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НАЦИОНАЛЬНАЯ СЕТЬ ГРАЖДАНСКОГО ОБЩЕСТВА ПО МОНИТОРИНГУ СЕКТОРА ПРАВОСУДИЯ

ОФ «Лига защитников прав ребенка»

REPORT ON THE RESULTS OF MONITORING THE CRIMINAL JUSTICE SECTOR OF THE KYRGYZ REPUBLIC

Respect and Protection of Children's Rights - Summary

Bishkek, 2025

This analytical report is based on monitoring conducted by the Public Foundation ''Child Rights Defenders League'' in the framework of a project implemented by International Partnership for Human Rights (IPHR) and Lawyers for Human Rights (LHR) with support from the European Union.

The report covers the cross-cutting topic ''Respect and protection of children's rights'' under a comprehensive Methodology for Monitoring the Criminal Justice Sector developed by recognised international and national experts under the project.[1] It is part of a series of analytical reports prepared based on monitoring conducted by members of the Akyikat Karegi Civil Society Network, using the new methodology with support from project experts.

This document has been prepared with financial support from the European Union. The contents are the sole responsibility of IPHR and LHR and do not necessarily reflect the views of the European Union.

[1] The methodology (in Russian and Kyrgyz) is available at: https://iphronline.org/articles/new-methodology-for-monitoring-the-criminal-justice-sector-developed/

INTRODUCTION

The protection of children's rights is one of the key aspects of the legal system of any state. In the Kyrgyz Republic, where a significant proportion of the population are children and young people, ensuring their rights in criminal proceedings is of particular importance. Children in conflict with the law are a vulnerable category of people, in need of a special approach and support. Their rights must be protected throughout the criminal justice process.

This analysis examines the observance of children's rights in criminal proceedings in the Kyrgyz Republic, and assesses the effectiveness of current legislation, law enforcement practice and the interaction of various state and public institutions designed to protect the rights of minors. The study aims to analyse the compliance of the legislation of the Kyrgyz Republic and the existing law enforcement practice with generally recognised international standards relating to children's rights in the criminal justice system, as well as to identify gaps and develop recommendations to improve practice in this area.

The research included a desk study of the legal and regulatory framework governing the protection of children's rights and the collection of empirical data in regions with the highest rates of juvenile delinquency. Nine districts were selected, including the Leninsky and Pervomaisky districts of Bishkek city, Osh city, Sokuluk district of Chui province, Balykchy city of Issyk-Kul province, the cities of Jalal-Abad, Batken and Kyzyl-Kiya, and the Alameda district of Chui province.

As part of the monitoring, a team of 18 specialists conducted interviews and focus group discussions with representatives of the juvenile justice system. Detailed questionnaires were developed for investigators, juvenile affairs officers (Ministry of Interior), lawyers, guardianship officers and representatives of correctional institutions. To ensure the reliability of the data, the questionnaires were coordinated with the Ombudsperson’s Institute and translated into Kyrgyz. In addition, visits were organised to Educational Colony No. 14 and pre-trial detention centres (SIZOs), where interviews were conducted with juveniles and staff of the institutions.

The methodology also included monitoring of criminal cases handled by specialised lawyers. This made it possible to identify how children’s rights are observed in practice in real court proceedings. All data was collected in accordance with the principles of confidentiality, taking into account the ethical aspects of interaction with children and their legal representatives.

The structure of this analytical report consists of a ‘Main findings’ section, which presents the results of the analysis, a ‘Methodology’ section, which details the monitoring process and tools, a ‘Key evaluation questions’ section, which presents the results of the analysis in detail, and a ‘Sphere assessment’ section, which presents the assessment of each benchmark according to the Evaluation Methodology.

We hope that the results of this monitoring will contribute to the further improvement of the criminal justice system for children in the Kyrgyz Republic. Firstly, they provide objective data on the current state of legislation and law enforcement practice, identifying key gaps and problems. This data can be used to develop legislative initiatives aimed at bringing the national legal system in line with international standards.

Secondly, the results of monitoring serve as a basis for improving the practical aspects of the juvenile justice system. The recommendations developed can be implemented by courts, the state agency for child protection, educational institutions and other agencies involved in protecting the rights of

minors. They will help to increase the effectiveness of interagency co-operation and ensure the use of an approach focused on the best interests of the child in individual cases.

The study also contributes to scientific understanding of the peculiarities of criminal justice work with children. It can form the basis for further research and can also be used in educational programmes to train professionals in the field of child protection.

The monitoring was carried out within the framework of the subproject ''Monitoring of the criminal justice system for the observance, guarantee and protection of the rights of minors'' implemented by the Public Foundation ''Child Rights Defenders League'' in partnership with the Institute of the Ombudsperson of the Kyrgyz Republic, under a project implemented by International Partnership for Human Rights and the Public Foundation ''Lawyers for Human Rights'' with financial support of the European Union.

KEY FINDINGS AND RECOMMENDATIONS

KEY FINDINGS
1. Kyrgyzstan has made progress in integrating international standards into criminal legislation, particularly in the protection of the rights of minors, but faces a number of serious challenges. With regard to statutes of limitations for sexual offences against minors, legislation protects the rights of victims by starting the statute of limitations from the age of majority. However, inconsistencies in the definition of age categories and the application of statutes of limitations to individual offences limit access to justice. The synchronization of terminology and revision of statutes of limitations is required. Although legislation provides for alternative sanctions, their implementation is hampered by insufficient social support, a lack of training and staff shortages in the juvenile probation sector. These factors reduce the effectiveness of juvenile reintegration. Measures provided for in criminal law take into account the individual characteristics of children but often remain declarative due to a lack of information on the child's living conditions and the low qualifications of child protection officials. In order to address these problems, it is necessary to revise the statute of limitations, raise the capacity of the personnel and clarify the methodological base, improve the training of specialists and strengthen social mechanisms to support children.
2. Kyrgyzstan generally complies with international standards in the provision of legal aid and the involvement of professionals in cases involving children. However, the implementation of these standards requires significant improvement. Legislation guarantees free legal aid to children regardless of their procedural status, and this is implemented through the Centre for Coordination of State Guaranteed Legal Aid. However, regular professional development for the specialists providing assistance is required, especially on working with child victims. Although the participation of specialised investigators, prosecutors, judges and lawyers is provided for by law, in practice most officials are not properly trained. The lack of mandatory requirements for annual refresher training courses and of guidelines significantly reduces the quality of work with children in criminal proceedings. The training of specialists working with children is fragmented and not systematic. The principle of specialisation is implemented selectively and depends on the individual training of staff, which is not in line with international standards.
3. The Kyrgyz Republic has enshrined many international standards aimed at protecting children's rights in criminal proceedings, but their implementation faces serious challenges. Legislation provides for shorter periods of detention before bringing children to court, reflecting the principle of minimising time spent in detention. However, in practice, there are cases of delays in documenting the time of detention, which create risks of violation of children's rights, including their contact with law enforcement officials without the presence of a lawyer. Legislation provides mechanisms for alternative measures, such as probation and compulsory educational measures. Their implementation is complicated by a formal approach to diversion (from criminal proceedings) agreements, lack of follow-up with children, and insufficient monitoring of the implementation of the measures, which reduces their effectiveness and creates risks of re-offending. Legislation limits the use of detention as a measure of last resort, but in practice, placement in care is often impossible due to the absence of a legal representative. This makes arrest the only available preventive measure for children, which is not in line with the principles of trauma minimisation. The rights of children to legal assistance and the participation of a legal representative, teacher or psychologist are enshrined in law. However, in practice, a shortage of specialists, especially in the regions, combined with the lack of qualification requirements for teachers/psychologists involved in procedural actions, and the absence of a mechanism for their remuneration hinder the

realisation of these rights. Legislation provides for 'child-friendly rooms' for procedural actions to reduce the traumatic impact on children. However, their absence in most regions makes these requirements merely declarative. Overall, despite the progressive legislation, effective implementation of the standards remains a significant challenge, which requires addressing the systemic deficiencies in infrastructure, increasing the training of professionals and monitoring procedural requirements.

4. The conditions of detention and re-socialisation of children deprived of liberty in Kyrgyzstan have some positive aspects, but also serious limitations. Children's basic needs, including nutrition and medical care, are met in a below average way, highlighting the need to improve living conditions in places of deprivation of liberty. On the positive side, 100 per cent of children are provided with education and sports opportunities, which contribute to their development and partially compensate for the negative impact of detention. Penitentiary probation for children's re-socialisation is at an early stage of development. The lack of special re-socialisation programmes limits the successful return of children to society after completion of their sentence. The overall situation requires significant attention to improving conditions of detention and creating systemic approaches to the re-socialisation of children in order to minimise the negative effects of deprivation of liberty and support their reintegration into society.

Area 1: Criminal Policy

Status and challenges	Recommendations
Indicator 9.3. The application of statutes of limitation for sexual offences against minors in Kyrgyzstan is generally in line with international standards, including the possibility of starting the calculation of statutes of limitation from the moment the victim reaches the age of majority. This allows for the protection of the rights of victims who report the offence at an advanced age. However, there remain gaps that create a risk of impossibility of criminal prosecution in some cases under Art. 157 of the Criminal Code of the Kyrgyz Republic, as well as with the application of statutes of limitation to Article 157, which may limit access to justice for victims. The elimination of these inconsistencies requires unification of wording and revision of the statute of limitations for all sexual offences against minors. Indicator 13.1. Kyrgyzstan has largely integrated international standards on the treatment of children in conflict with the law. This is reflected in legislation providing for alternative measures to deprivation of liberty, such as probation supervision and compulsory educational measures. These measures are aimed at facilitating the reintegration of children into	Indicator 9.3. Article 157 of the Criminal Code (Acts of a sexual nature with a child under the age of sixteen) sets the minimum age of sexual consent at 16 years. It is welcomed that Article 157 of the Criminal Code of the Kyrgyz Republic provides for a higher minimum age of criminal liability (18 years), which exempts from criminal liability adolescents in voluntary sexual relations (in the absence of qualifying features of other offences such as rape, etc.). This is in line with the provisions of Article 18(3) of the Lanzarote Convention, which, although the Kyrgyz Republic has not yet acceded to it, is an important reference point in the fight against sexual violence and exploitation of minors. However, Article 157 of the Criminal Code of the Kyrgyz Republic does not establish a maximum age difference in cases where one of the participants in the act has reached the age of 16 but has not reached the age of 18 and the other has not reached the age of 16. In fact, this creates a lacuna as a result of which an older teenager can avoid consequences even in the case of committing sexual acts against a very young child. It is recommended to establish a maximum age difference (in international practice this is usually 2-3 years), as well as a requirement that

society and minimising their contact with the criminal system. Coercive educational measures, such as supervised release and behavioural restrictions, do not have a strong educational component. Implementation of these measures is complicated by the lack of responsible adult family members for children in conflict with the law, highlighting the need for more effective social support mechanisms. The juvenile probation sector has a critically low staff resource, which limits the possibilities of effectively realising the goals of juvenile re-education and rehabilitation. To fully fulfil the tasks of social support and introduction of innovative approaches, a significant strengthening of the human resources and methodological base is required. Indicator 13.2. Kyrgyz legislation contains provisions to ensure that juvenile punishment is applied in the spirit of international standards, including the use of deprivation of liberty only as a measure of last resort and for a limited period of time. Criminal legislation provides for various measures of punishment for juveniles that take into account the age, living conditions and upbringing, as well as the individual characteristics of the child. However, these measures often remain declarative due to the lack of quality information on the conditions of a minor's life and upbringing. The majority of children involved in offences come from disadvantaged or difficult social conditions. However, in a number of cases, information on the child's living situation remains incomplete, which emphasises the need to improve data management. According to the lawyers who participated in the study, the professionalism and competence of the staff of child protection agencies needs to be improved, which is confirmed by cases of superficial analyses of the child's living conditions.	the adolescents are at approximately the same level of development (which is relevant, for example, when one of the adolescents has an intellectual disability). In addition, it is recommended that the sanction part of Articles 154, 155 and 157 of the Criminal Code be supplemented with additional penalties in the form of a ban on certain types of professional activity, which would strengthen safeguards to protect children from criminal offences. It is also recommended that article 58, paragraph 6, of the Criminal Code (Exemption from criminal liability due to the expiry of the statute of limitations on criminal prosecution) be amended to include the words 'article 157' after the words 'paragraphs 2 and 3 of article 156', thus including the offence under article 157 (Acts of a sexual nature with a child under 16 years of age) in the list of articles to which the statute of limitations does not apply. In articles 154 and 155 of the Criminal Code, it is recommended that the words 'between the ages of 14 and 18' be deleted in paragraph 2 of part 3 and that part 4 of the articles be deleted. The sanction provided for in Parts 3 and 4 of the said articles is completely identical. In article 156, delete para. 1 ч. 2 and in part 3 the words 'under the age of fourteen' are deleted, thus preserving the stricter sanction for 'coercion of a child of any age to engage in acts of a sexual nature'. Indicator 13.1. Article 480 of the CPC KR should specify specific programmes for the implementation of coercive educational measures or include a norm referring to a by-law regulating the content and algorithms for the implementation of coercive educational measures. It is necessary to actively develop juvenile probation in terms of methodological support for the work of probation officers and their specialisation in working with children in conflict with the law. All probation service specialists working with children in conflict with the law who work with probation clients should be given advanced training on working with children in conflict with the law. In parallel, consideration

	should be given to the possibility of gradually building up staff at the district level with a view to creating the possibility of allocating a specialised juvenile probation officer in the future. One of the areas of juvenile probation development should be the widespread use of restorative justice, including conciliation procedures (mediation, family-group conferences, etc.), which is directly related to the child's realisation of responsibility for what he or she has done and the child's repentance for the conflict with the law. For effective implementation of re-socialisation programmes within the probation system, it would be advisable to establish juvenile probation centres throughout the country, where children in conflict with the law who have been assigned probation supervision could undergo interventions aimed at re-education, rehabilitation and re-socialisation, prescribed strictly in accordance with the individual risks and needs of the juvenile/s. Indicator 13.2. Since one of the areas of activity of the prosecutor's office of the Kyrgyz Republic is the protection, ensuring the implementation of the rights of children provided by law, supervision of the implementation of laws aimed at protecting the rights and interests of children, and the principle of supporting and ensuring the most important interests of the child is applied, the Prosecutor General's Office of the Kyrgyz Republic must ensure the application of a full and comprehensive assessment and analysis of the child's life situation. It is advisable that the individual assessment and analysis be carried out by a pre-trial probation officer together with an employee of the authorized state body for the protection of children. This will ensure a comprehensive study of the personality and circumstances of the child, taking into account the risks and needs while ensuring the best interests of the child. This recommendation should be considered in conjunction with the above recommendation on the need to conduct work on improving the qualifications on issues of working with children in conflict with the law

	with all specialists of the Probation Service, with a parallel gradual creation of the possibility of allocating a specialized employee on juvenile probation issues at the district level in the future.
Area 5: Legal Assistance	
Status and challenges	Recommendations
Indicator 3.1. The legislation of the Kyrgyz Republic guarantees children the right to receive free qualified legal assistance during criminal proceedings, regardless of their procedural status. The principles governing the provision of legal assistance in Kyrgyzstan generally comply with international standards, including the priority of ensuring the best interests of the child and taking into account his/her age and social context. The mechanism for providing state-guaranteed legal assistance to children in Kyrgyzstan is implemented through the Center for Coordination of State-Guaranteed Legal Aid under the Ministry of Justice of the Kyrgyz Republic, which allows for access to qualified assistance within an established time frame. At the same time, it is necessary to systematically increase advanced training of specialists involved in providing state-guaranteed legal assistance to children victims. Indicator 7.2. Kyrgyzstani legislation requires the participation of specialized investigators, prosecutors, judges and lawyers in criminal proceedings involving children, including child victims, witnesses and those in conflict with the law. However, in practice, the implementation of this requirement is challenging. A significant number of lawyers, investigators and other specialists working with children have not had the necessary specialized training. The Criminal Procedure Code of the Kyrgyz Republic does not require specialists of the Family and Child Protection Division of the District Social Development Department and juvenile affairs officers to have specialist qualifications, since their specialization in working with children is presumed. However, survey data, as well as statistics provided by the Prosecutor General's Office, indicate the need to take comprehensive measures to improve the efficiency of the	Indicator 3.1. To ensure uniform observance of the rights of child victims, the Central Committee of the State Guaranteed Legal Aid must systematically conduct advanced training for those involved in providing state-guaranteed legal aid (coordinators, lawyers). Part 5 of Article 13 of the Law of the Kyrgyz Republic "On State-Guaranteed Legal Aid" should be amended to read: "Child victims and witnesses are provided with qualified legal assistance in criminal cases by lawyers who have specialized in children's cases." Indicator 7.2. It is necessary to develop and approve by-laws in pursuance of Part 2, Article 457 of the Criminal Procedure Code of the Kyrgyz Republic, which provides for the mandatory participation of a specialized child prosecutor, investigator, judge and lawyer in cases involving children in conflict with the law, child victims and child witnesses is mandatory. For the comprehensive implementation of this norm, it is necessary to build effective interdepartmental cooperation between the Prosecutor's Office, courts, the Ministry of Internal Affairs, and the Bar Association. It is advisable to develop and implement mandatory training programmes for all specialists working with children during criminal proceedings, including investigators, prosecutors, lawyers, judges, juvenile affairs officers and probation officers. It is important to introduce regular monitoring of the competence of specialists working with children in order to identify gaps in training and develop additional educational programmes. It is also important to establish a certification system for specialists working with children which ensures their compliance with juvenile justice standards, and to establish mandatory, advanced training courses with a specific minimum number of hours for all groups

system for advanced training of these specialists, and a mandatory requirement for an annual minimum number of hours of advanced training, as well as a plan for advanced training. Methodological guidelines on working with children are very rarely used. Among lawyers and investigators, there is a high demand for the development and distribution of such manuals to improve their professional knowledge and expertise. Training of specialists working with children in the juvenile justice system remains insufficient. Most specialists, including juvenile affairs officers and probation officers, have either had no specialized training or had only partial training. The principle of specialization of officials working with children in probation agencies is implemented in an incomplete way and often depends on the individual level of training of employees, rather than on a systematic approach.	of specialists, aimed at developing practical skills in working with children, including interdisciplinary approaches. It is recommended to develop and approve specialized methodological materials and guidelines for lawyers, investigators, judges, probation officers, psychologists and other specialists and distribute manuals among practicing specialists, ensuring their availability through professional organizations and educational centres. The Ministry of Justice should consider establishing specialized units for working with children in the probation system and provide them with the necessary resources; include modules on social support for children in the training of probation officers and provide general information on the need for legal assistance.
Area 6: Pre-trial Stage	
Status and challenges	**Recommendations**
Indicator 3.4. The legislation of the Kyrgyz Republic is generally in line with international standards in that it requires detention periods to be minimized and arrests of children to be limited. There are clear time limits for detention for adults (48 hours) and children (24 hours). The Code of Criminal Procedure provides for shorter periods of detention for children and for bringing a child before a judge (21 hours instead of 45 hours for adults), reflecting the principle of minimising detention periods for children. At the same time, the practice of detaining children has revealed cases of delays in drawing up documentation on the actual time of apprehension. This leads to risks associated with the child's contact with law enforcement agencies without the presence of a lawyer, which may violate the child's rights. Delays in documenting the time of apprehension can be used to unreasonably increase the period ofa child's actual detention without proper supervision and protection.	Indicator 3.4. It is necessary to introduce a mechanism for controlling the actual time of detention, for example, by stipulating in the CPC KR the requirement of mandatory video recording with date and time stamping, when detaining a child, as well as during the transport. Indicator 5.1. An agreement on the use of diversion from criminal proceedings can never be a template, but it should contain a mandatory minimum of information. Thus, it is necessary to train investigators, lawyers, prosecutors, and specialists of the state agency for child protection on the specificities of the use of diversion; and to compile brief information leaflets on diversion for legal representatives of children in conflict with the law and make them publicly available. A child in conflict with the law assumes certain obligations in the diversion agreement. It is necessary to ensure in practice the active involvement of a specialist from the State Child protection agency and regular monitoring by the prosecutor who approved the contract, in

Indicator 5.1. Kyrgyzstan has legislative mechanisms in place to divert children from the criminal justice system in accordance with international standards, including the UN Convention on the Rights of the Child and recommendations by the Council of Europe. Such mechanisms include the use of alternative measures such as probation supervision and compulsory educational measures. Statistics show a positive trend in the use of measures to divert children away from the criminal justice system, indicating growing recognition of the importance of alternative approaches.

Despite the existing legislative framework, serious shortcomings in the practice of their application have been identified, including: 1) a perfunctory approach to the content of diversion agreements, which do not take into account the child's individual circumstances; 2) the absence of participants' signatures in the diversion agreements, which calls into question their legal validity, including the fact of the child's voluntary informed consent; 3) insufficient monitoring and lack of documented implementation of measures for the resocialisation and education of children and assessment of the success of these measures; 4) the lack of follow-up support for children under alternative measures; 5) the lack of systematic monitoring of the implementation of agreements and the results of alternative measures reduces the effectiveness of these measures, creates risks of children reoffending and undermines trust in the system.

Indicator 5.2. The Criminal Procedural Code and the Children's Code provide for the use of a preventive measure in the form of placement in custody as a measure of last resort, which is applied in exceptional cases. There is only one alternative to placement in custody – which is placement in care. The narrow interpretation of those children who may be placed in care, as well as the absence of specialised foster families (who are trained to work with children in conflict with the law), leads to a situation where a child is placed in care only if the child's legal representative is geographically available, and willing to assume responsibility. Children in order to be sure that the obligations specified in the contract, are fulfilled.

It is essential that the conditions and measures imposed on the child as part of the diversion from judicial proceedings are based on a thorough assessment of the child's personality and circumstances and are aimed at strengthening protection and reducing the dynamic risks (criminal behaviour) of the child, which requires the development of an individualised plan and its regular review.

Indicator 5.2. It is recommended to consider establishing specialised foster families to work with children in conflict with the law, which would create an alternative for those children who do not have persons able and/or willing to take on supervision responsibilities in their families.

It is recommended to establish centres for the temporary stay of children in conflict with the law who, for objective reasons, cannot be placed under supervision. The conditions in such centres need to be significantly different from those in remand centres. The use of electronic bracelets in this context seems justified and effective, but a child-sensitive approach is needed to ensure that the use of electronic monitoring devices does not inadvertently harm the child.

Indicator 5.3. In cases of children under 16 years of age, Article 464 of the CPC KR provides that it is necessary to ensure the participation of a teacher or psychologist within the system of state-guaranteed legal aid, similar to lawyers.

It is recommended that the Central Committee of the State Guaranteed Legal Aid (SGLA) create a section on its website with information on the rights of a child in conflict with the law for legal representatives.

The provisions of the CPC do not specify the requirements for a teacher/psychologist (for example, the requirement of additional training in working with minors in contact or in conflict with the law). Article 464 part 3 of the CPC provides for the right of the teacher/psychologist, with the permission of

conflict with the law are thus placed in detention not as a measure of last resort, but because this is often the only available preventive measure.

Indicator 5.3. The Kyrgyz Republic has enshrined many international norms and standards relating to the rights of children in criminal proceedings into its national legislation: including rights to presumption of innocence, legal assistance, the participation of legal representatives and access to information on procedures. The CPC provides procedural guarantees for children, such as the participation of a lawyer, a legal representative and, if necessary, a teacher or psychologist, as well as a right for all rights and obligations to be explained to the child and his or her representatives, which is aimed at ensuring fairness and protecting the interests of the child in criminal proceedings.

Kyrgyz legislation provides for detailed procedures and conditions for removing a child from criminal proceedings, including the provision of detailed information on the nature, conditions and consequences of this measure. An important aspect is the child's voluntary consent for such a procedure.

Despite the legislative norms, there are significant challenges in practice, such as: 1) the lack of specific requirements training of teachers/psychologists regarding their participation in procedural actions, which, due to their broad powers to ask questions, may go against both the best interests of the child and the interests of the investigation; the shortage of specialists, especially in the regions; 2) the lack of a mechanism for paying teachers and psychologists, which is an obstacle to their involvement

Along with the importance of the role of all participants in criminal proceedings and their functions in the protection of the child in conflict with the law, the key actor remains their legal representative. Thus, their awareness of their rights and procedural opportunities in criminal proceedings is closely linked to the possibility of defending the best interests of the

the investigator/prosecutor, to ask questions of the suspected/accused child. This right, in the absence of the requirement for additional training, could potentially create a risk of asking the wrong questions (e.g. leading/suggestive), shaming the child, and other actions contrary to both the best interests of the child and the interests of the investigation. It is recommended to amend the CPC to include the requirement for a teacher/psychologist to have undergone appropriate training before being allowed to work with minors in contact/conflict with the law, as well as to develop and introduce necessary legal acts which set out the interaction between a trained teacher/psychologist and the investigation in the framework of interrogations and other procedural actions.

It is recommended to establish a pool of psychologists trained on the interrogation of minors, who could work in co-operation with the investigator according to the established methodology. Their contact details should be made available to investigators and procurators through an approved register.

As set out by the CPC, in cases of children under 16 years of age, it is necessary to ensure the participation of a teacher or psychologist exclusively from the register of specialists who have undergone special training in the interrogation of minors, with payment for their work from the state budget.

Indicator 5.4. The Ministry of Internal Affairs should regularly check the implementation of the requirements of the CPC for district departments of internal affairs relating to conducting all investigative activities involving children in a ‘child-friendly room’, with the participation of a specialised investigator for children's cases, and for children involved in pre-investigation and investigative activities to be allowed to use separate waiting rooms for children.

child. Informing the legal representative about the functions of each actor in the criminal justice system will ensure that the child's rights are respected and that the actors in the criminal justice system fulfil their obligations in the best possible manner. Such possibilities may include the involvement of a teacher or psychologist, or the drafting of an individual child protection plan by a specialist from the Department of Family and Children Protection (DFCP). Indicator 5.4. The Kyrgyz Republic has enshrined in national legislation many international norms and standards guaranteeing special conditions in pretrial proceedings for children in conflict with the law and their legal representatives, including that: - in cases involving children, the individual circumstances of the child's life must be established; cases of a child who participated in the commission of an offence together with an adult must be separated into separate proceedings; and special (abbreviated) procedures must be established. According to Article 78 of the Criminal Procedural Code, an official of the body of enquiry or an investigator must conduct all investigative activities involving children in a 'child-friendly room', with the participation of a specialised investigator for children. While waiting to take part in pre-investigation and investigative measures a child must be held in separate waiting rooms for children. The requirements of this article, which were established in order to reduce the traumatic impact on a child in conflict with the law, are not implemented everywhere due to the lack of special rooms.	
Area 8. Penitentiary System	
Status and Challenges	**Recommendations**
Indicator 11.4. Against the background of unsatisfactory living conditions, the basic needs of children serving a prison sentences are not adequately met in terms of nutrition and medical care. At the same time, 100 per cent of children serving prison sentences receive education and can participate in sports.	Indicator 11.4. It is recommended that the State Service for the Execution of Punishments take measures to ensure that nutrition provided meets children's needs in terms of nutritional value and quantity, and that steps are taken to ensure the quality and accessibility of medical care in Institution No. 14 of the Correctional Service under the Ministry of Justice.

It is necessary to actively develop penitentiary probation for the re-socialization of children serving prison sentences, including the development of special re-socialization programmes.	The introduction of case management for each child serving a custodial sentence would be a feasible measure aimed at re-education and future effective re-socialisation. Case management should include the development of a detailed individual plan for each child, based on the results of a comprehensive risk and needs assessment carried out in accordance with an established methodology. The progress of the individualised case management plan should be regularly evaluated, with revisions made as necessary. At a minimum, the plan should include sections on work to re-establish and/or maintain links with the family, work on conciliation (where appropriate), a plan for the child's education and vocational training, a section on the child's health status and treatment, and a plan for the acquisition/enhancement of social and cognitive skills (including non-violent communication skills), etc. The plan should also include a section on the child's social and cognitive development. When a child is released from the detention colony, the case should not be closed; instead, post-penitentiary probation mechanisms aimed at supporting the child's re-socialisation should be implemented.

CONCLUSION

Based on this analysis, it is possible to draw several conclusions about the current state of the criminal justice system in terms of respect for children's rights in the Kyrgyz Republic:

International standards regarding the statute of limitations for sexual offences committed against minors are observed, and in the event that the victim is able to protect his or her rights after reaching the age of majority or is ready to report the violence after the statute of limitations has passed, it is still possible to prosecuting the perpetrator of the acts mentioned in the relevant articles

A child in conflict with the law who has committed an offence may be subjected to compulsory educational measures instead of punishment, probation supervision may be established, and the child can be removed from the criminal justice system. This approach is fully in line with recognised international standards. Special attention and efforts should be paid to the development of juvenile probation in the country. Additionally, the use of coercive educational measures towards a child in conflict with the law is insufficiently regulated, rendering them less effective. Relevant legislative improvements are required. The institution of removal of a child in conflict with the law is actively developing both in terms of law enforcement practice and improvement of its legislative framework.

While criminal legislation provides for the possibility of mitigating punishment for children and young persons on the basis of the identity of the child in conflict with the law and his or her individual life situation, law enforcement practice does not make sufficient use of this possibility. Improvement of the work of the authorised State agency for the protection of children requires great attention with regard to the quality of the performance by the specialists of this State agency of their functions in criminal proceedings in the interests of the child.

Child victims and children in conflict with the law have access to State-guaranteed legal aid and the specialisation of lawyers in the system of State-guaranteed legal aid in children's cases is ensured. At the same time, there is no system of specialisation in children's cases for judges, investigators, procurators and lawyers outside the State legal aid system, nor is there a system for raising the qualifications of these professionals in the child protection system.

Particular attention is drawn to the inconsistency of law enforcement practice with the requirements of the Criminal Procedure Code of the Kyrgyz Republic with regard to the urgent delivery of a detained child to a judge. According to a survey of lawyers, the time limits for bringing a detained child before a judge after detention are violated everywhere.

Placement in custody of children in conflict with the law is widely used and has virtually no alternatives in the case of children without parental care, which requires urgent measures to introduce alternatives to this preventive measure.

Criminal law guarantees children in conflict with the law and their parents special conditions during pre-trial proceedings, which cannot always be ensured in practice.

The Penal Enforcement Code of the Kyrgyz Republic guarantees special conditions for children serving custodial sentences that contribute to their re-socialisation and re-education. The practical implementation of these guarantees cannot always be carried out in full due to insufficient material and technical resources and insufficient methodological training of staff of the penitentiary system and probation service.

The monitoring results serve as a basis for improving the practical aspects of the work of the justice system for children. The recommendations developed can be implemented in the activities of the

courts, the authorised State Agency for the Protection of Children, educational institutions and other agencies involved in the process of protecting the rights of minors. This will make it possible to increase the effectiveness of inter-agency co-operation and ensure an approach centred on the best interests of the child in the consideration of their cases.