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IMPLEMENTATION OF INTERNATIONAL LEGAL NORMS ON THE PROTECTION OF RIGHTS CHILD IN THE KYRGYZ REPUBLIC

Abstract: In this scientific article, the author examines the legal mechanism for protecting the rights of child enshrined in international treaties and in the legislation of the Kyrgyz Republic. The problems of children in Kyrgyzstan in modern conditions are considered.

Key words: legal mechanism; child; cruel treatment; protection of the rights; child labour; rights of the child.

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Introduction

Rights and freedoms are granted to a citizen in any legal state from birth. Judicial protection by the State should be provided to citizens as a guarantee of these rights and freedoms. Persons under the age of 18 are no exception as entities with legal guarantees. The era of globalization has complicated the situation of children. Illegal trade, smuggling, abduction, economic and sexual exploitation, exploitation and commercial use of children's health have become a daily reality in all regions of the world.

The legal status of a child is determined by domestic legislation, it can be different depending on the social, historical, national, religious and other characteristics of a given country. The real realization of human rights, including the rights of children, depends, first of all, on the measures taken by each State, taking into account the peculiarities of the country.

Article 4 of the Convention on the Rights of the Child requires States parties to take "all necessary legislative, administrative and other measures" to implement the rights recognized therein [1]. It is important in this regard to ensure full compliance of all provisions of national legislation with the provisions of the Convention and the possibility of direct application and enforcement of the principles and provisions of the Convention. Article 3, paragraph

2, also states that "States Parties undertake to provide the child with such protection as is necessary for his well-being, taking into account the rights and obligations of his parents, guardians or other persons responsible for him under the law, and to this end take all appropriate legislative and administrative measures" [1].

International legal instruments in the field of human rights have articles similar to article 4 of the Convention that provide for comprehensive implementation obligations, such as, for example, article 2 of the International Covenant on Civil and Political Rights and article 2 of the International Covenant on Economic, Social and Cultural Rights [2].

The value of any International Convention is determined not only by its content, but also by its effectiveness, i.e. the implementation of its provisions in the national legislation of States, otherwise by the implementation process.

Kyrgyzstan is taking a number of measures to implement international legal acts into national legislation in the field of protection of the fundamental rights of the child. The protection of children's rights and development is a task that unites the main directions of the State's social and economic policy.

The Convention on the Rights of the Child was ratified by Kyrgyzstan in 1994. Article 2 of the

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Convention provides that States Parties shall respect and ensure all the rights provided for in this Convention for every child within their jurisdiction, without discrimination of any kind.

The rights of the child in the Kyrgyz Republic are regulated by such legislative acts as the Constitution of the Kyrgyz Republic [3], the Family Code of the Kyrgyz Republic [4], the Labor Code of the Kyrgyz Republic [5], the Law of the Kyrgyz Republic "On Education" [6], the Law of the Kyrgyz Republic "On Protection and Protection from Family Violence" [7]. In 2012, the Kyrgyz Republic adopted the Code of the Kyrgyz Republic "On Children"[8]. A new version of the Children's Code was submitted to parliament at the end of 2019, but adopted in August 2021 in the first reading. The designated normative legal acts enshrine the rights of children to a family, protection, education, and more.

A child has a set of rights from the moment of birth.

The Constitution of the Kyrgyz Republic enshrines the right of children [3]:

* for the protection of life, health promotion, harmonious physical and spiritual development;

• in the name and nationality;

* to receive education;

* the right to freedom of expression of their views, beliefs, regardless of the activities, views and beliefs of parents or other persons responsible for the upbringing of a minor;

* for state social security;

* on the dwelling;

* to receive an education;

• on vacation;

* to protect honor and dignity;

* on property;

* to work after reaching a certain age.

However, despite the legislative consolidation of the rights and freedoms of children, this category of society remains vulnerable in modern reality.

The problem of child abuse is recognized as one of the urgent problems in the field of protection of children's rights. Ill-treatment refers to "all forms of physical or mental violence, beatings or insults, inattentive, negligent or cruel treatment, exploitation, including sexual assaults on a child."

According to the Prosecutor General's Office of the Kyrgyz Republic, 2,462 crimes were committed against minors in 2019, including 184 grave and 36 especially grave [9].

The problem of bride theft in Kyrgyzstan is one of the most acute in the protection of children's rights. Despite the international and national documents on gender equality adopted by the Kyrgyz Republic, the problem of abduction of girls for the purpose of marriage is acute. According to the UN[1], Kyrgyzstan annually commits more than 3,500 thousand crimes against women and girls, including murder, bodily injury, rape and forced marriages.

The Ministry of Internal Affairs registered 187 cases of abduction of women in 2021, 19 cases were registered on the fact of forced marriage with minors [10].

One of the key problems is the lack of preventive work. Most of the children do not know about their rights. The pandemic period, the quarantine regime exposed the problems that were obvious before. In the first three months of 2020, 32 children committed suicide in Kyrgyzstan. 13 of the 32 cases occurred during the quarantine announced in connection with the coronavirus pandemic [11].

The limited space and depressed state of adults affected the mental state of children during the pandemic. This problem is typical not only for Kyrgyzstan, but also for other countries. According to recent estimates, at least one in seven adolescents in the world aged 10-19 years suffers from a diagnosed mental disorder. Every year, almost 46 thousand teenagers commit suicide; suicide is among the top five causes of death in this age group [12].

According to the National Statistical Committee [13], the permanent population of the Kyrgyz Republic at the beginning of 2022 was estimated at 6 million 524 thousand people. At the beginning of 2020, 34.6 percent of the total population of the country were children and adolescents. In 2019, the child poverty rate was 25.7 percent and exceeded total poverty by 5.6 percentage points.

Poverty deprives children of dignity, puts their lives in danger, limits opportunities and leads to irreversible consequences, both in their later life and in the life of society.

The vulnerability of children in Kyrgyzstan due to labor migration and the difficult social situation of families, the lack of guardianship. The new Children's Code provides for a ban on physical punishment and an obligation to register kinship for children left after migration.

One of the most serious problems in the Kyrgyz Republic is social orphanhood (in fact, orphans with living parents). After the migration of parents, children often stay with relatives, and in many cases with grandparents, who may not be able to meet the needs of growing children, many of whom are placed in residential institutions. Although migrant families have a higher income due to money transfers from abroad, the absence of parents forces children to do hard work, which deprives them of free time and even causes them to skip school [14]. "Child labor" [1] - types of work and activities that are mentally, physically, socially or morally fraught with danger to children or harm to children and deprive children of the opportunity to study at school due to the fact that they are unable to go to school, are forced to finish their studies prematurely or are forced to combine schooling with hard and prolonged work. In other words, "child labor" is work that deprives children of childhood, human dignity, the opportunity to develop

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their potential and harms their physical and mental development. In accordance with the Convention on the Rights of the Child of 1989, [1] one of the fundamental rights of the child is the right of the child to be protected from economic exploitation and from performing any work that may pose a danger to his health, serve as an obstacle to education or harm his health and physical, mental, spiritual, moral and social development.

The causes of child labor, first of all, are poverty resulting from social and economic inequality, and insufficient development of the education system. The obvious alternative to child labor is education. Compliance with laws prescribing compulsory school attendance for all children under the minimum age to start working makes a huge contribution to the eradication of child labor. Regular attendance at schools could make the work of children absolutely impossible.

Guardianship and guardianship bodies occupy an important place among the bodies that protect the rights of the child, especially those who have lost parental care. Therefore, the priority and most common way to protect the rights of a child is not judicial, but administrative and legal protection carried out by guardianship and guardianship authorities. It is these bodies that are authorized by the

state to perform protective functions, which are carried out in different ways, depending on the specific situation. An important prerequisite for the protection of the rights of minors by these bodies is close contact and interaction with the Prosecutor's Office, the Department of Internal Affairs, Juvenile Affairs Commissions and other State and public organizations. Unfortunately, most of the laws adopted so far are aimed at prescribing the role of departments and defining the boundaries of their activities. Taking into account the recent increase in cases of violence against children and the growth of child crime, in order to provide prompt assistance to children affected by violence, in order to implement measures and tasks aimed at providing legal and organizational assistance to children, teachers of educational and specialized children's institutions, social protection officers and juvenile affairs inspections, as well as to conduct preventive measures with parents and their relatives aimed at strengthening measures to protect children from violence, and the establishment of close cooperation between state bodies in the field of protection of the rights and interests of minor children, in 2019 the Institute of the Children's Ombudsman of the Kyrgyz Republic appeared.

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