OPPORTUNITIES IN JUVENILE JUSTICE REFORM:
THE THIRD CHILD PROTECTION FORUM FOR CENTRAL ASIA
ASHGABAT, TURKMENISTAN
30 MAY TO 01 JUNE, 2011
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Introduction: About the Forum

The Child Protection Forum for Central Asia is a key platform for high-level policy dialogue between countries in the region, organized approximately every two years by Governments of Central Asia in partnership with UNICEF. At the Third Forum, held in Ashgabat, Turkmenistan, from 30 May to 1 June 2011, a total of 133 parliamentarians, high-level policymakers and other government officials, ambassadors and members of the international community, non-governmental organizations and international experts came together to bring greater visibility to the theme of building and reforming juvenile justice systems in Central Asia and to better understand how it affects the realization of child rights. In addition, the Forum provided crucial opportunities to encourage enhanced political commitments to such reform from high-level representatives, as well as to leverage support from partners working on broader rule of law agendas. Full details of the Forum, including all presentations, are available at the website of the UNICEF Regional Office for Central and Eastern Europe and the Commonwealth of Independent States (CEECIS): http://www.unicef.org/ceecis.

I. Establishing Juvenile Justice Systems

Children in police custody, children who face trial and children in detention are among the most vulnerable in any society. The justice system itself, when not adapted to children’s rights and needs, can often push the most vulnerable children further into exclusion and poverty instead of extending a supportive hand.

Central Asia is known for its concern for children and a culture of solidarity rooted in history. At the Third Child Protection Forum for Central Asia, this was amply demonstrated by active participation from all five countries of the region in three days of intensive discussions focused on opportunities for juvenile justice reform. The event provided a unique opportunity to reinforce Government pledges to establish juvenile justice systems in line with international standards and to build stronger partnerships to include children’s issues in broader rule of law agendas. As the Deputy Chair of the Mejlis of Turkmenistan, Mr. Kasymgyly Babayev, noted in his opening remarks, it thus illustrated the uniform commitment at national level to “sharing experiences for further constructive interaction in the name of our children”.

It is important to note that the vast majority of children in conflict with the law in the region are not dangerous criminals, as they are often portrayed by the media, stressed Ms. Kirsi Madi, UNICEF Deputy Regional Director for CEECIS. According to a 2008 UNICEF report on juvenile justice in CEECIS, most children in conflict with the law in the region as a whole are accused of petty or non-violent offences. Many have committed so-called ‘status offences’, or acts classified as offences only when committed by children. These include truancy, alcohol or substance use, and ‘being beyond parental control’. Many others, sometimes living in the streets, are engaged in survival behaviours such as vagrancy or prostitution.

Children of minority groups and from lower-income groups are often overrepresented in justice systems, and even more so in detention. They are generally the last to benefit from alternatives to

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1 Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan.
deprivation of liberty, and therefore may face greater obstacles to re-integrating fully into their communities.

The Convention on the Rights of the Child (CRC) and other major international standards (see Box 1) mandate that all children in conflict with the law are entitled to specialized and tailor-made treatment consistent with their age. All children are equally entitled to re-integration as fully-fledged citizens to be able to play a constructive role in society. In turn, it has been well established that early, supportive and tailored responses to deal with children in conflict with the law are the most efficient ways to prevent reoffending and ensure public safety.

Box 1: An International Framework of Obligations

A number of international standards further detail the provisions of the Convention on the Rights of the Child with regard to juvenile justice:

- **Prevention**: Riyadh Guidelines for the Prevention of Juvenile Delinquency (1990)


- **Conditions in Detention**: Havana Rules for the Protection of Juveniles Deprived of their Liberty (1990)

- **CRC General Comment No. 10 (2007) ’Children’s Rights in Juvenile Justice’**: A comprehensive recall of standards to be respected, plus certain indications for implementation

All of the above have been approved by the United Nations General Assembly. In addition, the following have been approved by the United Nations Economic and Social Council:

- Guidelines for Action on *Children in the Criminal Justice System* (1997/30)

- Basic Principles on the use of *Restorative Justice* Programmes in Criminal Matters (2002/12)

- Guidelines on Justice in Matters involving *Child Victims and Witnesses* of Crime (2005/20)

As international experts at the Forum reviewed, the main thrusts in establishing an effective juvenile justice system must focus on three aspects: (1) prevention; (2) administration of justice; and (3) deprivation of liberty as a last resort only. With regard to prevention, a particular need exists to strengthen attention to all three levels that need to be taken into account. First among these is the primary level, involving broad social justice measures to counter factors that can foster offending; these may include safeguarding and promoting overall rights, development and welfare, through, for example, improved access to basic services and children’s participation in all issues of relevance to them. At secondary level, support and assistance targeting at-risk groups and individuals is emphasized, while tertiary level encompasses post-offending measures to prevent reoffending and promote social reintegration, including preparation for release from detention and aftercare. All this requires working with children themselves, as well as with families, schools, communities and the media.
A second major thrust is that of the administration of justice, involving a special system of procedures and measures, serviced by appropriately trained professionals. The objective is to provide a constructive, tailored response to each child in conflict with the law that avoids judicial proceedings as much as possible, and is based on due process and a reasonable minimum age for criminal responsibility. Proportionality of the response, taking into account the personal circumstances of the offender, should be paramount.

Deprivation of liberty, the third major thrust, should be used as a last resort under international standards. This principle means that deprivation of personal liberty shall not be imposed unless the juvenile is adjudicated of a serious act involving violence against another person or of persistence in committing other serious offences and unless there is no other appropriate response. Deprivation of liberty also should be for the “shortest appropriate” time (charge within 30 days, disposal of case within six months, according to CRC General Comment 10). In all cases, juveniles must have separate accommodation from adults, specialized facilities and staff, specified treatment and disciplinary measures, and contact with their family and the outside world. While in detention, they are still entitled to all their rights, including education and health. Accordingly, a juvenile justice system has a number of strategic aims, some of which are specific to juveniles and some of which apply more broadly to the justice system as a whole. These include ensuring that:

- The child accepts responsibility for the act
- The child understands the consequences of the act for the victim
- Reparation/compensation for the victim is encouraged wherever possible
- The child receives guidance and supervision to prevent reoffending
- Both the victim and community see justice is being done

Overall, it is achieving this balance of the child both accepting responsibility and understanding consequences that is an important part of juvenile justice in particular. Critically, this does not mean that juvenile justice standards are grounded in “leniency.” Rather, they have a different emphasis: They are heavily weighted toward constructive responses at all stages (see Box 2). For example, “it’s not constructive for children in conflict with the law to just be given a lesser sentence comparable to adults, in the sense that it does not support their return in the community,” noted Mr. Nigel Cantwell, an international juvenile justice expert. “Receiving some kind of supervision in the community is a more constructive approach.”
A particular strength of the Forum was noted in the strong participation of parliamentarians, under the leadership of the Mejlis of Turkmenistan. Parliamentarians’ active role in all countries in putting an appropriate legal framework into place “has created the space for innovative practices,” observed Mr. Jean-Claude Legrand, UNICEF Regional Advisor on Child Protection. “Parliamentarians are now playing a key role in bringing these practices developed in some pilot regions to be turned into national policies and practices.”

Yet reform within juvenile justice started only recently in the young Central Asian republics, and the time is ripe for accelerating change. Significant challenges remain and require urgent attention: In addition to the continuing sensitivity of the issue, none of the five countries has a fully specialized juvenile justice system. In many cases, children in conflict with the law are being treated as adults. In reviewing the situation in the region, the Committee on the Rights of the Child has expressed particular concern over issues such as deprivation of liberty not being used as a “last resort”; children being detained together with adults; long periods of detention, especially during the pre-trial phase; and ill treatment during interrogation. Alternative programmes – prior to adjudication, as a diversion measure, and as a sentence – and community-based rehabilitation programmes require funding, expansion, strengthening and systematic promotion and implementation. Intersectoral coordination among various Government institutions working in juvenile justice is underutilized, as is deployment of social workers and specialized independent monitoring mechanisms. Frequent turnover of trained staff exacerbates child protection issues.

The region faces especially important challenges in terms of availability and reliability of comprehensive, up-to-date juvenile justice data, a fundamental issue. For example, official national data appear to show that offending by juveniles has dropped sharply since independence, by 36 per cent in the Kyrgyz Republic, 38 per cent in Kazakhstan, 53 per cent in Uzbekistan and 67 per cent in Tajikistan (all through 2009), and up to 91 per cent in Turkmenistan (through 2006). However, little is known for the reasons behind this apparent decline, whether economic improvement, demographic changes, changes in law or law enforcement, implementation of social and prevention programmes, changes in data collection procedures – or a combination of one or more factors.

It likewise is unknown how many offenders committed offenses, what collection and analysis methodologies were used, whether these data include ‘administrative’ offences or offences by children younger than age 14, and how the decrease in offending is related to the number of juveniles prosecuted and convicted. Data that are available are often not disaggregated in ways that will enhance relevance and usefulness. In all, the UNICEF Deputy Regional Director declared, “we believe that policymaking and programming without data amounts to ‘shooting in the dark’.”

**Box 2: ‘Lenient’ vs. ‘constructive’**

**Example of a ‘lenient’ approach**

- Less severe punishment; for example, a custodial sentence that is 50 per cent of what an adult would have received

**Example of a ‘constructive’ approach**

- Probation that responds to the individual child’s situation and will allow the child to pursue normal studies or work, with any necessary and appropriate constraints, supervision and support
Central Asian countries need further support to participate in cross-regional child rights monitoring efforts to allow a clear understanding of the situation. Indeed, independent monitoring is among the basic requirements for effectively implementing international standards, including by academic institutions and with the involvement of children with experience of the juvenile justice system (see Box 3). International organisations present at the Forum advocated for regular independent monitoring visits to juvenile detention centres.

**Box 3: Two Prerequisites for Implementing International Juvenile Justice Standards**

**Comprehensive, detailed data**
- The CRC Committee is “deeply concerned about the lack of even basic and disaggregated data” that are “necessary for the development, implementation and evaluation of policies and programmes aiming at the prevention and effective responses to juvenile delinquency...” (CRC General Comment 10)
- Accessibility of data: Communities and society as a whole need easy access to these data if responses are to be effective, and are seen to be so

**Independent monitoring**
- Evaluations of the effectiveness of measures taken on juvenile justice should be carried out by independent institutions, and should involve children with experience of the system (CRC General Comment 10)
- The CRC Committee (General Comment 2), echoing the 1993 Vienna Declaration, United Nations General Assembly and Committee on Human Rights resolutions, calls for independent national institutions to be able, *inter alia*, to monitor respect for CRC obligations and ensure that available data are sufficiently complete, disaggregated and up-to-date to determine policy and programme needs

It was agreed that Central Asian countries need to build on their rich assets, including their strong traditions and culture, to further work on what remains to be done with regard to juvenile justice. A path to move forward included important overarching discussions on: (1) development, adoption and implementation of juvenile justice laws; (2) designation and training of specialized judges and prosecutors; (3) the establishment of alternatives to deprivation of liberty by promoting reparation and reintegration of the child in his or her community; (4) design of comprehensive prevention plans that support families by strengthening their parenting skills, as the core of action; and (5) enhancement of data collection and coordination. “Traditionally we are neighbours, and we treat each other as brothers and sisters,” the Deputy Chair of the Mejlis of Turkmenistan stated.

In this spirit, the Forum’s informative presentations and working group experiences enabled the airing of lessons from relevant successes and challenges in juvenile justice, with fruitful results on behalf of overall rights for children in Central Asia. Part II highlights just some of the national examples shared at the Forum.
II. The Practice of Juvenile Justice in Central Asia: Achievements and Challenges

All Central Asian Governments have expressed commitment over the years following independence to establish juvenile justice systems in alignment with international and regional standards and have taken concrete steps in this respect, often with the support of UNICEF, which is responding to increasing Government requests for normative guidance and high-quality policy expertise tailored to country-specific needs.

The Forum showed that countries already have some solid pillars in place: coherent systems of laws; minimum age of criminal responsibility generally set suitably high; comprehensive prevention approaches, reflected in the very low official rates of offending by young people in some countries; and some justice professionals specially trained for working with children in conflict with the law. For example, Uzbekistan already includes capacity building in this regard through a course in the regular curriculum of law schools there. Kazakhstan has piloted specialized juvenile courts and police units, while a new juvenile justice law has been drafted in the Kyrgyz Republic and is awaiting action in the next session of Parliament. In Turkmenistan, Family Support Centres operate in five cities to provide services to children at risk of offending and to their families, as well as other families in need. Tajikistan has adopted a National Plan of Action on juvenile justice reform for the period 2010-2015, and has begun to implement diversion and alternatives to deprivation of liberty for children in conflict with the law in 12 districts.

2.1 Strengthening the Legal Framework

The Governments of all five countries in Central Asia have taken steps toward the establishment of juvenile justice systems, manifested by positive developments in legislation in the region. Already, numerous laws and regulations are in place with regard to juvenile justice and overall child rights, from constitutional guarantees to CRC ratification, and from specific child rights laws to those aimed at preventing juvenile offending, neglect and homelessness.

Now, as was repeatedly stressed, a challenge is to further align legislation with regard to international standards so that juveniles’ rights are ensured throughout the judicial process. In the Kyrgyz Republic, for example, a number of wide-ranging amendments to legislation have been developed and are being submitted to the Parliament shortly; this is expected to complement moves to reduce the proportion of juvenile sentences involving detention and the duration of maximum sentences, which remains an important issue across the region (see Figure 1). In addition, the Kyrgyz Republic has followed a 2009 inter-agency plan of action on child protection system reform, which includes the juvenile justice system, with the establishment of a parliamentary working group under the new Constitution in 2010 to propel further reforms.
**Figure 1: Crimes Punishable by Imprisonment for Juveniles, and Maximum Sentences**

<table>
<thead>
<tr>
<th></th>
<th>Offenders Aged 14-16 Years</th>
<th>Offenders Aged 16-17 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>KAZ</td>
<td>GRAVE CRIMES</td>
<td>GRAVE CRIMES</td>
</tr>
<tr>
<td>KYR</td>
<td>GRAVE CRIME, IF FIRST OFFENDER; MEDIUM, IF REPEAT OFFENDER</td>
<td>MEDIUM CRIMES</td>
</tr>
<tr>
<td>TJK</td>
<td>GRAVE CRIMES</td>
<td>ALL CRIMES</td>
</tr>
<tr>
<td>TKM</td>
<td>GRAVE CRIMES</td>
<td>ALL CRIMES</td>
</tr>
<tr>
<td>UZB</td>
<td>GRAVE CRIMES</td>
<td>“LESS SERIOUS” CRIMES</td>
</tr>
</tbody>
</table>

**Maximum Prison Sentences:**

<table>
<thead>
<tr>
<th></th>
<th>Younger Offender</th>
<th>Older Offender</th>
<th>Multiple or Very Serious Crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Single Serious Crime</td>
<td>Single Serious Crime</td>
<td></td>
</tr>
<tr>
<td>KAZ</td>
<td>10 years</td>
<td>10 years</td>
<td>12 years (aggravated murder)</td>
</tr>
<tr>
<td>KYR</td>
<td>5 years</td>
<td>5 years</td>
<td>10 years</td>
</tr>
<tr>
<td>TJK</td>
<td>7 years</td>
<td>10 years</td>
<td>12 years</td>
</tr>
<tr>
<td>TKM</td>
<td>10 years</td>
<td>10 years</td>
<td>15 years</td>
</tr>
<tr>
<td>UZB</td>
<td>6 years</td>
<td>7 years</td>
<td>10 – 15 years</td>
</tr>
</tbody>
</table>

For its part, Kazakhstan formulated a comprehensive juvenile justice system development concept and action plan for 2009-2011, focused initially on the core of the system. This mandated development of the overall system, including specialized juvenile police, juvenile prosecutors’ offices, juvenile courts, juvenile advocacy offices, juvenile criminal executive inspection offices, social psychologists and regional agencies on protection of the rights of the child. Kazakhstan too has added and amended numerous laws to bring them into compliance with international standards, while increasing the age of criminal responsibility from 14 to 16. Most recently, in January 2011 the Government introduced changes that now allow alternatives to imprisonment to be applied to juveniles who are first offenders or who commit a crime of “medium” severity. For the future, it is
considering not only the adoption of an overarching legal act on juvenile justice, but also laws to shorten pretrial detention, probation and protection of children from harmful information.

At the same time, it remains critical that laws are not only adopted but effectively implemented. This was cited by some speakers as a particular challenge that remains to be addressed to further protect children in conflict with the law. However, in general a strong legal framework is in place across Central Asia, which provides a sound basis for moving forward.

2b. Enhancing Approaches to Prevention

Traditional approaches to prevention of juvenile offending in the region have tended to focus on correcting children’s conduct – for example, registration by juvenile police or detention at special ‘reform’ schools – and not on the causes for that conduct. Heavy reliance in the past also has been given to instilling fear in children in conflict with the law and separating them from their families. Yet the effectiveness of registration and other traditional initiatives has not been objectively assessed. Such measures may even have negative consequences, such as social stigma or discrimination against the child, arbitrary deprivation of liberty, exposure to violence and exploitation, and exposure to criminal role models. They also may tacitly encourage abandonment of parental responsibility. Instead, it seems clear that the interplay of a host of social and psychological factors involving both children and their families must be taken into account.

Numerous new developments have occurred across Central Asia with regard to prevention aspects of juvenile justice: Among other measures, Turkmenistan has abolished reform schools and established Family Support Centres involving interventions by the Women’s Union, an influential quasi-non-Government organisation (NGO), while Uzbekistan has adopted a new approach to working with vulnerable children and families through assessment of individual needs (see Box 4). Tajikistan has transformed its Commission on Minors into a Commission on Child Rights and established Child Protection Departments/Units under local governments, while the Kyrgyz Republic has established innovative Family and Child Support Departments in all districts. Both countries have piloted community-based after-school programmes and opened municipal centres providing psycho-social assistance to at-risk children. Early evidence already indicates that these centres have positive results.

**Box 4: Prevention Initiatives Aimed at Families in Turkmenistan and Uzbekistan**

Turkmenistan places special emphasis on prevention as a child protection strategy extending beyond juvenile justice. In particular, attention is given to strengthening families and family values to positively affect children’s well-being and ensure “a safe and worthy life for children,” according to a presentation by the Chair of the Mejlis, H.E. Akja Nurberdiyeva. Socioeconomic development programmes for the realization of overall child rights – including education, health, nutrition, social welfare, and sports and recreation – receive priority. Dozens of children’s centres and parks have been opened across the country. With regard to preventing child offenders, the Government identifies students who systematically miss school classes and conducts special educational activities in vocational schools. It also works with children released from detention to prevent reoffending.

Likewise, in Uzbekistan the family is seen as the central unit responsible for the primary care and socialisation of children. For these purposes it is necessary to support families in their role of caring for and nurturing children and providing a safe and protective environment. Supported by UNICEF, a special multi-sectoral team of Family and Child Support Services workers is assisting in six districts (two districts of Tashkent, Samarkand, Gulistan, Andijan and Bukhara) with initiatives in such areas as enhancement of parenting skills and individual or family group counselling to support children who are at risk of offending. An independent evaluation for UNICEF in 2009 has confirmed that these services are proving efficient and successful, although Family and Child Support Services workers also report that many more children require their services than they can respond to.
Social work is a basic service that can play a particularly critical role in prevention initiatives with regard to children in conflict with the law. Although trusteeship and guardianship workers in Central Asian countries often make decisions with regard to children without parental care, they are not social workers. Not all countries in the region have social workers yet. But social workers can analyse the situation of the child or family and identify root causes of the issue, such as social isolation of the family, economic difficulties or drug abuse. Not only can they respond to the needs of individuals and families, ideally referring them to other services if needed, but they can also provide an important link between national and community efforts to identify relevant needs, policies and programmes. In the Kyrgyz Republic, a multi-sectoral pilot project has been successful in involving social workers in the development of tailor-made plans for individual families in need, including working families, so that they can better address different socioeconomic issues affecting their children.

Social workers can play an important role in an inter-sectoral response (health, education, social security) when police come into contact with a child, and serve as a pivotal support for the child in efforts to prevent reoffending. Among other important services, social workers can prepare a social enquiry report for the court that the judge can use to determine the most appropriate way to respond to the child’s offending. For example, different responses may be needed for a violent child from a broken home and a child who comes from a well-functioning family but may have other needs. Social workers or specialized social worker/probation officers can also supervise young offenders in the community; this can make it easier for a judge to decide on a community-based sentence rather than detention or imprisonment. They can also provide substantive aftercare services to both young people and their families once offenders are released and are reintegrating into the community. Critically, qualified and motivated social workers must be supported by adequate human and financial resources – in other words, there must be enough qualified professionals to handle the caseload and devote the right amount of time and attention to each child.

Other innovative prevention steps are under way: In Kazakhstan, where all State agencies have signed an agreement to work on prevention of juvenile crime, sociological and psychological surveys on issues such as child abuse have proven useful. School inspectors at educational facilities work on prevention issues with at-risk children and young people. Outreach to children is carried out at night in the streets of major cities, and children in difficult situations have access to a hotline and an interactive database. Tajikistan has established a degree for social workers at the national university, which will see its first graduates in 2013.

Addressing family issues and preventing reoffending becomes even more important when the offender is underage, which generally means all children younger than 14 years or juveniles under 16 who participate in criminal acts for which they cannot be prosecuted. Often, children who begin criminal conduct at an early age are more likely to become habitual, serious offenders. These children do not come within the scope of the juvenile justice system because they have not reached the age of criminal responsibility. Ideally, there should be legally binding cooperation between the police and social services sector, whereby the latter takes immediate responsibility for underage children who come into contact with law enforcement officials.

Again, basic international principles derived from the CRC can be applied: Deprivation of liberty must be a ‘last resort’ and for the shortest appropriate time. Separation from the family should occur only if ‘necessary for the best interests of the child;’ a duty exists to promote psychological recovery and social reintegration of a child victim of any form of neglect, exploitation or abuse. Education should
aim to develop the child’s personality, talents and mental and physical abilities to their fullest potential, and to prepare the child for responsible life in a free society.

For any child in conflict with the law, it is evident that no single type of intervention will be sufficient. In all Central Asian countries, a particular need exists for more balance and more psycho-social assistance to these children. Interventions should be based on assessment of the needs and strengths of the individual child, his or her family and other relevant actors; in most cases, it should involve the family as well as the child. Community-based programmes to provide holistic support to children and families at risk are new across the region, and their capacities need to be strengthened. Special schools, where they continue to be employed, should have strict criteria for admission and should become more progressive and open, with the overall aim of returning the child to his or her family. In addition, after-school centres and open residential or non-residential centres fill an important gap in the range of services available and avoid or minimise some risks.

2c. Improving the Administration of Juvenile Justice

Although notable progress is being made in some countries, police custody and interrogation, pre-trial detention, and sentencing issues in Central Asia remain among the most difficult in ensuring alignment with international standards and humane treatment for children in contact with the law.

With regard to police custody and interrogation, the Committee on the Rights of the Child recommends that presentation of the suspect to a judge occur within 24 hours, although Central Asian countries generally allow custody of up to 72 hours (see Figure 2). At the same time, an important safeguard that has been introduced in most countries limits the duration of questioning to two-hour sessions twice a day. Requirements that a defence lawyer be present also are very positive, although actual practice is unknown. The use of violence against juvenile suspects needs to be monitored closely, and the response needs to be transparent and firm.

Figure 2. Police Custody and Interrogation Practices

<table>
<thead>
<tr>
<th>Maximum Length</th>
<th>Maximum Length</th>
<th>Mandatory Presence</th>
<th>Specialized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Custody Without</td>
<td>Of Interrogation</td>
<td>Of Defence Lawyer</td>
<td>Police</td>
</tr>
<tr>
<td>COURT ORDER</td>
<td>INVESTIGATORS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>KAZ</td>
<td>72 hours</td>
<td>2 two-hour sessions per day</td>
<td>Yes</td>
</tr>
<tr>
<td>KYR</td>
<td>48 hours</td>
<td>2 two-hour sessions per day</td>
<td>Yes</td>
</tr>
<tr>
<td>TJK</td>
<td>72 hours</td>
<td>2 two-hour sessions per day</td>
<td>Yes</td>
</tr>
<tr>
<td>TKM</td>
<td>72 hours</td>
<td>2 two-hour sessions per day</td>
<td>Yes</td>
</tr>
<tr>
<td>UZB</td>
<td>72 hours</td>
<td>6 hours per day with break</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Most countries of the region lack comprehensive data on pre-trial detention of juveniles, which is a cause for concern since the right not to be detained before trial unless strictly necessary is one of the most important rights related to justice. However, two countries that possess such data, Kazakhstan and the Kyrgyz Republic, show a significant decrease in usage of this option. In Kazakhstan, the proportion of children detained before trial since 2007 has fallen 80 per cent, while in the Kyrgyz Republic the figure has declined 52 per cent since 2006. Restricting detention to juveniles accused of one or more serious offences represents a positive development, yet the continued practice of ‘administrative’ detention of young people who will never be brought to justice – on charges of vagrancy, begging or ‘anti-social behaviour’ – remains alarming.

Extending detention to six months or more, as is sometimes done, can have profound consequences for juveniles, and rarely is necessary. Exceptions should not be made because the accused comes from a home where supervision is deficient, and can be avoided by developing mediation, diversion, supervision by social agencies and giving priority to quick resolution of the charges. Conditions of confinement in pre-trial detention also can be worse than those in juvenile prisons. Generally a child must remain in his or her cell up to 22 hours a day; accelerated efforts should be made to minimise cell time and to provide meaningful access to physical exercise, entertainment, recreation, religious services and appropriate forms of education and life skills training (see Box 5).

Box 5: ‘If I Was Detained, I Do Not Know If I Would Survive’

Among members of the Forum’s audience, very few had visited detention facilities for young people. One who had was the UNICEF Deputy Regional Director, who recalled her experience in the Kyrgyz Republic: “For those who have not visited,” she said, “all this discussion, all these examples and suggestions to move forward, only make sense if we can think of eight children confined in a very small pretrial area. The cell is only about the size of a Turkmen carpet. The area in which these eight children are allowed out for 1 hour is exactly the same size. If I was detained, I do not know if I would survive. And the impact of being detained in that area – both on physical and psychological well-being – would be dramatic. Think of the children in your families, in your lives – think of yourself if you were in that situation.”

Across the region, most countries do not allow children to be sent to prison for minor crimes. Again, a lack of data prevents a full understanding of how the law is applied in practice. Legislation of Kazakhstan and the Kyrgyz Republic restricting prison sentences to convictions for serious crimes is an especially positive development; in the Kyrgyz Republic, prison sentences were imposed in 51 per cent of juvenile cases in 2010, a sharp drop from 74 per cent just five years earlier (see Figure 3); at the same time 96 per cent of these cases ended in early release. Nearly 35 per cent of all juvenile cases were resolved by conditional punishment, a doubling during the same period. Similarly, community-based centres in Tajikistan that provide services to juveniles given non-custodial sentences also represent a positive development, but their capacity is underutilized thus far. The reasons should be analysed to see what lessons can be drawn.

Figure 3. Sentences Imposed on Juveniles in the Kyrgyz Republic 2005-2010

<table>
<thead>
<tr>
<th></th>
<th>PRISON</th>
<th>CONDITIONAL</th>
<th>OTHER</th>
<th>EARLY RELEASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>51%</td>
<td>35%</td>
<td>13%</td>
<td>96%</td>
</tr>
<tr>
<td>2005</td>
<td>74%</td>
<td>18%</td>
<td>8%</td>
<td>8%</td>
</tr>
</tbody>
</table>
Overall, a lack of specialized agencies to assist in execution of non-custodial sentences limits the sentencing options that judges are willing to consider. Further, significant discrepancies exist in the maximum sentences established by law for different kinds of crimes by juveniles.

2d. Ensuring Alternatives to Deprivation of Liberty

Evidence from around the world indicates that children who are given alternatives to deprivation of liberty are generally less likely to reoffend. Both diversion and mediation, recommended under international standards, are key alternative approaches, among many: Diversion means channelling children in conflict with the law away from judicial proceedings through procedures or programmes that enable many – possibly most – to avoid the potential negative effects of formal judicial proceedings, provided that human rights and legal safeguards are fully respected. Mediation is a process in which a neutral person assists the victim(s) and the perpetrator, sometimes together with their families or friends, to resolve a conflict and reach a solution acceptable to all sides. It often involves repairing the material or moral consequences of a crime, giving the victim a greater role in the resolution of conflict.

Kazakhstan appears to be the only Central Asian country with a law on mediation, while Turkmenistan seems to offer an innovative programme on traditional means of mediation and diversion (see Box 6). For its part, Tajikistan has successfully modeled a growing network of non-residential community services (see Box 7). Yet a lack of relevant data across Central Asia prevents a full understanding of the extent of all practices in the region, but it appears that more conciliation is used than mediation or diversion (see Figure 4). In addition, no evaluation of the impact of conciliation on reoffending has been conducted.

Figure 4. Availability of Diversion, Mediation and Conciliation

<table>
<thead>
<tr>
<th>Country</th>
<th>Diversion</th>
<th>Mediation</th>
<th>Conciliation and Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>KAZ</td>
<td></td>
<td>Crimes of medium gravity (2011)</td>
<td>1st offenders, grave crimes Used in 22% of juvenile cases in Astana</td>
</tr>
<tr>
<td>KYR</td>
<td>1st offenders, any crime Compensation+ supervision</td>
<td></td>
<td>Minor and medium crimes Used in 52 cases before trial, 468 during trial (2010)</td>
</tr>
<tr>
<td>TJK</td>
<td>1st offenders, minor crime informal correctional measures”</td>
<td></td>
<td>1st offenders, medium crimes</td>
</tr>
<tr>
<td>TKM</td>
<td>Criminal Procedure Code 2009 eliminated diversion to Comm. of Minors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UZB</td>
<td>1st offenders, minor crime Referral to Comm. of Minors</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The experiences of Kazakhstan and the Kyrgyz Republic in administering juvenile justice are particularly worth noting. Both countries have introduced specialized police investigators. Particular progress is being made in Kazakhstan under its overall specialized court system (see Box 8), and in the Kyrgyz Republic with respect to pro bono legal assistance for children (see Box 9). It is also useful to highlight that in the Kyrgyz Republic the role of civil society in service provision and assistance in development of laws and policies is acknowledged and valued by corresponding Government bodies. Human rights organisations also operate freely there, and an open dialogue exists on issues pertaining to law enforcement and the justice system. At the same time, in most countries of the region specialized legal defence teams have been created, another positive development and one that requires more support in order to expand; for example, in Tajikistan, the non-Governmental organisation Child Rights Centre provides specialized defence lawyers for children in contact with the law. Overall, more prosecutors also should be specially selected and trained to handle criminal and other cases involving juveniles.

Box 6: Capitalising on Traditional Methods of Mediation and Diversion

Informal dispute resolution mechanisms appear to successfully work alongside formal structures in many regions of Turkmenistan. Under this practice, conflict mediation panels and liaison persons such as attorneys, teachers, local authorities, and village chiefs or elders are used to resolve issues before they reach courts. Known as towella – literally, ‘seeking an apology’ – this was derived from pre-existing norms often referred to as adat, or the Common Law of the Turkmens. It involves full realization of wrongdoing on the part of the offender and repentance as well as an attempt to remedy the injury, harm or other damage. Petty theft, vandalism or hooliganism are the most common types of cases referred, although it also may be applied in cases of medium severity, especially if committed by a minor.

Although little about the extent of this practice in Turkmenistan is known, the number of formal complaints filed against juveniles has declined significantly in many regions where examples of informal arrangements have been applied: In the northern city of Dashoguz, for example, 101 out of 105 cases where children were the primary offenders were referred to community resolution in the first quarter of 2011. At the same time, studies around the world have shown that, while they do spare children contact with justice systems, traditional methods also can pose challenges in terms of child rights, including lack of safeguards, gender-based attitudes, or use of corporal punishment in some cases.

Box 7: Tajikistan’s Juvenile Justice Alternative Project

Since 2004, the Commission on Child Rights in Tajikistan, in cooperation with UNICEF and the UK Children’s Legal Centre, has supported an expanding network of non-residential community rehabilitation services providing personalized programmes for juveniles that combine individual and family psycho-social work with constructive activities. A total of 12 such centres, now financially supported by the Swiss Agency for Development and Cooperation, provide legal assistance, education, social work and counselling for children aged 10 to 18 who are referred to the project by the courts, the Commission on Child Rights, police, the Criminal Investigation Department or the Prosecutor’s Office.

As an essential condition, each child must admit his or her offence; they then continue to live with their families while working with a team including an educator, a part-time psychologist and a part-time lawyer, and staff of health care facilities affiliated with youth centres. Juveniles participate in the project for an average of four months, while the team continues to supervise juveniles and provide outreach for up to a year. Of the 413 children in conflict with the law who have participated between 2004 and 2010, only 10 have reoffended. The Government has also recognized this model as a key component of the wider juvenile justice reform under way until 2015, while the model has already been replicated in Azerbaijan. However, despite its positive impact and results, the project faces challenges of longer-term sustainability because of continued fragmentation of the juvenile justice system, a lack of qualified and experienced personnel and continuing financial issues.
Since 2007, Astana and Almaty have also had specialized juvenile police, consisting of investigators, district and school supervisors, and psychologists. This complements established networks of school inspectors in secondary schools to prevent offences among students, as well as social pedagogues and psychologists who work to identify vulnerable families and children in difficult situations. More than 240 experts on juvenile justice also have been assigned in rayon and municipal inspection offices. In 2010, 18 Centres of Temporary Isolation, Adaptation and Rehabilitation for Minors under the Ministry of Internal Affairs were transformed into Centres of Adaptation for Minors under the Ministry of Education and Science. The position of main juvenile expert has been introduced in the Penitentiary System Committee, and 15 juvenile inspectors have been deployed in penitentiary system departments in Astana and various oblasts.

At the same time, most countries of the region fall seriously short of conforming with the recommendation from the Committee on the Rights of the Child that duration of legal proceedings in juvenile cases be completed within six months. Kazakhstan is the only country thus far to incorporate the norm of closing juvenile courts to the public, while only the Kyrgyz Republic has legislation that satisfies the CRC interpretation of the right of juveniles to be tried without delay.

Other major challenges are found with regard to rehabilitation programmes offered for juvenile prisoners (see Figure 5). Such programmes often are limited to education and vocational training and do not include optional activities designed to encourage child offenders’ personal development, life skills training, or psychological assistance. By contrast, other countries that were formerly part of the Soviet Union appear to offer more cultural opportunities to better develop children with
different interests. Legislation of all countries in Central Asia also allows solitary confinement as a disciplinary measure, while legislation of some allows forced labour. Both are serious violations of international human rights standards. No countries have effective programmes to assist the reintegration of released prisoners into the community, yet early release (see also Section 2.c) can be a valuable tool for rewarding progress in rehabilitation.

**Figure 5. Rehabilitation Programmes Provided**

<table>
<thead>
<tr>
<th>Country</th>
<th>Basic Education</th>
<th>Vocational Training</th>
<th>Organized Sports &amp; Cultural Initiatives</th>
<th>Life Skills &amp; Psycho-Social Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>KAZ</td>
<td>YES</td>
<td>Computers, carpentry, plumbing, etc.</td>
<td>Sports</td>
<td>YES (quality unknown)</td>
</tr>
<tr>
<td>KYR</td>
<td>YES</td>
<td>Welding, carpentry, etc.</td>
<td>Sports, visits by religious groups</td>
<td>Counselling, life skills by NGO</td>
</tr>
<tr>
<td>TJK</td>
<td>YES</td>
<td>Details unknown</td>
<td>Sports</td>
<td>NO</td>
</tr>
<tr>
<td>TKM</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>UZB</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**2e. Strengthening Coordination and Data Management**

We know that juvenile justice data in general are lacking in Central Asia. Why are credible, impartial and objective data so important? Why should they be improved?

As presentations at the Forum clearly indicated, it is only when complete data about all parts of a system are collected in context and across time that it is possible to fully understand the system as a whole. Complete data on the entire juvenile justice system are important for:

- **Better fulfilment of child rights.** Data should be used to inform policy and practice development and to see what policies and programmes work and which do not – for example, after a certain change in law, whether the number of children in detention likewise changed.

- **Enhanced accountability of duty bearers.** Requiring local-level institutions to collect and report information about individual children ensures that children do not ‘slip through the net’ and allows the possibility of regular inspections and independent monitoring of individual institutions’ performance.

- **Cross-national comparability.** Countries are increasingly concerned both about addressing challenges at a regional level and about placing performance in a cross-national context.

A complete picture of the juvenile justice system also requires both quantitative and qualitative information through a more comprehensive and reliable use of collected data, through collation, analysis and evidence-based policymaking, for example. Overall, raw information should be recorded for each child at each point in the system. Raw information should be recorded in a case file or child
Despite some progress across the region, numerous major challenges to data collection and analysis still exist. These include a need for clear definitions as to what constitutes detention and what constitutes conflict with the law; non-computerisation of information systems; development of clear rules for data recording; restrictions on data sharing and data privacy issues, as well as concern that data may be politically sensitive; knowledge and capacity to make use of data in policy and decision making; and manipulation of data to protect or enhance the image of a reporting institution.

Involvement of multiple agencies, such as police, detention facilities, courts or probation services represents a particularly acute challenge that all countries faced: the need for improved coordination. This can be addressed through the appointment of a central juvenile justice information coordinating authority and the fostering of closer relationships among all actors.

In Tajikistan, for example, the adoption of the National Plan of Action on Juvenile Justice System Reform for 2010-2015, with UNICEF support, has clearly identified the responsibilities of each relevant Ministry and State Agency, as well as time-bound goals, with the aims of improving coordination and monitoring of the system and creating a child-friendly, child rights-compliant system in law and in practice. Coordination platforms are found in a new Juvenile Justice Unit in the Ministry of Justice, established in March 2011, as well as an inter-Ministerial group on juvenile justice, comprising members from the Ministries of Justice, Education, Interior, Labour and Social Protection, and Health; the Commission on Child Rights; the Council of Justice; and the Office of the General Prosecutor, among others. The Commission on Child Rights, headed by the Deputy Prime Minister, coordinates child rights policy and monitors its application; it is composed of representatives of Ministries, other Government bodies and NGOs.

2f. Protecting Child Victims and Witnesses

Most justice systems are not equipped to fulfil the rights of child victims and witnesses of crime in alignment with international standards, thereby leading to a child’s ‘double victimisation.’ Yet there can be no peace and security without taking children into account: providing redress and reintegration for child victims of crime, ensuring reintegration for children in conflict with the law, and building their capacity to assume a constructive role in society. Justice for children – a concept that is broader than ‘juvenile justice’ and encompassing child victims and witnesses – is important because children are often among the most affected by breaches in rule of law, including violence and insecurity. However, children also are often left out of rule of law initiatives. In many countries, the same professionals and institutions deal with all children in contact with the justice system, including perpetrators, victims and witnesses.

The goal of the justice for children approach is to ensure that all children in contact with justice systems, including child victims and witnesses as well as the alleged offender, have access to formal and informal justice systems and are better served and protected by these systems through full application of relevant international norms. The main strategy applied toward this goal is to ensure greater attention to children in overall rule of law efforts, particularly by (1) broadening partnerships and leveraging the work of Governments, the United Nations, NGOs and the private sector around rule of law and (2) scaling up and using existing expertise in improving the realisation of the rights of child victims and witnesses. In so doing, examples of interventions that could be scaled up include building the knowledge base on child victims and witnesses; enabling the full involvement of the
social sector in justice for children; and further promoting child-sensitive procedures and environments in justice systems.

Some countries in Central Asia are recording notable progress in dealing more fairly with child victims and witnesses. In Tajikistan, data on child victims is collected every six months; in 2010, 318 reported crimes were committed against children. Uzbekistan plans to introduce video recordings of the interrogation of child victims and witnesses to reduce the need for sensitive testimony to be given repeatedly and thus better protect the interests of these children in court. At the same time, important challenges still to be addressed across the region include a lack of rehabilitation or psycho-social support measures, especially for girls, as well as a need for broader standards for experts to be present with children during testimony. Sensitive issues such as sexual abuse, especially within families, also are rarely spoken about. Introduction of social workers also will be critical to ensure appropriate attention to and support for affected children and their families.

III. Learning From Other Countries’ Experiences

The Forum benefited substantially from the sharing of successes and challenges of juvenile justice reform by three speakers outside Central Asia, representing Turkey, Azerbaijan and the Rostov region of Russia. In all three cases, the emphasis was on a need for continued progress. As the speaker from Azerbaijan, Judge Jeyhun Garajayev of the Constitutional Court, stressed: “There is no limit to improvement – we need to improve day by day.”

In Turkey, many of the achievements in juvenile justice reform have derived from adoption and implementation of a child-specific law that includes the principles of the CRC. A new juvenile justice law in 2005, formulated during Turkey’s accession to the European Union, has resulted in fuller protection for children in contact with the law. This updated a 1979 law by creating special courts and other specific institutions for juveniles. In just the last decade the number of juvenile courts has expanded from approximately 10 to as many as 70.

Studying the impacts of reform measures on juveniles themselves was strongly emphasized by the speaker, attorney Seda Akco: “We must be brave in order to face the truth, and must be honest and sincere,” she said. “If the law is there but does not really affect juveniles, then we must think about this reality and what we can do to improve the situation.” In addition, she cautioned, public awareness of and support for the reforms is crucial or “we will make one step forward but also two steps back;” in particular, she noted the overall low tolerance in Turkish society with regard to child delinquency.

Among the specialized juvenile procedures adopted, children must be presented to the court within 24 hours, as recommended by international standards, and the presence of a free child advocate is mandated. A prosecutor may seek “judicial control” – for example, surveillance – instead of detention. Courts may use social workers, and the options of mediation, postponement of judgment, postponement of sentencing and conditional release exist. Probation and special institutions for probation are available; additional programmes are being developed for child-specific correctional institutions. Both judicial and law enforcement authorities collect child-specific data. Provincial and central coordination bodies, where training is ongoing, work to achieve coordination among relevant institutions. Box 10 details key points of the Turkish strategy in juvenile justice reform.
Yet legal gaps and other key challenges remain in Turkey. For example, high numbers of juvenile arrests are exacerbated by lengthy detentions: Children can be detained up to 5 years for crimes associated with 10 years or more of imprisonment. For other crimes, the detention length is up to 18 months.

In Azerbaijan, as in Turkey, juvenile justice reform has accelerated since 2005, amid an overarching liberalisation of the legal system. Reforms occurred with the adoption of the Law on Prevention of Juvenile Homelessness and Violations of Rights and a State programme (2006-2015) on de-institutionalisation of children and alternative care; a systematized approach has been employed over the years (see Box 11). According to 2010 statistical data, a significant decline in offences by juveniles has been recorded, to 453 from 945 in 1995; most of these are petty crimes, including theft and disorderly conduct, and were committed by children aged 16 or 17 years. Of the juveniles taken into custody in 2010, 51 have been deprived of liberty, while 78 received suspended sentences and 67 were fined.

Prospects for further reform include adoption of a comprehensive draft Law on Juvenile Justice; amendments in relevant legislation to further improve the legal status of juveniles; establishment of specialized organisations for juveniles, including judges or panels of judges, police, and others; training of prosecutors, police and lawyers in child rights; development of additional alternative measures; and establishment of a single juvenile justice system database.

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**Box 10: Key Points of Turkey’s Juvenile Justice Reform Strategy**

- Prevention/early identification
- Risk analysis tool for doctors and teachers and mobile teams including child police
- Regulation of child’s point of entry into the system (‘one gate’)
- Child-friendly intervention system and improved professional training programmes
- Establishment of Provincial Child Services Units under governorships
- Methodology development for data collection and analysis, including inter-institutional criteria and analysis system
- Coordination among all services and between prevention and intervention systems
- System development for monitoring and evaluation
- Improved infrastructure at police stations and courthouses
- Automated system for monitoring court decisions

**Box 11: Stages in the Juvenile Justice Reform Process in Azerbaijan**

- 2006: Situational analysis; training of police inspectors; development of pilot project on diversion
- 2007: Memorandum of Understanding on juvenile justice; development of curriculum on child rights for cadets at Central Police Academy; launch of pilot project on diversion
- 2008: National Conference on Juvenile Justice; start of preparations on draft Law on Juvenile Justice; establishment of inter-agency Juvenile Justice Working Group; expansion of pilot project on diversion; special survey among children on juvenile justice practices; development of juvenile justice module for police officers; special police rooms for children; training for judges on child rights
- 2009: Parliament refines draft Law on Juvenile Justice and public discussions on the draft are held; consideration of annual outcomes of the pilot project on diversion; approval by Ministry of Interior and Central Police Academy to introduce child rights and juvenile justice as topics into the official Police Academy curriculum; establishment of specialized Juvenile Justice Department at Police Academy; training of experienced judges and prosecutors to raise awareness of international standards on child rights and juvenile justice; submission of 15 juvenile justice indicators by key public authorities; first International Conference on Justice for Children
- 2010: Facilitation in establishment and execution of juvenile justice laws and regulations; official submission of draft Law on Juvenile Justice to Parliament; further training for judges and prosecutors on international standards on child rights, juvenile justice and disability; acceleration of Working Group activity in exchanging information and coordinating activity in juvenile justice reform.
Rostov Region in Russia, an area of 4 million people, has been implementing reforms since 2001. Pre-trial detention of children is considered as a last resort, while it is not allowed at all for those younger than 16 who are first-time offenders or charged with ‘mild’ or ‘moderate’ offences.

A key innovation is found in the establishment of model juvenile courts, the first in Russia, which each employ two to three specialized juvenile judges trained not only in law but also in pedagogy, sociology, adolescent psychology, criminology and victimology, among others. A particular feature is the additional use of ‘court social workers,’ assistant judges with social worker responsibilities. From the first, a court must examine opportunities to apply alternative measures, through mediation, diversion and/or reconciliation with the victim. The model juvenile courts are located in a separate building or a separate wing of a district/city court building. They include a psychologist room, a mediation/reconciliation room, and an office for a lawyer, a prosecutor and a penal execution inspector. Courtrooms have no bars or ‘cages’ for the accused. All participants in the trial are seated in a semi-circle at a special desk before the judge. All trials are confidential.

Rostov also has adopted a wide range of other successful and often innovative juvenile justice techniques: These include sending juvenile offender personality reports to the court; risk and needs assessment tools for data collection and analysis; individualized post-sentencing rehabilitation and social reintegration programmes, including support to living and employment arrangements, based on personal data analysis; a writ for child neglect and juvenile offense prevention bodies to perform individualized post-sentencing preventative work and to provide social assistance to the young offender (see Box 15); and establishment of a court cooperation mechanism with these child neglect and juvenile offending authorities, with participation of psychologists and prevention system professionals in juvenile trials required in addition to that of lawyers.

The new approach to juvenile justice appears to be having an effect: Since introducing alternatives to deprivation of liberty and other juvenile justice techniques, Rostov has recorded a decline of up to 8 per cent in juvenile reoffending. One district court has not had a single case of reoffending for three years in a row. In 2010, a total of 1,431 cases were processed by the courts, of which 431 juveniles, or 30 per cent, benefited from diversion/parole. A total of 633 juveniles, or 44 per cent, received social support and 231 were given psychological assistance; only 208, or 14.6 per cent, were deprived of liberty. Representatives of more than 50 other regions of Russia have studied the Rostov experience and are adapting many of its features in accordance with internationally accepted norms.

Nevertheless, all three presentations stressed the continuing challenges and lessons learned from the juvenile justice reform process. It was found that practitioners should be specialized in juvenile justice before legislative changes enter into force. Budget arrangements also must be foreseen while legislative changes are being prepared. Usage of alternatives to detention or deprivation of liberty remains low, and measures to encourage prevention and minimise reoffending are insufficient; for example, vocational training programmes may not be institutionalized or standardized. Numbers of qualified juvenile justice specialists, particularly social workers, also require further strengthening, as does coordination between agencies, particularly on data collection.
IV. A Juvenile Justice Agenda for Central Asia: Outcome Document

“Each new generation opens new possibilities for humankind,” observed one of the Forum’s most high-level participants, the Minister of Justice in Tajikistan, Mr. Bakhtiyor Khudoyarov. “We will build the basics of a just society, which is our aspiration.” At the preparatory meeting for the Forum in February 2011, delegations from Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan had agreed to focus on five priorities to improve the realisation of the rights of children in conflict with the law in Central Asia. These priorities were further developed at the Forum, with the following commitments:

1. Promoting the role of social work in juvenile justice

Participants recognized the importance of further promoting the role of social work in juvenile justice. Social workers have a crucial role to play in preventing conflict with the law, supporting children in the justice process and facilitating their full-fledged reintegration. To this end, participants committed to:

- Establish national social work systems to assist children and families in difficult situations;
- Promote outreach social work to identify and support children and families in difficult situations, where not sufficiently developed;
- Build the capacity of social workers in issues pertaining to prevention of conflict with the law, support to children throughout justice processes and reintegration into their family and community; such training should be part of social workers’ regular pre- and in-service training;
- In addition to solid capacity development, further raise the professional status of social workers including through appropriate salaries;
- Clearly spell out and formally establish the roles and responsibilities of social workers with regards to juvenile justice, and make them known to other professions;
- Establish clear protocols of cooperation between social work and the justice system.

2. Supporting diversion from judicial proceedings and alternatives to deprivation of liberty

In order to implement the principle of deprivation of liberty as a last resort only, participants recognized that diversion from judiciary processes should be an option early in the process and alternatives should be in place. To this end, participants committed to:

- Further develop the capacity of professionals working with children in conflict with the law on best interests determination and on when and where to divert children away from judicial proceedings and resort to alternatives to deprivation of liberty;
- Ensure that a wide variety of such diversion options and alternatives exist, including restorative approaches such as mediation, with a focus on community-based services integrated into communities;
- Ensure legal and regulatory bases for diversion and alternatives, as well as clear directives for decision-makers;
- As much as possible involve influential members of society, including elders, mahallas and others in alternative measures, prevention and the reintegration of juveniles.
3. Adopting a broader approach to Justice for Children

In 2008, United Nations entities have adopted a common approach to Justice for Children that calls for increased attention to child victims and witnesses of crime and for the integration of justice for children issues into broader rule of law agendas. Child victims and witnesses of crime are entitled to special protection when in contact with justice systems, including child-sensitive procedures, in order to mitigate the potentially harmful effects of such contact. Efforts to improve the treatment of child victims of crimes in the justice system are to be part of the overall reform of the child protection system, i.e., the system to prevent, detect, report and address violence against children. Within this context, participants committed to:

- Ensure adequate legal frameworks that protect child victims and witnesses of crimes in line with the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime;
- Introduce specialized procedures for children in contact with the police and the justice system, including adapted communication techniques;
- Build the capacity of professionals accordingly, including by sharing good international and regional practices;
- Disseminate the child-friendly version of the United Nations Guidelines on justice in matters involving child victims and witnesses of crime in social work centers, medical centres and police stations, in order to inform children about their rights;
- Ensure that children in contact with justice systems receive the full range of support and services (social, medical and psychological) necessary for their rehabilitation.

4. Ensuring sound legal frameworks and accountability

Participants acknowledged that an adequate legal framework is necessary to the protection of children in justice systems, but not sufficient. There needs to be mechanisms for its implementation as well as accountability avenues and monitoring systems in order to ensure its proper implementation. To this end, participants committed to:

- Promote the ratification of the Convention Against Torture and other international standards where not already been done;
- Review national implementation mechanisms for international treaties, identify the gaps and plan for filling these in;
- Create and/or enforce the system of public monitoring of specialized children's institutions, including detention facilities, with the participation of civil society;
- Reinforce independent human rights institutions and create national child rights monitoring bodies whenever possible;
- Raise the general public's awareness on child rights violations, including against children in conflict with the law, and the most efficient ways to address conflict with the law.

5. Improving Coordination and Data Management

Participants recognized that reliable and disaggregated data are a prerequisite to sound policymaking and efficient programming for children in conflict with the law. To this end, participants committed to:

- Establish national multi-disciplinary coordination platforms on juvenile justice where not done already and ensure sufficient means for these to be able to function;
- Review current data collection and management systems, analyse strengths and weaknesses and formulate recommendations for improvement including in terms of quality of data, relevance and methods of collection and analysis;
- Make statistical data available to all and widely publicized;
- Develop bylaws to regulate data collection and management and build the capacity of professionals and institutions accordingly.

In summary, all delegations again emphasized the priority that must be given to humanising the juvenile justice system. Countries agreed that they would report on progress at the Fourth Child Protection Forum in Central Asia, as well as pledging to exchange information in the interim at other key regional opportunities.
**Acronyms**

CRC   Convention on the Rights of the Child  
CEECIS Central and Eastern Europe/Commonwealth of Independent States  
NGO   Non-Governmental Organization  
UNICEF United Nations Children’s Fund  
UNODC United Nations Office on Drugs and Crime
Annex 1: Agenda of the Third Child Protection Forum for Central Asia

DAY 1 – MONDAY, 30 MAY 2011

Venue: “Nebitchi”, Gokdere (Buses will be at the entry of the hotel for ~45min drive to Nebitchi Children’s Resort)

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>07:30</td>
<td>Departure to Gokdere</td>
</tr>
<tr>
<td>08.30 - 09.00</td>
<td>Registration of participants  “Nebitchi” Children’s Center</td>
</tr>
<tr>
<td>09.00 – 10.00</td>
<td>OPENING &amp; INTRODUCTION  Chair: Mejlis of Turkmenistan</td>
</tr>
</tbody>
</table>
| 09.00 – 10.00 | Official opening  o Mejlis of Turkmenistan, Ms. Akdja Nurberdiyeva, Speaker of the Mejlis  
| 09.00 – 10.00 | o UNICEF, Ms. Kirsi Madi, Deputy Regional Director for CEECIS        |
| 10.00 – 10.15 | Purpose of the Forum and introduction of the agenda  
| 10.00 – 10.15 | Mr. Samphe Lhalungpa, UNICEF Representative in Turkmenistan         |
| 10.15 – 10.45 | Coffee break                                                        |
| 10.45 – 11.15 | Juvenile justice – international standards  Mr. Nigel Cantwell, international expert |
| 11.15 – 12.00 | Sub-regional synthesis of juvenile justice assessments in Central Asia  Mr. Dan O’Donnell, international expert |
| 12.00 - 13.30 | Lunch                                                               |
| 13.30 – 13.40 | PROTECTION OF CHILD RIGHTS IN CENTRAL ASIA – SITUATION, CHALLENGES, PLANS AND COMMITMENTS  Chair: Mejlis of Turkmenistan |
| 13.40 – 14.10 | Turkmenistan: current situation, challenges, plans and commitments  Presenter: Mejlis of Turkmenistan |
| 14.40 – 15.10 | Plenary discussion                                                  |
| 15.10 – 15.30 | Coffee break                                                        |
| 15.30 – 16.00 | Kyrgyzstan: current situation, challenges, plans and commitments  Presenter: Government of Kyrgyzstan |
| 16.00 – 16.30 | Tajikistan: current situation, challenges, plans and commitments  Presenter: Government of Tajikistan |
| 16.30 – 17.00 | Uzbekistan: current situation, challenges, plans and commitments  Presenter: Government of Uzbekistan |
| 17.00 –17.30 | Plenary discussion                                                  |
| 17:30  | Departure from Nebitchi resort to hotel President                   |
18:40 | Departure from hotel to «Altyn Yyldyz» restaurant

19.00 – 21.00 | Dinner hosted by the Mejlis of Turkmenistan
Venue: «Altyn Yyldyz» restaurant, Ashgabat

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**DAY 2 – TUESDAY, 31 MAY 2011**

*Venue: Hotel “President”, Ashgabat*

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>09.00 - 09.10</td>
<td>Introduction by Chair</td>
</tr>
</tbody>
</table>
| 09.10 – 09.40 | Reform example and challenges from Turkey
Ms. Seda Akço, lawyer and UNICEF consultant, Turkey |
| 09.40 – 10.10 | Reform example and challenges from Azerbaijan
Mr. Jeyhun Garajayev, Judge of the Constitutional Court, Republic of Azerbaijan |
| 10.10 – 10.40 | Reform example and challenges in Rostov (Russian Federation)
Ms. Elena Voronova, Judge, Rostov Oblast Court, Russian Federation |
| 10.40 – 11.00 | Coffee break                                                                                  |
| 11.00 – 11.30 | Juvenile justice information systems
Ms. Olga Zudova, Senior Regional Legal Adviser, UNODC Regional Office for Central Asia |
<p>| 11.30 – 12.00 | Plenary discussion; Q&amp;A                                                                         |
| 12.00 – 12.30 | Break up in 5 working groups (1 presentation per group – 15 minutes)                          |
| 12.30 – 14.00 | Lunch                                                                                        |
| 14.00 – 16.00 | Continuation of working groups – Recommendations for the way forward                           |
| 16.00 – 16.30 | Coffee break                                                                                  |</p>
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<tr>
<td>16.30 – 18.00</td>
<td>Free time</td>
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<tr>
<td>19.00 – 21.00</td>
<td><strong>Cocktail hosted by UNICEF</strong>&lt;br&gt;Venue: President Hotel</td>
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**DAY 3 – WEDNESDAY 1 JUNE 2011**  
*Venue: Hotel “President”, Ashgabat*

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<tr>
<td>14.00 – 14.10</td>
<td><strong>Introduction by Chair</strong></td>
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<td>14.10 – 15.30</td>
<td><strong>Reporting from working groups</strong>&lt;br&gt;(10 minutes per group)</td>
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| 15.30 – 16.30| **Reflections on an agenda for juvenile justice reform in Central Asia**<br>  
  o Government representatives  
  o Supporting actors (EU, OSCE, UNICEF, etc.)  |
| 16.00 – 16.30| **Concluding remarks & adoption of the Forum final declaration**<br>by the Mejlis of Turkmenistan |
Annex 2: List of Participants in the Third Child Protection Forum for Central Asia

Government delegation of the Republic of Kazakhstan

1. Ms. Svetlana Bychkova, Secretary of the Committee on Legislation, Judicial and Legal Reform of Majilis of the Republic of Kazakhstan
2. Ms. Gulnara Abdigaliyeva, Head of the Juvenile Court of Astana city of Republic of Kazakhstan
3. Mr. Nuralin Daulen, Judge of the Supreme Court of the Republic of Kazakhstan
5. Mr. Marat Zhussopov, Head of Department of Legislation of the Ministry of Justice of the Republic of Kazakhstan

Government delegation of the Kyrgyz Republic

1. Ms. Bodosh Mamyrova, Vice Speaker of Jagorku Kenesh of the Kyrgyz Republic
2. Mr. Dastan Bekeshev, Head of Human Rights Committee of Jagorku Kenesh of the Kyrgyz Republic
3. Ms. Galina Skripkina, Head of Law Committee of Jokorku Kenesh of the Kyrgyz Republic
4. Ms. Gulbara Kalieva, Vice Head of Apparatus of the Supreme Court of the Kyrgyz Republic
5. Ms. Ekaterina Khoroshman, Head of Department on Development of Social Services to children and families, Ministry of Social Protection of Population of the Kyrgyz Republic
6. Mr. Murat Munduzbaev, Head of Juvenile's Department, Ministry of Interior of the Kyrgyz Republic
7. Ms. Damira Murzagazieva, Chief of Child Rights Department of the Prosecutor General's Office of the Kyrgyz Republic
8. Mr. Aleksei Petrushevskii, Director of the "Open Center" of the Kyrgyz Republic
9. Ms. Gulnara Sheishekeeva, Director of the "Right Center" of the Kyrgyz Republic
10. Ms. Guljan Bekembaeva, Director of the Public Fund "Pokolenie-Insan" and Training Center for Attorneys of the Kyrgyz Republic
Government delegation of the Republic of Tajikistan

1 Ms. Dilorom Mirsaidova  Head of the Department on Youth Affairs, Sports and Tourism of Apparatus of President of the Republic of Tajikistan and Deputy Chair of the Commission on Child Rights under the Government of the Republic of Tajikistan

2 Mr. Beg Kurbonov  Deputy Chair of the Committee on social affairs, family and health of the Majlisi Namoyandagon of Majlis Oli of the Republic of Tajikistan

3 Mr. Bakhtiyor Khudoyarov  Minister of Justice of the Republic of Tajikistan

4 Ms. Tojinisso Mahmadova  Deputy Minister of Education of the Republic of Tajikistan

5 Mr. Kurbonali Khasanov  Senior Investigator of Department of supervision over execution of legislation on minors and youth of the Prosecutor's General Office of the Republic of Tajikistan

6 Ms. Mavlyuda Qalandarova  Deputy Chair of Council of Justice of the Republic of Tajikistan

7 Mr. Abubakr Inomov  Head of legislation department of the Ministry of Justice of the Republic of Tajikistan

8 Mr. Kudratullo Azimov  Juvenile Delinquency Prevention Service Chief of the Ministry of Internal Affairs of the Republic of Tajikistan

9 Mr. Barotmad Abdurakhmonov  Deputy Head of Social Protection Department of the Ministry of Labor and Social Protection of the Republic of Tajikistan

10 Mr. Todzhidin Dzhalolov  Director of the NGO Child Rights Center of the Republic of Tajikistan

Government delegation of the Republic of Uzbekistan

1 Ms. Aliya Yunosova  Member of the Legislative Chamber of Oliy Majlis (Parliament) of the Republic of Uzbekistan

2 Ms. Dilbar Suyunova  Chair of the Criminal Division of the Supreme Court of the Republic of Uzbekistan

3 Mr. Nusratbek Toychiev  Head of Department of the Ministry of Justice of the Republic of Uzbekistan

4 Mr. Nodir Sodikov  Head of the Department of Supervision over the Fulfillment of the Legislation on Juveniles of the General Prosecutor's Office of the Republic of Uzbekistan

5 Mr. Islomidin Halikov  Head of Department for Prevention of Child Neglect and Juvenile Delinquency of the Ministry of Internal Affairs of Republic of Uzbekistan
Ms. Matlyubakhon Akhunova  Head of Department on Social Protection and Rehabilitation of Juveniles of the Ministry of National Education of the Republic of Uzbekistan

Ms. Nodira Israilova  Republican Center for Social Adaptation of Children, Head of the Scientific Study of socio-educational and preventive work with children at risk of the Republic of Uzbekistan

**List of Participants from Turkmenistan**

1. H.E Akja Nurberdiyeva  Speaker of the Mejlis of Turkmenistan
2. Mr. Kasymgyly Babayev  Deputy Speaker of the Mejlis of Turkmenistan
3. Mr. Byashim Annagurbanov  Head of the socio-economic committee of the Mejlis
4. Ms. Gurbangul Bayramova  Head of the gengeshi committee of the Mejlis of Turkmenistan
5. Mr. Pirnazar Hudainazarov  Head of the human rights and freedom committee of the Mejlis of Turkmenistan
6. Mr. Batyr Berdyiev  Head of the inter-parliamentary affairs committee of the Mejlis of Turkmenistan
7. Mr. Vladimir Gubanov  Head of the Committee for Science, Education and Culture of the Mejlis of Turkmenistan
8. Mr. Myrat Atabayev  Deputy Head of the human rights and freedom committee of Mejlis of the Turkmenistan
9. Ms. Maral Paltaeva  Member of Parliament, Mejlis of Turkmenistan
10. Ms. Araztuwak Mammetkurbanova  Member of Parliament, Mejlis of Turkmenistan
11. Mr. Atamyrat Taylyev  Member of Parliament, Mejlis of Turkmenistan
12. Mr. Nury Komekov  Member of Parliament, Mejlis of Turkmenistan
13. Mr. Hummedov Ozargeldi  Member of Parliament, Mejlis of Turkmenistan
14. Mr. Perdemyrat Kurbanov  Member of Parliament, Mejlis of Turkmenistan
15. Mr. Baymyrat Babayev  Member of Parliament, Mejlis of Turkmenistan
16. Mr. Hasan Akyiev  Supreme court of Turkmenistan
17 Mr. Myrat Gurbanov  Head of the Monitoring the legislation on minors, Prosecutor General's Office of Turkmenistan
18 Ms. Akjagul Galmykova  Ministry of Interior of Turkmenistan
19 Mr. Muhammet Muhammedov  Ministry of Interior of Turkmenistan
20 Mr. Geldimammet Geldimamedov  Deputy Minister of Education of Turkmenistan
21 Ms. Oguldursun Gurtdurdyeva  Head of the Pre-school department, Ministry of Education
22 Ms. Jahan Alamysheva  Sr. Specialist of Pre-school department, Ministry of Education
23 Mr. Yazgeldi Baysahedov  Ministry of Justice of Turkmenistan
24 Mr. Dovran Bekmyradov  Ministry of Justice of Turkmenistan
25 Mr. Seyitmammet Akmammedov  Ministry of labor and social protection of Turkmenistan
26 Mr. Kuvatgeldi Rejepov  Ministry of labor and social protection of Turkmenistan
27 Ms. Bahar Agayeva  Head of the statistics department, Ministry of Health and Medical Industry of Turkmenistan
28 Ms. Gulnar Karryeva  Ministry of Health and Medical Industry of Turkmenistan
29 Ms. Shemshat Atadjanova  Head of the section, Institute of Democracy and Human Rights
30 Mr. Wepa Bayramov  Institute of Democracy and Human Rights of Turkmenistan
31 Mr. Mammet Hojakulyiev  Youth Organization of Turkmenistan
32 Ms. Tumar Muhammedova  Women's Union of Turkmenistan
33 Ms. Lyudmila Amanniyazova  Deputy Chair of the State Committee on Statistics of Turkmenistan
34 Mr. Ferhat Ardjanov  Deputy Chair of the Committee for sports and tourism of Turkmenistan
35 Ms. Oguljan Jumakuliyeva  Head of the Department of Organizational work and International Cooperation of the national Red Crescent Society of Turkmenistan
Participants from Diplomatic Missions and Representatives of Multilateral and Bilateral Organisations

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<th>No.</th>
<th>Name</th>
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<tr>
<td>1</td>
<td>Ambassador Miroslav Jenca</td>
<td>Special envoy of the SG, Head of the UNRCCA</td>
</tr>
<tr>
<td>2</td>
<td>Mr. Lenni Montiel</td>
<td>UN Resident Coordinator</td>
</tr>
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<td>3</td>
<td>Ambassador Sergei Belyaev</td>
<td>Head of the OSCE Centre in Ashgabat</td>
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<td>4</td>
<td>Ambassador Abdurahim Ashur</td>
<td>Embassy of the Republic of Tajikistan in Turkmenistan</td>
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<td>5</td>
<td>Ambassador Bazarbai Mambetov</td>
<td>Embassy of the Kyrgyz Republic in Turkmenistan</td>
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<td>6</td>
<td>Ambassador Shirzod Faiziev</td>
<td>Embassy of the Republic of Uzbekistan</td>
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<td>7</td>
<td>Ambassador Ashat Arazbai</td>
<td>Embassy of the Republic of Kazakhstan</td>
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<td>8</td>
<td>Ambassador Ahn Myung Soo</td>
<td>Embassy of the Republic of Korea in Turkmenistan</td>
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<td>9</td>
<td>Ambassador Radu Liviu Horumba</td>
<td>Embassy of Romania in Turkmenistan</td>
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<td>10</td>
<td>Mr. Wu Lianwen</td>
<td>Deputy Head of Mission of the People’s Republic of China</td>
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<td>11</td>
<td>Mr. Armen Harutyunyan</td>
<td>OHCHR Regional Representative for Central Asia</td>
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<tr>
<td>12</td>
<td>Ms. Olga Zudova</td>
<td>Senior Regional Legal Advisor, UNODC Regional Office for Central Asia</td>
</tr>
<tr>
<td>13</td>
<td>Ms. Saule Mekdepbayeva</td>
<td>Regional Director of the Penal Reform International Office in Central Asia</td>
</tr>
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<td>14</td>
<td>Mrs. Gulnar Ylyasova</td>
<td>Embassy of the Republic of Turkey in Turkmenistan</td>
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<td>15</td>
<td>Mr. Laurentie Ciocan</td>
<td>3rd Secretary of the Embassy of Romania in Turkmenistan</td>
</tr>
<tr>
<td>16</td>
<td>Ms. Begona Pineiro-Costas</td>
<td>Human Dimension Officer at the OSCE Centre in Ashgabat</td>
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<tr>
<td>17</td>
<td>Mrs. Inna Gladkova</td>
<td>OIC, UNHCR in Turkmenistan</td>
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<tr>
<td>18</td>
<td>Mrs. Jennet Appova</td>
<td>Assistant Representative, UNFPA in Turkmenistan</td>
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</table>
19 Mr. Ercan Saka  
Head of the UNODC Office in Turkmenistan

20 Ms. Narine Sahakyan  
Deputy Representative, UNDP in Turkmenistan

21 Mr. Jaap Spray  
Advisor, TANCU in Turkmenistan

22 Mr. Theo Hensels  
Coordinator, Europa House in Turkmenistan

23 Mr. Serdar Jepbarov  
Liaison Office of the World Bank in Turkmenistan

24 Mrs. Jennet Shikhmuradova  
Head of the office, ICRC in Turkmenistan

25 Mrs. Annatach Mamedova  
National Programme Officer, UNODC

26 Mrs. Svetlana Bayromova  
GIZ in Turkmenistan

27 Mrs. Firuza Babayeva  
UK Embassy in Turkmenistan

28 Mr. Begench Ashyrov  
OSCE Center in Ashgabat

29 Mr. Begench Yazlyev  
UNDP National Officer

30 Ms. Bakgalova Gunesh  
TANCU- The European Union Technical Assistance to the National Coordinating Unit

**Participants from UNICEF Regional Office for CEECIS and UNICEF CO’s**

1 Ms. Kirsi Madi  
Deputy Director, UNICEF Regional Office

2 Mr. Jean-Claude Legrand  
Regional Advisor on Child Protection, UNICEF Regional Office

3 Ms. Anne Grandjean  
Child Protection Specialist, UNICEF Regional Office

4 Mr. John Budd  
UNICEF’s Regional Communication Advisor

5 Ms. Hongwei Gao  
UNICEF Tajikistan Representative

6 Mr. Radoslaw Rzehak  
Deputy Representative, UNICEF Kazakhstan
7 Ms. Rajae Msefer Berrada Deputy Representative, UNICEF Kyrgyz Republic
8 Ms. Christine Gale Child Protection Specialist, UNICEF Uzbekistan
9 Ms. Siyma Barkin Kuzmin Child Protection Specialist, UNICEF Tajikistan
10 Mr. Goktan Kocyildirim Child Protection Officer, UNICEF Turkey
11 Ms. Tatiana Aderikhina Education/Child Protection Officer, UNICEF Kazakhstan
12 Ms. Elena Zaichenko Child Protection Officer in UNICEF Kyrgyz Republic
13 Ms. Nargis Karimova Child Protection Officer, UNICEF Tajikistan
14 Mr. Alisher Abdusalomov Child Protection Officer, UNICEF Uzbekistan
15 Mr. Narmin Osmanli Child Protection Programme Assistant UNICEF Azerbaijan

International Experts

1 Mr. Dan O'Donnell International Child Protection Expert
2 Mr. Nigel Cantwell International Child Protection Expert
3 Mr. Jeyhun Garajayev Judge of the Constitutional Court of the Republic of Azerbaijan
4 Mr. Elena Voronova Judge of the Rostov Regional Court of the Russian Federation
5 Ms. Seda Akço Lawyer

UNICEF Turkmenistan Country Office

1 Mr. Samphe Lhalungpa UNICEF Representative
2 Mr. Alena Sialchonak UNICEF Deputy Representative
3 Ms. Shafag Rahimova Health and Nutrition Officer
4 Mr. Shohrat Orazov Social Policy Officer
5 Ms. Gulyalek Soltanova Communication Officer
6 Ms. Ayna Seyitlieva Communication for Development Officer
7 Ms. Gulshat Kochak Education Officer
8 Ms. Ayna Sopiyeva Social Policy Programme Assistant in UNICEF Turkmenistan
9 Mr. Konstantin Titov Education Programme Assistant
10 Mr. Ahmet Babadjanov Education Section Consultant in UNICEF Turkmenistan Office
11 Ms. Kay Kirby Dorji UNICEF Consultant
12 Mr. Annadurdy Orazgeldiev Education Section Consultant in UNICEF Turkmenistan Office
13 Mr. Merdan Gochkarov UNICEF Child Protection Consultant
14 Ms. Leyla Seyidova Education Section Consultant in UNICEF Turkmenistan Office
15 Ms. Alina Tolstihina UNICEF Photographer