

«Labor migration is often the only way out of a difficult financial situation. However, the factor of the absence of parents leads to many psychological and social problems of the child,» - Aigerim Arzymatova, a specialist of the Office of the Ombudsman, Kyrgyz Republic, a participant of the School of Analytics CABAR.asia, notes in her article written specifically for CABAR.asia.

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Kyrgyzstan is one of the main sending countries of labor migrants in Central Asia. The low standard of living and the lack of a sufficient number of jobs has led to the fact that more than 750 thousand citizens of the country are outside the Kyrgyz Republic.[\[1\]](#) Joining the

EAEU had a positive impact on the general situation of labor migrants, however, the situation of children of labor migrants today is one of the urgent problems.

What are the consequences of labor migration?

According to the Ministry of Labor and Social Development of the Kyrgyz Republic in 2016, there were 61,000 children with at least one parent in labor migration.^[2] According to media reports for 2019, the number of children abandoned by migrant parents in their homeland exceeds 277,000.^[3] The statistics clearly show the growth of labor migration, both external and internal, and along with labor migration, eruption of an acute problem with the vulnerability of children left at home. Migrant parents believe that labor migration is an opportunity to provide their children with a better future.

Undoubtedly, the contribution of labor migrants to the country's GDP through the remittances they send to their families is extremely high, however, along with remittances, social orphanhood, child abuse, psychological trauma and depression are pushing children to commit suicide and crimes.

Neglected children are not only the result of migration processes. This is the result of the ineffective work of the territorial departments of social development, local self-government, territorial law enforcement agencies, employees of the inspectorate for minors and the commission for children.

The category of "children of labor migrants" does not have a statutory definition, which entails difficulties in monitoring and tracking such children. Neither in the Code on Children of the Kyrgyz Republic, nor in other regulatory legal acts such a definition of "children of labor migrants" exist, however, there is a definition of children left without parental care and children in difficult situations.

The program of the Government of the Kyrgyz Republic on family support and child protection for 2018-2028 is aimed at strengthening and developing the institution of the family, increasing the level of family well-being, and protecting the rights and interests of children. This is especially true for children of migrant workers and children left without parental care, who are the most vulnerable and are left behind constant statistics and social assistance.

The Code of the Kyrgyz Republic on Children defines children deprived of parental care as persons under the age of 18, deprived of parental care by one or both parents in connection with their death, as well as if parents are unknown who have no parents due to deprivation

by their or restriction of their parental rights, recognition of their parents missing, incompetent (partially incapable), finding them in medical institutions, serving them sentences of imprisonment, finding them in a month tach detention, evading parents from raising children or protecting their rights and interests, refusing parents to take their children from educational, medical institutions, social welfare institutions and other similar institutions and in other cases, recognition of the child as **left without parental care in the manner prescribed by law;**

In the common sense, children who are left without parental care are those who have no parents at all, and children of labor migrants are a vulnerable category of children that does not fall into this category.

If parents leaving their children at homeland and leave Kyrgyzstan, the child simply remains without parental care, but does not automatically fall into this category.

According to Article 41 of the Code on Children of the Kyrgyz Republic, either officials of institutions or citizens who have information about children without parental care are required to report this to the authorized body for the protection of children at the actual location of the children. The authorized body for the protection of children, within 10 calendar days from the receipt of information or the discovery of the need to protect the child, conducts a comprehensive assessment of the child's rights implementation, an assessment of his family and draws up an individual plan for the protection of the child, including the form of children's placement.

However, the children of labor migrants are not sought, they are identified through selective planned house to house raids. Citizens who have such information in most cases do not even suspect that they can report to the authorized body. Therefore, officials of authorized institutions cannot detect by house to house monitoring all children left at home.

It is obvious that this approach of identifying children of labor migrants is ineffective.

Article 19 of the UN Convention on the Rights of the Child requires States parties, as part of the realization of the child's right to protection from all forms of violence, to take measures that include "... warning, identification, reporting, referral, investigation, treatment and follow-up in cases of child abuse ... "

In the final recommendation to Kyrgyzstan in May 2014, the United Nations Committee on the Rights of the Child expressed concern about the indifferent approach to child victims and witnesses of crimes without taking into account their best interests.

The UN Committee also expressed concern about the limited access to justice for child victims and witnesses of crimes, since they are completely dependent on their legal representatives, such as parents and legal guardians.

It is necessary to provide in the Criminal Procedure Code of the Kyrgyz Republic, which entered into force on January 1, 2019, a ban on reconciliation of parties in cases of violence against minors, if such reconciliation is not clearly justified by the opinion of the child and taking into account his best interests.

For example, in Art. 26 of the Criminal Procedure Code of the Kyrgyz Republic referred to as “Circumstances Excluding Proceedings in the Case”, part 1 of clause 13 provides for the possibility of terminating the proceedings in connection with the reconciliation of the parties in accordance with part 3 of Article 23 Code of Criminal Procedure and Art. 39 of the Code of the Kyrgyz Republic “On misconduct.” In this norm, namely in paragraph 13 of Part 1 of Art. 26 of the Criminal Procedure Code of the Kyrgyz Republic, it is proposed to amend the following content: **“with the exception of cases of crimes and misconduct committed intentionally in relation to a minor”**.

It is also necessary to amend the Criminal Code of the Kyrgyz Republic in part 2 of article 61, namely, after the words “Exemption from criminal liability under part 1 of this article shall not be subject to a person who committed a crime as part of an organized group or criminal organization, add the words” **as well as for crimes committed intentionally against life, health, and sexual integrity of a minor**”.

The problems of migrant children

Children of migrant workers are usually more likely than their peers to have problems at school. Low academic performance, and sometimes even a lack of access to education.

Monitoring conducted as part of the identification of child labor in the *Dordoi* market showed that mainly children of both external and internal migrants work on the market. The age of children ranged from 5 to 14 years. Children of internal migrants experience the same problems as children of external migrants – lack of parental control, lack of access to education, medical care, and exposure to labor exploitation.[\[4\]](#)

Labor migration cannot be called the first cause of child abuse, but there is certainly a link between labor migration and cases of child abuse. As is known, one of the main factors that increase the risk of violence against a child is the residence of a child without parents.

Incidents where children of migrant workers were abused and neglected are increasingly reported in the media.

Thus, it became known from social networks that in the Jety-Oguz district of Issyk-Kul oblast, a 1.5-year-old boy died from beating by his relative.[5] During the monitoring, experts found out that the boy's mother divorced his father, and had gone to Russia to earn money, leaving her child to a relative. A relative was placed in a pre-trial detention center for 2 months, on the basis of Article 104 of the Criminal Code of the Kyrgyz Republic. The woman herself had 4 children left at home.

Employees of the local department of social development did not know that a child lives in this family, and no one informed the social services.

In the city of Balykchi, Issyk-Kul region, a two-year-old boy was also brutally beaten by his relative.[6] His mother left him and went to work in Russia. After the incident, the boy's mother came and wrote a counter statement that she had no complaints, a relative who severely beat the minor child escaped punishment. According to social services, the child and mother currently live with relatives in Kyrgyzstan.

Unfortunately, these are not isolated cases. According to the Prosecutor General's Office of the Kyrgyz Republic, despite measures taken by executive authorities and local self-government, since 2016, there has been a negative growth trend in both the number of crimes committed against minors and crimes committed by the minors themselves. Thus, according to the Office of Legal Statistics and Accounting of the Prosecutor General's Office, in Kyrgyzstan the number of crimes is growing steadily and over the past two years increased by 28.4%.

| Crimes committed against minors | Quantity |
|---------------------------------|----------|
| 2016 | 862 |
| 2017 | 1107 |
| 2018 | 1368 |

| Crimes against sexual integrity and sexual freedom of an individual | Quantity |
|---|----------|
| Rape | 42 |
| Sexual Assault | 17 |
| Sexual compulsion | 4 |
| Sexual intercourse with a person under 16 years of age | 39 |
| Sexual misconduct | 36 |

Source: [Annual report](#) of the Akyikatchy (Ombudsman) of the Kyrgyz Republic “On observance of human and civil rights and freedoms in the Kyrgyz Republic in 2018”

According to a study of the Office of the Ombudsman of the Kyrgyz Republic, in 43% of cases, violent acts were most often committed by family members and relatives of the child, with whom the child is accommodated.^[7]

Physical abuse of children tends to be gender related. According to the results of the study, girls are subjected to violence more than doubled, while boys are more likely to suffer from physical violence, and girls are more likely to suffer from both, sexual and physical violence.^[8] It is not uncommon for young girls to experience sexual abuse, rape and even incest by relatives. As practice shows, violence against children is “periodic” in nature, and parents or persons substituting for them prevent the prosecution of a abuser (rapist), fearing condemnation of society.

According to the head of the Bishkek Children’s Clinical Hospital, every second child who enters a medical facility has suffered from family violence, beaten with particular cruelty.^[9] The consequences of child abuse, as a rule, harm not only the physical health of the child, but also mental. The minor is growing with the realization that violence is

something normal.

There are frequent cases when violence against a child develops into an attempt by a minor to commit suicide.

The problem of suicide of children has recently began to alarm the country's public. The dynamics of suicides among minors is growing every year. In Kyrgyzstan, in 2016, 95 cases of suicide among minors were registered, out of which 92 cases were schoolchildren, and 3 cases were college students. In 2018, 88 children committed suicide. For 9 months of 2019 – 46 children. Among these minors, there are children of external labor migrants.

THE NUMBER OF SUICIDES OVER THE PAST 4 YEARS IN KYRGYZSTAN

| | |
|------|----|
| 2015 | 96 |
| 2016 | 95 |
| 2017 | 97 |
| 2018 | 88 |

Source: [Annual report](#) of the Akyikatchy (Ombudsman) of the Kyrgyz Republic "On observance of human and civil rights and freedoms in the Kyrgyz Republic in 2018"

Chui, Osh, and Jalal-Abad regions predominate in juvenile suicide, and as it is known, it is in these regions that population migration is very high.

Thus, from the media it became known that on July 7 in one of the houses of the Osh region the body of a teenager born in 2003, a student of the 9th grade of a local school, was found. The body was found hanged in the roof space of the house. Relatives of the teenager refused to undergo a forensic examination. It is established that both parents are on earnings in Russia. The boy was the youngest child in the family.

How to protect the rights of migrant's children?

Of course, labor migration is often the only way out of a difficult financial situation. However, the only factor in the absence of parents leads to many psychological and social problems of the child.

One of the key problems in the implementation of the protection of the rights of labor migrants' children is the lack of a database, the exact number of children, the lack of good

specialists and the large “turnover” of social workers. The prerequisites for the emergence of this problem are most often the lack of funding to create and maintain a base, the low salary of social workers, as a result of which employees without experience working with minors are hired.

Preventive mechanisms are best practices in the fight against child abuse. In this regard, in order to successfully combat domestic violence against minors, appropriate preventive measures should be taken, one of which is to identify dysfunctional families. Conducting preventive interviews with parents at risk, interacting with schoolteachers, and constantly monitoring dysfunctional families. And of course, each such step should be accountable, and each social worker should bear personal responsibility for timely visits to such families.

It is worth noting that today the Government of the Kyrgyz Republic is developing amendments to the Children’s Code, which will determine the responsibility of parents who left their children unattended, parents will be required to take custody of the children for six months, but the Ministry of Labor and Social Development believes that the period should be increased to one year.

Also, deputies of the Jogorku Kenesh of the Kyrgyz Republic are considering amendments to the Children’s Code. Thus, if the parents leave for a short period, they will leave an attested POA for a specific person who will be responsible for the children. In case of departure for a period of up to 6 months, it is proposed to issue temporary guardianship. In case of departure for a period of more than 6 months, permanent guardianship is executed for one person through the court.[\[11\]](#)

This approach may not solve all the problems, however it will strengthen the measure of responsibility of parents for the safety of life and the health of their children, as well as their psychological and social adaptation in society.

It is necessary to study the effectiveness of toughening the punishment of parents and persons in whose care children are left, for violating children’s rights to a decent life.

Parental rights cannot be exercised in conflict with the interests of children. Ensuring the interests of children should be the main concern of their parents and also a concern of the state.

When exercising parental rights, parents and persons replacing them are not entitled to harm the physical and mental health of children, and their moral development. Methods of raising children must exclude neglect, cruel, rude, degrading treatment, insult or

exploitation.

In order to prevent violence and other adverse factors against children of migrants, it is necessary to improve the qualifications of social educators, social protection officers, juvenile inspectorates, carry out preventive measures with parents and their relatives, and strengthen measures to protect children from violence and provide assistance to families and children. Between state bodies it is necessary to establish close cooperation to protect the rights and interests of minor children.

Recommendations:

Recommendations for the Government of the Kyrgyz Republic:

1. Consider introducing amendments to the Children's Code - introduce the definition of "children of labor migrants".
2. Consider introducing amendments and additions to the national legislation that will provide for the establishment of responsibility of parents (persons replacing them) for leaving children unattended (care).
3. To develop systemic measures for the prevention and control of violence against children, as well as the identification of children of labor migrants.
4. To develop a draft law on amendments and addenda to the Code of Criminal Procedure and the Criminal Code of the Kyrgyz Republic (which entered into force on January 1, 2019), providing for the exclusion of the possibility of termination of proceedings (release from liability) for crimes and misconduct committed intentionally in relation to minors, as a result of with the reconciliation of the parties.

Recommendations to the Ministry of Labor and Social Development of the Kyrgyz Republic:

1. Consider establishing on an ongoing basis a database of migrant children and children in difficult situations.
 2. On an ongoing basis, monitor the identification of migrant children, and provide them and their families with social and legal assistance.
 3. Define a mechanism to increase the responsibility of officials of institutions and citizens for informing about the children of migrants who are being raised by other persons.
 4. To strengthen control over the activities of the commission on children's affairs.
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This article was prepared as part of the Giving Voice, Driving Change – from the Borderland to the Steppes Project. The opinions expressed in the article do not reflect the position of the editorial or donor.

[1] According to the estimates of international organizations

[2] There are more than 2 million 200 thousand children in Kyrgyzstan.

[3] [Kyrtag.kg](http://kyrtag.kg)

[4] Monitoring was carried out by the staff of the Office of the Ombudsman, together with the International Labor Organization, the Social Development Administration and the Inspectorate for Minors

[5] In Issyk-Kul, an aunt beat up a 1.5-year-old nephew to death. [Elgezit.kg](http://elgezit.kg/2018/12/24/na-issyk-kule-tetya-izbila-do-smerti-1-5-godovalogo-plemyannika/)
<https://elgezit.kg/2018/12/24/na-issyk-kule-tetya-izbila-do-smerti-1-5-godovalogo-plemyannika/>

[6] A two year old baby urinated. For this, he was brutally beaten by an aunt.
https://rus.azattyk.org/a/kyrgyzstan_society_balykchy/29261329.html

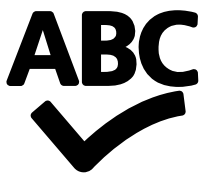
[7] Special report of the Ombudsman of the Kyrgyz Republic. <https://ombudsman.kg/files/docs/reports/2016/violence-against-children.pdf>

[8] Physical and sexual violence occurs at the same frequency (report). [Kaktus.media](https://kaktus.media/doc/358773_fizicheskoe_i_seksyalnoe_nasilie_vstrechaetsia_s_odinakovoy_chastotoy_otchet.html)
https://kaktus.media/doc/358773_fizicheskoe_i_seksyalnoe_nasilie_vstrechaetsia_s_odinakovoy_chastotoy_otchet.html

[9] Together Against Violence PF Center for Research on Democratic Processes Bishkek, 2012

[10] https://kaktus.media/doc/377884_deviatklassnik_povesilsia_na_cherdake_ego_roditeli_rabotaut_v_rossii.html

[11] <http://kg.akipress.org/news:1490905?f=cp>



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