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Article



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ON THE ROLE OF JUVENAL JUSTICE IN THE KYRGYZ REPUBLIC

Abstract: The article presents information and statistical data necessary to indicate the role and place of legal provision of guarantees of medical care for minors in Kyrgyzstan. For the protection of the health of minors is a priority area of state policy to strengthen, maintain a long-term active life of a person through various activities, including the creation of favorable conditions for work, life, recreation, education and training of future citizens, quality nutrition - includes the production and sale of food, provision of affordable medical and social assistance to the population.

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Introduction

The Constitution of the Kyrgyz Republic is a normative act that has the highest legal force in Kyrgyzstan. It defines the foundations of the constitutional order of the state and the legal status of the individual as a citizen. The legal capacity of a citizen arises from the moment of birth and accompanies the citizen throughout his life. Legal capacity does not depend on the age, state of health, the possibility of exercising rights and obligations, the legal capacity of a person. The Constitution of the Kyrgyz Republic proclaimed human rights and freedoms as the highest value.

Article 20 of the Constitution of the Kyrgyz Republic states that children are the most valuable asset of the Kyrgyz Republic, that the state creates conditions for the comprehensive development (physical, intellectual) of children, and article 19 of the same law states that the Kyrgyz Republic develops a system of medical care [1].

One of the fundamental rights - the right to free use of the network of public health organizations is enshrined in Article 43 of the

Constitution of the Kyrgyz Republic. In accordance with Article 41 of the National Program of State Guarantees for Providing Citizens with Medical and Sanitary Care[2] in the Kyrgyz Republic, the provision of citizens with medicines in stationary conditions is carried out at the expense of the state budget, compulsory medical insurance funds, special funds, co-payments, as well as humanitarian aid and other means not prohibited by the legislation of the Kyrgyz Republic.

Health protection - its strengthening, maintenance of long-term active human life through various types of activities, including environmental protection, creation of favorable conditions for work, life, recreation, education and training of citizens, quality nutrition - includes the production and sale of food products, the provision of affordable medical and social assistance to the population.

Despite the general wording of Article 19 of the Constitution, the laws of the Kyrgyz Republic pay special attention to the health of children. For example, Article 9 of the Children's Code of the

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Kyrgyz Republic establishes the rights of minors to health protection: to dispensary observation and treatment when providing services to children and adolescents; research and work in conditions that correspond to the physiological characteristics and state of health of minors and exclude the influence of unfavorable factors on them; Special mention is made of obtaining the necessary information about the state of health and some other rights available to children.

The same article of the Code emphasizes that the state healthcare system guarantees children, in accordance with the procedure established by law, accessible and qualified medical care, which provides for the prevention of diseases, medical diagnostics, medical and recreational work, including dispensary observation, medical rehabilitation of disabled children and children suffering from chronic diseases, as well as medical and rehabilitation treatment of children.

The law prohibits clinical trials of medicinal products for minors in order to protect the health of children, except in cases where the medicinal product is intended only for the treatment of childhood diseases or the purpose of clinical trials is not to obtain information on the best dosage of the medicinal product for the treatment of minors [3].

The Code of the Kyrgyz Republic on Children dated July 10, 2012 No. 100 is a legal act that defines the range of fundamental rights, freedoms and obligations of minors in all spheres of public life. The Code establishes the basic guarantees of the rights and legitimate interests of children, provided for by the Constitution of the Kyrgyz Republic and the United Nations (UN) Convention on the Rights of the Child.

Neither the Children's Code nor other regulatory legal acts contain the concept of "children of labor migrants", but there is a definition of "children left without parental care and in a difficult life situation." According to Article 5 of the Code of the Kyrgyz Republic "On Children" and the Law of the Kyrgyz Republic of December 19, 2001 No. 111 "On the Fundamentals of Social Services for the Population", the provision, along with children with disabilities, children are victims of armed and interethnic conflicts, this category includes children with disabilities in behavior, as well as children whose lives are disrupted as a result of circumstances and who cannot overcome these circumstances on their own or with the help of a family.

Therefore, it is obvious that a child living separately from his parents due to internal or external labor migration cannot independently get out of the situation of the impossibility of obtaining basic services, such as education and health care, social and legal public services. This Law [4] contains a list of categories of persons entitled to receive social services. However, this Law does not contain a direct

reference to the children of migrant workers living separately from their parents as subjects of social services. The children of some migrants may be in a good or sufficient financial situation, but they are also in a very difficult psychological situation. Therefore, children of labor migrants should receive the status of a child in a difficult life situation in order to receive social and legal services, material assistance, and social adaptation.

Consider some cases of leaving children unattended. For example. The child was abandoned by his parents and grandmother. At the same time, the grandmother was not appointed as a guardian in accordance with Article 76 of the Children's Code of the Kyrgyz Republic. In fact, a grandmother cannot make any decisions about her grandchildren. Thus, if an emergency operation is necessary for a child, in accordance with Article 74 of the Law of the Kyrgyz Republic "On protecting the health of citizens in the Kyrgyz Republic", only their legal representatives should give consent to medical intervention of persons under the age of 16 [5]. According to Article 68 of the Family Code of the Kyrgyz Republic, parents have the right and obligation to raise their children, are responsible for their upbringing and development, and therefore are obliged to take care of health, physical, mental, spiritual and moral development [6]. Therefore, in this case, a parent who is not a legal representative does not have the right to make a decision on medical intervention in relation to the child.

Consider the following statistics based on research conducted by UNICEF [7]. Out of 22 children of labor migrants abroad, 13 children (59%) were adopted and lived with their grandparents, 6 children (27%) lived with their relatives - with uncles and aunts. The remaining 3 children (13%) reported living with their siblings. These data are consistent with the responses of the guardians - the guardians were mostly the grandparents of the children of migrant workers (39 out of 52 guardians or 75%). In 8 cases (15.4%) the guardians of the children were uncles and aunts, and in 5 cases (9.6%) older brothers. Of the 52 guardians surveyed, only 10 (19.2%) were officially registered as guardians. The remaining 41 guardians (78.8%) were not specially registered, and in the remaining 1 case the situation was different.

As a result of migration, social orphanhood has increased dramatically, and minors are subjected to physical and other forms of violence. Young children are at risk of suicide, crime or delinquency.

In addition, the situation of orphans and children left without parental care in boarding schools causes serious concern, that is, the requirements of the law on proper funding of these institutions are not everywhere observed. The weakness of laws and the arbitrariness of state bodies make it impossible for social orphans to exercise their constitutional rights to education, health care and medical care, leaving them

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without identity documents and property.

According to the Ministry of Health, in 2018, 50 minors were admitted with signs of violence, of which 23 were boys and 28 were girls; in 2017, 55 such cases were registered, of which 32 were boys and 23 were girls.

In the period from 2009 to 2018, an analysis conducted by the Ministry of Health of the Kyrgyz Republic showed that in most cases violence against minors had the following indicators: by the father - 163, by the mother - 47, by the stepfather - 49, from a stepmother - 8, from a relative - 55, from a teacher - 8, from a neighbor - 34, from others - 59, from unknown people - 41, from police officers - 2 cases [8].

Also, according to the analysis, it became known that the main reason for the above cases of violence against children is the loss of the institution of the family, family values, lack of knowledge and skills to be responsible parents. The increase in cases of violence against children indicates the weakness of preventive measures to address the causes of violence against children. Measures at the level of state and municipal authorities on child protection issues cannot respond to the current situation.

State and municipal authorities should promptly identify all children left without parental care, especially children of labor migrants. It is important for the state to know about every child in the country, especially when their rights are violated, and their life and health are in danger.

E.A.Salamakhina stated that "no country in the world can show itself as an example in the field of

protecting the rights of the child. Even the most democratic and economically developed countries are characterized by an increase in juvenile delinquency, the presence of families with a low standard of living, child mortality due to insufficient medical care, and the growth of street children. "Even the rise in juvenile delinquency, the presence of families with a low standard of living, the death of children due to lack of medical care and the increase in the number of abandoned children are characteristic of the most democratic and economically developed countries." However, even if we are convinced of the essence of this statement, we voluntarily or involuntarily agree with the opinion of T.V.Lobanova: "The problems of realizing and protecting the rights of children may be the same for different countries, but the quantitative and qualitative characteristics of these problems are completely different"[10].

The proportion of young people in Kyrgyzstan is relatively high: teenagers (under 19 years of age) make up almost a fifth of the population, and currently more than half of the country's population is under 25 years of age. Most of them live in rural areas and have limited access to healthcare, education, social assistance and recreation.1

Child survival rates in Kyrgyzstan have improved in recent years as a result of investment in infant and under-five health care. Until now, adolescent health has not been a national priority, but reducing child mortality allows a focus on adolescent health to ensure progress made in early childhood continues through the second decade of life towards adulthood.

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