and Kazakhstan. From 1998 to 2003 he headed the department for CEE/CIS and Baltic countries in UNICEF Headquarters in New York. Mr Zouev has a lot of publications on various social and economic problems of East Europe and Central Asia, including his recent book *Generation in Danger* (with the foreword by Sir Peter Ustinov) where socio-economic aspects of maternity and childhood protection in the CA countries and Kazakhstan are discussed in detail. The problems faced by children and women living in the region of the Aral Sea are especially highlighted in this work.

Before joining UNICEF Mr Zouev worked as the First Secretary and Assistant to the Deputy Minister of Foreign Affairs in the USSR Ministry for Foreign Affairs (1987-1989), Senior lecturer in Moscow State Institute of International Relations – MGIMO (1983-1987), where he was the acting pro-rector and dean on the work with foreign students of the same institute (1984-1986).

Anna Nordenmark Severinsson, regional coordinator of projects on protection of the rights of the child in UNICEF regional office for CEE/CIS countries. Her expertise includes: development of strategies promoting child protection from exploitation, cruel treatment and absence of care, and also support to child protection reforms. Before joining the Regional UNICEF Office in 2003 she had worked for two years as monitoring and appraisal coordinator in UNICEF Office in the state Uttar Pradesh, India. Her job responsibilities included establishment of cooperation with members of Parliament and Governments thus

promoting development of the policy and parliamentarism in the field of child rights protection. Before she started to work in UNICEF Anna Nordenmark Severinsson worked in the International Institute of Democracy and Assistance to Elections on issues of elections and democratization – development of policies and legal reforms. For three years she worked in Côté d'Ivoire, Benin and Burkina Faso, West Africa. She has degrees in political science and international relations.

Daniel O'Donnell, Holder of a Juris Doctor degree (State University of New York, 1977), O'Donnell was the Director of Research for the Commission for Historical Clarification in Guatemala (1997) and the Assistant Director of the United Nations Secretary's Research Team in Democratic Republic of Congo (1998). He has also worked as a consultant to the Office of the UN's High Commissioner for Human Rights, UNICEF, UNHCR, UNDP, the Inter-American Court of Human Rights, and several NGOs. O'Donnell has given courses at the International Institute of Human Rights in Strasbourg, the International Institute of Humanitarian Law in San Remo, and the Academy on Human Rights and Humanitarian Law in Washington. He is currently working at the Innocenti Research Centre in Florence, coordinating a study on the implementation of the Convention on the Rights of the Child.



APPENDIX 4: Reporters' presentation

**4.1 CHILD RIGHTS IN PRACTICE:
FROM POLICY TO SYSTEM**

Implementation of the CRC in Central Asia

*Mr. Daniel O'Donnell
Innocenti Research Center*

Introduction

“General Measures of Implementation”
Committee on the Rights of the Child a
General Observation No.5, 2003
foundation for measures to protect spe-
cific rights

*	law reform
*	judicial remedies
*	coordinating mechanisms
*	national strategies
*	monitoring implementation
*	allocation of resources
*	training and capacity building
*	cooperation with civil society
*	children's ombudsmen
*	international cooperation

Other international treaties

	Kazakhstan	Kyrgyzstan	Tajikistan	Turkmenistan	Uzbekistan
OPAC	X	X	X	X	X
OPSP	X	X	X	X	X
CEDAW	X	X	X	X	X
ILO 138	X	X	X		
ILO 182	X	X	X		
P I	X	X	X	X	X
P II	X	X	X	X	X
Palermo		X	X	X	
Migrant		X	X		

Law reform

“States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.” CRC, Art.4

- Direct implementation of the international law
- Children's Codes/child rights acts
- Review preexisting codes and general laws
- Adoption of special laws
- Regulations

CARK Child Rights Laws

- Kyrgyzstan: National Children's Code, 2006
- Kazakhstan: Rights of the Child Act, 2002
- Turkmenistan: Rights of the Child (Guarantees) Act of 5 July 2002

Coordination mechanisms

“The purpose of coordination is to ensure respect for all of the Convention's principles and standards for all children in the jurisdiction.” General Observation No.5, para.37

- specialized permanent body
- comprehensive + sectoral
- horizontal + vertical
- public sector + civil society
- clear mandate and authority
- resources
- additional functions (awareness, policy, monitoring...)?

CARK coordinating mechanisms

- Kazakhstan: Committee on Protection of Children's Rights, 2006, Ministry of Education and Science
- Kyrgyzstan: Commission on Minors
- Tajikistan: National Commission on Child Rights, 2001, Deputy Primer Minister, “Experts Groups”
- Turkmenistan: Cabinet of Ministers + Department for Youth Affairs of the Office of the President
- Uzbekistan: Cabinet of Ministers

Monitoring child rights

- Monitoring ≠ research
 - permanent
 - baseline + progress towards targets
 - effectiveness, unanticipated results
- Monitoring ≠ reporting
 - Self-monitoring by agencies whose activities affect children
 - indicators to measure effectiveness, impact
- Comprehensive monitoring
 - qualitative data
 - household surveys
 - ‘self-monitoring’
- Monitoring >> transparency and accountability

Indicators

- relevant to the rights contained in the CRC
- disaggregated
- reliable
- useful

Children's ombudsmen

“the establishment of [children's ombudsmen] fall[s] within the commitment made by States parties upon ratification to ensure the implementation of the Convention and advance the universal realization of children's rights.” Committee on the Rights of the Child, General Comment No. 2, 2002

- no cost, rapid, child-friendly procedure for cases & situations
- adequate powers, adequate resources, independence
- other functions: law reform, awareness campaigns, voice for children

Ombudsmen & human rights institutes

Kazakhstan: Ombudsman, 2002

Kyrgyzstan: Office of the Ombudsman, children's unit

Turkmenistan: National Institute for Democracy and Human Rights

Uzbekistan: Office of the Ombudsperson

- vertical as well as horizontal
- participation of civil society
- adequate mandate & recourses

Recommendations

1. Comprehensive laws on the rights of the child..
2. Agenda for law reform ...
3. Participation of civil society in law reform...
4. Adopt regulations as needed...
5. Establish national coordinating mechanisms
6. Sectoral self monitoring + comprehensive monitoring
7. Independent bodies for investigating violations
 - specialized & child friendly
 - adequate powers & resources

4.2 Investing in the Next Generation

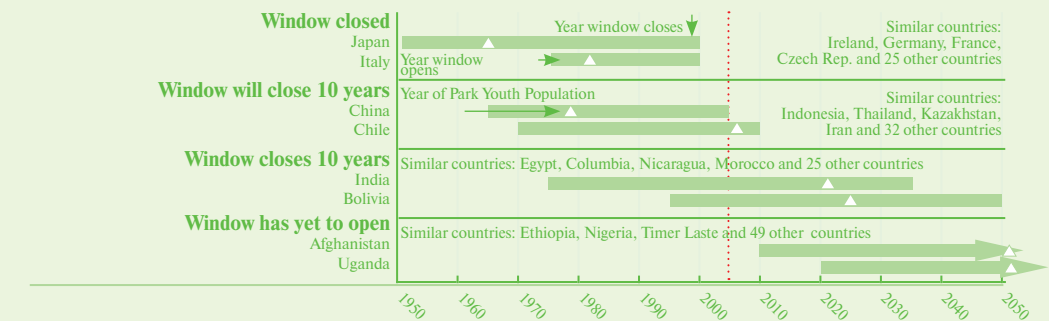
World Development Report 2007

Mr. Peyvand Khaleghian
Senior Health Specialist, World Bank mission in the Republic of Kazakhstan,
Investing in the Next Generation

Outline:

- Motivation
 - A higher base on which to build human capital to grow and reduce poverty even more
 - A large youth cohort is a potential demographic dividend
- Structure/Framework of the Report
- Main Policy Messages

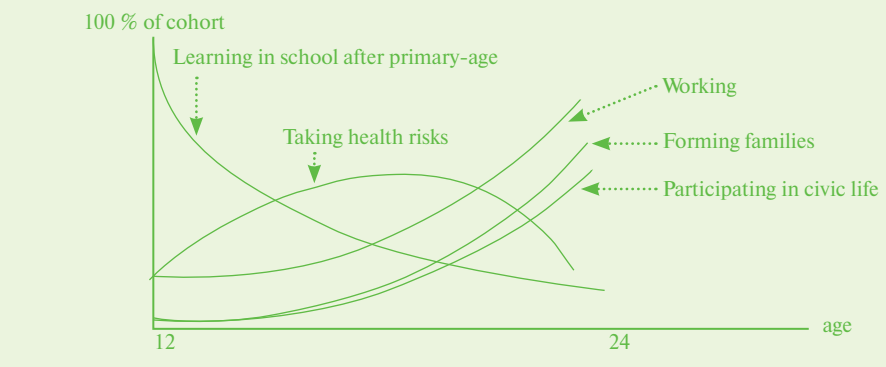
Demographic Windows of Opportunity



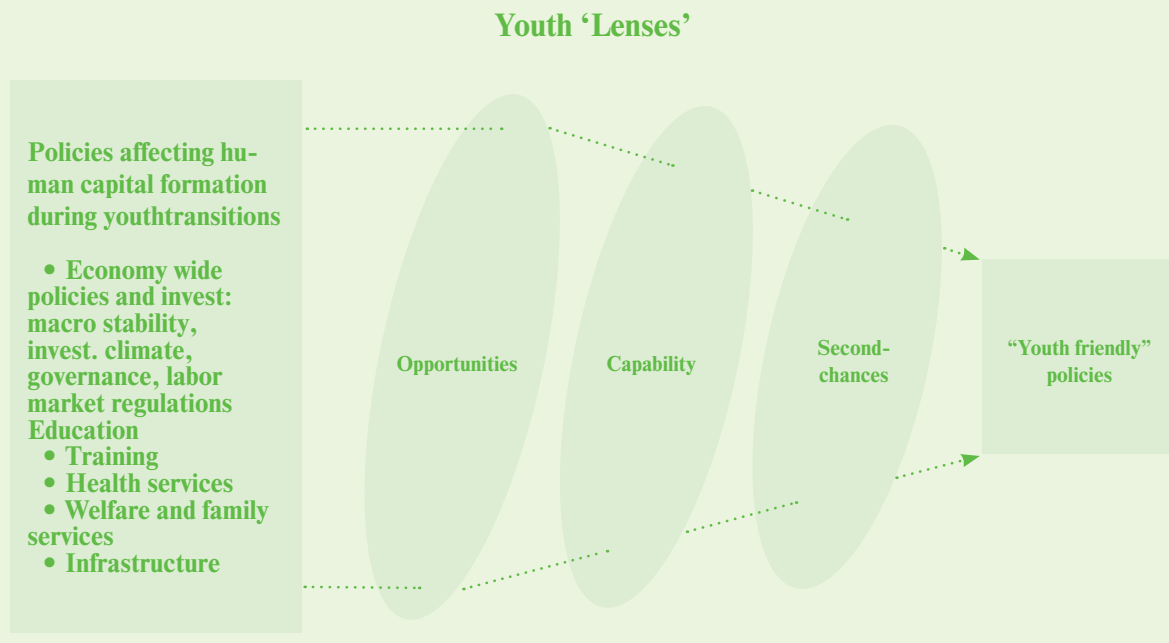
Outline:

- Motivation
- Structure/Framework of the Report
 - 5 Transitions
 - 3 Policy Lenses
- Main Policy Messages

Human capital during 5 youth transitions key for poverty reduction and growth



3 types of questions asked of each transition ('youth lens' on policy)



Outline:

- Motivation
- Structure/Framework of the Report
- Main Policy Messages
 - Invest more in human capital, but focus on quality and relevance
 - Improve the climate for young people and their parents to invest in themselves

More public invest. to expand oppor — but focus on quality and relevance

% of young women, 15-24, who can read a simple sentence or know condoms can prevent HIV/AIDS after six years of primary school



- Inadequate preparation for adolescence improve quality of basic education
- Relevance of education for jobs Curriculum reform, flexibility in education systems

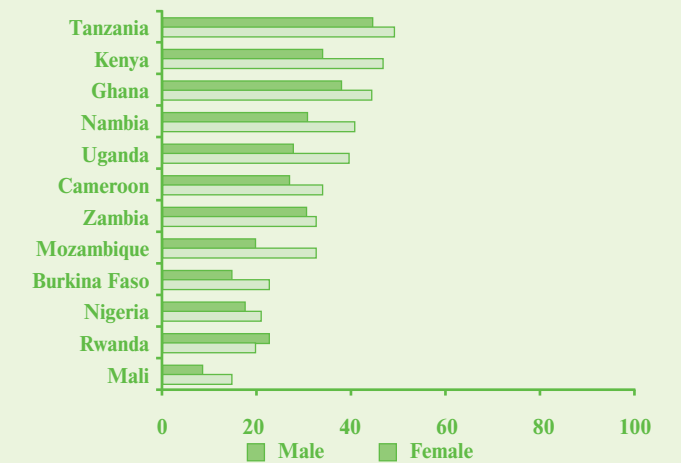
Improve investment climate for human capital by increasing returns

- Promote growth that leads to greater youth employment
- Reform institutions that inhibit job creation for and mobility of unskilled young people
 - Excessively high minimum wages or employment protection
 - Opening up opportunities to migrate

Improve investment climate for human capital by improving capacity to decide

- Returns perceived low, discounted too heavily, costs perceived high info campaigns
- Knowledge may not be enough Motivate by conditional cash transfers; Involve them in programme design

Percentage of young people who are aware of multiple ways to prevent HIV/AIDS



Improve investment climate by reducing risks

- The chances of poor outcomes may be high for young people. May inhibit investment.
- 2nd chance programmes can sustain motivation to invest.
 - Remedial education programmes that enable students to reenter mainstream ed systems
 - Retraining programmes
 - HIV/AIDS treatment increases investment in human capital
 - Restorative justice programmes

Outline:

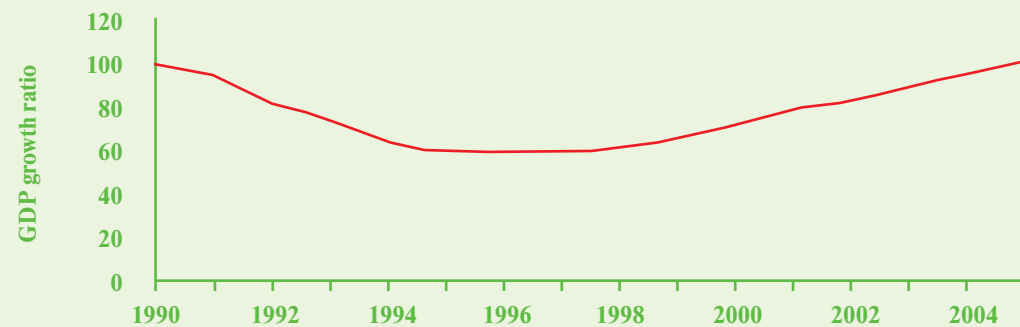
- Motivation
- Structure/Framework of the Report
- Main Policy Messages – to countries
 - Invest more in human capital, but focus on quality and relevance
 - Improve the climate for young people and their parents to invest in themselves

4.3 Social policy, protection and inclusion

Indicators of success and challenges in Central Asia Republics

Shahnaz Kianian-Firouzgar,
Deputy Regional Director,
UNICEF Regional Office for CEE/CIS

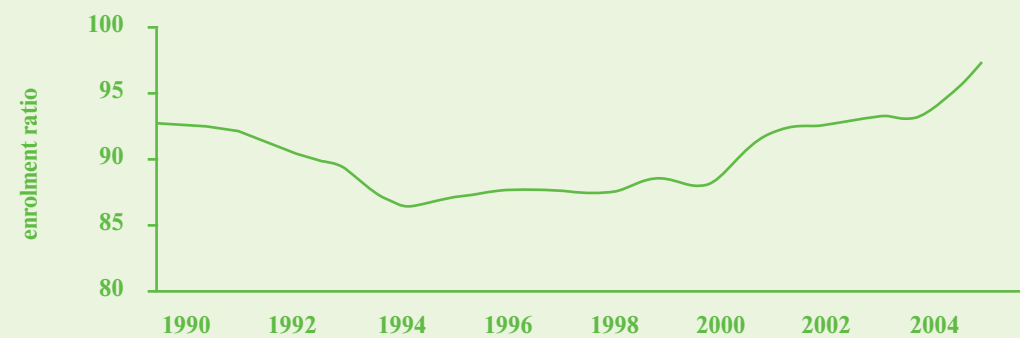
Good news: economic growth



Good news: more children are surviving



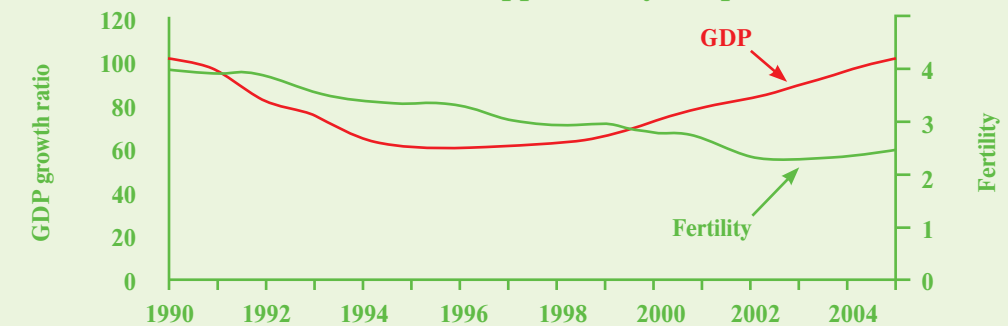
Good news: enrolment in basic education is increasing



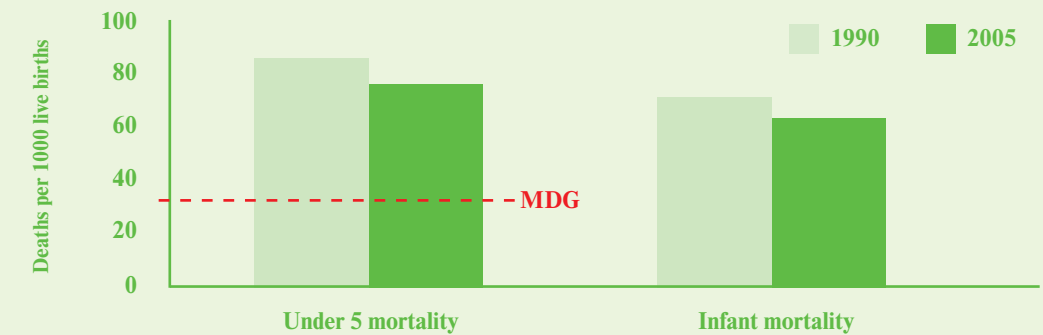
Good news: Child Protection

- Governments recognising the child's right to protection
 - All have ratified the CRC and submitted initial report
 - Some established a national body for the co-ordination and oversight of the implementation of child rights
 - All working on harmonizing national law with international CR standards
 - All developed or are working on National Plans of Action for Children
- Governments are recognising child's right to grow up in a family
 - Kyrgyzstan, Uzbekistan and Kazakhstan have introduced foster care
 - All countries have initiated reforms in child care and de-institutionalisation
- Juvenile crime rates are still low, compared to rest of CEE/CIS

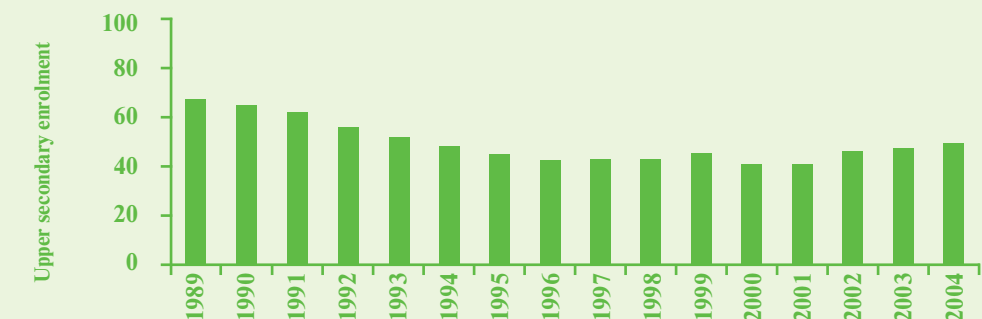
The window of opportunity is open!



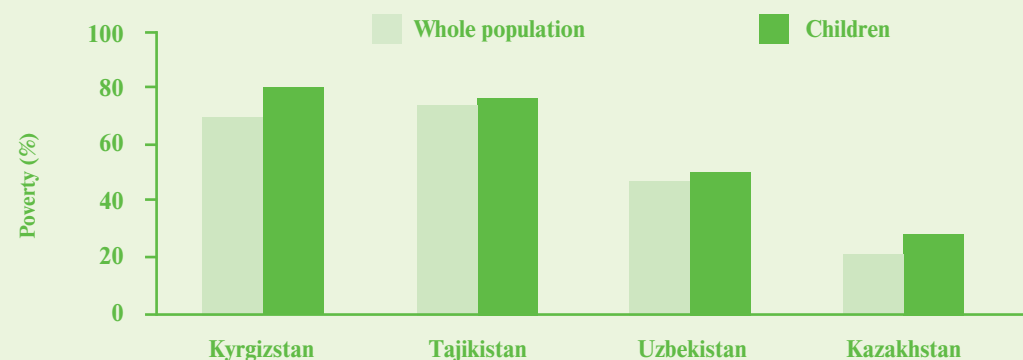
Challenges: progress in health slow



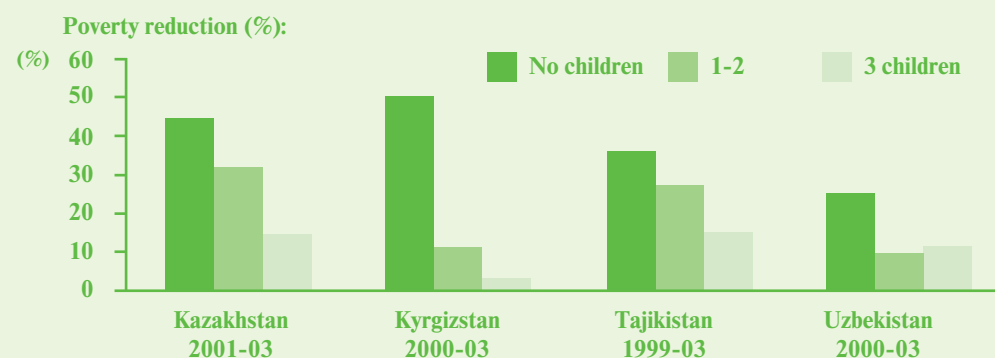
Challenges: secondary education not for all



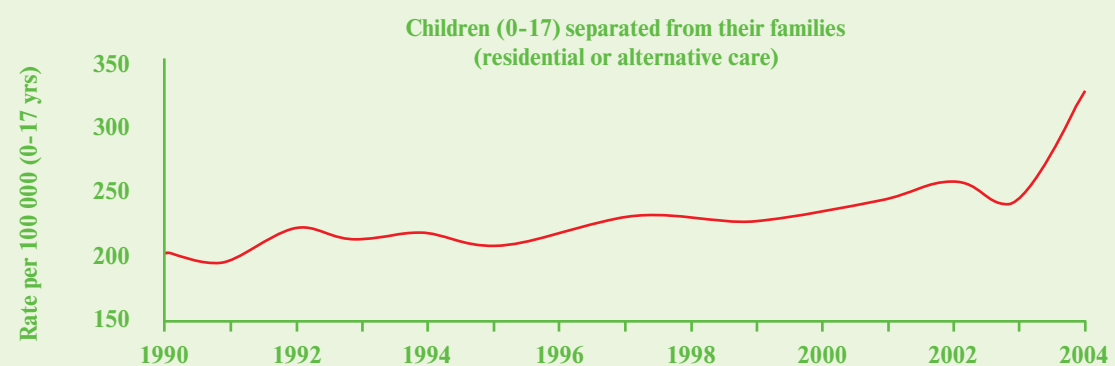
Challenges: poverty - children most affected



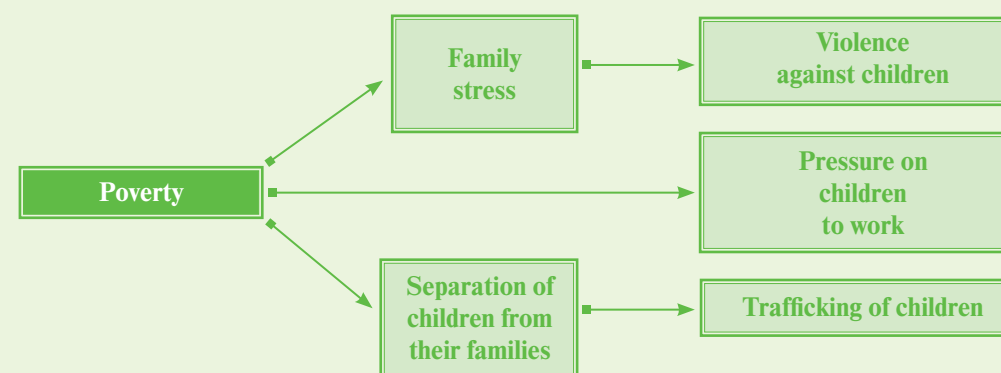
Challenges: poverty in large families



Challenges: more children are separated from their families



Challenges: poverty increases risks for children



Challenges: trafficking

- Mainly for sexual exploitation and labour
- Trafficking for sex targets women and girls
- Transnational problem
- Numbers unknown
- However, CEE/CIS regional risk factors are known:
 - When children are living in residential institutions
 - When children come from dysfunctional violent families
 - When children are living in poverty or exclusion

Challenges: child protection systems

- Current systems reactive, not preventative
- Not equipped to respond to new challenges
- System of institutions, not system of services

Challenges: Child Protection

- Reliable and adequate data on the situation of vulnerable and excluded children and their families
- Government and independent monitoring systems
- Participation of excluded and vulnerable children

Conclusions for Politicians

- **Increase investment** in basic social services to reach every child
- **Target** most vulnerable families
- **Modernize** family-based child protection systems to become more inclusive, flexible and responsive
- **Develop** a continuum of services
- **Build and Capitalize** on partnerships

4.4 Summary priorities in Central Asia

Future Child Protection Forums

*Mrs. Anna Nordenmark-Severinsson
Regional Child Protection Officer,
UNICEF Regional Office for CEE/CIS*

Key messages of 1st Forum

- Demographic and economic unique opportunity to invest in children
 - Increase investments in social sectors (incl. Social Welfare)
- Importance of investing in family (incl. most vulnerable)
 - Prevent delinquency & risky behaviour
 - Prevent institutionalization
 - Prevent violence and other risks
- Reform of child protection systems (child rights)
 - Modernize and make flexible
 - Preventative, not only responsive
 - Individual response, not categorized
- Child protection is a cross-sectoral
 - Common policy
 - Coordination and defining responsibilities of sectors
- Strengthen partnerships
 - Public, private, civil society

Child protection issues – CAR

- Separation of children from biological family
 - Persistent institutionalization in Kyrgyzstan, Kazakhstan, Tajikistan and Uzbekistan
 - High rates of infants in institutions in Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan
 - Family vulnerability = child vulnerability (higher poverty rates in large families and rural areas in all CA-countries)
- Domestic violence
 - Family stress: alcohol consumption, high in Kazakhstan, Uzbekistan
 - Alcohol and substance abuse
- Juvenile delinquency and risk-taking behaviour
 - Low rates of juvenile crime, but high proportion of petty « crimes » out of juvenile crimes
 - Deprivation of liberty prevailing
- Trafficking in children and child labour
 - Vulnerability factors highly present (“fertile fields”)

Priority actions for CP Forum

- Child care- and social welfare system reform (learning, exchange of exp.) :
 - Overcoming fragmentation
 - Overcoming deficiency in data
 - Development of continuum of services (family support, family substitute services, gatekeeping system and de-institutionalization)
- Development of a Juvenile Justice system (learning, exchange of exp.) :
 - Overcoming fragmentation
 - Overcoming deficiency in data

- Development of continuum of services (improve welfare response to petty « crimes », develop restorative justice)
- Strengthen systems protection from violence (learning, exchange of exp.) :
 - Overcoming fragmentation
 - Overcoming deficiency in data
 - Development of continuum of services (improve system of identification, reporting and referral of domestic violence, clarify accountability of different sectors)
- Strengthen system of protection of children from trafficking and labour exploitation (establish regional cooperation):
 - Overcoming fragmentation (sectoral responsibilities and regional response)
 - Overcoming deficiency in data (disaggregate child from adults)
 - Development of continuum of services (improve system identification, reporting and referral, special system and procedures for protecting rights of CVT)

Priority actions for CP Forum

Reforms in:	Child Care and Social Welfare	Juvenile Justice system	System of protection from violence	System of protection from trafficking and exploitation
Overcoming fragmentation	Define sectoral responsibilities, national coordination	Define sectoral responsibilities, national coordination	Define sectoral responsibilities, national coordination	Define sectoral responsibilities, national & regional coordination
Overcoming deficiency in data	Improve reliability, establish common definitions	Improve reliability, establish common definitions	Improve reliability, establish common definitions	Improve reliability, establish common definitions
Reforming & developing services	family support, family substitute, gatekeeping, de-institutionalization	improve welfare response to petty « crimes », develop restorative justice	improve system of identification, reporting, referral, clarify accountability of different sectors	improve system identification, reporting, referral, special system and procedures for protecting rights of CVT)

4.5 Child Protection

Imperative for fulfilment of children's rights

*Judita Reichenberg,
Regional Advisor Child Protection,
UNICEF CEE/CIS*

Positive Developments

- Economic improvement
- Reforms in all public sectors
- Embrace of children's rights and shared principles:
 - Children have the right to be protected
 - The family is the best environment for child's upbringing
 - The state has an obligation to support families and ensure protection of children from harm
- Efforts to improve monitoring of children's rights
- Review of current child protection measures and structures

Some common challenges:

- Deficient data on child protection
- Family not central to social policy and protection
- Mainstream services not inclusive
- Social protection not reaching the most vulnerable
- Public care fragmented and dependent on system of institutions
- Justice system insufficient and based on deprivation of liberty

Overcoming challenges:

Essential step: agreement on policy direction

- Family and Child central to social protection system
- Shift in attitudes and practices:

From deficiencies and dependency → To client needs and participation

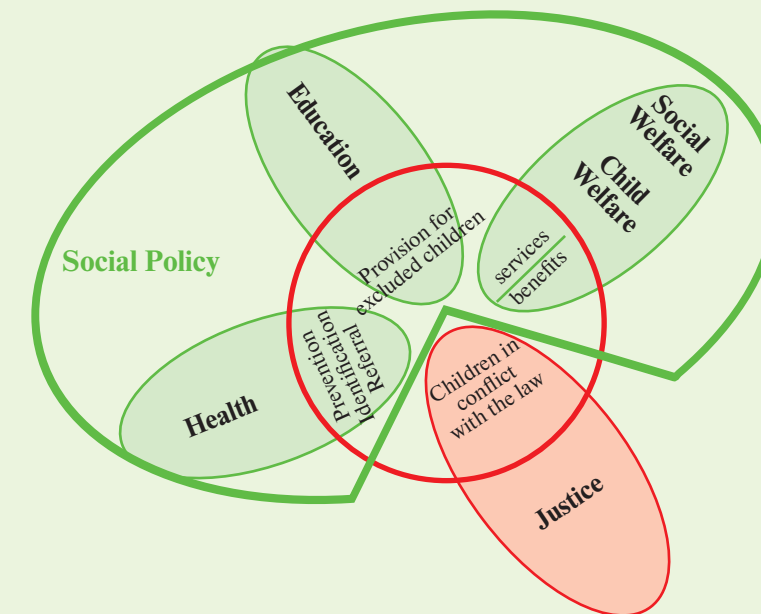
From categorical responses and segregation in institutions → To individual case management and supportive family environments

- Provide incentives to overcoming resistance by those with vested interest in current system

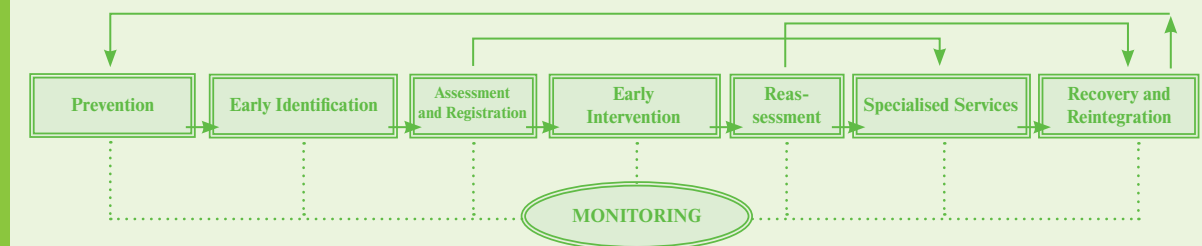
What more to overcome challenges?

1. Improve understanding of all issues undermining child development
2. Invest in prevention-combine social assistance with social services in targeting the most vulnerable
3. Develop a Continuum of Services and ensure minimum standards
4. Articulate specific responsibility of all sectors for child protection

Articulate specific responsibility of all sectors for child protection



What is a Continuum of Services?



Web of inter-sectoral and cross-sectoral provisions, measures, mandates, structures, services and professionals guided by human rights standards and accountable to the client

In summary:

1. Agree on common policy direction
 - Families and Children central to social protection
2. Overcome fragmentation
 - Articulate obligations for child protection of each sector
 - Build continuum of services
 - Bring in diverse service providers
3. Improve data collection, establish baselines
4. Provide incentives to overcome the resistance
 - Make use of existing resources
 - Re-direct finances
 - Document, evaluate and learn from pilot initiatives

4.6 Child Protection Forum

Structure and working mechanism

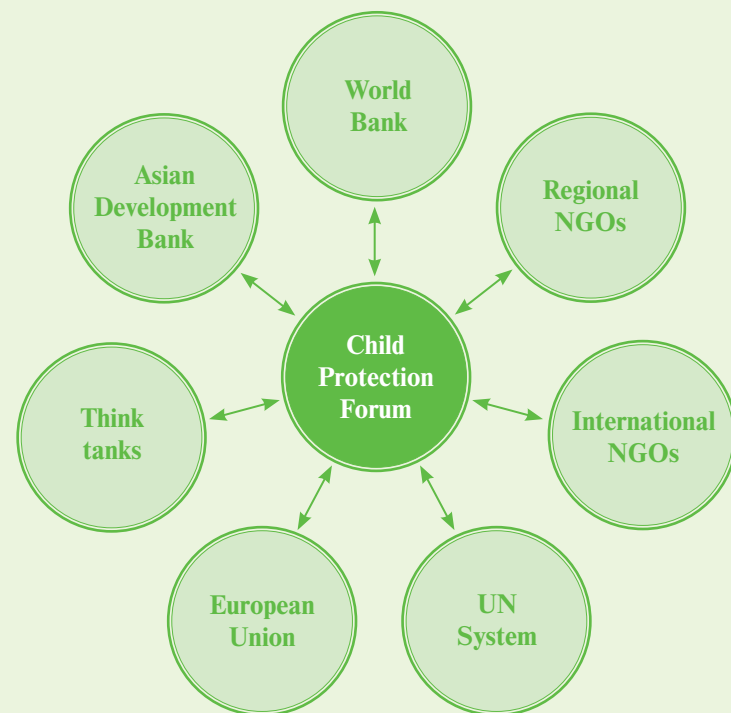
Bakhyt Syzdykova
Committee of Child Protection
Ministry of Education and Science of the Republic of Kazakhstan

Goals and tasks of the Forum

- To establish a platform for a high level policy discussion on child protection in Central Asia including Forum's working mechanisms, effectiveness and efficiency indicators;
- Forum is established to strengthen partnership
 - With strategic partners, including EU, ADB, WB, UN system organization, international and national NGOs
 - With existing regional Forums

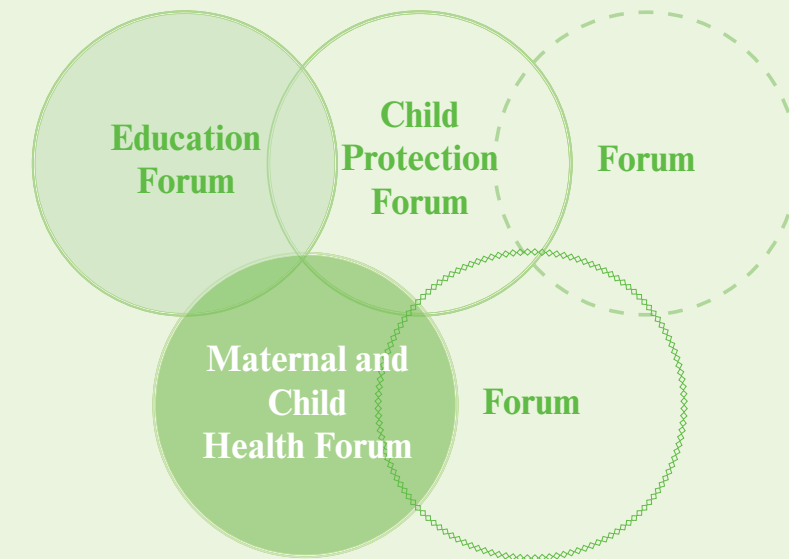
Interaction with strategic partners

Child Protection Forum will closely work with international organizations through working groups and joint projects



Interaction with regional Forums

Child protection system involves a complex of issues, covering areas of public health, education, justice, social protection, etc.



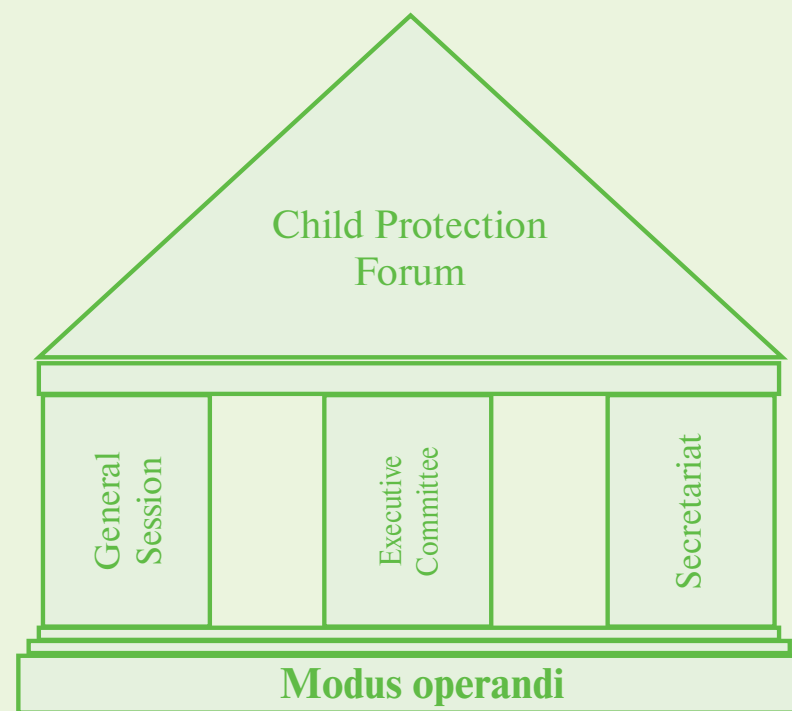
Forum's Themes

- First Child Protection Forum of Central Asian countries “ Social and Legal Support to Families and Children in Central Asia”
- To make short and long term commitments for
 - Social protection of children and social inclusion;
 - Building child protection system and overcoming fragmentation
- Future Forums would discuss issues of
 - De-institutionalization
 - Juvenile justice
 - Prevention of violence against children
 - Financing of social protection of children
 - In-country and inter-country coordination in the area of child protection
 - Legislation in the area of child protection
- Country, organizing Forum regularly updates information on preparation of the Forum on the web-site of the state agency, providing technical assistance to the Forum.
- All information about the First Forum was uploaded on the web-site of the Ministry of Education and Science of RK - www.edu.gov.kz

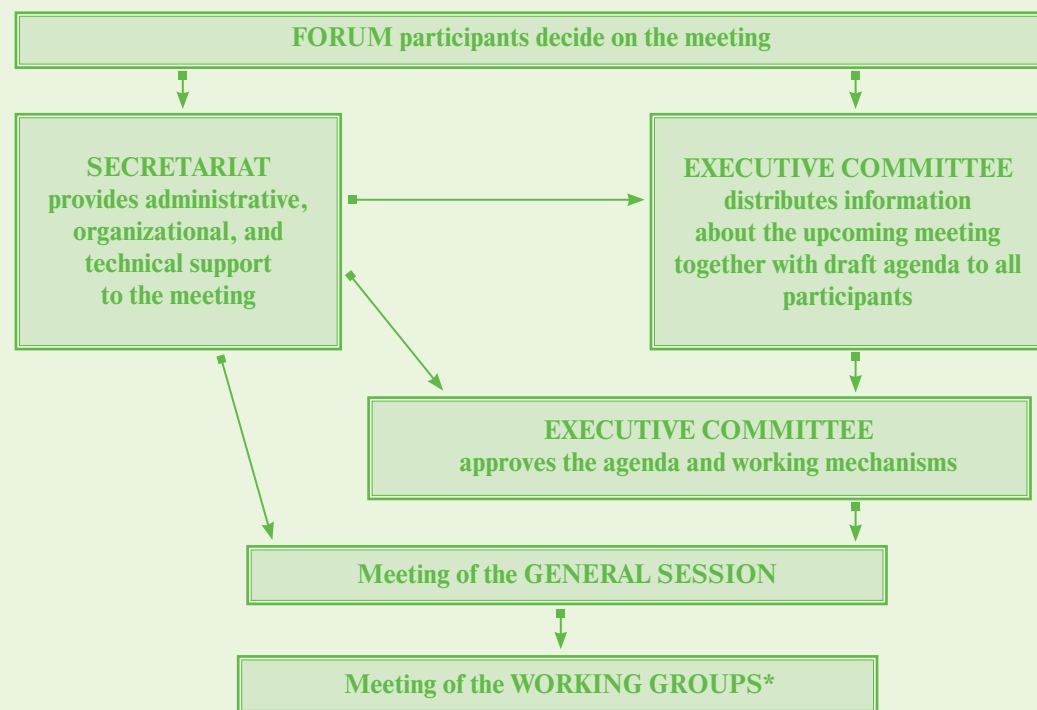
Funding of the Forum

- Work of the First Child Protection Forum, Executive Committee meetings and work of the Secretariat was financed by UNICEF offices in Central Asian countries.
- In the future, governments of Central Asian countries should provide funding and technical assistance to the Forum.

Organizational structures



Organizational structures



General Session

- “Voice of member countries”
- Role
 - Discussion and decision making on issues in the current agenda
- Participants
 - Delegations of Central Asian countries, international organizations and non-governmental organizations
- Meetings
 - regular (once every two years) and special sessions
 - General session adopts the final document of the Forum – Resolution, discussed by Forum participants
 - In a month after the meeting, Forum issues its final report
 - The work of the Forum is discussed by the effectiveness indicators

Executive Committee

- «Flagman of the Forum»
- Role
 - coordinating, advisory, and conciliatory functions, as well as, any other tasks in the context of the Forum’s activities between meetings of the General Session
- Participants
 - Representatives of delegations of Central Asian countries and UNICEF representatives, as well as international organizations working in the area of child protection

How meetings of the Executive Committee are organized?

- Committee meets annually
- Committee can establish
 - **On-line** discussion group
 - While preparing the final document of the on-line discussion group, members of the Executive Committee make changes and add-ins within 5 working days after the discussion group

Secretariat

- «Core of the Forum»
- Role
 - administrative, organizational, and technical support to the Forum
- Participants
 - The functions of the Secretariat are carried out by one of the member countries, based on the decision of the General Session during one year. The same country determines the Chairman of the Secretariat for the corresponding period

How the work of the Secretariat is organized?

- Report about its activities, establish and archive documents of the Forum
- Act as a center of collection, processing and circulation of documents and information, provided by member-states, and received from other international organizations
- Regularly inform, including the web-site, about Forum’s activities, its plans and current work
- By instruction of the Executive Committee, organize meetings and carry out its current organizational work
- Fulfill tasks and instructions of the General Session and the Executive Committee of the Forum

Changes in the working mechanism

- Member countries of the Forum can make proposals to change the modus operandi of the Forum
- Suggested amendments are sent for the preliminary discussion to the Secretariat of the Forum 90 days before the opening session of the Forum, so the participants can familiarize themselves with the amendment .
- The discussion of amendments should be included in the draft agenda of the Forum as a separate issue.

Working language

- Working languages of the Forum are Russian and English
- Other languages can be used during the Forum and in its official publications, depending on the organizational capabilities

Membership termination

Forum’s participants can terminate (suspend) their participation in the work of the Forum through sending written notification to the Executive Committee.

Expiration dates of the Forum’s documents

- Documents of the Forum will remain in force during four years after the first General Session.
- After that, participants of the Forum will evaluate its work and effectiveness of its continuation

Ministry of Education and Science of the Republic of Kazakhstan

4.7 SOCIAL POLICY, PROTECTION AND INCLUSION – INDICATORS OF SUCCESS AND CHALLENGES



Information about the country

General information about the Republic of Kazakhstan:

- Kazakhstan occupies territory of 2724,9 thousand sq. km
- Population of the Republic of Kazakhstan is 15 mln. 218 thousand of people (by the beginning of 2006):
- Male population - 48,1%, Female population - 51,9 %
- Child population (0-14 years) - 27,5%
- Number of young people (15-29) -28,5%
- Number of people (30-59) – 34,8%
- Number of people older than 60 years – 9,2%

Representatives of more than 100 ethnic groups live in Kazakhstan:

• Kazakh	58,6%	Russian	26,0%
• Ukrainian	3,0%	Uzbek	2,8%
• Tatar	1,5%	Uigur	1,5%
• German	1,5%	Korean	0,7%
• Belorussian	0,6%	Turkish	0,6%
• Azeri	0,6%	Others	2,6%

Migration

Out migration (thousand people) :

• External migration	65,5
• Inter-regional migration	127,5
• Intra-regional migration	190,5
Total:	383,5

Migration**In-migration (thousand people):**

• External migration	68,3
• Inter-oblast migration	127,5
• Intra-oblast migration	190,5
Total:	386,3

- Birthrate - 18,4
- Mortality rate - 10,4, including infant mortality rate (per 1,000 live births) – 15,11
- Natural increase rate (per 1,000) - 8

Major achievements

- The Republic of Kazakhstan ratified the Convention on the Rights of the Child on 6 June 1994
- Optional Protocol on the sale of children, child prostitution and child pornography
- Optional Protocol on the involvement of children in armed conflicts
- ILO Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour

**Laws of the Republic of Kazakhstan:**

- On the rights of the child in the Republic of Kazakhstan
- On education
- On state youth policy
- On social and medical and pedagogic and correctional support of children with disabilities
- On family-type villages for children and youth houses
- On marriage and family
- On prophylactics of minor delinquency and prevention of child neglect

**According to the Agency of Statistics, there are:**

- 3 mln 527 thousand families;
- More than 1 mln 96 thousand large families;
- 45 thousand families with 10 and more children;
- Targeted social assistance was provided - 2,4 bln KZT;
- The assistance was provided to more than 316 thousand people, including 200 thousand children;
- One time dowries at the birth of the child (2.7 bln KZT) were provided to more than 177 thousand mothers (Jan – Aug 2006)

Social and economic welfare

- Economic growth in the country allows to increase funding of education, training, public health, culture, sport, social services and social protection of families and children
- The expenditures in these areas in the state budget are increasing.
- In 2003 – social expenditures made 11,18 % of GDP, in 2006 – 11,84 % of GDP (March 1, 2006).
- The share of expenditure in the total state budget makes 58.32% (October 1, 2006)

**State and sectoral programmes on child protection to implement national policy to guarantee legal rights and interests of children:**

in the area of education, public health, poverty reduction, migration policy, demographic development, rehabilitation of disabled, etc.

- State programme on developing education in the Republic of Kazakhstan in 2005-2010
- State programme of reforming and developing public health of the Republic of Kazakhstan in 2005-2010
- Programme on strengthening the campaign against tuberculosis in the Republic of Kazakhstan 2004-2006
- Programme on retroaction of AIDS epidemics in the Republic of Kazakhstan
- Programme on rehabilitation of the disabled for 2006-2008
- Programme on population employment of the Republic of Kazakhstan for 2005-2007
- Programme on reduction of poverty in the Republic of Kazakhstan and other programmes

One of the major documents, guaranteeing the rights of the child to education, is the state programme for developing education in 2005-2010. The government allocated out 43.2 bln KZT in 2005, and 66 bln KZT in 2006 To implement the programme.

- 2,5 bln KZT are provided for equipping study rooms (physics) and procurement of equipment for language classes – 1,58 bln KZT
- 8 bln 027 mln 826 thousand KZT are overseen for equipment and school facilities, special correctional centers, residential facilities across the country
- 51 mln KZT (at the expense of the state budget) and 3 bln KZT (at the expense of local budgets) are allocated for textbooks for education facilities
- Moreover, 832 mln 318 thousand KZT (from the state budget) are provided for the libraries of state organisations of secondary education

State programme of reforming and developing public health in the Republic of Kazakhstan in 2005-2010 overseas:

- from 2004 – free provision of medications for children under one during ambulatory care
- from 2005 – free medication for children under five during ambulatory care
- from 2006 – free medication for children registered for regular medical check-up

Expenses for social assistance:

In 2006, the state has allocated:

- 6,5 bln KZT - for allowances for children
- 6,3 bln KZT – for attendance allowances
- 4,3 bln KZT – for – allowances for child births

There are 5 mln of children in the republic (0-18 years old).

Including:

- 1,08 mln children from 1 to 6 years old – 230,8 thousand are enrolled in pre-school education (27.6%)
- 3 mln – are children of school age



27.6% of children (or 230.8 thousand) are enrolled in pre-school education

There are 1391 pre-school facilities,

including:

- 797 – state
- 49 – departmental
- 126 – non-state
- 78 % of children attend infant school

According to the data on October 1, 2006, there are:

- 7,795 day-time secondary schools
- 76 evening schools
- 133 non governmental schools
- 85 schools for talented children
- 2,292 schools with advanced study of different subjects, including:
- 117 gymnasiums
- 50 lyceums

Based on the language of study, there are:

- 3,745 (48,04%) schools with Kazakh language, including 3,171 – in the rural area (40,68%);
- 1,898 (24,35%) – with Russian language, including 1,307 – in the rural area (16,77%);
- 3 – Tajik (3 rural);
- 72 – Uzbek (65 rural);
- 14 – Uigur (9 rural);
- 1 – Ukrainian and
- 2,062 (26,45%) – mixed schools, including 1,412 – in the rural area (18,11%).

Major indicators of secondary professional education

- Colleges - 475, including
- state -198
- private – 277
- Professional schools - 312, including
- state - 280
- private - 32

- Academic institutions – 176
- Including:
- state – 34
- private – 142

Special education system

- More than 153 thousand children with special needs, including:
- More than 12 thousand children attend special preschool organizations
- More than 15 thousand – special correctional residential facilities
- Approximately 7 thousand – study in the special classes of secondary schools
- More than 7 thousand receive education at home
- 23.3 % of children with special needs are enrolled in special education

Psychological-medical and pedagogic consultations (PMPC) and cabinets of psychological and pedagogic correction

- Correctional education organizations – 101
- PMPC – 55
- Number of rehabilitation centers – 7
- Cabinets of psychological and pedagogic correction – 105
- Speech therapists – 112

Children left without parental care

- There are 47 thousand of children in the country deprived of parental care
- 30 thousand children are in the guardianship care or foster care.
- Approximately 17 thousand children are raised in the organizations of the system of public health, education, social protection of population, including:
 - orphans - 3,254,
 - neglected children -1,922, foundling – 1,019,
 - children whose parents are deprived of their rights – 5,857,
 - children whose parents are in detention facilities – 1,146,
 - children whose parents are under criminal investigation – 2,726,
 - children whose parents are going through long-term treatment – 919.

There are 110 organisations for orphaned children in Kazakhstan:

- 75 children's homes and boarding schools
- 29 family type children's homes
- 6 family type children villages Also,
- 10 private children's homes
- 3 children villages «SOS Kinderdorf»
- 23 youth houses



State measures of supporting orphans

- 3 bln 122 mln 826 thousand KZT to support children's houses were allocated to children's houses, that is by 469 mln more compared to 2005 (2 bln 655 mln KZT).
- Today expenditures for one child in a residential facility make 250 to 350 thousand KZT in average, that is twice as much as two years ago

Adoption

Priority on the issues of adoption is given to the citizens of the Republic of Kazakhstan

- From 1999 until today 25,437 children were adopted:
- 19,316 children (76%) - by the citizens of the Republic of Kazakhstan;
- 331 children - by relatives-foreigners (1,3%);
- 5,790 children - by foreigners (22,7%)

To develop new forms of family upbringing, Kazakhstan's Government adopted new decree on 11 March 2004, N 306 "On approval of the rules of allowances for children in foster care"

Currently, there are 1,659 children living in foster families

Interaction of state agencies with international organisations and NGOs

- Kazakhstan's Government and UN Children's Fund (UNICEF) has signed the new country programme for 2005-2009
- In cooperation and with participation of the representatives of UNICEF, UNDP, USAID, World Bank, ADB, EU and other organisations, joint projects, seminars, presentations, conferences, round tables, social research on issues of education, health and social protection of children were undertaken

Intersectoral cooperation

- By a decree of Kazakhstan's Government the Committee of Child Protection of the Education and Science Ministry was established in January 2006
- Major functions of the Committee:
 - Coordination of the work of involved ministries, agencies, and local executive agencies, international organisations and NGOs working on child protection
 - Control over the correct implementation of the legislation on child protection

Implementation of the state policy on the protection of the rights and interests of the child, including social guarantees of children and improving the social status of the child is one of the directions of the Committee's work.

Issues, requiring attention

- Increase in the budget allocation for the implementation of the Convention on the Rights of the Child
- Increase in the education enrollment and employment of children with special needs
- Provision of housing for graduates of children houses
- Adoption of the system of juvenile justice in Kazakhstan
- Access to quality education for foreign citizens
- Child labor in the farms, etc.

Further steps that should be undertaken

- Improvement of the Kazakhstan legislation in terms of providing social and legal services to children and their families
- Improvement of the system of social partnership in attracting additional resources from donors, private sector, international NGOs
- Establishment of the system of dynamic development of the mechanisms of social adaptation and professional realisation of children with special needs
- Development and realisation of social programmes aimed protecting property rights of children deprived of parental care
- Provision of conditions for equal access to education of children of foreign citizens, living in Kazakhstan
- Establishment of the system of informing the population on issues regarding the elimination of the worst forms of child labor at national and regional level
- Further development of partnership and collaboration of state agencies with NGOs in prevention of delinquency, drug abuse, HIV/AIDS among adolescents and social orphanhood

4.8 Government of the Kyrgyz Republic

ESTABLISHMENT OF THE INTEGRAL SYSTEM OF THE CHILD PROTECTION

State policy in the area of child protection

Child protection: major directions

Achievements, major directions:

Kyrgyzstan has ratified:

- Convention No.138 «On the minimum age for the employment,» 1992
- Convention on the rights of the child (CRC), 1994;
- Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour, 2003 год.

CRC became the baseline for the shaping of the Kyrgyzstan legislation on protection of rights and interests of the child.

State politics of the Kyrgyz Republic in regard to the National legislation is based on:

- Constitution of the Kyrgyz Republic;
- Children's Code;
- Civil Code;
- Family Code;
- Labor Code;
- Law of social legal protection against violence in the family
- Law on changes and additions to the Criminal Code and Administrative Code of the KR (trafficking);
- Law on prevention and fight against trafficking;
- Presidential decree "On immediate measures on improvement of situation with children in the Kyrgyz Republic».

Special programmes of the Kyrgyz Republic in the are of child protection:

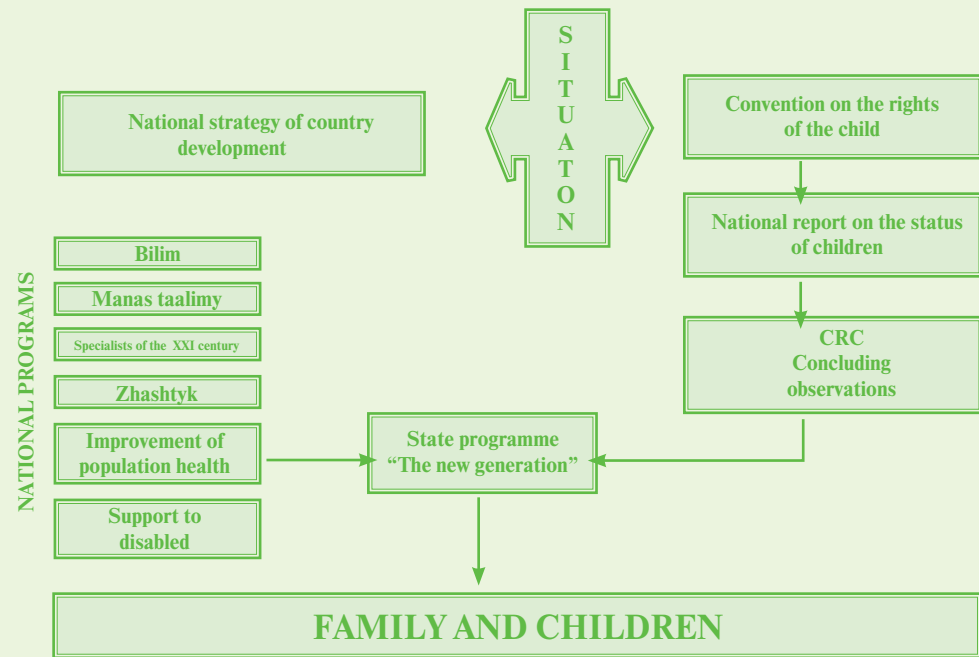
- State programme on implementation of the rights of Kyrgyzstan children "The new generation" until 2010;
- Project of the state programme of actions of social partners on elimination of the worst forms of labour of minors in the Republic of Kyrgyzstan for 2007-2011;
- Project of the state programme on a single communication and media strategy on promotion of the rights of children in the Kyrgyz Republic for 2007-2010.

State programme «The new generation»

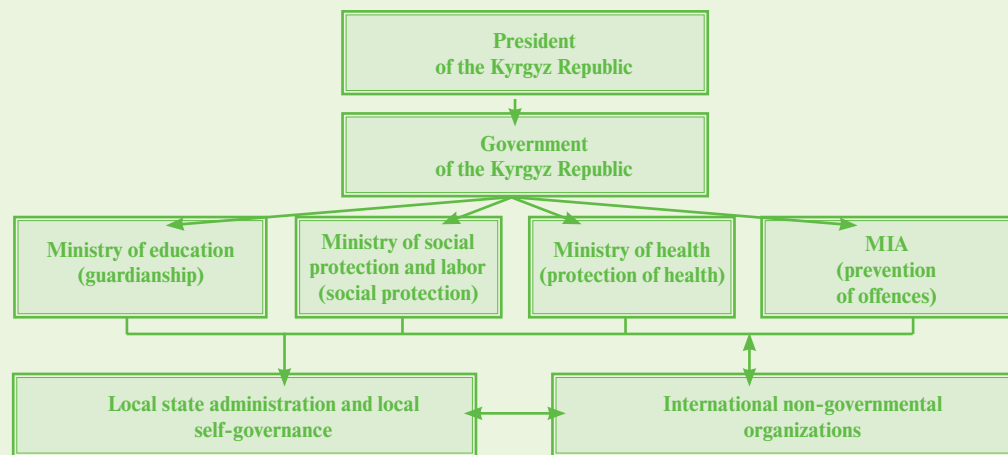
The government of the Kyrgyz Republic jointly with NGOs and international organizations implements the state programme on implementation of the rights of Kyrgyzstan children "The new Generation" until 2010.

Goal of the programme - *creation of conditions*, guaranteeing *survival*, growth and overall development of all children in Kyrgyzstan, their *participation* in the social life, strengthening of moral and ethical *up-bringing* of the young generation.

The place of the programme in the general structure of state social policy



Child protection: institutions



Priorities in the area of child protection, defined during the National Forum "Situation with children in the Kyrgyz Republic: reality and perspectives" and two Regional Forums "Family and poverty, problems and ways of resolving"

- Poverty reduction;
- Development of family potential;
- Support of vulnerable groups of population (orphans, disabled, single mothers);
- Reaching out to those who require assistance based on the registration system;
- Elimination of child neglect;
- Elimination of the worst forms of child labor;
- Development of the legislation based on the interests of children.

Based on the results of the National Forum:

- Children's Code (mechanisms of child protection) adopted;
- Decree of the President "On urgent measures on improvement of situation of children in the Kyrgyz Republic" signed;
- Plan of action "On urgent measures on improvement of situation of children in the Kyrgyz Republic" approved;
- Instruction of the President on establishing of the working group on juvenile justice.
- temporary regulations on profiling of the republican children's house is approved by the Government decree

Implementation of coordination

At the national level:

- definition of the policy;
- definition of the standards of quality of provided services;
- monitoring of the respect of the legislation;
- coordination of the activities of NGOs and international organisations, working in this area.

At the local level

- providing services for children in difficult life conditions, services on upbringing, adoption;
- treatment of children in conflict with the law under 14 is the same as of children in difficult life conditions;
- consideration of complaints and appeals;
- interaction and support of NGOs activity working in this field;
- incentive in providing services by local communities to children in difficult life conditions.

Existing problems:

- Out- and in-migration;
- Moderate means;
- Incomplete families;
- Housing issues;
- Violence in the families;
- Abuse of children;
- Child labour;
- Training of specialists.

Ways of resolving those issues through implementation of the Convention on the Rights of the Child:

- Harmonisation of the Kyrgyzstan legislation;
- Accreditation of the organisations providing services to children;
- Minimal standards of services;
- Designation of representatives of state agencies at the local level;
- Reestablishment of the institute of the family and childhood;
- Wide involvement of the civil society;
- Support of social partnership of the state and NGOs in resolving child protection issues.

TAJIKISTAN

4.9 Social and legal support systems for families and children

Mrs. Mirsaidova D. A.
National Commission on Child Rights

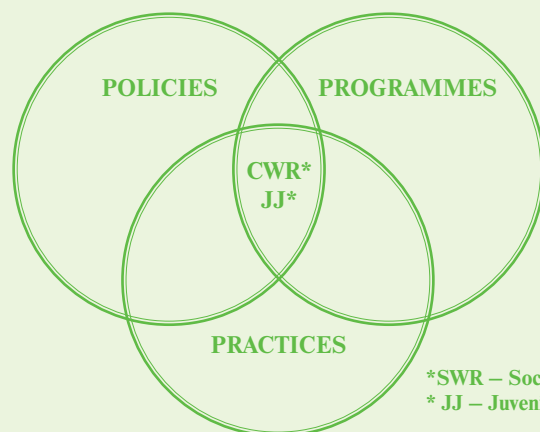
Basic data

Child population (millions, under 18 years)	2,8
U5MR (per 1,000 live births)	79
Maternal mortality ratio (per 100,000 live births)	45
Primary school enrolment/attendance (% net, male/female)	100/88,6
Child labour activity engagement (% , UNDP)	25
Birth registration under the age of 15	88,3
Marriage before 18	0,8
Children in institutions (numbers)	11,751

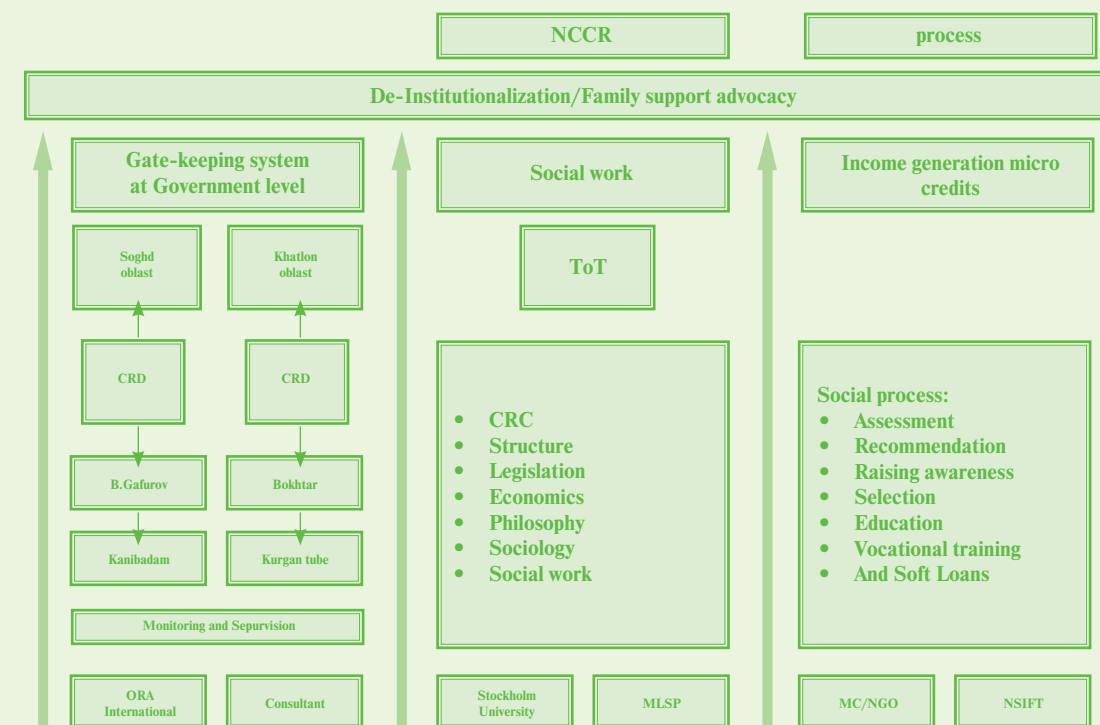
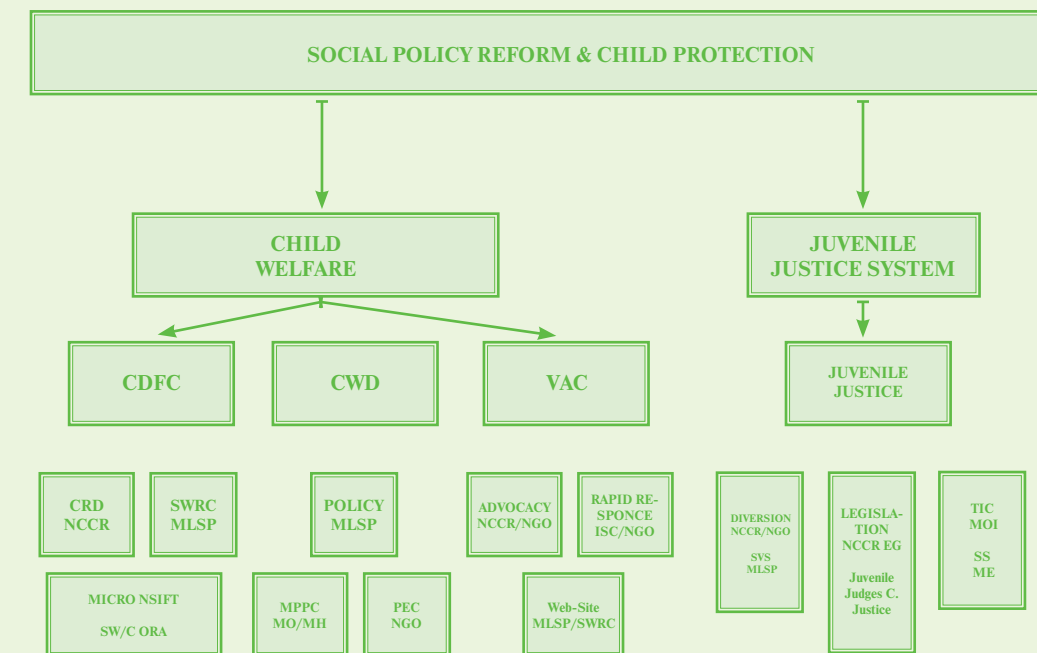
The Situation

- Number of children deprived of a family environment and placed in institutions increased to more than 11,000; the number of institutions is 84
- Situation of children with disabilities not so positively addressed by parents or society at large
- Children and women exposed to violence, abuse and exploitation as a result of increased stress in families, breakdown of social system, social and traditional norms that perpetrate gender inequalities
- Children experience different forms of violence including heavy corporal punishment as a form of discipline, and emotional abuse through humiliation and neglect in families, institutions and schools
- Lack of community-based interventions and services for families in need and slow process for establishing of alternative approaches to children deprived of family care and those with special needs
- Poverty and unemployment are putting children and young people more at risk of coming into conflict with the law

Addressing Child Protection in Tjikistan

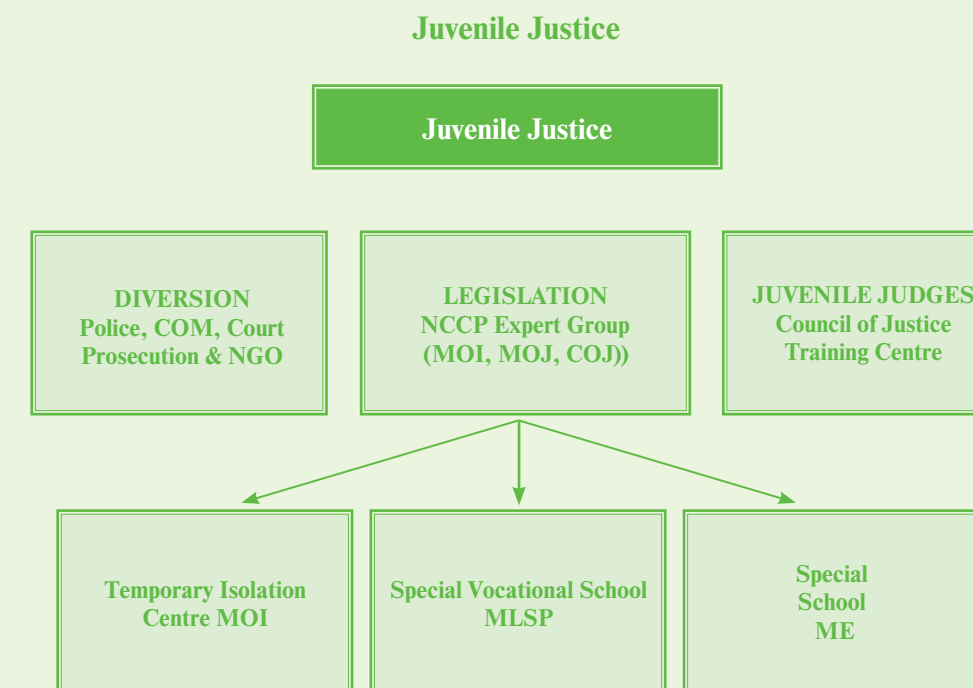
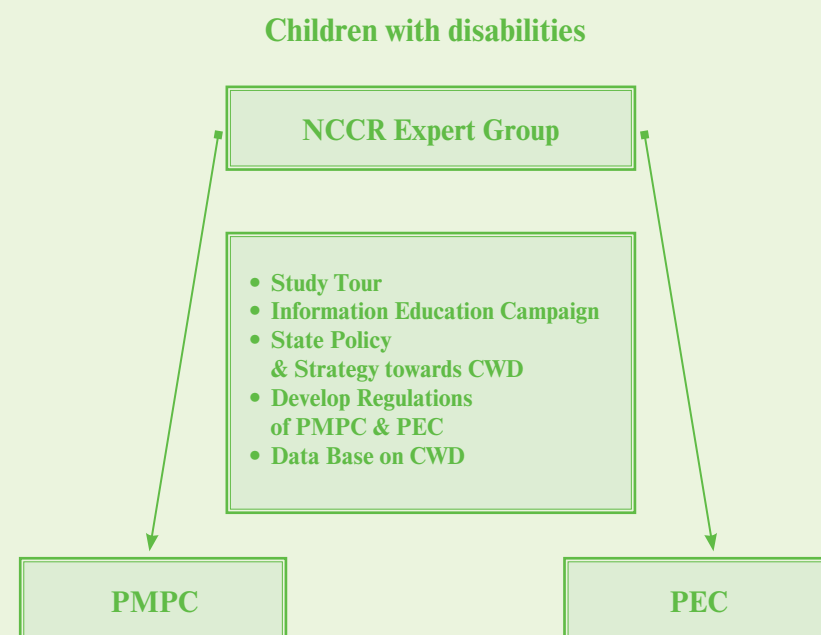


*SWR – Social Welfare of the Child
* JJ – Juvenile Justice



Outcome:

- Norms/standard establishment
- A Gate Keeping System
- A scheme of cooperation;
- A model for response to families' needs;



Our partners

- National Commission on Child Rights
- Ministry of Labour and Social Protection
- Ministry of Education
- Ministry of Interior
- Council of Justice
- Ministry of Justice
- ORA International
- Stockholm University
- The UK Children’s Legal Centre
- NGO “NASLI NAVRAS”, “Zdorov’e” and “Union of Psychiatrists”

Future actions

- **CONTINUE** to explore possibilities of further developing an integrated childcare policy in the National Development Strategy and PRS;
- **FORMULATE** policy and strategy for developing services in partnership with civil society started with joint efforts of pilot Child Rights Departments in Sughd and Khatlon Regions;
- **MAINTAIN the NCCR EG** work on Juvenile Justice in developing minimum standards for residential type care institutions and possible alternative social care services through inspection mechanism establishment;
- **ELABORATE** de-institutionalisation and community based alternatives in the selected new pilot areas to retain children in families environments;
- **DEVISE and DEVELOP** training programmes to staff and professionals working with disabled children, including the personnel of new CHORBOG institution/centre;
- **OPERATIONALISE** reform in facilities for children in conflict with the law such as the Temporary Isolation Centre, the Special School and the Special Vocational School, as well as realizing the projects of Diversion;
- **CONTINUE** assessment and evaluation of implementation of existing legislation on child protection at all levels

REPUBLIC OF UZBEKISTAN

4.10 Social policy, protection and inclusion – indicators of success and challenges

*Narbayeva Tanzila Kamalovna
Cabinet Council The Republic of Uzbekistan*



- **Information on child protection**
- **Child population:**
 - 44% - children under 17
 - 56% - young people under 25
- **Composition and structure of the family:**
 - 5 million 100 thousand families in Uzbekistan
 - Average family size: 5-6 people
- **Child poverty**
 - 27% - poor population (mainly – families with many children)
- **Families and children at risk**
 - 3,000 families at risk are registered
 - 19,565 divorces – in 2005

Children deprived of parental care:

- 8,020 orphans are raised in makhallas;
- 3,879 children are in state institutions;
- 782 children (0-3 years old) are in 13 infant houses;

- 3,037 children (4-16) are in 28 mekhribonlik (mercy) houses;
- 21,185 children live with guardians

Children with special needs:

- 121 thousand children with disabilities are registered with child care institutions
- 253 children are raised in 13 children houses. Only eight children do not have both parents, 85 children have only mother, four – only father.
- 125 special pre-school facilities for children with congenital malformation provide education to more than 10,455 children
- 86 schools and boarding schools for children with special needs provide training for 19,245 children and adolescents
- 82% children with disabilities of school age attend schools. Only 9% of those children are considered learning-disabled
- 53% children with disabilities attend schools of general education, and 28.6% children attend special schools and study at home

Children in conflict with the law

- Number of children registered with Ministry of Internal Affairs for different offences is more than 36 thousand (January – September 2006)
- More than 8 thousand of young people in this category do not work, nor study

Children involved in illegal labor

- Law of the Republic of Uzbekistan prohibits child labour, however, there are cases of child employment in the families

Violence against children:

- There are no official appeals registered, but social services are working with families at risk to prevent violence

Child protection system in the country

- Protection of motherhood and childhood, creation of conditions for comprehensive harmonic development and upbringing of children in the spirit of common to all mankind values are part of the state policy

Major issues faced by the government in the implementations of the Convention on the rights of the child

Gaps in the legislation:

- Legislation reflects child protection issues, however, the unified law that includes all norms is lacking

Institutions in the area of child protection:

- Cabinet Council of the Republic of Uzbekistan coordinates state ministries and agencies

But:

- Absence of special single agency working in the area of child protection

Interactions between agencies and services working in the area of child protection:

- Collaboration in order to improve child protection happens at the national level;
- At the local level, there are inadequate coordination and cooperation in the work of governmental and non-governmental organizations

Comprehensive programmes on families and children at risk, children in the residential facilities, children in conflict with the law, children subjected to violence

- Different state programmes in those directions are developed, however, the implementation is lacking

Specialists working with children

- Insufficient qualification of social workers in the system of child protection
- Insufficient qualification of specialists in the area of juvenile justice

Statistical data on child protection issues and data monitoring

- Statistical data exists, however, all categories and questions on children are not covered

Legislation promoting implementation of the Convention on the Rights of the Child

1. Law “On guarantees on the rights of the child”
2. Law “On Juvenile justice”

Inter-sectoral collaboration (at the level of the ministries, at the local level) in the area of child protection

- Legislative and executive state agencies of republican, regional and local level, makhallas (communities), non-governmental organizations and civil society organisations participate in the realisation of the strategy of guaranteeing interests of family, mothers and children

Share of social expenses in the state budget

- 56.6% of the state budget is channelled to the social sector

Programs directed to the implementation of the principles of the Convention

- National programme on staff development,” “Programme on the development of child education,” “Programme on the reform of public health,” etc. Annual social programmes, including “Year of mother and child,” “Year of charity and medical worker,” etc.

Projects in the area of juvenile justice, de-institutionalisation, prevention of child poverty, trafficking of children, child labor

- Close collaboration on child protection issues with international organisations, including UNICEF, UNFPA, UNESCO, WHO, ADB, UNDP

Centralised data collection and analysis of data on families and children at risk, institutionalised children

- The collection of data is undertaken on a quarterly basis
- The unified database on institutions raising children at risk exists in 213 commissions on minors’ affairs. Based on this data, programmes in the area of public health, education, welfare assistance and psychological support are carried out

National awareness raising campaigns in the area of child protection

- National campaign “Say ‘Yes’ to children!”
- Special actions “Child protection day” – June 1, December 20
- Special sessions of children parliament
- Special programmes for teachers of institutes of higher education, workers from mahallas (communities), committees on minors’ affairs
- Increase of the number of organisations working in the area of child protection
- Children participation in decision making process
- Maximum literacy rate of population (99,3%)
- Decline in the number of early marriages and in the number of pregnancies among women of young age, increase of the time interval between pregnancies
- Government-developed special programme on HIV/AIDS
- To prevent hereditary and congenital diseases, and to reduce disability cases among children, there are functioning screening centers “Mother and child” (having highly skilled specialists and modern medical equipment) in 11 regions of the country
- Decrease of child mortality rates
- Decrease in the number of cases of congenital malformation by 3 percent due to the early diagnostics

- Decrease of juvenile delinquency by 11.5 percent during five years
- Increase in the identification of numbers of families at risk
- Decrease in the number of children in custody
- Because of the activities of the Republican commission on minors’ affairs, more children in need of social and legal protection receive access to it, the work of mekhrisonlik (mercy) houses for children has improved as well as work of special boarding schools for vulnerable children

Changes and add-ins to the legislation base

- Two laws should be adopted in 2007 – Law “On guarantees of rights of the child” and Law “On juvenile justice”

Intersectoral coordination and establishment of the institution on child protection

- The government is considering creation of single coordinating agency on child protection
- The issue on the institute of child ombudsmen is being discussed

Involvement of civil society

- A coalition of non-governmental and non-commercial organizations is participating in the implementation of the state programs

New policies and programs in the area of child protection

- The Social Complex of the Cabinet Council together with several ministries, agencies and non-governmental organizations completed work on the draft project of the National Programme on protecting welfare of children of Uzbekistan 2007-2011

Collection, analysis and monitoring of data in the area of child protection

- The establishment of the single coordinating agency will allow to develop mechanism on collection, analysis and monitoring of data in the area of child protection

Awareness raising, advocacy, training of specialists working in the area of child protection

- Practical recommendations of the III International Forum “Reforms in the system of Social Child Protection”

APPENDIX 5: Information lists on condition of children rights protection in Central Asia Countries

Implementation of the Convention on the Rights of the Child



From the moment of independence, Kazakhstan has ratified the Convention on the Rights of the Child (June, 1994). The initial state party report was submitted to the Committee on the Rights of the Child in 2003.

The progress was marked by:

- creation of the legislative base on enforcement of rights and interests of children, which includes more than 30 laws and standard acts (“On the rights of children in the Republic of Kazakhstan, “On marriage and family,” “On family-type villages and youth houses”);
- general norms and principles of the Convention are implemented in the Constitution of the Republic of Kazakhstan and Procedural Criminal Code and Criminal Code;
- children’s issues are covered by the Ministry of Education and Science, Ministry of Internal Affairs, Ministry of Public Health, Ministry of Labor and Social Protection, Ministry of Justice;
- the institute of the Ombudsman on human rights exists from 2002;
- the establishment of the Committee of Children’s Rights Protection under the Ministry of Education and Science (2006) to coordinate the implementation of the Convention at the national and local level;

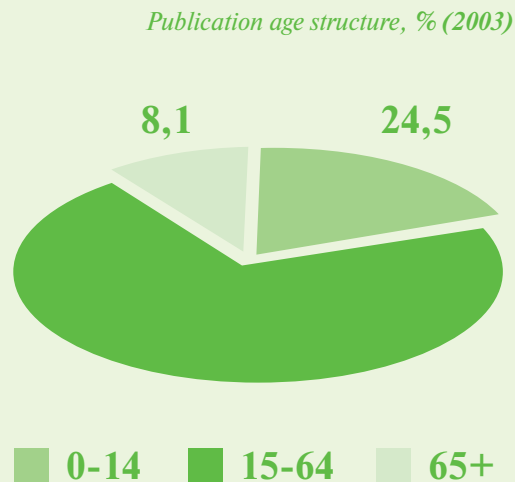
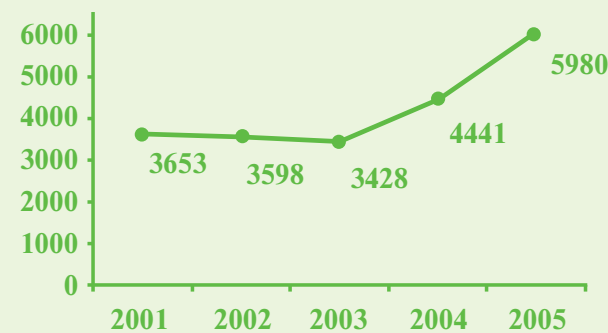
The following strategic documents were drafted:

- President Decree “On State program “Children of Kazakhstan” for 2006-2011”. This document will define major priorities, directions and tasks of the state policy concerning protection of rights and interests of children;
- Support plan for pre-school education “Going to kindergarten” that will allow to create conditions for gradual transition towards pre-school education for all children, starting from three-year old.

Violence against children

Children are often subjected to violence. According to the national data, more than 4,441 crimes against children were registered in 2004.

Crimes against children (2001-2005)



Children deprived of parental care

More than 16,000 orphans and children deprived of parental care are placed in state institutions in the system of public health, education, social protection. Foster care continues to develop as one alternative to residential care. About 2,000 children were placed in foster care in 2005. The new special program “School of foster parents” provides trainings for parents to care for children, building relationship based on love, creative work, respect to the personality of the child and concern about his/her future.

Children with special needs

The non-discrimination issues in regard to children with special needs are not fully resolved. 153,000 children have special needs and only every third of them has access to special education and development programs because these programs are available only in large cities.

Children and education

According to the Constitution of the Republic of Kazakhstan, the education is compulsory and free. To guarantee rights of children for quality education in the Republic of Kazakhstan, the government accepted the State program on development of education for 2005-2010. The government allocated out 43.2 billion KZT (340 million USD) for implementation of the program in 2005, and 60,6 billion KZT (519 million USD) for 2006. The state program provides for construction of 164 pre-school organizations, creation of 800 pre-school mini-centers, 380 correction and inclusive education facilities for children, while pre-school education will enroll 75% of five-year-old children. At the level of secondary education, the program oversees transition to 12-year school education.

Juvenile delinquency

In 2005, 3.9% of all crimes were committed by children (6,273 crimes). Special institutions for juvenile justice are limited to the establishment of juvenile courts on a trial basis in the city of Almaty and Almaty region.

Implementation of the Convention on the Rights of the Child

The Kyrgyz Republic ratified Convention on the Rights of Child (CRC) in 1994

In respond to the Concluding Observations of the UN CRC Committee on the second national report, a National Children’s Code of the Kyrgyz Republic was developed and adopted in June 2006. The Code closes the gaps in legislation and addresses issues of child protection and welfare. Currently secondary legislation for its implementation is being developed. A model of child protection system is piloted in two rayons. Set of Standards of Care for Residential Institutions and Foster Care has been developed. Study on Child Abuse in Residential Care has been conducted to rise public awareness and address the problems of violence against children;



The following governmental agencies are involved in the child protection: Ministry of Labour and Social Protection, Ministry of Education, Science and Youth Policy, Agency of Local Governing and Regional Development, Ministry of Economy and Finance, Ministry Justice, Ministry of Public Health, Ministry of Internal Affairs, National Council on Women, Family and Gender Developments issues under the President’s Office;

- Expenditure for public health and education (1993-2004) in the state budget was 11% and 20% correspondently;
- The percentage of population living on less than \$1 a day (1993-2003) is less than 2% (The state of the world’s children, 2006).

Children in Residential Care

- In 2005, there were 62 residential institutions, including boarding schools and homes for children in care was 6,000. (National Statistic Agency, 2005). Number of children in foster care or guardianship reached 5,400 children in 2004. (Innocenti Social Monitor 2006);
- The number of children in residential institutions aged 0-3 years old has remained the same since 1989 (240 children);
- Institutions are still the main type care for destitute children. The placement of children in institu-

tions is used as a principal means of addressing family problems such as poverty, unemployment, child illness or disability. Households with many children, families in remote rural areas where schools are unavailable and households in which there are children with special needs tend to rely on the network of boarding schools to relieve the economic burdens represented by their children. During the period of transition, there has been a rise in cases of families in distress, and parents who feel they are unable to keep their children. The decline in living standards for many families put great pressure on the family economic status, and contributed to an increase the number of children placed in Residential Care;

- Currently the government contributes to the de-institutionalization process. The program includes 8 out of 12 Republican big institutions, although the process needs to be strengthening by creating alternative services.

Adoption

In 2004, 983 children from Kyrgyzstan were adopted nationally and internationally. The gross adoption rate in 2001-220 adoptions per 100,000 population aged 0-3 was one of the highest among the transition countries. (Innocenti Social Monitor 2006).

Children and education

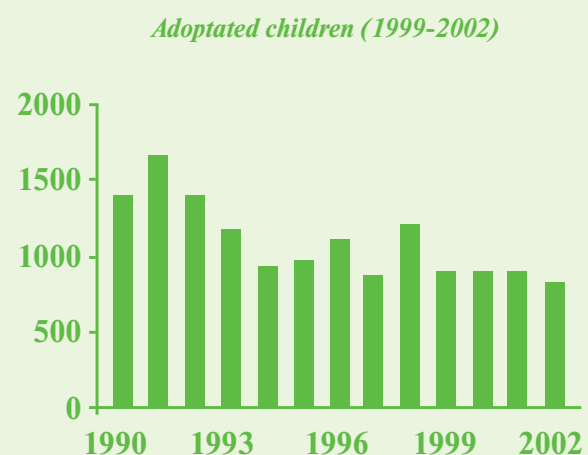
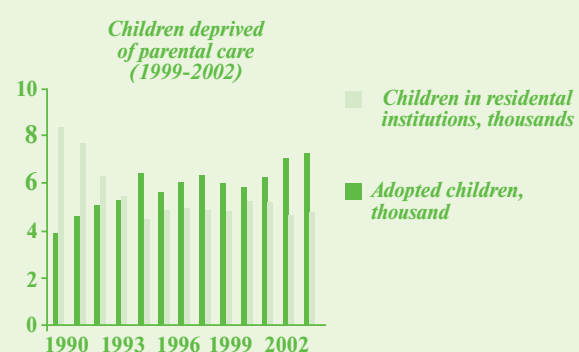
- The country has a well-developed network of schools and higher educational institutions covering both urban and rural areas. Nowadays out of 2,029 school in the republic 1,682 or 83% are located in rural areas;

- Boys and girls have equal access to education;

- University secondary education coverage has not been achieved. According to the National Statistic Committee, there are currently 1,619 pupils not attending schools. According to othersources this indicator is much higher. For instance, according to El Pekir, and independent company that conducted surveys of student achievements in 2003 and 2006, the figure is six times higher and other NGOs put the non-attendance figure at approximately 40,000.

Juvenile in conflict with the Law

In 2002, 424 per 100,000 juveniles were registered for crime as compared to 749 per 100,000 for all age groups. According to data from Ministry of the Interior, juvenile delinquency is escalating. The number of crimes committed by 14 to 17-year-olds increased to around 2, 950 in 2004. In Kyrgyzstan, 1,200 children under 18 were sentenced for criminal activity. (Ministry of Interior, 2002)



Implementation of the Convention on the Rights of the Child

The Republic of Tajikistan ratified Convention on the Rights of the Child in June 1993. The initial state party report to the Committee on the Rights of the Child was submitted on April 14, 1998.

The child rights are reflected in the Constitution of the Republic of Tajikistan, Family, Civil, Criminal and Labor Codes of the republic, as well as other laws and subordinate legislation.

The system of protection of rights and interests of children include the following ministries: Ministry of Internal Affairs, Ministry of Public health, Ministry of Culture, Ministry of Education, Ministry of Labor and Social Protection of Population, Ministry of Finance, Ministry of Justice, Council of Justice, Commission under the Government of the Republic of Tajikistan on Child Rights, National Commission on Minors' Affairs, Committee on Women and Family Affairs, Committee on Youth Affairs, Legal Council, and General Prosecutor's Office.

In 2001, to support the rights of children, the government decided to establish the Commission under the Government of the Republic of Tajikistan on Child Rights as a coordinating body for all ministries and agencies, covering child issues.

The percentage of population living on less than \$1 a day is 7% (The state of the world's children, 2006). Expenditure for public health and education (1993-2004) in the state budget was 2 % and 4% correspondingly.

Children deprived of parental care

- Institutionalization of children has become a common coping strategy for many poor households. Children are placed in boarding schools and other special facilities, as their families become unable to feed them (World Bank 2004);

- There are 11,751 children in residential facilities across the country. Based on evaluation, conducted by UNICEF technical assistance, the perception prevails in the families that boarding schools will provide care, support, and education, and children will benefit at the end of the day.

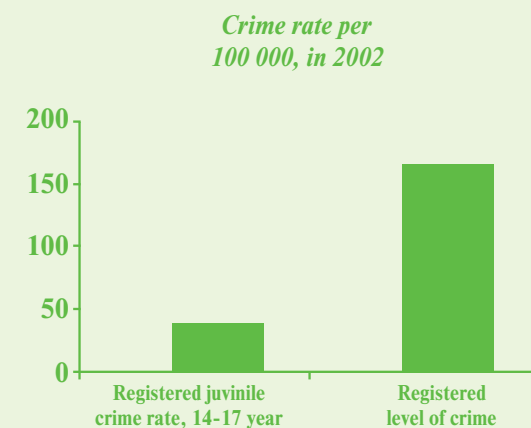
- In 2004, UNICEF and SIDA assisted the Commission under the Government of the Republic of Tajikistan on Child Rights to launch a de-institutionalization process in five pilot regions of the country. The project was aimed at preventing institutionalization of children, and it has resulted in the establishment of the Child Rights Departments at the province and district local levels, as well as evaluation of residential facilities for children and return of children to their families. The project allowed laying the foundations for the development of social services of family support at the community level.

Juvenile justice

At the end of 2004, the first Alternative Juvenile Justice project launched on the base of child center "Nasli Navras" in Dushanbe. 85 minor offenders were diverted from the formal system of criminal justice and involved in the rehabilitation program, directed to prevention of breaking the law.

Single-parent families

The number of single-female-led households increased. As of July 2002, it was reported to exceed 70,000. The total number of households is 1,047,020. The main reasons cited are the loss of the family's breadwinner during the civil war and increased labor migration of the male population. Female-led households tend to be particularly vulnerable to poverty.



Children with disabilities

There are officially 19,000 registered children with disabilities (20% out of total number of handicapped persons).

UNICEF supported study (2003) revealed some of the reasons for the institutionalization of children with disabilities:

- according to the parents, these institutions are the only place where children with disabilities can receive specialized medical care and education relevant to their needs;
- families are unable to cope with material and psychological difficulties of raising a child with special needs;
- single mothers find it especially difficult to support their children;
- social stigma attached to disability.

In 2004, with UNICEF technical support the Commission under the Government of the Republic of Tajikistan on Child Rights initiated the establishment of a psychological-medical pedagogic consultation to provide support to the families of children with special needs and train parents in child care. The consultation resulted in the decreased number of institutionalized children (by 1/3), and more than 500 children received access to the better diagnostic, rehabilitation and correctional services.

Child labor

According to UNDP, about 25% of children in Tajikistan (7-15 years) are engaged in some type of labor activity. Officially, Tajik law discourages child labor. However, the requirements of the national economy continue to outweigh its obligations to national law. In 2004, children collected up to 40% of cotton to the detriment of their health and school education. Because of the cotton harvest, children skip up to 380 school hours a year, which is equal to one-third of the school plan. For four or five months of their work in cotton fields they receive the average of less than 20 US Dollars.

Implementation of the Convention on the Rights of the Child

- Uzbekistan became a party to the Convention on the Rights of the Child (CRC) in 1992. In 2002, the country submitted its initial report, followed by the second report in 2006. From the moment of ratification of the Convention, the country has passed national acts, reflecting interests and rights of each child, and developed national plans of action for children;

- To bring the national legislation in line with CRC and other international documents, Uzbekistan is developing draft laws "On the Guarantees of the rights of the child" and "On Juvenile Justice", that will be submitted to the Parliament;

- To guarantee the rights and interests of the child at the national level, the Cabinet of the Ministers of the Republic of Uzbekistan coordinates all national and local state agencies and funds. Several ministries and governmental agencies, including Ministry of Public Education, Ministry of Labor and Social Protection of Population, Ministry of Public Health, Ministry of High and Specialized Secondary Education, Ministry of Internal Affairs, Republican Office of General Prosecutor, including Commission on the Minors' Affairs (200 commissions exist at the local level), as well as municipal government bodies, are working in the area of child protection. In addition to the governmental agencies, more than 100 NGOs formed in a coalition, are involved in child rights issues. A children's parliament with 209 young parliamentarians collaborate with adults in addressing child rights issues at the local level, since 2002;

- Since 2004, the National Center for Social Adaptation of Children is functioning under the Social Complex of the Cabinet of Ministers to survey children at risk, develop and implement the targeted program to reduce risks for children. In addition, since 2000, Commission of Minors established by a decree of the President is working at the national level under the leadership of the General Prosecutor, and under the khokims at the local level.

REPUBLIC OF UZBEKISTAN

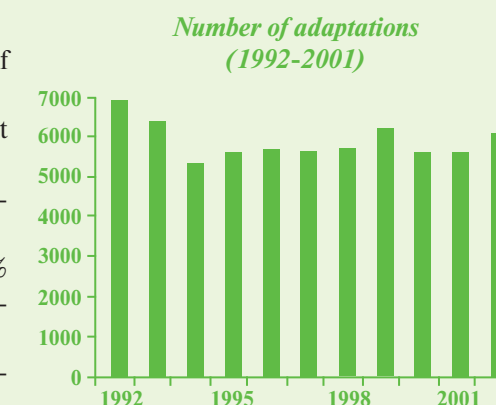


They do monitoring of the state programs for children as well as conduct monitoring of observance of the rights of the child by institutions serving children.

Children deprived of parental care

According to State Statistical Institute as of end of 2005:

- 706 children (0-3 years old) live in 13 infant homes;
- 3,037 (3-16 years old) children live in 28 mekhribonlik (children's) homes;
 - 13% of these children are full orphans, while 54% have only one parent; 23% of them come from disadvantaged families and 10% have parents who are criminals;
 - 100 children live in SOS Kinderdorf children villages (in Tashkent and Samarkand)
 - 21,185 children live under guardianship care;
 - 269 children lived in patronage families in 2004 and 2005, and 31 children lived in 4 family-type houses;
 - 7,680 without parental care are raised in mahallas (communities) across the country;
 - During 2005, 292 babies and 140 children between 3-16 years of age were returned to their biological families.



Uzbekistan has recently reviewed the child protection system, and is working on strengthening families to care for their children themselves and promoting alternative forms of care for children without parental care.

Neglected children and children in conflict with law

In 2001-2005, according to the Commission on Minors' Affairs, 15,000 street and abandoned children were registered. Centers of social and legal aid to the minors, subdivisions of the Ministry of Internal Affairs, are aimed at prevention of neglect of children and juvenile delinquency. During 2005, 6,951 children were placed in 12 centers of social and legal aid to the minors. 2,727 crimes were committed by children in 2005.

- Based on the Ministry of Internal Affairs survey conducted together with UNICEF (2005),
 - the majority of juvenile offenders live in families with low income, and every second surveyed specified the shortage of means even for the minimal needs;
 - 17.5% from the total number of minors has neither worked, nor studied.

Currently, the government is working on the draft of the law on juvenile justice, including issues on protection of witnesses and victims.

Children with special needs

There are 121,456 registered children with special needs (1.1% of child population). Due to the financial shortcomings and the perception that boarding schools have better environment for development of the child as compared to the family, parents of children with special needs place them in the specialized boarding school-type institutions. There are 16,875 children with various disabilities who are in either residential care or special boarding schools. The sociological survey conducted in the City of Tashkent (2005) demonstrated that 65.4% of children in the boarding schools have both parents. Therefore, several ministries and the National Center for Social Adaptation of Children are working on the joint program to strengthen mechanisms of family support to provide better care for children. Foster care continues to be developed as one alternative to residential care. Currently, there are about 40,000 children with special needs who receive state-supported education. Many of them receive schooling at home. In 2005, Ministry of Public Education approved a regulation on inclusive education for children and adolescents with special needs.

Measures on prevention of the worst forms of child labor

Due to the transition period in the country, there are families facing difficulties. In some cases, children from these families end up working on the streets, where they can be exploited. Currently the government, together with ILO launched a program "On capacity building, education and employment of youth to liquidate child labor and the worst forms of child labor". A Multi-disciplinary group was established under the Cabinet of the Ministers, including Ministry of Labor and Social Protection, Federation of Trade Unions, Chamber of Commerce, Farmers' Association, Ministry of Public Health, Ministry of Public Education, Ministry of High and Specialized Secondary Education, Ministry of Internal Affairs, General Prosecutor's Office, Youth Movement "Kamolot," Children's Fund of Uzbekistan, UNICEF and others. The program is aimed at facilitating social dialogue between involved organizations, circulation of information on child labor among parents and teachers, and professional training of youth to help with their employment.

**APPENDIX 6: Comparative data on observations outcomes of the Committee of the Rights of the Child****Progress achieved****The Republic of Kazakhstan**

Adoption of new Constitution in 1995, giving legal recognition to human rights and freedoms.

Ratification of ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour new legislation, such as the Marriage and Family Act (1998); the Education Act (1999); Family-type Children's Villages and Young Peoples Homes Act (2000); the Civil Code (1994 and 1999); the Criminal Code (1997); the Code of Criminal Procedure (1997); the Code for the Execution of Criminal Penalties (1997) Code of Administrative Offences (2001); Rights of the Child Act (2002) and Children with Disabilities Act (2002).

Cooperation with OHCHR and the agreement to establish in Kazakhstan one of the two regional offices of the OHCHR regional project for Central Asia. Cooperation with other UN bodies and agencies as well as other international and regional organizations, in particular programmes of WHO; ILO; UNHCR; UNFPA and UNICEF.

Preparation of the Outline of State Policy and Young People and the Youth of Kazakhstan programme; the Department on family problems dealing with protection of rights and lawful interests of children, set up within the National Commission on Family and Women's Matters in the Office of the President; the Council on Youth Affairs set up in July 2000.

The Kyrgyz Republic

Adoption of New Generation, the National Programme and Plan of Action for the Realization of Children's Rights for the period up to 2010.

Law on the People's Rights Defenders (Ombudsmen), the election of the first Ombudsman (November 2002) and the establishment of a section for children's rights issues within the Office of the Ombudsman

The ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The Republic of Tajikistan

Adoption of numerous legislative and administrative measures related to the rights of children draft state programme on education in human rights.

Ratification of: six major international human rights instruments.

Cooperation with the international community in the field of human rights (cooperation with the Office of the High Commissioner for Human Rights with respect to reporting under human rights treaties).

Turkmenistan

New country programme 2005-2009 in cooperation with UNICEF, focusing in particular on the well-being of children in the health and social sectors adoption of National Programme on HIV/STI's Prevention in Turkmenistan (2005-2010), in April 2005.

Young People's Right to Work (Guarantees) Act of 1 February 2005 which inter alia forbids the work of school age children in cotton fields.

Ratification of:

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000, on 28 March 2005.

The Republic of Uzbekistan

Progress in the implementation of the National Plan of Action (2001), based on the recommendations

of the Committee on the Rights of the Child.

Draft law on the Guarantees of the Rights of the Child.

Declaration of the delegation about the possible establishment of the Ombudsperson for Children.

General measures

Previous recommendations of the Committee

The Kyrgyz Republic

Recommendations regarding the establishment of guidelines governing foster care and adoption, the protection of street children, the enforcement of labour laws with regard to child labour, the protection of children from sexual exploitation and the administration of juvenile justice, have not been given sufficient follow-up.

The Republic of Uzbekistan

Recommendations regarding adoption of a comprehensive children's code, non-discrimination, ill-treatment and abuse of children, the protection of refugees and displaced children and street children, and child labour and administration of juvenile justice have not been given sufficient follow-up.

Legislation and implementation

The Republic of Kazakhstan

International treaties ratified by the Republic of Kazakhstan may be directly invoked in courts, however, judicial practice demonstrates these treaties are not used in domestic legal proceedings.

Convention may take precedence over domestic law provisions in case of a conflict between these two, but is concerned that this is not always the case.

Many legislative measures taken, but their implementation is lacking or insufficient and limited due to limited resources.

The Kyrgyz Republic

All domestic legislation does not fully conform to the principles and provisions of the Convention.

New Children Code may not be in compliance with the Convention, especially in the areas of reproductive health and adoption.

The Republic of Tajikistan

Various legislative and administrative measures relating to children's rights were adopted.

Implementation of these measures is impeded by several factors, namely deficiencies in coordination, budgetary allocation and resources, and the involvement of civil society.

Turkmenistan

Inconsistencies and discrepancies in the national legislation, especially in the area of adoption and guardianship.

Implementation of this legislation is not always adequate (the Rights of the Child (Guarantees) Act of 5 July 2002 does not cover all rights protected under the Convention).

The Republic of Uzbekistan

The National Human Rights Centre prepared the draft law on the Guarantees of the Rights of the Child.

Efforts made on legislative reform (review of existing legislation on the Office of the Ombudsperson and the various bills).

Lack of enactment of new laws.

Coordination

The Republic of Kazakhstan

Eestablishment of the National Commission on Family and Women's matters in the Office of the President

in 1998, as well as the Council on Youth Affairs set up in 2000 as a consultative body within the Government

There is a lack of coordination of implementation of all rights in the Convention.

The Kyrgyz Republic

National Commission for Minors established.

No permanent mechanism to coordinate the policies and activities on children's rights that are being carried out by the various government ministries, civil society organizations and international agencies.

Limited resources available to New Generation also seem to have impeded the development of coordinated ministerial action for children.

The Republic of Tajikistan

Lack of administrative coordination and cooperation at the national and local government levels in the implementation of the Convention.

Turkmenistan

Absence of single permanent body to coordinate the implementation.

The Republic of Uzbekistan

Cabinet of Ministers exists as a coordinating body, but the state does not have a coordinated approach for the implementation of the Convention.

One area of particular concern is the coordination of the national and local governmental offices responsible for children's issues.

National plan of actions

The Republic of Kazakhstan

RK is considering to develop a comprehensive plan of action for the implementation of children's rights.

Implementation of such a plan may face difficulties particularly due to lack of resources.

The Republic of Tajikistan

No comprehensive national plan of action to implement its obligations under its international human rights obligations, including the Convention.

Turkmenistan

No comprehensive and well-structured strategy for the implementation of the Convention.

The Republic of Uzbekistan

National Plan of Action to implement the recommendations of the Committee on the Rights of the Child adopted in 2001, does not cover the full scope of the Convention.

Independent monitoring

The Republic of Kazakhstan

Appointment by the President of the first Ombudsman in September 2002.

It is not clear whether this office has been established as a fully independent national human rights institution in accordance with the Paris Principles (G.A. res. 48/134 of 20 December 1993).

Ombudsman did receive complaints from parents and NGO's, but this institution does not include a mechanism to address individual complaints about violations of rights of children in a child sensitive manner.

The Kyrgyz Republic

Law on the People's Rights Defenders was adopted.

Office of the Ombudsman has established a specific department dealing with children's rights.

The Law does not specifically empower the Ombudsman to receive and address individual complaints from children.

The Republic of Tajikistan

No independent mechanism with the mandate of regularly monitoring and evaluating progress in the implementation of the Convention at the national and local levels.

Turkmenistan

The National Institute for Democracy and Human Rights receives complaints from citizens of Turkmenistan (ineffective and lacking independence).

Specialized body responsible for the independent monitoring of the implementation of the CRC in practice is lacking.

The Republic of Uzbekistan

The Office of the Ombudsperson receives and deals with complaints on violations of children's rights. Insufficient financial and human resources of the Office of the Ombudsperson, and that it may not be a fully independent national institution in accordance with the Paris Principles.

Resources for children**The Republic of Kazakhstan**

Attention is accorded to education and the information provided on the budgetary allocations for health programmes, protection of mothers and children and social security and assistance programmes.

The adoption of a Poverty Reduction Programme 2003-2007 focusing on children and women.

Budget allocation for health services, education and other social services is low and that insufficient attention has been paid to article 4 of the Convention regarding implementation "...to the maximum extent of their available resources..." of economic, social and cultural rights of children.

Discrepancy between the high level of GDP and low standard of living for most of the population.

Readjustment programmes may in a disproportionate manner negatively affect children.

The Kyrgyz Republic

Decrease, in percentage terms, in the resources allocated for children in the national budgets of recent years.

These resources are insufficient to respond to national and local priorities for the protection and promotion of children's rights.

The Republic of Tajikistan

Insufficient attention paid to article 4 of the Convention regarding the implementation to the "maximum extent of available resources" of economic, social and cultural rights of children.

Decentralization of services allows local authorities to respond better to local needs.

Turkmenistan

Scarce information and the lack of transparency on budget allocations for children and for the implementation of the principles and provisions of the CRC.

Improvement of economic situation was not reflected in increased budgetary allocations.

The Republic of Uzbekistan

Significant increase of budget allocations for health care, preschool and primary education.

Allocated financial resources are not resulting in significant improvements.

Some areas covered by the CRC are not sufficiently provided with financial resources.

Data collection**The Republic of Kazakhstan**

Disaggregated data on persons under 18 years relating to the rights contained in the Convention are not systematically collected and used effectively to assess progress and design policies to implement the Convention.

The Kyrgyz Republic

Discrepancies in the data collected by the various ministries.

Lack of disaggregated quantitative and qualitative data on persons under the age 18 years in all areas covered by the Convention, including children living in poverty, children living in rural areas, children with disabilities and street children.

Certain of the data collected only apply to children under the age of 17 years, as is the case for data relating to children with disabilities, or those under the age of 16 years, as is the case for data relating to education.

The Republic of Tajikistan

Disaggregated data of persons under 18 years relating to the rights contained in the Convention is not systematically collected and used effectively to assess progress and design policies to implement the Convention.

Turkmenistan

Absence of data in the report on children with disabilities, children belonging to ethnic minority groups and children in conflict with the law. Recommended to develop a system for a comprehensive collection of comparative data on all areas of CRC.

The Republic of Uzbekistan

Efforts to improve data collection (e.g. by developing a list of indicators) to be used at various levels.

Disaggregated data on persons under the age of 18 years relating to the rights contained in the CRC are not systematically collected and used effectively to assess progress and design policies to implement the CRC.

Training and dissemination**The Republic of Kazakhstan**

Various publications produced and disseminated to increase awareness concerning the Convention.

NGO activities in that regard.

Awareness of the Convention amongst professionals working with and for children, and the general public, including children themselves, remains very low.

The Kyrgyz Republic

Efforts made by the State party in disseminating the Convention through newsletters, seminars and workshops.

Traditional attitudes towards children and adolescents in society and that children, as well as many professionals working with and for them, are not sufficiently aware of the Convention and the rights-based approach enshrined therein.

The Republic of Tajikistan

Low level of awareness of the Convention amongst the judiciary, lawyers, and the general public, including children.

Inadequate dissemination and awareness-raising activities.

Turkmenistan

Recommended to pay special attention to vulnerable groups (e.g. ethnic or language minorities).

The Republic of Uzbekistan

No systematic training programme.

Children and the public at large, as well as many professionals working with and for children, are not sufficiently aware of the provisions of the Convention and the rights-based approach enshrined therein.

Cooperation with civil society

The Republic of Kazakhstan

Efforts are made by the State party to facilitate registration of NGOs and to establish relationships between the Government and civil society and increase mutual cooperation.

Increased efforts have to be made to involve and support civil society in the implementation of the Convention following the rights based approach.

The Kyrgyz Republic

Efforts are being made to establish relationships between the Government and civil society and to increase mutual cooperation.

Efforts have not yet led to a systematic involvement by NGOs and other sectors of civil society in the State party's implementation of the Convention.

The Republic of Tajikistan

Insufficient efforts have been made to involve civil society in the implementation of the Convention.

Turkmenistan

Restrictions to the functioning of independent civil society organizations exist.

Definition of the child

The Kyrgyz Republic

Minors are defined as those under 18 years of age. Numerous legislative acts contain differing definitions for the cut-off age for a "minor".

Assistance to families with children with disabilities or children with HIV/AIDS is being provided only to children under the age of 16.

Children in special institutions for psychological care are being transferred to adult psychiatric hospitals at the age of 16.

The Republic of Uzbekistan

The minimum age of marriage will be set at age 18 for both girls and boys as recommended in previous concluding observations.

General Principles

Non-discrimination

The Republic of Kazakhstan

Principles of the right to non-discrimination (art. 2 of the Convention), the right to have his/her best interest as a primary consideration (art. 3), the rights to life, survival and development of the child (art. 6) and the right to respect for the views of the child according to age and maturity (art. 12) are not fully reflected and implemented in legislation, policies and programmes at national and local levels.

De facto discrimination persists, in particular, for children with disabilities; children in institutions; children of single parents; children living in rural area; children living in ecologically hazardous areas; children born at home; children belonging to minority groups and girls.

The Kyrgyz Republic

Societal discrimination persists against vulnerable groups of children, including children with disabilities, those living in institutions or in poverty, migrants and asylum-seekers with no formal residence permits.

Increasing discrimination against the girl child, in particular girls living in rural areas, due to re-emerging trends such as bridal kidnappings and forced marriages.

The Republic of Tajikistan

Prevailing disparities in the enjoyment of rights of children (children living in institutions; in regions of the country, which are lagging behind in socio-economic development and experiencing civil unrest; internally displaced, refugee, and asylum-seeking children; and children of rural families).

The guarantee of non-discrimination in article 2 of the Convention may be jeopardized by the introduction of fees for State health and education services, which may pose barriers to access by low-income households.

Discrimination on the grounds of gender defacto persists.

Persistence of negative stereotypical attitudes relating to roles and responsibilities of women and men (families that cannot afford the necessary additional costs imposed by school attendance, frequently give preference to the education of male children).

Turkmenistan

Discriminatory attitudes and practices exist towards certain national and ethnic minorities (access to education, employment and the right to own property, as well as the right to enjoy their culture).

While the ages of marriage is normally set at 16 years, for Turkmen citizens who marry foreigners and stateless persons, the age of marriage is set at 18 years.

The Republic of Uzbekistan

According to the 1992 Constitution all children are equal before the law and children rights are respected without discrimination.

Lack of specific anti-discrimination legislation and low level of awareness of international anti-discrimination standards among judges, lawyers and law-enforcement personnel.

Prevailing disparities in the enjoyment of rights of children (vulnerable groups such as refugees, asylum-seekers, internally displaced children, children with disabilities, abandoned children and those living in institutions and in regions with socio-economic development problems).

Continuing existence of a compulsory residence registration system (propiska), as it affects the enjoyment of a number of rights and freedoms of children, placing them in more vulnerable circumstances.

Best interests

The Kyrgyz Republic

Not fully integrated into all policies and legislation affecting children, or in judicial and administrative decisions affecting children.

Turkmenistan

Not always taken into account in practice, in particular for children belonging to ethnic minorities.

The Republic of Uzbekistan

The principle of the best interests of the child is not yet reflected in legislation and appears not to be fully respected in practice.

Respect for the views of child

The Republic of Kazakhstan

Legislative provisions for measures designed to guarantee the right of children to express freely their views and to have these views taken into account are welcomed.

The age limit set in this regard may hinder opportunities for children below this age to be heard.

Traditional attitudes towards children in society may limit the exercise of the rights contained in article 12 of the Convention.

The Kyrgyz Republic

Opportunities provided by the Marriage and Family Code for children to express their views (change of name, determination of paternity, place of residence and determination of adoption, amongst others).

Children have limited opportunities to freely and fearlessly express their views in schools, courts, or within the family.

The Republic of Tajikistan

Respect for the views of the child remains limited due to traditional societal attitudes towards children in schools, care institutions, the courts, and especially within the family.

Turkmenistan

Courts have the discretion to decide whether to admit children to proceedings affecting them.

The Republic of Uzbekistan

Traditional societal attitudes towards children limit the respect for their views, within the family, schools, other institutions and society at large.

Civil Rights and Freedoms**Birth registration****The Republic of Kazakhstan**

Efforts taken to ensure registration at birth.

Some children do not acquire nationality at birth which may have negative consequences on the full enjoyment of their rights, particularly children born in families of Kazakh repatriates.

The Kyrgyz Republic

Access to civil authorities for the purpose of birth registrations is not always guaranteed, in particular for asylum-seekers, persons seeking protection who have not received refugee status and those living in rural areas.

The Republic of Tajikistan

Many parents in rural areas, particularly internal migrants, fail to register their children due to the lack of knowledge about its necessity, access to registration facilities, lack of documentation, and inability to pay registration fees.

The Republic of Uzbekistan

The existence of fees for the issuance of birth certificates, which affects in particular families living in poverty, and that refugee families face particular difficulties when attempting to register their children.

Right to life**The Kyrgyz Republic**

Reports of children being injured as a consequence of landmines on the borders.

The Republic of Uzbekistan

Reports of children being killed during the events in Andijan on 13 and 14 May 2005, and the lack of independent investigations into these cases.

Protection of privacy**The Republic of Uzbekistan**

Right to privacy of correspondence and telephone conversations is protected in article 27 of the Constitution.

Lack of information on rules, regulations and practice regarding the protection of this right, particularly for children in institutions.

Access to appropriate information**The Republic of Kazakhstan**

In light of articles 13 and 17 of the Convention, the quality and quantity of printed information, including children's books, available to children has decreased in the past years.

Lack of mechanisms to protect children from information and material injurious to their well-being
Amendments to the Media Law may limit the access to information.

Turkmenistan

All sources of information are subject to Government's control and do not allow for diversity

Freedom of religion**The Republic of Turkmenistan**

Religious organizations encounter difficulties related to the procedure for their registration and face restrictions with respect to the exercise of their activities.

Prohibition of torture or other cruel, inhuman or degrading treatment or punishment**The Republic of Kazakhstan**

The Head of State expressed his concern that torture and ill-treatment of suspects and detainees by law enforcement officers was becoming widespread and common practice.

Efforts made to broaden the scope of punishment for offences committed against children

Continuing allegations that the practice of torture of persons under 18 continues, including for purposes of extorting confessions, is widely used, the existing procedure of investigation of such allegations is ineffective and does not provide for the protection of the victims.

The Kyrgyz Republic

Persons below 18 allegedly continue to be subjected to torture and cruel treatment, in many cases when in police custody or awaiting trial.

Access to legal counsel and/or medical services and communication with their families also seems limited for young persons in police custody.

Complaint procedures for these abuses are not child-sensitive and have not proven to be efficient as no sanctions seem to have been applied.

The Republic of Tajikistan

Numerous and continuing reports of ill-treatment of persons under 18 by the militia, including psychological intimidation, corporal punishment, and torture.

Victims of such treatment are largely from vulnerable groups (children living and/or working on the streets).

Fear of reprisals and inadequate complaints procedures discourage children and their parents from filing complaints.

Turkmenistan

Torture and ill-treatment of detainees, including children, is widespread especially at the moment of apprehension and during pre-trial detention, and used both to extract confessions or information and as an additional punishment after the confession.

The Republic of Uzbekistan

National Plan of Action for the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment exists.

Numerous reports of torture and ill-treatment of persons under the age of 18 years. Reportedly insufficient efforts to investigate allegations of torture and prosecute the alleged perpetrators.

Definition of torture in the Criminal Code seems to allow for various interpretations by the judiciary and the law enforcement authorities.

Family Environment and Alternative Care

Family environment

The Republic of Kazakhstan

Principles of legislation governing the family have been brought into line with the principles and provisions of the Convention.

Expansion in recent years of advice centres for families.

extremely high number of abandoned children becoming de facto orphans caused by the rising number of families experiencing difficulties due to socio-economic circumstances.

Limiting the duration of maternity leave, abolishing family leave as well as abolishing or failing to pay many benefits women with small children will put extra strain on families.

Alternative care for children

The Republic of Kazakhstan

Adoption of the Marriage and the Family Act (1998) which introduces and promotes the concept of foster care as a way to reduce the number of children in institutions.

Foster care and other forms of family based alternative care are not sufficiently developed and available.

Continuing predominant use of institutional responses to provide assistance to children in difficulty and that these children have limited contact with the outside world and are not given the educational and vocational skills necessary to for them to make an independent living once they leave the institution at the age of 18.

Low quality of care and conditions in some of these institutions.

The Kyrgyz Republic

Many children in institutional care have parents and are deprived of their family environment.

Sanctioning parents who do not fulfill their parental responsibilities by depriving them of their parental rights is also one of the concerns for the Committee.

The Republic of Tajikistan

High number of children, especially children with disabilities, who are abandoned, or are otherwise deprived of a family environment.

Foster care, or other forms of family-based alternative care, are not sufficiently developed and available.

Children are placed in institutions which, due to lack of resources, provide children with very low quality housing and care.

Absence of effective mechanisms for children to communicate concerns and complaints about their placement. In light of article 25 of the Convention, the Committee is concerned at the inadequate system to review placement, monitoring, or follow-up of the situation of children in institutions.

Turkmenistan

Low rate of institutionalization.

Children placed in alternative care (many of them are placed in institutions due to the economic difficulties of their families).

Lack of resources, including adequately trained professionals in the alternative care system.

The Republic of Uzbekistan

High number of children, especially with disabilities, are abandoned or are otherwise deprived of a family environment.

Foster care or other forms of family-based alternative care are not yet sufficiently developed and available.

The high number of children in institutions, and that children are often placed in institutions due to parent's lack of economic means or their migrating to other countries in pursuit of work.

Quality of care and living conditions of children placed in institutions.

The lack of effective mechanisms for children to communicate concerns and complaints about their placement in institutions, as well as the lack of follow-up measures to support children who leave institutional care.

Adoption

The Republic of Kazakhstan

Existence of the National Board on Adoption and of regulations for Organizations involved in domestic and inter-country adoption.

Lack of a comprehensive policy regarding domestic and inter-country adoption including an effective monitoring and follow-up of adoptions.

Adoptions are processed in such a way that seriously hinders the right of the child to know, as far as possible, her/his biological parents.

The Kyrgyz Republic

New Family Code does not require changes in the legislation concerning the secrecy of the adoption or the right of the adopted child to know who his/her biological parents are.

The practice of encouraging parents to sign documents by which they agree to give up their children when placing the latter under institutional care, although not widespread, is a matter of concern.

The Republic of Tajikistan

Absence of national adoption standards, particularly in relation to foster and adoptive family screening.

Absence of mechanisms to review, monitor, and follow-up adoptions, and statistics on foster care and adoption.

Turkmenistan

Lack of information on the number and types of adoptions (domestic/ intercountry).

Adoptions are registered at the regional, city and district agencies of tutorship and guardianship under the Ministry of Interior, there is no centralized system for the registration of adoptions.

Article 129 of the Marriage and Family Code (providing that a child's adoption be kept secret), in conjunction with article 157 of the Criminal Code (establishing that it is a criminal offence to breach the confidentiality of the adoption against the adoptive parent's wishes) may hamper the right of the child to know his/her parents.

The Republic of Uzbekistan

Existing practice of keeping the identity of biological parents of the adoptee secret.

Reports of abuses of adoption procedures.

Lack of information on inter-country adoptions.

Periodic review of placement

The Republic of Kazakhstan

Periodic review of placement is regulated by the Marriage and Family Act and the Civil Code, however financial and human resources may not be sufficient to adequately implement the legislative provisions. Furthermore periodic review of placement of children placed under guardianship is not appropriately addressed.

Violence, abuse, neglect and maltreatment

The Republic of Kazakhstan

Legislative provisions prohibiting neglect and obligations on the part of the authorities to take necessary steps to protect children from abuse and other forms of violence are in place.

Rising level of violence against children in general within society, and in particular, within the family.

Sharp rise of the number of neglected children due to the fact that their parents' whereabouts are unknown.

Insufficient resources, both financial and human, as well as at the lack of adequately trained personnel, to prevent and combat such abuse, the insufficiency of recovery measures and facilities for victims, including psychological recovery and reintegration.

The Kyrgyz Republic

The Law on Protection from Violence (2003) was adopted.

Abuse and neglect that take place in families, in particular with regard to children and against adolescent girls.

Recovery and counseling services are insufficient to meet the increased demand for such services.

The Republic of Tajikistan

Incidence of ill-treatment of children in the family, institutions, and schools.

Violence against women is a problem and it has harmful consequences on children.

Turkmenistan

Lack of information and data on the extent of violence against children in the home, in institutions, in schools and in their communities.

The Republic of Uzbekistan

Reports of abuse and neglect with regard to children that take place in families and institutions.

Lack of an effective reporting system.

Lack of specific legislation on domestic violence.

Corporal punishment

The Republic of Kazakhstan

Corporal punishment is forbidden in educational institutions, however de facto exists.

Appropriate measures have not been taken to effectively prevent and combat any form of ill-treatment and corporal punishment of children within the family.

The Kyrgyz Republic

Corporal punishment is considered as unacceptable and inadmissible.

Corporal punishment is not explicitly prohibited in the family, in schools, in other institutions and in childcare settings.

Turkmenistan

Corporal punishment is commonly practiced to discipline children, despite existing legislation.

The Republic of Uzbekistan

Corporal punishment is prohibited in school.

It is widely practiced in the family and in institutions.

Basic Health and Welfare

Children with disabilities

The Republic of Kazakhstan

Legislation related to social, medical and educational support for children with special needs exists.

Efforts made to address the problems children with disabilities, particularly related to education, health and employment.

Information that the number of children with disabilities has tripled in the past 12 years (currently 49,800).

National legislation includes children only up to the age of 16 in the category of disabled children.

Prevailing poor situation of children with disabilities, in particular it is concerned at.

In the Constitution disability is not included in the list of grounds for protection from discrimination.

The practice of institutionalizing children with disabilities.

The lack of counseling and psychological care provided by the State for disabled children.

The lack of State support to families with disabled children.

The societal discrimination faced by children with disabilities.

The considerable reduction of privileges including free medical care and prosthetics.

The considerable reduction in the resources allocated to residential homes.

The limited inclusion of and access by children with disabilities to various areas of daily life, in particular with regards to the education system.

The Kyrgyz Republic

Efforts being made to provide more inclusive education for children with disabilities.

Still significant number of children with disabilities who do not receive an education.

Still prevalent trend of institutionalizing children with disabilities.

Children with disabilities do not have access to public buildings and public transport.

The Republic of Tajikistan

Prevailing poor situation of children with disabilities.

Existing practice of institutionalizing children with disabilities.

Access to services such as rehabilitation and education are limited and severely strained.

Turkmenistan

18 specialized preschools and 14 residential schools to accommodate children with mental and physical disabilities.

Medicaments for children with disabilities are paid by the State. children with disabilities are over-institutionalized and that there is a lack of disability specialists.

The Republic of Uzbekistan

Children with disabilities remain disadvantaged in the enjoyment of their rights guaranteed by the Convention, and are not fully integrated into the education system as well as into recreational or cultural activities.

Health and access to health care services

The Republic of Kazakhstan

Efforts made in 2002 to increase the accessibility of health services in rural areas.

Reduced quality and accessibility of health care services, particularly affecting children in rural areas, as noted in the CP report.

Access to free medical care for women is limited.

International cooperation in the sphere of health, the special comprehensive medium-term programme for the protection of mother and child health during 2001-2005 and the reduction, in recent years, of the IMR, under-5 mortality rates and maternal mortality rates (remain unacceptably high).

The Kyrgyz Republic

Efforts made by the State party to work with different specialized agencies of the United Nations as well as with international NGOs to reduce child mortality.

Decision of the Government in December 2003 to introduce the WHO live birth definition nationwide.

Regional disparities in mortality rates, the inadequate antenatal care, which is not completely free, the inhumane treatment of children in psychiatric hospitals.

The Republic of Tajikistan

Deterioration in the health of the most vulnerable groups, especially women and children, and in the quality of health services.

Increase in communicable diseases, including vaccine-preventable diseases, and the increase in childhood malnutrition.

Turkmenistan

Free medical care guaranteed to children.

The certification as a polio-free country since 2002 and the recognition of the State party as the 4th country in the world to ensure Universal Salt Iodization.

According to an independent study (2004), almost 80 % of infant deaths in early and late neonatal period were caused by infections and could have been prevented through simple and cost-effective preventive measures and treatment.

Maternal mortality, despite recent progress, remains high.

Official information about the infant mortality rate are inaccurate, partly due to inadequacies in the death registration system.

Hospitals lack sufficient obstetric supplies and emergency medicines.

Updated data on the nutritional status of children is lacking.

The Republic of Uzbekistan

State's efforts towards health sector reform aimed at strengthening the preventive health services, making curative services more effective and efficient, and strengthening management at the local level.

High immunization coverage throughout the country.

Initiative from the Ministry of Health to start introducing the World Health Organization (WHO) live birth definition.

Discrepancies between urban and rural areas regarding infant and under-five child mortality.

Continuing need for primary health care at community level and the implementation of effective nutrition programmes in the health sector.

Increasing number of children infected with preventable diseases, such as Tuberculosis, Hepatitis A and Hepatitis B.

HIV/AIDS**The Republic of Kazakhstan**

National Plan for counteracting the AIDS epidemic is adopted.

Emergence of problems related to HIV/AIDS; drug addiction; alcoholism and increased use of tobacco.

The Kyrgyz Republic

Increase in incidence of communicable diseases, such as tuberculosis and HIV/AIDS.

Turkmenistan

No cases of children with HIV/AIDS have been recorded in Turkmenistan.

Low levels of knowledge among the general population, especially young people, on the ways in which HIV can be transmitted.

Lack of means and insufficient skills for protection from HIV infection, along with prevailing unsafe sexual behaviour and injecting practices.

Skills and capacity to diagnose HIV/AIDS is limited.

There is an under-reporting of HIV/AIDS and other infectious diseases.

The Republic of Uzbekistan

Sexually transmitted infections (STIs) and HIV/AIDS among youth are on the rise.

Adolescent health**The Republic of Kazakhstan**

High rate of teenage pregnancies and abortions, which are one of the main causes of maternal mortality.

Emergence of problems related to HIV/AIDS; drug addiction; alcoholism and increased use of tobacco.

The Kyrgyz Republic

Adolescents do not receive adequate reproductive health or appropriate sex education.

Rising trend of tobacco use, alcohol and drug abuse and suicide among adolescents.

The Republic of Tajikistan

Insufficient data available on the developmental health needs of adolescents.

Turkmenistan

The increasing practice of illicit use of narcotic drugs and psychotropic substances among adolescents.

Scarce information with respect to mental and reproductive health services available in the State party.

The Republic of Uzbekistan

Increasing number of adolescents using drugs.

Sexually transmitted infections (STIs) and HIV/AIDS among youth are on the rise.

Standard of living**Turkmenistan**

Since 1993, the Government has provided its citizens with free gas, electricity, water and table salt, and that this free provision has been extended until 2020.

Partly due to an unequal distribution of wealth in the country, a considerable number of families live at the edge of poverty and only 55 per cent of the population has access to safe drinking water while in rural areas the number decreases at 24 per cent.

The Republic of Uzbekistan

A large number of families live in economic hardship, near or below the level of subsistence, and that there are growing disparities in the socio-economic situation of families in rural and urban areas.

Reports of widespread practices of corruption, which are believed to have an adverse effect on the level of resources available for the implementation of the Convention.

Environmental health**The Republic of Kazakhstan**

Degree of environmental degradation (including access to clean drinking water) which has an extremely negative impact on the whole population, in particular women and children.

Problems of poor access to safe water, the lack of food security and the serious hazards arising from the Aral Sea disaster as well as those related to the Semipalatinsk nuclear testing site (closed in 1989).

Insufficient attention has been given to the long term health and psycho-social consequences of the affected population.

The Kyrgyz Republic

Exposure to environmental hazards such as mining wastes or unsafe drinking water.

The Republic of Uzbekistan

Ecological disaster that continues to affect the Aral Sea and its environment.

Negative consequences of this disaster for the health and development of children living in the Aral Sea region (Karakalpakstan) due to the lack of safe drinking water, the use of pesticides in agriculture (cotton) and the extreme poverty of their parents.

Education, Leisure and Cultural Activities

The Republic of Kazakhstan

Efforts taken to improve the education system, with the introduction of the Education Act 1999 which includes such aims as ensuring the delivery of compulsory secondary education to all children of school age, provision of free textbooks to vulnerable children, institution of compulsory pre-school attendance.

The Committee remains concerned at the many difficulties education is facing like, inter alia.

The increase in costs for education which limits access to children from economically disadvantaged households and rural areas.

The decrease in number of school establishments which limits children's access to pre-schooling.

The increasing drop out rates in secondary and vocational education.

Important regional disparities in the number of education establishments and the quality of education available, with rural areas being at a particular disadvantage.

Education reforms are being implemented without the necessary preliminary preparation and training of teachers.

The Kyrgyz Republic

Efforts to increase enrolment rates, both in primary and secondary education, through the national programmes spelled out in the Education Act.

High dropout rates, especially among girls, due to forced marriages.

Increasing practice of requesting parents to pay unofficial monthly and/or one time enrolment fees, as well as for textbooks and school repairs, constitutes an obstacle for children's access to education.

Enrolment in early childhood education has decreased in the past several years and that access to education is made difficult for children who are migrants with no formal residence permits, working children and/or street children.

General deterioration of children's access to quality leisure facilities, such as sports centres and cultural institutions, and to public libraries.

Turkmenistan

The reform of education reduced compulsory education from 10 to 9 years.

Children attend school for an average of 150 days per year compared to the international standard of 180 also due to the fact that school children often work in cotton fields.

Large part of the school programme is devoted to the teaching of Rukhnama, a "spiritual guide" written by the President.

Only 20% of children have an opportunity for early childhood education through pre-schools.

Class sizes are increasing rapidly, facilities are deteriorating and funds for textbooks and supplies are decreasing.

Teachers are often forced to work in cotton fields and schools premises may be used for cotton industry.

A significant number of teachers is not adequately trained nor paid.

Students belonging to ethnic minorities, have increasingly limited possibilities to study and receive education in their mother tongue, despite legislative provisions in this respect.

The Republic of Tajikistan

Deterioration in the quality of education, especially infrastructure, teaching, and curricula.

Declining pre-school enrolment, and the persistence of high drop-out, repetition, and absenteeism rates in primary and secondary schools.

The Republic of Uzbekistan

Public education is free and compulsory until the completion of secondary education efforts to improve the quality of education (e.g. the elaboration of the National Personnel Training Programme). The hidden costs of education.

The lack of reliable information on dropout, repetition and absenteeism rates in primary and secondary schools and the educational consequences of children working during cotton harvest season.

Refugee children may have difficult access to free primary education and that they find it difficult to attend secondary school, as they are required to pay fees as foreigners.

Special Protection Measures

Refugee and displaced children

The Republic of Kazakhstan

New bill on Refugees is in place (efforts related to the repatriation of ethnic Kazakhs elaborated under this heading).

De facto refugees from certain countries are not granted refugee status.

Problems exist in accessing education for children who have not been granted refugee status and do not have other documents that are required.

Inadequate treatment, including nutritional and medical care provided for illegal migrants, including children, arriving to Western Kazakhstan seeking work.

Unaccompanied minors are not accorded the same treatment as other children deprived of their family environment.

The Kyrgyz Republic

Law on Refugees and more favourable policies towards refugees were adopted in 2002.

Certain practices do not allow persons below 18 to have their own documentation.

Reports that in some cases asylum seekers are not being allowed to register their claims for refugee status because of their ethnic background.

Asylum-seekers cannot legally remain in the country during the time given by the law for them to appeal a decision against granting refugee status.

The Republic of Tajikistan

Tajik returnees following the civil war.

Afghan refugee and asylum seeking children as a result of conflict in Afghanistan.

The issue of documentation is a serious problem for non-nationals, especially asylum-seekers.

Turkmenistan

In 2005, over 10,000 Tajik refugees have been granted Turkmen nationality.

Children may be seriously affected by the fact that, as of 2001, forced resettlement became part of the Criminal Code of Turkmenistan and is used as a punishment for certain crimes.

Information of forced displacement of ethnic minorities, including children.

The Republic of Uzbekistan

National legal framework does not provide for the protection of refugee and asylum-seeking children as well as at the situation of internally displaced and stateless persons.

Possible consequences that the closure of the office of UNHCR in Tashkent, upon request of the Government, may have on the protection of refugee and asylum-seeking children in the country.

Children and armed conflict and their recovery

The Republic of Tajikistan

Negative impact on children of reports of recent armed civil unrest.

Economic exploitation

The Republic of Kazakhstan

Labour Act (2000) contains specific guarantees and provides for measures to protect children and the recent ratification of ILO Convention no. 182 on the worst forms of child labour.

Young people in unregulated employment situations, particularly in the private sector, agriculture and at home.

Lack of effective measures to reduce and eliminate child labour.

The Kyrgyz Republic

Creation of the Coordination Council on Child Labour (in 2004).

Prevalence of child labour in Kyrgyzstan and the lack of official data in this regard.

Use of children as workers by State institutions, and in particular by State educational establishments.

The Republic of Tajikistan

Negative effects of the current economic crisis have resulted in an increasing number of children dropping out of school and taking up work.

Existence of children working in the informal sector, especially children from rural backgrounds who may be at special risk, many of whom are working in hazardous conditions in agriculture, with little or no training on safety precautions.

Turkmenistan

The President issued a decree against child labour and specifically condemned the use of children for cotton harvesting as well as the recent legislation which forbids sending school children to harvest cotton.

This practice is still widespread and child labour laws are not effectively enforced.

The Republic of Uzbekistan

Uzbekistan law on child labour is in compliance with international standards.

State party's efforts to address child labour in consultation with ILO/IPEC.

Information about the involvement of the very many school age children in the harvesting of cotton, which results in serious health problems such as intestinal and respiratory infections, meningitis and hepatitis.

Street children

The Republic of Kazakhstan

An increasing number of street children and inappropriate policies and programmes implemented by the juvenile affairs services to address this situation.

The inappropriateness of the special preventive actions and at the keeping of a special data base on information on these children is being considered as social assistance in order to prevent abandonment and criminality.

Street children are vulnerable to, inter-alia, sexual abuse, violence, including from the police, exploitation, lack of access to education, substance abuse, sexually transmitted diseases, HIV/AIDS and malnutrition.

The Kyrgyz Republic

Increasing number of street children.

Vulnerable situation they face daily, with many of their rights not being protected (in particular their social and economic rights), being subjected to frequent mistreatment by police officers.

Migrants with no formal residence permits live in very precarious housing conditions, without access to basic infrastructure and in fear of forced eviction.

Turkmenistan

The lack of information from the State party on the existence of street children.

According to other information, their number may have increased in the last years.

The Republic of Uzbekistan

Increasing number of street children.

These children do not have access to health and other services because they live in places where they have no residence registration.

Sexual exploitation and trafficking

The Republic of Kazakhstan

Growing involvement of children in the sex industry and the apparent indifference of society towards the issue of child prostitution, including parents themselves reportedly forcing their children to earn money through prostitution.

The lack of specialized centres that could host and provide qualified services, including psychotherapeutic assistance, as well as recovery and reintegration programmes for children victims of sexual violence.

The Kyrgyz Republic

Children who are sexually exploited and/or trafficked are posed to health risks.

The Republic of Tajikistan

Increase in prostitution and the trafficking of children and women and the absence of an effective, comprehensive and integrated approach to prevent and combat this phenomenon.

Insufficient data and awareness of the phenomena of commercial sexual exploitation of children.

Turkmenistan

The law does not expressly prohibit trafficking in persons.

The extent of the problem of trafficking is not very high in the State party in comparison with other countries of the region.

Information that girls from minority ethnic groups are more likely to be victim of trafficking as fewer educational or employment opportunities exist for them.

The Republic of Uzbekistan

Lack of data on and insufficient awareness of the phenomenon of sexual exploitation and trafficking of children.

Victims of sexual exploitation do not have access to appropriate recovery and assistance services.

Administration of juvenile justice

The Republic of Kazakhstan

Adoption in 1998 of the new Criminal Code introducing a special chapter entitled "Special features of criminal responsibility and punishment of minors" which take the requirements set out in articles 37 and 40 of the Convention.

Two pilot projects on juvenile justice aiming at the establishment of a rights based approach to juveniles in conflict with the law in full compliance with the CRC.

Existing shortcoming in the juvenile justice system.

Absence of specialized juvenile judges and/or courts and the insufficient number of legal professionals, social workers, community educators and supervision officers working in this field.

Parents or guardians of children kept in pre-trial detention are not immediately informed about that detention (in fact often only after long periods of time) and such detention can last for 18 months.

Placement of children aged 11 to 14 in "special educational institutions" as a form of punishment that the Commentary to the Criminal Code provides for and unclear legal provisions for issuance of such decisions.

Placement of children from 3 to 18 years old in Centres for temporary isolation, adaptation and rehabilitation for juveniles (CITARJ), in absence of legal grounds or procedure.

Still large number of children sentenced to placement in corrective and other institutions and insufficient education and guidance provided in these institutions and the lack of social and psychological recovery.

Existence of subordinate norms and departmental regulations and instructions that allow restriction of freedom of children without fully complying with the provisions of the criminal, criminal-procedural and criminal-executive legislation.

Lack of comprehensive information on the Criminal Code and Criminal Procedure Code.

Disorderly conduct has been defined as a serious crime constituting a danger to society and leading to the criminalization of behavioural problems.

The Kyrgyz Republic

No specific procedures and courts to deal separately with juvenile offenders under the justice system

Parents, doctors and lawyers are not guaranteed access to those persons below 18 who are arrested.

Lack of vocational training or rehabilitation programmes for those below 18 who have been detained

Long pre-trial detention periods the harshness of the punishments given to those below 18 when found guilty (up to 15 years in prison).

Lack of alternative penalties to deprivation of liberty for those under the age of 14.

Determining the criminal responsibility of a minor, differences exist between those under the age of 14 years and those under 16 years.

Juveniles, in particular girls, are being detained with adults.

The Republic of Tajikistan

Poor quality of administration of justice of juvenile offenders.

Lack of a juvenile justice system.

Turkmenistan

Lack of information in relation to juvenile justice.

Persons below 18 are subjects to the same criminal procedure as adults.

Children may be held in remand pending investigation up to six months.

There is only one institution for persons below 18 in conflict with the law which in practice are not always separated from adults.

Conditions of detention are inadequate.

Confessions are often extracted by force and used as evidence in court.

Deprivation of liberty is not always used as a measure of last resort.

The Republic of Uzbekistan

Draft special law on juvenile justice.

Lack of information on the number and conditions of children in the juvenile justice system.

Allegations of ill-treatment of children who are kept with adults in pretrial detention and in police custody.

Optional Protocols to the Convention on the Rights of the Child

The Republic of Kazakhstan

Ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict.

The Kyrgyz Republic

Ratification of the Optional Protocol to the Convention on the involvement of children in armed conflict; the Optional Protocol on the sale of children, child prostitution and child pornography.

The Republic of Tajikistan

The Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict is not signed and ratified.

Turkmenistan

Two Optional Protocols to the Convention are ratified.

The Republic of Uzbekistan

Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict are not ratified.

Next report

The Republic of Kazakhstan

2nd and 3rd periodic report - 10 September 2006.

The Kyrgyz Republic

Consolidated 3rd and 4th reports - 6 May 2010.

Turkmenistan

4th periodic report - 19 October 2010 (should combine the 2nd, 3rd and 4th periodic reports).

The Republic of Uzbekistan

Consolidated 3rd and 4th reports - 28 January 2010.

